



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

**1 AUGUST 2023 – 31 JANUARY 2024**

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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 current membership)**

### 1.2. Summary of CSPL Activities

This Report outlines the progress made and the key issues identified by the CSPL over the period 1 August 2023 – 31 January 2024.

### 1.3. During the current reporting period the Members have:

- a. continued to discuss the Standards in Public Life (SPL) (Amendment) Bill and SPL (Amendment) Regulations and agreed to their finalisation;
- b. presented at the 2023 CIIPA Momentum Conference;

- c. discussed enhancements for the Register of Interests (“ROI”) portal for the 2024 declaration period;
- d. written to the Chairman of Port Authority enquiring on the Port Authority’s internal policies and procedures for hiring;
- e. agreed to consider establishing a Memorandum of Understanding (“MOU”) with the Anti-Corruption Commission (“ACC”);
- f. established a public relations and education initiatives plan for 2024;
- g. approved the 23<sup>rd</sup> CSPL Report;
- h. reviewed the draft 24<sup>th</sup> and 25<sup>th</sup> CSPL Reports;
- i. discussed media articles on subjects relating to its remit; and
- j. discussed and issued various correspondence relating to complaints, enquiries and other investigations.

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

### **2.1. Meetings**

The reporting period for this Report commenced on 1 August 2023. During this period, the CSPL held general meetings on 12 October 2023, 17 October 2023, 6 November 2023, 27 November 2023 and 14 December 2023. Additionally, extraordinary meetings were held on 8 August 2023 and 21 September 2023.

The Minutes of these meetings reflect the matters discussed and undertaken by the CSPL. Copies of the CSPL Meeting Minutes are available on the CSPL’s website.

### **2.2. Annual Reports (23<sup>rd</sup>, 24<sup>th</sup> & 25<sup>th</sup> CSPL Reports)**

The 23<sup>rd</sup> CSPL Report, which covers the reporting period 1 February 2022 to 31 July 2022, was finalised and sent to the Office of the Deputy Governor (ODG) on 20 July 2023 for tabling in Parliament. Parliament advised on 24 October 2023 that the 23<sup>rd</sup> Report was delivered in the House.

The 24<sup>th</sup> and 25<sup>th</sup> CSPL Annual Reports, covering the reporting periods 1 August 2022 – 31 January 2023 and 1 February 2023 – 31 July 2023 respectively, were reviewed by Members. Feedback was provided in December 2023 and the reports are in the process of being finalised.

### **2.3. Appointment of New CSPL Members**

The Commissions Secretariat (the “Secretariat”) continued its recruitment drive to source appropriate members for recommendation to the Commission during this period.

### **2.4. Secretariat HR Update**

A Public Relations & Education Coordinator was hired in August 2023. The job advertisements for the Manager and Deputy Manager positions were posted and the Portfolio of the Civil Service filled the Deputy Manager position in January 2024. The Manager post will be filled in the first quarter of 2024.

## **2.5. Cayman Islands Institute of Professional Accountants (“CIIPA”) 2023 Momentum Conference**

Member Rosalie Twohey, on behalf of CSPL, was invited to sit on a panel at the Cayman Islands Institute of Professional Accountants’ (CIIPA) conference held on 30 November 2023. The title of their panel discussion was ‘Ethics and Country Fraud’. It was led by the CEO of the Chartered Institute of Public Accountants. Other panellists included the Auditor General and the ACC Chairman.

Prior to the conference Member Twohey shared the PowerPoint presentation that she planned to use at the conference with members and advised that she would also prepare a summary of the CSPL’s roles and functions, including key points from the SPL Act and Regulations, to guide her presentation, per the Chairman’s request.

## **SECTION THREE – STANDARDS IN PUBLIC LIFE (SPL) ACT**

### **3.1. Amendments to the SPL Act and Regulations**

The Attorney General's Chambers' (AGC) response of 26 July 2023 concerning the SPL (Amendment) Bill, 2023 and the SPL (Amendment) Regulations, 2023 was discussed. In October members agreed that there were no further comments and the AGC could move forward with submitting the draft SPL Bill and the draft SPL Regulations to Cabinet. The Secretariat was requested to continue to follow-up with the AGC regarding the matter.

## **SECTION FOUR – PROCUREMENT**

### **4.1. CSPL and Procurement Procedures**

#### **Lateral Flow Tests/Procurement Procedures**

The Director of the Central Procurement Office (CPO) provided a response on 1 November 2022 to the CSPL’s letter of 19 October 2022. The matter was in regards to a report released by the Office of the Auditor General (OAG) titled ‘Review of the Procurement of the Lateral Flow Tests,’ which prompted the CSPL to seek an update from the CPO Director on whether the OAG’s recommendations had been progressed.

