



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

**1 AUGUST 2015 – 31 JANUARY 2016**

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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. 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.
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 Cayman Islands Constitution Order 2009 to report to the Legislative Assembly at regular intervals and at least every six months.
5. The Reports of the first Commission, i.e. 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 2016 for a period of four years.
7. Having discussed the present composition of the Commission, the Chairman has observed that whilst the Constitution requires only three members for the Commission to be fully functioning, there is some concern that if a member was unable to make a meeting or become unavailable, it would be difficult for the work of the Commission to continue. Section 117(2) allows for the appointment of a maximum of 4 members plus a Chairman.

The Commission considers that the appointment of at least 1 other member would address its concerns in this regard.

8. The Ninth Report of the current Commission details the work of the Commission during our first six months in office and will be available on our website once it has been laid in the Legislative Assembly.
9. 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 2015 – 31 January 2016.
10. During the current reporting period the new Members have engaged in the following:
  - a) continued to review and to provide feedback on the proposed amendments to the Standards in Public Life Law, 2014;
  - b) commenced discussions on the relevant content for the Standards in Public Life Regulation in order to make recommendations;
  - c) compliance with its functions under section 117(9) (d), engaged in discussions surrounding procurement and reviewed and commented on the relevant draft legislation and regulations;
  - d) examined the current Register of Interests in order to gain a better understanding of its accessibility and maintenance;
  - e) commenced discussion on the necessity for all board members to be properly trained in order to carry out their duties effectively and in observance of relevant laws and best practices with a view to exploring further training sessions in the upcoming months; and
  - g) identified ways in which to improve and enhance public relations and public education efforts in the community.

## SECTION TWO – MEETINGS OF THE COMMISSION

11. The reporting period for this Report commenced on 1 August 2015. Since that time, the Commission has met on 2 September, 1 October, 27 November and 16 December 2015. The Minutes of the Meetings of the Commission will 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 previously reported meeting between the Chairman of the Commission, along with Chairpersons of other Commissions supported by the Commissions Secretariat and hosted by Her Excellency the Governor, was, due to scheduling conflicts, rescheduled and took place on 20 October 2015. The meeting on 20 October 2015 was the first attended by the current Chairman for the Commission. During the meeting each Chairman provided an update on the work of their respective Commission since the last meeting.
13. As detailed in the Ninth Report of the Commission, the Commission extended an invitation to the Leader of the Opposition to introduce its members and to discuss the legislation with a view to securing their support for the necessary amendments and the commencement of the Law. The Secretariat followed up with the Office of the Honourable Leader of the Opposition, on behalf of the Commission, for confirmation of a date on which he would be available to meet with the Commission. Whilst the Secretariat has followed up twice since making its original request, no response has been received.
14. The Commission received a request from the Office of the Auditor General (the OAG) for the two bodies to meet and discuss, in general terms, their respective work, and how the two bodies could possibly assist one another. The Commission agreed this would be a useful meeting and arranged for a meeting with a representative from the OAG following its scheduled meeting in February 2016.
15. From media reports the Commission became aware that draft legislation surrounding procurement was being considered; however the Commission had not been asked to contribute to, or participate in, the process in any way. Members agreed that a meeting

should be set up with the Director of Procurement and Chairman of the current Procurement Committee to discuss the advancement of the recommendations made by the previous Working Group on Procurement which comprised, among others, the past Chairman of the Commission. A meeting was held on 15 October 2015 and as indicated below, the Commission has provided its feedback on draft legislation.

### SECTION THREE – STANDARDS IN PUBLIC LIFE LEGISLATION

16. The Commission is acutely aware of the fact that the Law, although passed by members of the Legislative Assembly in 2013, and gazetted in 2014, has still not, to date been brought into effect.
17. The Commission had previously been informed that the reason for the delay in the commencement of the Law hinged on the concerns expressed by a large number of persons, specifically, persons in the private sector who serve on Boards, regarding the effect on them of the provisions of section 11 and 12 (1) of the Law which requires “a person in public life” to “make a declaration to the Commission of his income, assets and liabilities as specified in section 12(1) in respect of the previous year in such form as may be prescribed by regulations; ... and each succeeding year thereafter” and which would be available to members of the public.
18. As previously reported the Commission continues to consider the delay in commencement of the Law to be unnecessary and, has, therefore, during this Reporting period, taken the following steps towards securing the implementation of the Law:
  - i.) further reviewed, discussed and agreed most of the proposed amendments to the Law;
  - ii.) liaised with the Legal Draftsman to discuss the proposed amendments;
  - iii.) queried with the Honourable Attorney General the meaning and necessity of several proposed amendments; and
  - iv.) drafted correspondence to the Honourable Premier setting out the Commission’s concerns regarding the proposed amendments.
19. The Commission now intends to begin working on expanding the draft Regulations to ensure the Law when in effect, may be properly utilised. During this time, the Commission will meet with Legal Drafting to ensure an expedient drafting process.

