



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

**1 FEBRUARY 2017 – 31 JULY 2017**

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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 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 12, 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 2017 – 31 July 2017.

9. During the current reporting period the Members have:
  - a. finalised and submitted the Commission's Twelfth Report;
  - b. continued to follow up with the Honourable Premier on drafting instructions for the Regulations and the proposed commencement date for the Law and the Standards in Public Life (Amendment) Law, 2016 ("the Amendment Law");
  - c. followed up with the Honourable Attorney General as to whether a review as set out in s.20(3) of the Law had commenced and if so, what proposals have been put forward;
  - d. continued to follow up with the Office of the Deputy Governor detailing the remaining concerns regarding the draft Procurement Bill and Regulations;
  - e. continued to follow up with the Minister of Finance and Economic Development on a commencement date for the Procurement Law (2016), the drafting of the Regulations and the Government's views on how the Commission will participate in the development of procurement moving forward in order to discharge its constitutional remit;
  - f. continued to liaise with the Office of the Deputy Governor regarding the Commission's concerns surrounding the Gender Equality Tribunal's ("the Tribunal") findings on the matter *Atherley et al v H.M. Prison Service*;
  - g. discussed and continued to review the draft 2017 Ministerial Code of Conduct, in comparison with the 2013 draft version;
  - h. finalised a review of the Public Authorities Bill, 2016, in comparison to the Law and issued a letter to the Office of the Deputy Governor on 4 July 2017 outlining its concerns of the Public Authorities Bill;
  - i. finalised a review of the Good Governance Policies implemented by the Office of the Deputy Governor in April 2017;
  - j. finalised and published the draft Policies and Procedures Manual on the Commission's website; and
  - k. issued a press release on its redeveloped website which features various Commission reports, publications, educational material as well as local, regional and international resources on standards in public life, ethics and transparency in public office.



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

10. The reporting period for this Report commenced on 1 February 2017. Since that time, the Commission held general meetings on 7 March 2017, 11 April 2017, 9 May 2017, and 27 June 2017.
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 Twelfth Report was finalised and will be laid in the Legislative Assembly during the next sitting. It will then be released to the public and uploaded to the Commission's website.
13. The Chairman attended The Third Annual Commonwealth Caribbean Association of Integrity Commissions and Anti-Corruption Bodies Conference ("CCAICACB") which was held on 24 – 28 April 2017 in Kingston, Jamaica. Cayman was nominated to sit on the Executive Committee for the CCAICACB.
14. On 23 May 2017, the Chairman met with the Commonwealth Parliamentary Association ("CPA") Elections Observation Mission. Whilst the CPA had some concerns regarding transparency, oversight and sourcing of campaign funding, they were pleased overall with how well the General Election was managed, as indicated in their report.
15. The Chairman attended an online meeting of the CCAICACB Executive Committee on 22 June 2017.
16. The Manager of the Commissions Secretariat ("the Secretariat"), along with the Chairman, was requested to deliver a brief presentation, on each of the Commissions, to the newly elected Ministers and Members of the Legislative Assembly on 22 June 2017. This presentation was postponed due to scheduling conflicts. As at the date of this report, no alternative meeting date has been identified.

## SECTION THREE – STANDARDS IN PUBLIC LIFE LEGISLATION

17. Since 23 February 2017, the Commission continued to follow up with the Honourable Premier to request an update on the drafting of the Regulations and the proposed commencement date for the Law and Amendment Law.
18. The Commission also sent a follow up correspondence to the Attorney General's Office on 23 February 2017 regarding the Commission's comments on s.20(3) of the Law.
19. On 6 April 2017 the Office of the Premier acknowledged receipt of the Commission's correspondence dated 23 February 2017, via email, regarding the proposed timeline for the drafting instructions for the Regulations, and advised that the office is in the process of preparing a formal response.
20. During the end of the period a Cabinet Paper was prepared to seek permission to have the Regulations drafted. The Commission will continue to assist in the drafting of the Regulations in any way it can.

