



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



FOR THE PERIOD OF

1 AUGUST 2020 - 31 JANUARY 2021

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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 Act, 2014 (the “SPL Act”).

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 Parliament 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. Chairman Rosie Whittaker-Myles and Member Sheenah Hislop were appointed to the Commission on 1 February 2015 for a period of four years. At the request of His Excellency the Governor both have 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.

7. The Reports of the Commission headed by the current Chairman, i.e. report numbers 9 through 19, 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 August 2020 – 31 January 2021.

9. During the current reporting period the Members have:

- a. finalised the Commission's Nineteenth Report which is now available on the Commission's website;
- b. assisted with the development of the SPL (Amendment) Bill and Regulations;
- c. spent a considerable amount of time considering and handling matters related to the submissions of declaration by persons in public life;
- d. addressed concerns raised by the Office of the Ombudsman as it related to data protection and the electronic submission of declarations;
- e. discussed comments on the latest draft of the Ministerial Code of Conduct;
- f. corresponded with the Human Rights Commission fully endorsing the recommendation for the development of a Parliamentary Code of Conduct and offering any support to be able to progress the matter, and
- g. responded to several queries from members of the media.

Section Two

MEETINGS AND ADMINISTRATIVE MATTERS OF THE COMMISSION

10. The reporting period for this Report commenced on 1 August 2020. During this period, the Commission held general meetings on 13 August 2020, 14 October 2020, 30 October 2020, 6 November 2020, 11 December 2020, and 27 January 2021.

11. The Minutes of the Meetings of the Commission reflect the matters discussed and undertaken 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 Nineteenth Report was laid in the Parliament on 11 December 2020 and is available on the website.

13. Both the Chairman's and Member Sheenah Hislop's tenures on the Commission were extended from 1 October 2020 to 28 February 2021.

Section Three

STANDARDS IN PUBLIC LIFE LEGISLATION (SPL)

14. The Chairman and Manager of the Commissions Secretariat (the "Manager") met with His Excellency the Governor, the Honourable Deputy Governor, the Honourable Attorney General, and the Solicitor General on 3 September 2020 (via Zoom) in order to discuss general queries which had arisen in relation to the Standards in Public Life Act (the "Act"), (previously the Standards in Public Life Law) during the recent submission of declarations.

15. The Commission was subsequently informed that following the meeting of 3 September 2020, the Honourable Attorney General discussed the matter with the Honourable Premier and it was agreed that the Act required general clarifying amendments.

16. The Chairman and Manager subsequently met with Legal Drafting on 16 September 2020 following which a Draft SPL (Amendment) Act 2020 was produced by the Legal Draftsman and circulated to Members via the Manager. It was noted that following

this exercise there may also need to be amendments undertaken to the Regulations.

17. The Commission continued to review, discuss, and meet with Legal Drafting to progress the draft amendments. It is expected that the draft Bill will be finalised during the next reporting period.

Section Four

PROCUREMENT

18. The Commission did not consider any matters concerning procurement during this reporting session.

Section Five

REGISTER OF INTERESTS

19. Following the historic event - the receipt of declarations by the Commission for the first time, in accordance with the SPL Act, which transpired during the previous reporting period, Members spent a considerable amount of time:

- reviewing declarations entered into the Register of Interests;
- considering questions related to the submission of declarations from various persons in public life;
- taking advice on matters related to the submissions and compliance with the SPL Act;
- considering the current process used to index and store/make available for public inspection the declarations as well as possible changes to this process to streamline and enhance future submissions, storage and inspection;
- obtaining a better understanding of the project being undertaken by the Secretariat to increase the efficiency of the submission of declarations through an electronic system;
- meeting with the Honorable Attorney General and members of his Chambers to discuss concerns, issues, amendments to

both the SPL Act and SPL Regulations, and the drafting of rules for the collection of civil debts as imposed under the SPL Act;

- continuing to provide education as it related to issues arising from submissions of declarations, e.g., the unintended consequence created by the submission by declarants of their completed declarations electronically through their respective Chief Officers/Heads of Departments/Boards due to the global health pandemic and which resulted in the creation of duplicate copies of the declarations remaining in the possession of persons not intended to hold such declarations under the SPL Act and SPL Regulations;
- identifying persons in public life and comparing such information against declarations received by the Commission;
- requesting further explanation on some declarations filed; and
- advising all Chief Officers of the Declarations which were not received from the persons in public life who fall under their remit.

20. The Commission received a number of queries from the Ombudsman's Office as it related to data protection and the electronic

submission of declarations.

Whilst the Commission provided extensive responses to the queries (on two occasions), no feedback or further response was received from that office.

