



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

1 FEBRUARY 2019 – 31 JULY 2019

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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. 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 the current Chairman, i.e. report numbers 9 through 16, 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 February 2019 – 31 July 2019.

9. During the current reporting period the Members have:
 - a. tabled the Commission’s Sixteenth Report which is now available on the Commission’s website;
 - b. reviewed and discussed the Public Accounts Committee (the “PAC”) video hearing held on 30 January wherein the PAC discussed the Standards in Public Life (the “SPL”) Legislation;
 - c. continued to follow-up with the Cabinet Secretary on the status of the draft Ministerial Code of Conduct (“CoC”);
 - d. continued to follow-up with the Clerk of the LA for a response from the Register of Interests (the “ROI”) Committee regarding observations and questions arising from the Commission’s ROI inspection on 12 April 2018;
 - e. discussed the Office of the Auditor General’s (the “OAG”) Report published on 11 January, titled *“Fighting Corruption in the Cayman Islands”*;
 - f. continued its outreach to various educational stakeholders in the Cayman Islands to explore the level of interest in incorporating the United Nations Office on Drugs and Crime (“UNODC”) anti-corruption educational programme titled *“Education for Justice”* (“E4J”) into its curriculum and to encourage same; and
 - g. hosted the Fifth Annual Commonwealth Caribbean Association of Integrity Commissions and Anti-Corruption Bodies (“CCAICACB”) Conference.

SECTION TWO – MEETINGS AND ADMINISTRATIVE MATTERS OF THE COMMISSION

10. The reporting period for this Report commenced on 1 February 2019. Since that time, the Commission held general meetings on 13 February 2019, 18 February 2019, 2 April 2019 and 9 July 2019.
11. The Minutes of the Meetings of the Commission reflect the matters discussed 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 Sixteenth Report was tabled in the LA and is available on the website.
13. The Chairman was summoned and appeared before the PAC, on 28 February, to answer questions arising from the OAG's Report mentioned in paragraph 9. e. above and detailed in paragraph 20 below.
14. As previously reported, the Chairman, Mrs. Rosie Whittaker-Myles and Member Ms. Sheenah Hislop were requested, by His Excellency, to continue in their roles until 31 December 2019 and accepted the extension of the term of appointment.

SECTION THREE – STANDARDS IN PUBLIC LIFE LEGISLATION

15. As previously reported, following the public release by the OAG of its Report on 11 January titled *“Fighting Corruption in the Cayman Islands”* the Chairman was initially summoned to answer questions at the PAC on 30 January 2019. The hearing was then rescheduled for 28 February 2019. The PAC raised questions surrounding the SPL Legislation. Specifically, PAC Members queried how the work of the Commission has been impacted in the absence of the Legislation. The Chairman indicated, *“it was very difficult for the Commission to operate without the legislation and it was not able to fulfill its constitutional mandate... one area of major concern was the Register of Interests of MLAs, which [the Chairman] said her commission is supposed to supervise but has no power to address the concerns they have with it.”*¹

Whilst the Commission has continued to urge legislators to commence the Legislation, the Chairman emphasized that the SPL Legislation is an important component in the fight against corruption. During the PAC hearing the Chairman indicated that the Commission had not been given any recent updates on the Legislation or on its date of commencement.

16. Following correspondence issued by the Office of the Honourable Premier, the Chairman of the Board of Directors of Cayman Islands Monetary Authority (“CIMA”), requested a meeting with the Commission Chairman to discuss CIMA’s requested feedback on the Law. The meeting took place on 25 June 2019. A specific area of concern discussed was the requirement of persons in public life (whose assets are subject to discretionary management) to make timely and full disclosure of their interests in accordance with the Law. The Commission remains concerned that members of the public still lack the basic understanding of the Law and its requirements for filing declarations; which should be addressed in the future through educational guidance notes.
17. Although the Commission has been informed that the government intends to move forward with a commencement date for the SPL Legislation, at the time of drafting this Report, the Commission had not received any further updates on the status of the Legislation. The

¹ <https://caymannewsservice.com/2019/03/ethics-board-chair-missing-law/>

Commission will continue its efforts to encourage the government to implement the SPL Legislation as soon as possible and hopes to be able to report on progress in this regard during the next reporting period.

