



**THE TWENTY-FIFTH REPORT OF THE COMMISSION
FOR STANDARDS IN PUBLIC LIFE (CSPL)**

1 FEBRUARY 2023 – 31 JULY 2023

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SECTION ONE – INTRODUCTION

1. Preface

The Commission for Standards in Public Life (the “CSPL”) 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.

With its mandate as set out in section 117(9) of the Constitution, the first CSPL was appointed in January 2010. The CSPL’s overarching powers are ingrained in the Standards in Public Life Act, 2021 and the Standards in Public Life Regulations, 2020.

1.1. Membership of the CSPL

As prescribed in the Constitution, the Governor shall, after consulting the Premier and the Leader of the Opposition, appoint, from among persons of high integrity and with experience in the public or private sector, the CSPL comprising –

1. A Chairperson;
2. A chartered or certified accountant with at least ten years’ experience;
3. A legal practitioner who has practiced in the Commonwealth for at least ten years; and
4. Not more than two other members.

(See Appendix for Changes in Membership)

1.2. Summary of CSPL Activities

In this Report, the CSPL will outline the progress made and the key issues arising from the work completed by the CSPL over the period 1 February 2023 – 31 July 2023.

1.3. During the current reporting period the Members have:

- a. approved the 22nd CSPL Report which is now available on the CSPL website;
- b. noted that discussions regarding the appointment of new CSPL Members remains ongoing with the Office of the Governor;
- c. discussed resource allocation to the Secretariat due to its existing staffing issues;

- d. continued to discuss the Standards in Public Life (SPL) (Amendment) Bill and SPL (Amendment) Regulations;
- e. considered correspondence from the Anti-Corruption Commission (ACC) pertaining to a matter under s.9 of the SPL Act;
- f. considered allowing the Secretariat to scan hardcopy Register of Interests (ROI) declaration forms in its electronic database;
- g. discussed a production order received from the Royal Cayman Islands Police Service (RCIPS);
- h. reviewed the draft 23rd CSPL Report; and
- i. discussed and issued a number of correspondences.

SECTION TWO – MEETINGS AND ADMINISTRATIVE MATTERS OF THE CSPL

2.1. Meetings

The reporting period for this Report commenced on 1 February 2023. During this period, the CSPL held general meetings on 19 April 2023 and 29 May 2023.

The Minutes of the Meetings of the CSPL reflect the matters discussed and undertaken by the Commission. Once approved, copies of the CSPL Meeting Minutes are available on the CSPL's website.

2.2. CCAICACB Conference

The 8th Annual Commonwealth Caribbean Association of Integrity Commissions and Anti-Corruption Bodies (CCAICACB) Conference was virtually held on 17th – 21st April 2023. This year's theme was, 'Resetting the Anti-Corruption Agenda: Assessing Achievements and Challenges in the Commonwealth Caribbean'. Due to prior commitments, CSPL Members were unable to participate. As such, the Secretariat Manager, Marilyn Conolly, virtually attended some of the CCAICACB Conference sessions and brought greetings on behalf of CSPL.

2.3. Membership

2.3.1. Appointment of New CSPL Members

Members were made aware that discussions regarding the appointment of new members to the CSPL remain ongoing with the Office of the Governor. The Secretariat will continue to liaise with the Office of the Governor to appoint two new CSPL Members during the next reporting period.

2.4. Resource Allocation to the Secretariat

2.4.1 CSPL Meeting held on 19 April 2023

During this meeting, Members were updated on the Secretariat's staffing issues which have been affecting its support to the work of the commissions. An update on the Portfolio of the Civil Service's (PoCS) assessment of the Secretariat was provided. Members noted that the recommendations were to hire two additional Analysts/Investigators as at present, there is only one Administrator/Analyst supporting the six commissions. Members agreed that both the Public

Relations and Education Coordinator and the Research Analyst posts, should remain to support the Commission. It was further agreed that additional staff was needed, in particular, an investigative staff member to specifically support the work of the CSPL/Register of Interests (ROI).

Members offered the Secretariat their full support in advocating for additional resources to support the CSPL and agreed to further discuss this matter. The Secretariat Manager will circulate information for the CSPL's consideration during the next reporting period.

