



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

**1 FEBRUARY 2018 – 31 JULY 2018**

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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 “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. 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 current Commission, i.e. numbers 9 through 14, detail the various tasks undertaken by this Commission and its accomplishments in each respect. The Reports are 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 February 2018 – 31 July 2018.

9. During the current reporting period the Members have:
- a. tabled the Commission’s Fourteenth Report which is now available on the Commission’s website;
  - b. continued to follow-up with the Office of the Premier on a commencement date and regulations for the Standards in Public Life legislation;
  - c. reviewed and discussed the Procurement Law, 2016, the Procurement Regulations, 2018 and the draft Procurement Code of Conduct;
  - d. inspected the current Register of Interests (“ROI”) and met with the members of the Legislative Assembly’s ROI Committee to discuss their observations and questions arising from the ROI inspection ; followed-up with ROI Committee ;
  - e. continued to follow-up with the Cabinet Office on the status of the draft Ministerial Code of Conduct and the expected date for its finalisation;
  - f. liaised with the Hon. Deputy Governor and the Hon. Leader of the Opposition and Chairman of the Public Accounts Committee (“PAC”) and requested further information regarding a news article entitled “PAC motion threatens CO with contempt”, in order to consider the matter;
  - g. reviewed the Internal Audit Service’s (the “IAS”) report on the Commission’s concerns arising from the Gender Equality Tribunal’s (the “Tribunal”) ruling on the matter *Atherley et al v H.M. Prison Service* in order to provide feedback to the Ministry of Human Resources & Immigration; and
  - h. discussed the United Nations Office on Drugs and Crime (“UNODC”) anti-corruption educational programme titled Education for Justice (“E4J”) and agreed to commence outreach to various educational stakeholders in the Cayman Islands to explore the level of interest in implementing the programme.

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

10. The reporting period for this Report commenced on 1 February 2018. Since that time, the Commission held general meetings on 21 March, 1 May, 12 June and 4 July.
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 Fourteenth Report was tabled and is available on the website.
13. The Chairman and Member Shian O’Connor attended the Fourth Annual Conference of the Commonwealth Caribbean Association of Integrity Commissions and Anti-Corruption Bodies, (“CCAICACB”) in Providenciales, Turks and Caicos Islands on 4<sup>th</sup> – 8<sup>th</sup> June. The theme was “Counting the real cost of Corruption – Engaging everyone in the fight”. The Chairman was elected as Vice President of the CCAICACB Executive Committee as of 1 July through to the Association’s next elections expected in 2019. It is anticipated that the Cayman Islands will host next year’s conference.

### **SECTION THREE – STANDARDS IN PUBLIC LIFE LEGISLATION**

14. As indicated in the previous reporting period, the Secretariat continued to follow-up with the Office of the Premier, regarding a commencement date for the Standards in Public Life Law, 2014 (the “Law”) and the Standards in Public Life (Amendment) Law, 2016 (the “Amendment Law”) and the status of the Regulations for the legislation.
  
15. To date, no further updates have been received from the Office of the Premier regarding the commencement date or regulations for the legislation. The Commission agreed to continue to follow-up with the Office of the Premier to seek approval of the draft Regulations 2014 (incorporating changes from the 2016 Amendment Law) during the next reporting period.
  
16. An introductory meeting with His Excellency the Governor Anwar Choudhury and the Chairman was due to be held during this reporting period, but was postponed pending the outcome of the matter for which His Excellency was called away to the UK. The Chairman was therefore unable to discuss the Commission’s concerns with the delay in securing a commencement date for the Law and the Amendment Law and the drafting of Regulations.

## SECTION FOUR – PROCUREMENT

17. As indicated in the previous reporting period, the Commission considered the response of the Hon. Minister of Public Finance and Economic Development's in its entirety and determined that there remained concerns as to the Commission's ability to fulfil the aspect of its constitutional mandate which requires it to review and establish procedures for awarding public contracts.
18. Having regard to the recommendation of the previous Commission for inclusion of one of its members on the Public Procurement Committee, Members agreed to obtain additional background information from the previous Commission. To this end, inquiry was made with the previous Commission Chairman who confirmed the rationale for its recommendation (as was first documented in the Report of the Procurement Sub-committee dated 22 January 2013) was to enable the Commission to meet its constitutional mandate.
19. Members discussed other ways in which the Commission might be able to exercise this constitutional mandate. The Central Procurement Office (the "CPO") was contacted and promptly provided an update on the Regulations, policies and procedures. The Commission was advised by the Director of the CPO of the anticipated effective date of the Procurement Law and Regulations, and was informed of ongoing training of Senior Government officials in preparation for the commencement date. The Commission was provided with training materials as well as the Regulations and the draft Procurement Code of Conduct for review. Having reviewed the additional information provided, the Commission determined that no further action is required to be taken at this stage.
20. The Commission expressed concerns over the comments that were attributed to the then Acting Deputy Governor during the presentation of the Commission's Thirteenth Report to the Members of the Legislative Assembly in a news media report dated 19 March which indicated that responsibility for the Standards in Public Regulations rested with the Commission which was also working on regulations for the Procurement Law (<https://caymannewsservice.com/2018/03/standards-in-public-life-law-still-limbo/>).