SECTION FOUR – PROCUREMENT

18. Given the time that has passed since the Commission’s last meeting with the former Director of the Central Procurement Office (“CPO”), and having regard to the recent appointment of a new Director and the recently Public Procurement Committee (“PPC”), it was agreed that requests for meetings should be made with the Director of the CPO and, the Public Procurement Committee.

19. A meeting with the Director has been scheduled for 3 September 2019 following which a request will be made to meet with the PPC. Any matters arising from meetings will be reported in the Report for the next reporting period.

SECTION FIVE – REGISTER OF INTERESTS

20. As indicated during the last reporting period, the Commission continues to await a substantive response (following an acknowledgement received on 18 July 2018) from the ROI Committee to its correspondence of 12 June 2018, wherein Commission 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.
21. 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 ROI Committee. The Commission continues to await a response to its queries.
22. The Commission will continue to follow up on this matter and to consider these concerns as a precursor to the transfer of the current Register of Interests when the Law commences.

SECTION SIX – CODE OF CONDUCT

23. As previously reported the Secretariat last received (from the Cabinet Secretary) an update on the status of the draft Ministerial Code of Conduct (“the CoC”) on 20 July 2018. At that time the Commission was informed that the draft CoC, being a part of the draft Cabinet Manual, was being reviewed by the Honourable Premier, following which a presentation would be made to Cabinet, a commencement date set, and the finalised document shared with the Commission.

No further updates on the CoC have been received by the Commission. On 9 July 2019 the Secretariat issued follow-up correspondence once again to the Cabinet Secretary. This correspondence has not been acknowledged. The Secretariat will continue to follow-up with the Cabinet Secretary on this important and long-anticipated Code and the Commission will provide an update in the next Report.

24. On a separate note, Members discussed the relevance of a CoC for the Commission and agreed to further consider any values/principles to be included in the proposed CoC. The Chairman indicated that she will review the UK’s Code of Conduct (as well as any other Code which may be relevant). The Chairman and Members will revert with their findings during the next reporting period.

SECTION SEVEN – CONFLICTS OF INTEREST

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

SECTION EIGHT – EDUCATION AND PUBLIC RELATIONS

CCAICACB

26. As indicated in 9.g., the Commission proudly hosted the Fifth Annual Commonwealth Caribbean Association of Integrity Commissions and Anti-Corruption Bodies (“the CCAICACB”) Conference (the “Conference”) at the Grand Cayman Marriott Beach Resort, on 3 – 7 June 2019. As previously reported, the theme was *“Transforming Words into Action: Revitalising the Fight Against Corruption”*. The Conference was sponsored by the Commonwealth Secretariat, the Commonwealth Fund for Technical Co-operation and the Cayman Islands Government (the “CIG”) in conjunction with the Commission.
27. The Secretary-General for the Commonwealth Secretariat, the Rt. Hon. Patricia Scotland QC, delivered the keynote address during the Opening Ceremony and H.E. the Governor, Mr. Martyn Roper OBE, formally opened the Conference.
28. Delegates from 10 countries within the region were in attendance and actively participated in the Conference.
29. Numerous press releases and media appearances were made to inform the public of the Conference and to extend an invitation to the Opening Ceremony.
30. The Conference agenda featured international speakers from the United Nations Organisation on Drugs and Crime (“UNODC”), the National Integrity Action of Jamaica (“NIA”), the Robert H. Smith School of Business at the University of Maryland in the US and the Commonwealth Secretariat. Panel discussions involving local and international experts rounded out the agenda. Delegates also had the opportunity to share the latest updates and best practices from their respective countries, and to learn from their respective struggles and successes.