2.4.2. CSPL Meeting held on 29 May 2023

Following the previously referenced CSPL meeting of 19 April 2023, in its meeting held on 29 May 2023, Members were informed that the Secretariat Manager was given permission to hire a Public Relations and Education Coordinator, fill the vacant Deputy Manager post and convert an existing Anti-Corruption Commission (ACC) post to an administrative post. Members were further informed that two university level summer interns had been hired for June, July and August to assist with the ROI submission period.

With respect to sections 18 – 20 of the SPL Act (Part 5 – Power of Investigation), Members discussed the insufficient human resources to conduct an enquiry should the CSPL choose to carry out an investigation. Members discussed the option of retaining someone on a consultancy or temporary basis should the CSPL choose to activate this option.

Accordingly, Members were asked to consider the Terms of Reference (ToR) to hire an investigative officer in accordance with sections 18 and 19 of the SPL Act which grants the CSPL powers of investigation. During the next reporting period, the Secretariat will research this matter and provide Members with copies of similar investigatory job descriptions to assist with preparing the ToR.

2.4.3 Annual Reports (22nd & 23rd CSPL Reports)

The 22nd CSPL Report was approved and uploaded to the CSPL's website during this reporting period. Members continued to discuss the draft 23rd CSPL Report and provided their comments for revision and recirculation by the Secretariat. At the end of this reporting period, the 23rd CSPL Report was still pending Members' approval, prior to submission to the Office of the Deputy Governor (ODG) for tabling in Parliament. In the interim, drafting of the 24th CSPL Report had

commenced. During the next reporting period, the Secretariat will continue to follow-up on CSPL's comments on the draft 23rd CSPL Report and continue to work on the 24th CSPL Report for CSPL's review and comments.

SECTION THREE – STANDARDS IN PUBLIC LIFE (SPL) ACT

3.1. Amendments to the SPL Act and Regulations

Members discussed previous correspondence received from the Attorney General’s Chambers (AGC), on 28 October 2022, wherein the AGC requested clarification on the CSPL’s rationale to change the word **shall** to **may** by amending s.22(2)(a) of the SPL Act. This section of the Act reads: *“In any case where the Commission determines that the subject matter of an enquiry under this Part is — (a) already under investigation by the police whether or not charges have been preferred; or (b) already the subject matter of proceedings in a court of law, the Commission shall hold its own enquiry in abeyance, pending final disposition of that investigation and those proceedings.”*

The effect of that amendment would be that the CSPL would be given discretion to continue with its own enquiry where the CSPL determines that, *“the subject matter of an enquiry”* under Part 5 is already being investigated by the RCIPS or is already the subject matter of proceedings in court. Members agreed to revert to the AGC to confirm that this is the intent of the CSPL.

SECTION FOUR – PROCUREMENT

4.1. CSPL and Procurement Procedures

The CSPL did not consider any matters concerning procurement during this reporting period.

SECTION FIVE – REGISTER OF INTERESTS (“ROI”)

5.1. Background and Developments

The functions of the CSPL include, amongst other things, *“to supervise the operation of registers of interest and to investigate breaches of established standards...”* (section 117(9)(c) of the Constitution).

In accordance with s.121(1) of the Constitution, *“There shall be for the Cayman Islands a Register of Interests, which shall be maintained by the Commission for Standards in Public Life.”* Section 121(2) elaborates that all persons in public life have a constitutional obligation to declare to the CSPL, *“for entry in the Register of Interests, such interests, assets, income and liabilities of that person, or of any other person connected with him or her, as may be prescribed by [the] Act.”* The SPL Act and Regulations were commenced in early 2020 to outline the operation of the Register and the process for submissions to it.

The ROI, in accordance with s.121(1) of the Constitution, and the introduction of the SPL Act in accordance with s.117(9)(c) of the Constitution to, amongst other things, provide CSPL with the powers, *“to supervise the operation of registers of interests and to investigate breaches of established standards...”*. Furthermore, the commencement of the SPL Regulations, 2020, provided the approved form for declarations of interests, income, assets and liabilities to be completed by persons in public life and give effect to the various provisions of the SPL Act. Both legislative documents combined, provide the CSPL with the power needed to meet its constitutional mandates, supervise the operation of registers and to investigate breaches of established standards in public life.

