



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

**1 FEBRUARY 2016 – 31 JULY 2016**

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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. 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.
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 Cayman Islands Constitution Order 2009 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. 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 2016 – 31 July 2016.
8. During the current reporting period the Members have engaged in the following:
  - a) liaison with Government representatives to ensure the successful passage through the House of the Standards in Public Life (Amendment) Law 2016;

- b) formalisation of drafting instructions for the Standards in Public Life Regulations based on the content of the Standards in Public Life Law, 2014 and the Standards in Public Life (Amendment) Law 2016;
- c) continuation of discussions surrounding procurement, specifically regarding the draft legislation and regulations related to procurement in compliance with its functions under section 117(9) (d) Cayman Islands Constitution Order 2009;
- d) attendance by the Chairman at the Second Annual Commonwealth Caribbean Association of Integrity Commissions & Anti-Corruption Bodies Conference held in Trinidad and Tobago;
- e) continuation of liaison with Members of the Legislative Assembly to facilitate introductory meetings and discuss any queries or concerns related to the work of the Commission;
- f) continuation of discussions on the necessity for all board members to be properly trained in order to carry out their duties effectively and in observance of relevant laws and best practices; and
- g) discussions of ways in which to improve and enhance public relations and public education efforts in the community.

## SECTION TWO – MEETINGS OF THE COMMISSION

9. The reporting period for this Report commenced on 1 February 2016. Since that time, the Commission has met on 2 February, 7 April, 19 April, 18 May and 24 June 2016. The Minutes of the Meetings of the Commission will 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.
10. The Commission continued to extend invitations to Members of the Legislative Assembly to facilitate introductory meetings and to provide an opportunity to discuss any queries or concerns related to the work of the Commission. During this reporting period the Secretariat, on behalf of the Commission, contacted other MLAs district by district beginning with the two Honourable Members from East End and North Side for confirmation of a date on which they would be available to meet with the Commission. Whilst the Secretariat has followed up since making its original request to the members from East End and North Side, no formal response has been received. It should also be noted that, regarding its previous enquiries with the Honourable Leader of the Opposition as detailed in the ninth and tenth reports, no formal response was received.
11. The Commission met with a representative of the Office of the Auditor General (the OAG) at its regularly scheduled meeting on 2 February 2016 for the two bodies to discuss, in general terms, their respective work and how they could possibly assist one another. The meeting provided both parties with a better insight of their respective goals. It was agreed that insofar as possible, the entities would work together, within the confines of their respective boundaries and having regard to the independence of each entity.
12. With the appointment of the new Auditor General, the Commission agreed that a time convenient to all, an introductory meeting would be arranged between the Commission and the Auditor General in order to build on the relationship.

### SECTION THREE – STANDARDS IN PUBLIC LIFE LEGISLATION

13. Whilst the Standards in Public Life Law was passed by members of the Legislative Assembly in 2014 it has still not, to date been brought into effect.
14. Previous reports have documented the Commission’s understanding that the reason for the delay in the commencement of the Law hinged on the concerns expressed by a large number of persons, specifically, persons in the private sector who serve on Boards, regarding the effect on them of the provisions of section 11 and 12 (1) of the Law which requires “a person in public life” to “make a declaration to the Commission of his income, assets and liabilities as specified in section 12(1) in respect of the previous year in such form as may be prescribed by regulations; ... and each succeeding year thereafter” and which would be available to members of the public.
15. The Commission spent a considerable amount of time reviewing and submitting feedback on the Standards in Public Life (Amendment) Bill, 2016 with the hopes that any concerns could be mitigated and the Law brought into effect.
16. Although not all of the Commission’s suggestions and recommendations were accepted, the Commission was encouraged by the unanimous passage of the Standards in Public Life (Amendment) Law, 2016 on 6 May 2016 and its subsequent gazetting on 20 June 2016.
17. In order to facilitate the timely commencement of both Laws the Commission has facilitated the initial formal drafting instructions for the Standards in Public Life Regulations 2016 and will submit the same during the next reporting period.

## SECTION FOUR – PROCUREMENT

18. As detailed in the tenth report of the Commission, the Commission met with Director of Procurement and Chairman of the current Procurement Committee who presented on the Draft Procurement Law 2015 and Draft Procurement Law (Regulations) 2015. The parties also engaged in discussions surrounding the advancement of the recommendations made by the previous Working Group on Procurement.
19. Following the presentation to the Commission by the Director of Procurement and the Chairman of the Procurement Committee, the Commission submitted a list of queries, concerns and observations related to the draft legislation and regulations.
20. A response was received from the Procurement Committee, which the Commission discussed at its meeting on 7 April 2016 and determined that there remained a few questions which were not answered or were not answered adequately. The Commission would follow up with the Procurement Committee to reiterate these questions.
21. The Commission discussed and drafted additional feedback to the Procurement Committee.

