

**11th MEETING OF THE
COMMISSION FOR STANDARDS IN PUBLIC LIFE
(EXTRAORDINARY)
27 JUNE 2022 @ 10:00AM
MINUTES
COMMISSIONS SECRETARIAT**

PRESENT: Dr. Sonia Bush Chairman
Keith Blake Member
Isatou Smith Member (via Zoom)
Richard Addlestone Member (via Zoom)

APOLOGIES: J. Rosalie Twohey Member

COMMISSIONS SECRETARIAT MEMBERS PRESENT:
Sheila Watler Administrative Officer
Derricka Neysmith Administrative Officer
Megan Ramnarine Administrative Officer
Jackelin Connolly Administrative Officer

APOLOGIES: Marilyn Conolly Manager

1. Meeting Called to Order

The meeting was called to order at 10:06am.

2. Confirmation of Previous Minutes

It was agreed that members will confirm previous minutes (8 June 2022) via email round-robin once they have been finalised by the Secretariat.

3. Outstanding Business

a. CSPL Policies and Procedures

Members discussed the functions, powers and duties of the Commission in relation to news articles and publications. The Chairman noted and presented:

- a) "Section 5 (1) of the SPLA and S1.2 of the Policies and Procedures Manual for the CSPL provide the functions of the Commission which to (a) assist in the setting of the highest standards of integrity and competence in public life in order to ensure the prevention of corruption or conflicts of interest; (b) to monitor standards of ethical conduct in the Cayman Islands Parliament, the Cabinet, and on the part of public authorities and public officers; (c) to supervise the operation of the Register of Interests and to investigate breaches of established

standards; (d) to review and establish procedures for awarding public contracts; (e) to review and establish procedures for appointing members to public authorities, and the terms of their appointment; (f) to recommend codes of conduct to prevent any Minister, public authority or public officer employing their power for any personal benefit or advantage, and to recommend legislation to provide appropriate sanctions; (g) to report to the Cayman Islands Parliament at regular intervals, and at least every six months; and (h) to exercise such other functions as may be prescribed by this or any other Law enacted by the Legislature.”

- b) Section 18 of the Act states that ‘Where the Commission reasonably suspects that a person in public life has committed a breach of this Act it — (a) may, on its own initiative; or (b) shall, upon the complaint of any member of the public, conduct an investigation.”
- c) The Chairman expressed that it is her position that ONLY in a situation ‘where the Commission reasonably suspects that a person in public life has committed a breach of this Act it may, on its own initiative launch an investigation. Therefore, the Commission should investigate contents of a newspaper article in instances where the Commission reasonably suspects that a person in public life has committed a breach of this Act. The Chairman further presents that a newspaper article or any other similar publication does not necessarily meet the standard for reasonable suspicion.
- d) Based on the foregoing, the Chairman further posited that:
 - a. Leaked Report from the Auditor General and MITAMA – on the basis that the Chairman had a meeting with HE and based on the published article and HE she understood that an investigation had taken place on this matter. There was no need for the Commission to pursue at this time.
 - b. Procurement Procedures: Chairman agreed with majority members that it may be prudent to remind the Director to post the Annual Report for 2020 on their website.
 - c. Port Authority Director Appointment: The Chairman noted that the newspaper article stated that “an internal audit is now underway” and based on that this Commission should allow that process to play out.
 - d. National Housing Trust Development Trust Allegations: The Chairman noted that the Anti-Corruption Commission is currently dealing with this matter. It is her position that this Commission should let the ACC pursue this matter at this time.
- e) The Chairman noted that there is a disagreement between the majority members and the Chairman in respect to when should the CSPL exercise

its investigatory powers and duties regarding newspaper articles and publications. Members agreed to seek legal advice from the Attorney General on this point. The Secretariat was asked to draft a letter to the AG seeking legal opinion on (1) Does the CSPL have a mandatory duty to investigate publications, (2) if no mandatory duty, when can the CSPL exercise its investigatory powers (if any) and any duties (if any) in dealing with publications.

i. Leaked report from Office of the Auditor General and MITAMA

Majority members agreed to not launch an investigation and only agreed to make a general enquiry regarding the status of the investigation on the leaked report. The Secretariat was asked to draft correspondence to His Excellency, the Governor regarding the status and findings of this investigation. The Chairman dissented to the initiation of an investigation being carried out by the CSPL at this time and agreed only to a general letter of inquiry on the status of the investigation that is already under way.

ii. CSPL and Procurement Procedures

Members discussed a key function of the Commission which is “to review and establish procedures for awarding public contracts”. The Secretariat was asked to draft correspondence to the Director of Central Procurement Office to enquire about various delinquencies found on their website with regards to “awarding public contracts”. All Members agreed to send a letter.

iii. Port Authority Director Appointment

Members discussed the surrounding issues of the captioned article. Majority Members agreed and asked the Secretariat to draft a general letter of enquiry to the Chair of the Port Authority Board. The Chairman dissented to the initiation of an investigation being carried out by the CSPL at this time and agreed only to a general letter of inquiry on the status of the matter.

iv. National Housing Development Trust Allegations

Members discussed the significance of the above captioned article. Majority Members agreed and asked the Secretariat to draft correspondence to the Chief Officer of the Ministry of Planning to enquire about the status of the matter and to determine whether any government entity has conducted an investigation. The Chairman noted the newspaper article did not state whether an investigation was being carried out. A letter of enquiry may be necessary in this instance.

v. Reassignment of Ministry of Home Affairs

Members discussed this matter and agreed to close this item as the Office of the Premier has already taken disciplinary action.

4. Any Other Business

a. CSPL Complaint 001/2021

Members were updated on this complaint and were satisfied with the materials provided. There is no further action, as such this item is closed.

b. Query Regarding Investigative Powers of the CSPL

Members were updated on this query. The enquirer asked the CSPL to no longer pursue this issue, as such this item is closed.

c. 8th Annual CCAICACB Conference

The Chairman noted her attendance to the aforementioned conference and will circulate a synopsis to members.

d. Chairman's Meeting with His Excellency the Governor

The Chairman noted her meeting with the aforementioned and will circulate a synopsis to members.

e. Data Protection Training

The Chairman noted the aforementioned training for members that was arranged for 24 May 2022 and subsequently cancelled due to conflict of dates with the 8th Annual CCAICACB Conference. The Secretariat will reschedule the said training in due course.

5. Next meeting

The next regular meeting is scheduled for 31 August 2022 at 12:00pm.

6. Action Items

Members:

- a) Review and approve the minutes dated 8 June 2022 as detailed in item 2. above;
- b) The Chairman is to circulate a synopsis of her attendance to the 8th Annual CCAICACB Conference as detailed in item 4.c. above; and
- c) The Chairman is to circulate a synopsis of her meeting with His Excellency, The Governor as detailed in item 4.d. above.

The Secretariat:

- a) Make additional amendments to meeting minutes dated 8 June 2022 as detailed in item 2. above;
- b) Draft correspondence to the Hon. Attorney General as detailed in item 3.a.i. above;
- c) Draft correspondence to the His Excellency, the Governor as detailed in item 3.a.i. above;
- d) Draft correspondence to the Director of Procurement as detailed in item 3.a.ii. above;
- e) Draft correspondence to the Chair of the Port Authority Board as detailed in item 3.a.iii. above; and

- f) Draft correspondence to the Chief Officer of the Ministry of Planning as detailed in item 3.a.iv. above.

7. Adjournment

The meeting adjourned at 12:07pm.



Dr. Sonia Bush
CHAIRMAN
FOR AND ON BEHALF OF THE
COMMISSION FOR STANDARDS IN PUBLIC LIFE