Upon review of the footage on 23 March, however, Members were satisfied that the then Acting Deputy Governor's presentation accurately represented the facts. It would appear, however, that the online report reflected journalistic interpretation and style. It was agreed that there was no need to pursue this matter further.

## SECTION FIVE – REGISTER OF INTERESTS

21. As indicated in the previous reporting period, the Secretariat continued to liaise with the Clerk of the LA to arrange a meeting for the Commission Members to inspect the current Register of Interests (“ROI”) and to meet with the Members of the ROI Committee. Accordingly, Members of the Commission attended the LA on 12 April to inspect the current ROI and noted their queries regarding the filed declarations, including questions on the procedure for making a declaration which were submitted to the Registrar of Interests on 17 April. The Registrar responded on 18 April and provided some clarification on the Members’ queries/concerns regarding the declarations.
22. The Commission met with the ROI Committee on 18 April and discussed its observations and questions arising from the inspection of the ROI, as noted above. Members also sought to gain insight into the role of the ROI Committee and its involvement in the anticipated transfer of responsibility to the Commission upon the commencement of the Law. The ROI Committee undertook to follow-up with the points raised at the meeting and to revert to the Commission.
23. On 12 June the Commission expressed its gratitude to the Register of Interests Committee for arranging the meeting with the ROI members and requested an estimated timeframe for receipt of a response on the matters raised during the meeting. Although an acknowledgment of the Commission’s correspondence of 12 June was received on 18 June, the Commission awaits a substantive response from the ROI Committee. Members agreed to continue to follow-up on the matter during the next reporting period.

## SECTION SIX – CODE OF CONDUCT

24. As previously reported the Commission has not received a substantive response to its comments on the draft Code of Conduct (the “CoC”) submitted in October 2017 to the Cabinet Secretary. The Secretariat has continued to follow-up on this matter on behalf of the Commission and on 20 July was informed that the CoC, being a part of the draft Cabinet Manual is currently being reviewed by the Hon. Premier. The Commission was further informed once discussions took place and a presentation made to Cabinet, a commencement date would be set and the finalised document shared with the Commission. It was agreed to follow-up with the Cabinet Secretary on this matter in three months.

25. Members noted the matter ‘Miller Calls For Action, He Says CO Ahearn Lied To PAC’ reported by media outlets on 19 March (<https://cayman27.ky/2018/03/miller-calls-for-action-he-says-co-ahearn-lied-to-pac/>). On 27 March, the Commission sought further information from the Hon. Deputy Governor in order to properly consider the matter. The Hon. Deputy Governor responded on 28 March and advised that the Public Accounts Committee (the “PAC”) had referred the matter to him “for the necessary disciplinary action to be taken,” and that a decision/conclusion on the matter would be forthcoming in approximately 30 days.

26. The Secretariat continued to follow-up and on 7 June, the Hon. Deputy Governor submitted his substantive response to the Commission. Members considered the response along with the media report released online on 12 June entitled “PAC motion threatens CO with contempt”. The article indicated that:

*“...based on documentary evidence, he [the Honourable Leader of the Opposition and Chairman of the PAC] and the PAC members think Ahearn lied for the third time in a row when she gave evidence to the committee in October.*

*The PAC chair said he believes Ahearn has lied to the committee several times before this but it had been dismissed as a mistake or the CO had not sworn an oath so there was little the membership could do to act. However, this time the committee has extensive evidence that Ahearn told a deliberate falsehood and did so after swearing an oath...”*