In 2020, the CSPL received the first filings of annual declarations for submission to the ROI in accordance with the SPL Act. Following receipt of these declarations, the CSPL embarked on the development of a system to allow for the electronic filing of annual declaration forms by Persons in Public Life. The online ROI portal was launched in 2021 to accept declarations for the period ending 30 June 2021.

5.2. ROI Declaration Records

In the CSPL meeting held on 29 May 2023, the Secretariat provided an overview of the ROI data entry spreadsheet and how the ROI declarations are currently filed.

Members were asked to consider allowing the Secretariat to scan hardcopy ROI declaration forms and save said documents in its electronic database. Members agreed to seek a legal opinion from the AGC on whether the Secretariat staff/entity maintaining the register can scan declarations into its searchable electronic database. The Secretariat will progress this request during the next reporting period.

5.3. Production Order

Members discussed correspondence pertaining to a production order received from the Royal Cayman Islands Police Service (RCIPS) on 5 May 2023 and agreed to further consider it during the next reporting period.

SECTION SIX – CODE OF CONDUCT AND RELATED MATTERS

6.1. Correspondence from Anti-Corruption Commission (“ACC”)

Members considered the ACC’s letter of 2 February 2023 wherein it informed the CSPL of a matter which may require the CSPL’s attention under s.9 of the SPL Act. Members agreed to acknowledge receipt of the letter and to make some initial inquiries with the ACC about the matter. The Secretariat will prepare the draft letter for CSPL’s approval during the next reporting period.

SECTION SEVEN – CONFLICTS OF INTEREST

7.1. Conflicts of Interest

The CSPL did not consider any matters concerning conflicts of interest during this reporting period.

SECTION EIGHT – EDUCATION AND PUBLIC RELATIONS

8.1 Education and Public Relations

The CSPL did not consider any matters concerning education and public relations during this reporting period.

SECTION NINE – COMPLAINTS

9.1 Complaints

The CSPL received a complaint on 7 June 2023 which was deferred and will be discussed in an extraordinary meeting during the next reporting period.

SECTION TEN – MOVING FORWARD

10. Over the next reporting period, the CSPL will continue to:
- a. finalise the draft SPL (Amendment) Bill, and SPL (Amendment) Regulations;
 - b. consider the ToR to hire an investigative officer in accordance with sections 18 and 19 of the SPL Act;
 - c. finalise their comments on the draft 23rd CSPL Report;
 - d. consider allowing the Secretariat to scan hardcopy Register of Interests (ROI) declaration forms in its electronic database;
 - e. further consider the RCIPS production order;
 - f. make initial inquiries with regards to the ACC matter as per s.9 of the SPL Act; and
 - g. discuss the complaint received on 7 June 2023.

For more information on the CSPL, please visit www.standardsinpubliclifecommission.ky. Alternatively, you can e-mail info@standardsinpubliclifecommission.ky or call 244-3685.

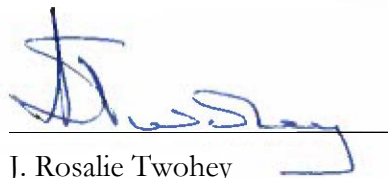
Dated this 22nd day of March 2024.



Dr. Sonia Bush (Chairman)



Keith Blake



J. Rosalie Twohey

SECTION ELEVEN – APPENDIX

9.1. Changes in CSPL Membership

1. The first CSPL was very ably chaired by Mrs. Karin Thompson, MBE, whose accomplishments, among other things, included the introduction of The Standards in Public Life Act, 2014 (the “SPL Act”).
2. The first CSPL’s 4-year term ended in January 2014. The outgoing CSPL, however, kindly agreed to remain in the post until February 2014.
3. The CSPL is mandated under section 117(9)(g) of the Constitution to report to Parliament at regular intervals and at least every six months.
4. The Reports of the first CSPL, i.e. report numbers 1 through 8, detail the various tasks undertaken by the first CSPL and its accomplishments in each respect. The Reports are available on the CSPL’s website.
5. Previous Chairman Rosie Whittaker-Myles and Former Member Sheenah Hislop were appointed to the CSPL on 1 February 2015 for a period of four years. At the request of His Excellency agreed repeatedly to extend their tenures until 28 February 2021. Member Isatou Smith was appointed, following the resignation of Pastor Shian O’Connor (to pursue educational advancements) on 1 November 2018 for a period of four years.
6. On 1 May 2021, four new CSPL Members were appointed to join previously appointed Member Isatou Smith. The new appointees were Chairman Dr. Sonia Bush and Members J. Rosalie Twohey, Richard Addlestone and Keith Blake.
7. The Reports of the second CSPL headed by the previous Chairman, Rosie Whittaker-Myles, i.e. report numbers 9 through 20, detail the various tasks undertaken by this CSPL and its accomplishments in each respect. These Reports are also available on the CSPL’s website.