## SECTION FOUR – PROCUREMENT

21. As previously reported, the Procurement Law (2016) was passed by the Legislative Assembly on 24 October 2016 and gazetted on 2 December 2016 (Supplement No. 4 published with Gazette No. 96). It has not yet been given a commencement date.
22. On 22 February 2017, in order to discharge its constitutional remit, the Commission sent follow up correspondence to the then Minister of Finance and Economic Development to ascertain the status of the Procurement Regulations, the anticipated commencement date for the Procurement Law, and the Government's views on the Commission's role in the procurement process moving forward. Further follow up correspondence was sent on 1 May 2017, and the Commission agreed that it would be best to wait until after the 2017 General Elections on 24 May 2017 to continue following up. Subsequent to the 2017 General Elections and the newly assigned ministries, the Commission issued follow up correspondence to the newly appointed Minister of Finance and Economic Development on 4 July 2017. To date, the Commission is still awaiting a response.
23. The Commission also reached out to the Director of Central Procurement on 21 June 2017 to inquire into the procurement processes currently engaged in by the Cayman Islands Government ("the CIG"), and the tendering processes being utilised for these given that the Procurement Law has not yet commenced. The Director responded on 21 June 2017 and confirmed that until the Procurement Law is commenced, the Central Tenders Committee ("CTC") remains responsible for public procurement and is guided by the Public Management and Finance Law and Regulations and the CTC Guidelines.

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

24. Following the 2017 General Elections, the Commission agreed to schedule a meeting with the Clerk of the Legislative Assembly to inspect the current Register of Interests. Members confirmed this would be undertaken during the next reporting period.
  
25. The Commission also agreed to meet with the Register of Interests Committee to discuss their role. Members confirmed this would be undertaken during the next reporting period.



## SECTION SIX – APPOINTMENT OF BOARD MEMBERS

26. As per s.117(9)(e) of the Constitution, the Commission continues to discuss the need for engagement and training of all board members and intends to liaise with the Office of the Deputy Governor to determine how best this can be facilitated.
  
27. As indicated in the last reporting session, the Commission briefly discussed the Public Authorities Bill, 2016 and the provisions that differ from the Law and the Amendment Law. The Public Authorities Bill was since Gazetted on 31 May 2017 and is now the Public Authorities Law, 2017. On 4 July 2017 the Commission wrote to the Office of the Deputy Governor to highlight what it considered to be areas of inconsistencies in the Public Authorities Law, as compared to the Law and the Amendment Law. The Deputy Governor responded on 17 July 2017 explaining the reasoning behind the inconsistency of the two pieces of legislation, specifically why the definition of “public authorities” slightly differs in the Public Authorities Law, as well as welcoming any further feedback from the Commission. The Commission will consider this and formulate a response accordingly.

## SECTION SEVEN – CODES OF CONDUCT

28. As previously reported on 22 February 2017 the Commission wrote to the Honourable Premier to assist in obtaining a copy of the current draft of the Ministerial Code of Conduct (“the Code”) to enable the Commission to perform its duties.
29. On 27 February 2017 the Commission received a copy of the Code, as requested. The Commission discussed the draft Code and agreed it should be cross-referenced with other CIG related documents as such a comparison would be beneficial.
30. Members reviewed the draft Code, and the CIG related documents, and will issue a letter to the Cabinet Secretary to provide the Commission’s comments on the 2017 Code, which will be reported on during the next reporting period.