As the CSPL agreed it had no further comments on the CPO Director’s response, a letter was prepared to the Office of the Auditor General (OAG) enquiring whether any responses to its report had been received. The letter was sent to the OAG on 7 November 2023 and the Secretariat will continue to follow-up regarding this matter.



## 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 to supervise the operation of the ROI and to investigate breaches of established standards in public life.

In 2020, the CSPL received the first filings of annual declarations 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.

## 5.2. Register of Interests (ROI)

For the ROI annual submission period for 2022-2023, 795 declarations were submitted in total, 786 of which were submitted online, and 9 of which were submitted in hard-copy. A summary of the submission statistics is as follows:-

	2019-2020	2020-2021	2021-2022	2022-2023
<b>Online Submissions</b>	-	741	689	786
<b>Hard Copy Submissions</b>	833	100 (approx.)	50 (approx.)	9
<b>Total Submissions</b>	833	841 (approx.)	739 (approx.)	795

In the interest of maintaining the ROI under its constitutional remit, the CSPL requested that a) a reminder be sent to an outstanding declarant, and b) the total number of declarations that were expected for the period, based on the list of Persons in Public Life subject to filing, be calculated.

Additionally, the CSPL recommended the continuation of a call-log in the 2024 ROI submission period in order to record the amount of time spent on assisting declarants and the types of issues raised.

Finally, it was noted that the Secretariat is working with the Computer Services Department (CSD) to implement updates the ROI Online Portal.

### **5.3. RCIPS Production Order**

As previously reported, correspondence pertaining to a production order received from the Royal Cayman Islands Police Service (RCIPS) on 5 May 2023 was considered and complied with. Subsequent to the provision of documents requested, an extraordinary meeting was held on 21 September 2023 to further discuss this matter when a detailed witness statement was requested by the Cayman Islands Bureau of Financial Investigation (CIBFI).

Members discussed the draft statement, which had been requested by the CIBFI, and some minor amendments were made prior to finalisation. The purpose of the witness statement was to confirm that the documents produced in response to the production order were indeed printed from the ROI Online Portal system. The witness statement with the requested information was provided to CIBFI on 3 November 2023.

## **SECTION SIX – CODE OF CONDUCT AND RELATED MATTERS**

### **6.1. Correspondence from the Anti-Corruption Commission**

The Commission continued to consider the matter referred to it by the ACC which could require the CSPL's attention under s.9 of the SPL Act relating to Codes of Conduct. The Commission responded to the ACC on 11 August 2023 seeking a few points of clarification. The ACC replied to these on 14 August 2023 and further invited the CSPL to enter into a Memorandum of Understanding (MOU) which would enable the two Commissions to exchange information as needed on this and similar matters. Members accepted the ACC's offer to enter into an MOU in writing on 7 November 2023 and the ACC sent CSPL a draft MOU on 8 November 2023. The CSPL agreed to further consider and discuss the MOU in early 2024 in order to advise the ACC on their decision.

### **6.2 Code of Conduct**

#### **a. Update re Parliamentary Code of Conduct**

Members were informed that follow-up correspondence was sent to the Office of the Premier on 12 October 2023 to check the status of the Parliamentary Code of Conduct. It was also agreed that follow-ups with the Office of the Premier should take place regularly.

Such a follow-up with the Office of the Premier took place in November 2023, however, given the change in Premier that month, another letter will be drafted to bring the matter to the attention of new Premier, Mrs Juliana O'Connor-Connolly. The letter will also include the letters sent to the former Premier, Mr Wayne Panton, requesting an update on anticipated changes and an estimated timeline for finalising and publishing the Code of Conduct.

#### **b. Elections Observer's Report**

Follow-up correspondence was sent to the Supervisor of Elections (SoE) on 12 October 2023 regarding the status of the recommendations noted in the Cayman Islands General Elections 2021 Domestic Observers' Report. The CSPL will continue to follow-up with the SoE regarding this matter, as, to-date, no update has been received.

## **SECTION SEVEN – CONFLICTS OF INTEREST**

### **7.1. Conflicts of Interest**

#### **7.1.1. Port Authority Director Appointment**

In November 2022, the Cayman Islands Port Authority and CSPL exchanged correspondence regarding any progress made by the Port Authority against the recommendations in the Internal Audit Service report titled, ‘Human Resources Review’ (Port Authority Cayman Islands) July 2022.

Following this exchange, in 2023 the CSPL agreed that an update was needed on the status of the Port Authority’s internal policies and procedures framework regarding its hiring practices. Correspondence requesting a copy of the procedural steps for hiring staff was issued to the Port Authority’s Director on 29 November 2023.