27. Members agreed to write to the Hon. Leader of the Opposition and Chairman of the PAC to enquire whether he possessed any further information which may be useful to the Commission's enquiries given the Commission's legislative mandate to "...to assist in the setting of the highest standards of integrity and competence in public life..." and "...to monitor standards of ethical conduct in the Legislative Assembly, the Cabinet, and on the part of public authorities and public officers...".
28. Members also noted additional articles in the media dated 27 June 2018, including a report in the Cayman Compass titled "House Speaker blocks attempt to bring perjury charge against civil servant"..
29. On 5 July the Commission wrote to the Hon. Leader of the Opposition and Chairman of the PAC requesting any additional information on the matter for the Commission's consideration. The Hon. Leader of the Opposition responded on 9 July to acknowledge receipt of the Commission's letter and welcomed the opportunity to meet with the Chairman to further discuss the matter.

## SECTION SEVEN – CONFLICTS OF INTEREST

30. As previously reported the Commission continued to follow-up with the Internal Audit Service (the “IAS”) regarding the findings of the Tribunal on the matter *Atherley et al v H.M. Prison Service* (noted in paragraph 9. g. above). The Director of IAS confirmed, on 1 May, that the IAS’ completed report on this matter was issued to the Hon. Deputy Governor and Chief Officer Howell. In response to correspondence on behalf of the Commission sent to the Ministry of Human Resources & Immigration on 2 May a copy of the IAS’ Report was supplied to the Commission by Chief Officer Howell.
31. Members discussed their comments on the IAS’ report on the Tribunal’s findings and agreed on the queries to be drafted into a formal letter to Chief Officer Howell. Additionally, the Chairman has made a request to have sight of a document referred to in the report. The Secretariat agreed to prepare the letter for the Commission’s approval for issuance during the next reporting period.

## SECTION EIGHT – EDUCATION AND PUBLIC RELATIONS

32. The Commission did not issue any statements or press releases during this reporting period.
33. As previously reported the Commission agreed to distribute copies of its recently published informational brochure series to each organisation within the public service and to make the brochures available on the Cayman Islands Government’s *theHUB* intranet site as well as on the Commission’s website. Due to the Government’s delay in appointing a commencement date for the Law, Amendment Law and Regulations, however, the Commission agreed it is best to hold off on distributing the brochure series until the Standards in Public Life legislation and Regulations are in effect.
34. On 2 July, the Chairman briefed Members on a United Nations Office on Drugs and Crime (“UNODC”) anti-corruption educational programme named Education for Justice (E4J). The programme provides materials to support the integration of ethics and corruption-prevention materials into primary, secondary and tertiary curricula, as well as for use in extra-curricular activities such as the Model United Nations programme. Members were enthusiastic about the programme and agreed to begin its education and awareness raising outreach to various stakeholders to explore the viability of implementing the programme in the Cayman Islands.

## **SECTION NINE – COMPLAINTS**

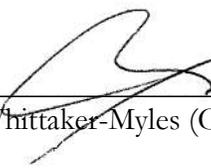
35. During this reporting period no complaints have been submitted to the Commission.

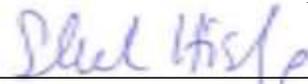
## SECTION TEN – MOVING FORWARD

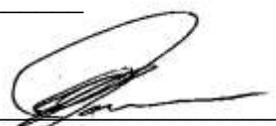
36. Over the next reporting period the Commission intends to continue to liaise with the Office of the Hon. Premier to secure a commencement date for the Law and Amendment Law and as well as the accompanying Regulations.
37. In addition the Commission will also:
- a. continue to follow-up with the Clerk on the ROI Committee’s response to its queries/concerns arising from the ROI inspection regarding the declarations;
  - b. continue to follow-up with the Cabinet Secretary on the status of the draft Ministerial CoC and identify a timeframe for finalisation;
  - c. liaise with the Hon. Leader of the Opposition and Chairman of the PAC to arrange a meeting with the Chairman to discuss the matter ‘Miller Calls for Action, He Says CO Ahearn Lied To PAC’;
  - d. respond to the Ministry of Human Resources & Immigration to provide its feedback on the IAS’ report on the matter *Atherley et al v H.M. Prison Service*;
  - e. begin outreach to various educational stakeholders to explore the level of interest in implementing the UNODC’s E4J programme;
  - f. work towards hosting the Fifth Annual Conference of the Commonwealth Caribbean Association of Integrity Commissions and Anti-Corruption Bodies; and
  - g. 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 31<sup>st</sup> day of October 2018.

  
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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 ELEVEN – APPENDIX

### 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.

**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.

**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.

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