## SECTION EIGHT – CONFLICTS OF INTEREST

31. As indicated in the last reporting session, the Commission noted the newspaper reports of the findings of the Gender Equality Tribunal (“the Tribunal”) on the matter *Atherley et al v H.M. Prison Service*.
32. On 23 February 2017 the Commission wrote to the Honourable Deputy Governor to advise of its concerns following the press report on the Tribunal’s Ruling. Such concerns included the apparent lack of proper applicability of best practices surrounding conflicts of interest by public officials. The Commission also requested confirmation that an internal investigation into the actions of the public officials who were involved with the proceedings brought under the Gender Equality Law, (particularly those whose credibility and conduct were called into question by the Tribunal) was being initiated.
33. On 9 March 2017 the Honourable Deputy Governor acknowledged the Commission’s letter and enclosed a copy of the Tribunal’s Ruling for the Commission’s review. The letter confirmed that “Any allegations about the conduct of civil servants are viewed seriously and are properly addressed,” and described various changes that will be made as a result of the Tribunal’s findings. On 16 May 2017 the Commission responded to the Honourable Deputy Governor’s letter and commended his Office on the measures proposed in his letter to address some of the concerns regarding hiring processes. However, the Commission confirmed that some of its concerns remained and reiterated its request for confirmation that a separate inquiry into the issues which it had identified will be conducted and that, in due course, a report on the findings of this inquiry will be shared with the Commission. The Honourable Deputy Governor confirmed on 29 June 2017 that the Commission’s concerns had been passed to the Chief Officer for action. It was also pointed out, however, that due to re-organisation resulting in that Chief Officer no longer having responsibility for HM Prison, there may be some delay in obtaining an update. As at the date of this Report, no further update has been provided to the Commission.
34. On 20 June 2017 the CIG announced that it has partnered with a local accounting firm and set up a hotline for reporting fraud or wrongdoing by its employees, separate from the Royal

## SECTION NINE – EDUCATION AND PUBLIC RELATIONS

35. As detailed in the Twelfth Report of the Commission, the website was redeveloped and had ‘gone live’ enabling the work of the Commission more easily accessible to all persons. On 10 May 2017, the Commission issued a press release on its redeveloped website informing persons that the site features various Commission reports, publications, educational material as well as local, regional and international resources on standards in public life, ethics and transparency in public office. The Commission trusts that the public will find the redeveloped website to be useful and informative and that all members of the public will take the opportunity to learn more about the Commission and the importance of its work.
36. The Commission agreed not to issue any statements or press releases on the upcoming election given that the Law had yet to come into force. On 24 May 2017 the 2017 General Election was held.



## SECTION TEN – COMPLAINTS

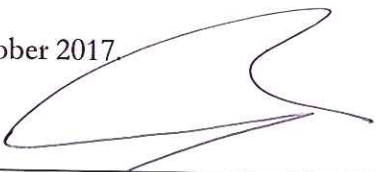
37. During this reporting period no complaints have been submitted to the Commission.

## SECTION ELEVEN – MOVING FORWARD

38. Over the next reporting period the Commission intends to continue to follow up on both drafting instructions for the Regulations and the proposed commencement date for the Law and the Amendment Law. The Commission will continue to assist in any way possible to ensure the successful completion of these two items which are of utmost importance to the Commission being able to meet its constitutional mandate.
39. In addition the Commission will also:
- continue to follow up on whether a review as set out in s.20(3) of the Law had commenced and if so, what proposals have been put forward;
  - continue to monitor the development of Regulations and any other policies which will govern public procurement;
  - finalise its review of the draft Ministerial Code of Conduct 2017, in comparison with the 2013 version, and provide feedback to the Cabinet Office;
  - continue to discuss the need for engagement and training of all board members and consider options as to how this can best be facilitated; and
  - continue to participate in any public relations opportunities, as well as in local and regional cooperation efforts where possible.

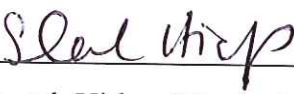
For more information on the Commission for Standards in Public Life please visit [www.standardsinpubliclifecommission.ky](http://www.standardsinpubliclifecommission.ky), e-mail [info@standardsinpubliclifecommission.ky](mailto:info@standardsinpubliclifecommission.ky), or call 244-3685.

Dated this 16<sup>th</sup> day of October 2017



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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 TWELVE – 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. 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.