A response was received from the Port Authority’s Chairman via email on 29 November 2023 providing information on the Port Authority’s hiring procedures as mentioned in an Internal Audit Services report, as well as a query on the remit of the CSPL in respect of this matter. It was agreed that the CSPL’s Chairman would draft a response to the Port Authority’s Chairman and circulate it for Members’ review prior to sending.

## SECTION EIGHT – EDUCATION AND PUBLIC RELATIONS

### 8.1 Education and Public Relations

#### a. United Nations Education for Justice (E4J) Programme

Members were advised that the Secretariat appointed a Public Relations & Education Coordinator in August 2023, who was introduced at CSPL’s meeting on 17 October 2023. The Chairman noted that the CSPL would like to be more active in the community, particularly in the schools, in raising awareness about the United Nations Education for Justice (E4J) Programme.

The Public Relations & Education Coordinator provided an overview of her research on the Education for Justice (E4J) Programme, noting its existing lesson plans, videos and other materials that could be incorporated into the Cayman Islands National Curriculum; specifically the Life Skills subject area.

The Secretariat was initially asked to prepare a plan to launch the E4J Programme in the first quarter of 2024. However, upon reflection, it was agreed that a more efficient approach would be to target educators and focus on all Cayman Islands Public schools first as well as the University College of the Cayman Islands (UCCI) in the plan for the E4J Programme. The CSPL added that it would like for the programme to be rolled out to private schools in the future.

#### b. 2024 PR & Education Campaigns

CSPL approved a plan of public relations and education initiatives for 2024. The plans for each quarter have different areas of focus for each quarter: Q1 – Raising awareness of the Standards in Public Life; Q2 – Raising awareness of the Register of Interests to support the 2024 reporting cycle; Q3 – Raising awareness of the importance of ethics and honesty (via the E4J Programme), focusing on teachers who impact the lives of future generations; and Q4 – Engaging with Senior Leaders within the Cayman Islands Government to champion upholding Standards in Public Life in their respective entities.

**c. Media Articles**

In their meeting held on 14 December 2023 the CSPL reviewed several articles pertaining to their remit which the Secretariat had provided as a result of regular media scanning that had been instituted. As a result of this, the CSPL agreed to draft a letter to the Auditor General requesting an update on her office’s investigation into the issue of Government contracts being awarded not in compliance with procurement procedures. The possibility of establishing an MOU with the Auditor General was discussed. It was agreed, however, that this issue, along with the other articles provided for review, would be raised again in the next meeting planned for early 2024.

## **SECTION NINE – COMPLAINTS**

### **9.1 Complaints**

During the reporting period, the Commission navigated through a number of complaints and enquiries, touching on a broad spectrum of topics. These ranged from ethical concerns in governmental decision-making to the transparency of public institutions. None of the complaints or enquiries during this period led to the Commission deciding to open a formal investigation. In all of these cases, the Commission upheld a policy of strict confidentiality. This approach safeguards against potential harm to the reputations of those accused of wrongdoing, and allows for a fair and impartial assessment of the facts. The Commission will continue to receive and respond to complaints relating to issues within its purview, such as conflicts of interest and adherence to ethical codes.



## SECTION TEN – MOVING FORWARD

10. Over the next reporting period the CSPL will continue to:
- a. finalise the draft 24<sup>th</sup> and 25<sup>th</sup> CSPL Reports;
  - b. follow up on the draft Standards in Public Life (SPL) (Amendment) Bill and SPL (Amendment) Regulations;
  - c. improve the Register of Interests portal for the 2024 declaration period;
  - d. consider the hiring practices of the Port Authority;
  - e. consider establishing a Memorandum of Understanding with the Anti-Corruption Commission;
  - f. execute the public relations and education initiatives plan for 2024;
  - g. discuss media articles on subjects relating to its remit;
  - h. follow up on the Parliamentary Code of Conduct; and
  - i. discuss and issue correspondence relating to complaints, enquiries and other investigations.

For more information on the CSPL please visit [www.standardsinpubliclifecommission.ky](http://www.standardsinpubliclifecommission.ky). Alternatively, you can e-mail [info@standardsinpubliclifecommission.ky](mailto:info@standardsinpubliclifecommission.ky) or call 244-3685.

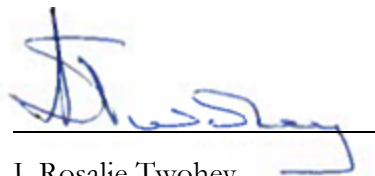
Dated this 8<sup>th</sup> day of May 2024.



Dr Sonia Bush (Chairman)



Keith Blake



J. Rosalie Twohey

## SECTION ELEVEN – APPENDIX

### 11.1. 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.



**Mrs 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.