On 9 June the CCAICACB issued a Communique through which its commitments and intentions for the next year were set out. Through the Communique, the CCAICACB took the opportunity to express its gratitude to all sponsors, participants, delegates and speakers.

31. The Secretariat is in the process of drafting the CCAICACB Conference Report (the "Report"). The Report will take the form of a synopsis of the Conference and its activities. The finalised Report will be issued to the CCAICACB Executive Committee for approval and subsequent printing by the Commonwealth Secretariat. The Secretariat intends to, upon final approval, create an e-book version of the Report which will be uploaded to the Commission's website. Copies of all biographies, speeches, presentations and handouts from the CCAICACB's Fifth Conference are available on the Commission's website.

E4J

32. As previously reported, the Commission commenced its education and awareness-raising outreach to educational stakeholders with a view to implementing the UNODC's anti-corruption educational programme Education 4 Justice ("E4J"). The E4J Programme provides online materials to support the integration of ethics and corruption-prevention materials into primary, secondary and tertiary curricula.
33. A date for the proposed meeting between the Chairman and the Director of the Truman Bodden Law School (the "TBLS") regarding the E4J Programme is yet to be determined due to scheduling conflicts. In the interim, the Commission will continue its outreach to the private schools and to Home School Associations over the next reporting period.
34. The Secretariat continues to follow-up with University College of the Cayman Islands (the "UCCI"), Provost Dr Livingston Smith, for additional information on integrating the UNODC Expert Workshop modules into teaching, based on his attendance at a workshop held in Colombia in October 2018 which would be shared with the other educational institutions.
35. The Commission discussed the student Ethics Challenge launched on Thursday, 14 February at the UCCI. The initiative was facilitated by the Chartered Financial Analyst ("CFA")

Society and sponsored by local accounting firm Ernst & Young. The Chairman intended to attend the opening presentation but due to conflicts in scheduling, was unable to do so. As this initiative complemented the Commission's education plan for the E4J Programme, Member Sheenah Hislop was asked to liaise with representatives from Ernst & Young to discuss the possibility of future collaboration. The Commission will continue to explore this, and other opportunities for collaboration during the next reporting session.

36. The Chairman met with Anti-Corruption Commission (the "ACC") representative Sophia Harris and the Secretariat Manager on 2 July 2019 to explore opportunities for the two Commissions to collaborate, particularly, on educational strategies. Whilst the ACC's position is that its function does not extend to public education, it was agreed that there is a need for greater public awareness of the importance and value of integrity, transparency and accountability in our society which can best be accomplished through education. To the extent that the Commissions are able to collaborate on education and public awareness, they will continue to do so.

SECTION NINE – COMPLAINTS

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

SECTION TEN – MOVING FORWARD


38. 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 secure a commencement date for the Law and Amendment Law, and the development of the accompanying draft Regulations. Following a firm commitment of the Government to commence the Law, the Commission will undertake a review of the educational/guidance notes.

39. In addition the Commission will also:

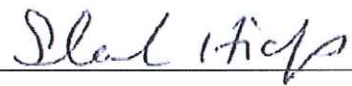
- a. meet with the Director of the CPO and the PPC to discuss the Procurement Legislation and process;
- b. continue to follow-up with the Clerk of the LA on the ROI Committee's response to its queries/concerns arising from the ROI inspection regarding the declarations;
- c. continue to follow-up with the Cabinet Secretary on the status of the draft Ministerial CoC and identify a timeframe for its finalisation;
- d. finalise the CCAICACB Conference Report;
- e. continue its outreach to explore the level of interest in implementing the UNODC's E4J programme; 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 18th day of October 2019.



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 Charles Adams Ritchie & Duckworth’s 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 Air Transport Licensing Authority². 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

² Ms. Hislop resigned in September 2018.

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.