9.2. Members Biographies



Dr. Sonia Bush is an Attorney at Law in the Cayman Islands as the owner and sole practitioner of Sonia Bush and Associates Law. **Sonia** obtained a LLB (Hons) degree from the University of Liverpool, and she was trained by one of Cayman's top law firms. Additionally, **Dr. Bush** obtained a Bachelor's of Science Degree in International Finance, (BSc.), a Master of Business Administration Degree (MBA), a Master of Science Degree (MSc.), and a PhD in Management with a minor in Leadership. She also is a registered member of the Society of Trust and Estate Practitioners, and a designated Trust and Estate Practitioner ("TEP") since 2001.

Sonia was called to the Cayman Islands Bar in July 2009, and broadened her exposure to offshore trusts, while working as an attorney at law in Jersey, Channel Islands. Her areas of practice include Trust and Estate Planning, Business Formation, Company Incorporation, Intellectual Property including registration of Trademarks, Work Permits, Family Law, Residency, Guardianship, Wills, Probate and Administration and Real Estate. **Sonia** is also a Notary Public and provides this service from the Firm's office. In addition to practicing law, Sonia has worked over ten years in the financial industry in the Cayman Islands, in particular at offshore trust and banks as a Trust Account Manager.

Dr. Bush was appointed as Chairman effective 1 May 2021 for a four-year term.



J. Rosalie Twohey recently took a hiatus from her post as Deputy Managing Director of Cainvest Bank and Trust Ltd in order to pursue a LLM from the University of Liverpool. **Rosalie** has also served as Head of Institutional and Accounting – Trust with the Bank of Butterfield, Financial Controller of Walkers Global Holdings Ltd and previously with Bank Austria Cayman Islands Ltd. In addition to her LLM, **Rosalie** possesses an MBA from the University of Liverpool and a BSc (Cum Laude) in Accounting from Howard University. **Rosalie** became a CPA in 1986.

Mrs. Twohey was appointed as a Member effective 1 May 2021 for a four-year term.



Mr. Keith Blake was a Senior Director with Alvarez & Marsal based in the Cayman Islands, until his recent retirement. He has more than 30 years of insolvency and restructuring experience, including the last 21 years working in the Cayman Islands. After leaving school, **Mr. Blake** spent 10 years at NatWest Bank in the U.K., with the last 18 months of that time working in the bank's Insolvency and Debt Recovery department in London. In 1990 **Mr. Blake** joined KPMG in London, spending nine years working on the liquidations of a number of banks, including several that had previously traded in the secondary market of Latin American sovereign-backed debt.

Drawing upon this experience, **Mr. Blake** moved to KPMG in the Cayman Islands in January 2000 to assist in liquidating the Cayman and British Virgin Islands (BVI) subsidiaries of one of the (at the time) largest Brazilian international banks. Staying in the Cayman Islands, **Mr. Blake** continued to work at KPMG taking many appointments as Joint Voluntary Liquidator of Cayman hedge funds and other entities. In addition, **Mr. Blake** played a significant role as one of the Joint Receivers of the underlying companies of a major Seven Mile Beach hotel and resort that went through a financial restructuring in 2012. More recently, **Mr. Blake** has been appointed by the Grand Court of the Cayman Islands as an Interim Administrator over a deceased person's estate. He has also acted as a Controller appointed by Cayman Islands Monetary Authority (CIMA) under the Cayman Islands Mutual Funds Law.

Mr. Blake was appointed as a Member effective 1 May 2021 for a four-year term.