## SECTION FOUR – PROCUREMENT

20. Following on from the media reports regarding the work of the Cayman Islands Government as it relates to procurement, Members revisited the work undertaken by the previous Commission on this subject area.
21. The Commission corresponded with Her Excellency and the Honourable Deputy Governor to express its dismay that despite its constitutional mandate it had not had any involvement in the new process nor had the Commission been invited to join or become involved with the Procurement Committee currently being chaired by the Strategic Advisor to the Deputy Governor.
22. The Commission, on 15 October 2015 met with Director of Procurement and Chairman of the current Procurement Committee who presented on the Draft Procurement Law 2015 and Draft Procurement Law (Regulations) 2015. The parties also engaged in discussions surrounding the advancement of the recommendations made by the previous Working Group on Procurement
23. Following the presentation the Commission submitted a list of queries, concerns and observations related to the draft legislation and regulations.
24. It was agreed that the two parties would need to have further discussions and come to an understanding with the work on procurement to ensure that the Government and the Commission are both able to progress its mandates effectively. This is due to the overarching constitutional mandate of the Commission found in s.117(9)(d) to review and establish procedures for awarding public contracts.



## **SECTION FIVE – REGISTER OF INTERESTS**

25. Commission members attended the Legislative Assembly to inspect the current Register of Interests. The object of the inspection was for Members to gain a better understanding of the way the system currently works, including what requirements exist for those who are mandated to file and how those requirements are being complied with.
  
26. The Commission will continue to monitor the Register of Interests when new declarations are filed and until the Standards in Public Life Law, 2014 is given a commencement date.

## **SECTION SIX – APPOINTMENT OF BOARD MEMBERS**

27. During a review of the proposed amendments to the Standards in Public Life Law, 2014 Members discussed the provisions in Part VI as it relates to the appointment of persons to Boards.
28. Members agreed that the Government should institute formal, and consistent, training for all persons appointed to Boards, particularly, in areas such as conflicts of interest.
29. The Secretariat made an initial query regarding the prospects of such training but no reply was received as at the time of writing this Report.

## SECTION SEVEN – EDUCATION AND PUBLIC RELATIONS

30. The Chairman has accepted the invitation to attend the Second Annual Commonwealth Caribbean Association of Integrity Commissions and Anti-Corruption Bodies Conference to be held in Trinidad and Tobago from 29 February to 4 March 2016.
31. The theme of the 2016 conference is *The Role of Integrity Commissions and Anti-Corruption Bodies in Transforming the Commonwealth Caribbean*.
32. The conference is expected to be attended by delegates from Antigua & Barbuda, Cayman Islands, Dominica, Grenada (host country), Guyana, Jamaica, St. Kitts & Nevis, St. Lucia, St. Vincent & the Grenadines, Trinidad & Tobago and Turks & Caicos.
33. Delegates who made presentations on their respective bodies at the last conference are being asked to provide the Conference attendees with updates on the progress of their work over the past year; whilst new delegates are asked to make introductory presentations. Having attended the Inaugural conference last year, the Chairman will provide an update on the work of the Commission at this year's conference.
34. The Commission recognises the need to engage in more public education opportunities and as such the Secretariat undertook to complete a procurement process for the re-building of websites for all of the Commissions in an effort to increase the availability of education regarding the Commissions and their mandates. It is hoped that the re-development of the websites will come to fruition during the next reporting period.

## SECTION EIGHT - COMPLAINTS

35. During this reporting period no complaints have been submitted to the Commission.

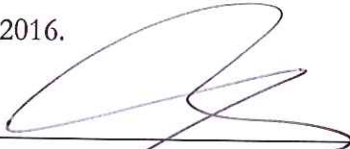
## SECTION NINE – MOVING FORWARD

36. Over the next reporting period the Commission intends to:

- a. continue to work towards bringing into force the Standards in Public Life Law (2014);
- b. finalise the relevant draft Regulations;
- c. continue to liaise with the Procurement Team to ensure the development of sound procurement legislation and regulations which allow both parties to effectively meet their mandates;
- d. continue to review and monitor the existing Register of Interests;
- e. engage in discussions with the Government to ensure all persons appointed to Boards are properly trained in relevant topics such as conflicts of interest;
- f. continue to engage the media, the private sector and the general public on the work of the Commission and on the need for the involvement of all in the fight against corruption through greater transparency and accountability by all persons in public life; and
- g. continue to engage 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 7<sup>th</sup> day of April 2016.



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Rosie Whittaker-Myles (Chairman)



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Sheenah Hislop (Member)



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Pastor Shian O'Connor (Member)

## SECTION TEN – APPENDICES

### Appendix I – 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 Cayman Bar Association. Mrs. Whittaker-Myles serves as Chairperson of the Adoption Board and provides pro bono services for adoptions in the Cayman Islands. She is an active Legal Befriender, providing pro bono legal advice on all areas of Cayman Islands law.

**Pastor Shian O’Connor** joined the Cayman Islands Conference in July of 2000. He 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.

**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. Mrs. 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. She is also an active member of the St. Ignatius Parish.