## SECTION FIVE – REGISTER OF INTERESTS

22. In anticipation of the commencement of the Standards in Public Life Law, 2014 and Standards in Public Life (Amendment) Law 2016 the Commission will be collating a list of positions within the Cayman Islands Government by the Law.
23. It is anticipated that the Commission will develop informational pamphlets and correspondence to ensure each person who occupies these positions is aware of his or her obligations.
24. The Commission will also develop policies and procedures needed to oversee the collection of Declarations and the maintenance of the Register of Interests following the Commencement Order.



## SECTION SIX – APPOINTMENT OF BOARD MEMBERS

25. The Commission continues to discuss the need for engagement and training of all board members.
26. It is the Commission's intention to continue to highlight this need and to commence work with the Commissions Secretariat and other independent institutions supporting democracy to facilitate such training.
27. Additionally upon the signing of the Commencement Order, the Commission will again highlight the need for Government to ensure that appointments to boards are made in compliance with the provisions in Part 6 of the Standards in Public Life Law 2014 and the Standards in Public Life (Amendment) Law 2016.

## SECTION SEVEN – EDUCATION AND PUBLIC RELATIONS

28. The Chairman attended the Second Annual Conference of the Caribbean Association of Integrity Commission & Anti-Corruption Bodies Conference in Trinidad from 29 February to 4 March 2016.
29. The theme of the 2016 conference was *The Role of Integrity Commissions and Anti-Corruption Bodies in Transforming the Commonwealth Caribbean*.
30. The Chairman observed a considerable increase in enthusiasm at the conference with several prominent regional and international speakers attending, including Mr Frank Vogl, USA representative for Transparency International and Mr Trevor Munroe, Jamaica representative for Transparency International.
31. In addition, it was noted that some of the problems which other jurisdictions raised during the sessions would not directly arise in the Cayman Islands as these concerns mainly centred on the fact that other jurisdictions' registers are confidential, resulting in diminished public confidence in the register of interest system. As the Register of Interests for the Cayman Islands will be open to public inspection, this concern should be avoided, although it may well be that other issues can arise from a large number of 'Nil filings' on declarations.
32. Jamaica is likely to host the next conference which may now become a bi-annual event rather than an annual event. A future location for a conference may be the Cayman Islands.
33. The Chairman's notes from the conference were circulated to members and attached to the minutes of the meeting held on 7 April 2016.
34. The Commission was also invited to attend a Commonwealth Secretariat conference titled Tackling Corruption Together: A Conference for Civil Society, Business and Government Leaders held on 11 May 2016 in London. Unfortunately no Commission members were able to attend.

35. The contract for the rebuilding of the website was awarded to Netclues, following an open procurement process facilitated by the Computer Services Department on behalf of the Commissions Secretariat. It is anticipated that the website will become functional during the next reporting period.
  
36. The Commission recognises the need to develop educational and informational resources for those persons who are in positions which are subject to the Standards in Public Life Law, 2014 and the Standards in Public Life (Amendment) Law, 2016. In anticipation of the Commencement of these Laws the Commission will develop such tools.

## SECTION EIGHT - COMPLAINTS

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

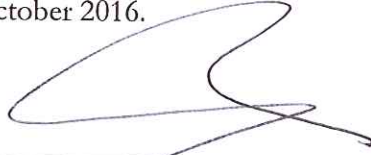
## SECTION NINE – MOVING FORWARD

38. Over the next reporting period the Commission intends to:

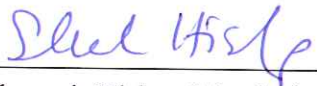
- a. extend an invitation to the new Auditor General to meet with the Commission to discuss their respective remits;
- b. continue to extend invitations to members of the Government to discuss the work of the Commission;
- c. continue to provide any support necessary and appropriate to ensure the expedient commencement of the Standards in Public Life Law, 2014 and the Standards in Public Life (Amendment) Law, 2016;
- d. finalise and submit for consideration the formal Drafting Instructions for the Standards in Public Life Regulations, 2016;
- e. continue to monitor the development of procurement related legislation, giving input as appropriate;
- f. begin to develop educational and informational tools for persons who are subject to the Standards in Public Life Law, 2014 and the Standards in Public Life (Amendment) Law, 2016 to ensure awareness of responsibilities;
- g. continue to highlight the need for members of Government Boards to be appointed in compliance with the provisions in Part 6 of the Standards in Public Life Law 2014 and the Standards in Public Life (Amendment) Law 2016;
- h. continue to highlight the need for members of Government Boards to be properly trained;
- i. facilitate the finalisation of the new website; and
- j. 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.

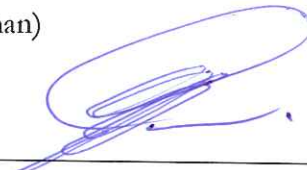
Dated this 13<sup>th</sup> day of October 2016.



Rosie Whittaker-Myles (Chairman)



Sheenah Hislop (Member)



Pastor Shian O'Connor (Member)

## SECTION TEN – APPENDICES

### Appendix I – 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.