Section Six

CODE OF CONDUCT AND RELATED MATTERS

21. Following a complaint alleging a breach of human rights by various Members of Parliament through the use of threatening and discriminatory rhetoric used during a discussion in official sessions of the House, in particular discussion concerning the issues of same-sex marriage and LGBTI persons, the Human Rights Commission conducted extensive research and made a recommendation that a Parliamentary Code of Conduct should be developed. By correspondence dated 15 December 2020, the Commission indorsed the recommendation of the Human Rights Commission on this very important measure and offered its support on progressing the matter. The Commission's view, as previously expressed and continuously maintained is that the development of, and adherence to, such a Code of Conduct would only serve to enhance the reputation of our Parliament and respect for its Members.

22. The Commission wrote to the Hon. Premier, on 15 December 2020 as follows:
On 3 December, 2020 a local news media reported that the

Hon. Speaker of the Parliament, Mr. W. McKeever Bush, a defendant in criminal proceedings brought against him in the Summary Court by the Crown, had entered guilty pleas on two counts of assault and on one count of disorderly conduct; it was reported that the third count of assault was disputed. Based on the news report, an application has been made for the court to dispense with recording a conviction for the offences to which the guilty pleas have been entered.

Rules of sub judice impose certain restraints on actions which may be taken with respect to matters which are ongoing before the court. For this reason, the Commission has refrained from making a public statement on this matter thus far.

Having regard, however, to information in the public domain surrounding the charges to which guilty pleas have been entered, and to the responsibility of yourself and members of Parliament, the Commission is concerned by the delay in addressing this matter and informing the public of any decision taken.

Section 9 (1) Standards in Public Life Law (2014) (the "Law") and the Standards in Public Life (2016 Revision), (the "Amendment Law"), requires "persons in public life" to observe the standards set out in Schedule 2 of the Law as well as certain codes of conduct. Schedule 2

demands of all persons in public life certain standards of “accountability” and “leadership” among others. In addition, and notwithstanding the preservation by s32 of the “immunities, powers and privileges” afforded members of Parliament, s33 (1) allows for the suspension of a member who contravenes the Law from sitting and voting in the Parliament.

The Commission urges you and the Members of Parliament to take seriously your responsibilities as are required to comply with the Law and to act accordingly.

No response or acknowledgement was received from the office of the Premier. The Commission intends to follow-up with the Premier on this matter during the next reporting period.

23. Members discussed comments on the draft Ministerial Code of Conduct (the “Code”) circulated by the Chairman which were previously raised by the Commission to the Cabinet Office but were not reflected in the latest draft of the Code which was shared with the Commission (in 2019). It was agreed that a letter to the Cabinet Secretary highlighting these points and ascertaining the current status of the Code would be drafted. It is intended that this correspondence will be dispatched during the next reporting period.

Section Seven

CONFLICTS OF INTEREST

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

Section Eight

EDUCATION AND PUBLIC RELATIONS

25. In response to a request from local media to comment on the ongoing matter of Speaker McKeeva Bush's court case concerning allegations of assault and disorderly conduct and his recent admissions the Commission released the following statement:

Thank you for your email of Wednesday 9, December 2020. The CSPL is aware of the situation set out in your email and has raised this matter with the Honourable Premier, directing his attention to section(9) Standards in Public Life Law (the "Law") which requires "persons in public life" to observe the standards set out in Schedule 2 of the Law, and to section (33) of the Law, which provides sanctions for members in contravention of the Law.

Furthermore the Commission encourages all Members of Parliament to take seriously their responsibilities as are required to comply with the Law and to act accordingly.

26. In response to a request from local media to comment on the parliamentary severance pay provisions now engrained in legislation the Commission released the following statement:

The Commission for Standards in Public Life ("the Commission") has noted the changes ushered in by the Legislative Assembly (Management) Law, 2020 which, for the first time, introduces severance pay provisions for Parliamentarians who do not stand for re-election as well as for those whose bids for re-election were unsuccessful. The Commission has also noted the expressions of concern by members of the public regarding this matter.

The Commission's functions are as set out under section 117 (9) Cayman Islands Constitution Order (2009) (the "Constitution") and section 5 Standards in Public Life Law 2014 as amended in 2016. The Commission does not consider this matter to be within its remit.

The Commission acknowledges that Parliamentarians are empowered to make and amend legislation, due process being observed.

The Commission would only add that the powers of Parliament, when making laws, should be exercised in accordance with the Constitution, i.e., "for the peace, order and good government of the Cayman Islands". In carrying out their duties and responsibilities as persons in public life, Parliamentarians are reminded of the Nolan Principles set out in Schedule 2 to the Standards in Public Life Law, to which they are bound.

The Commission reiterates that it considers this matter to be outside of its remit and advises that no further statements will be made by the Commission on the matter at this time.

27. In recognition of International Anti-Corruption Day, which is observed annually on 9 December, the Commission issued the following message :

The Commission for Standards in Public Life (the “Commission”) joins the United Nations in celebrating International Anti-Corruption Day 2020 under the theme Recover with Integrity.

2020 has been a year of historic events both around the world and in the Cayman Islands. A number of these events have created significant opportunities for corruption and the UN has sought to promote the integration of a sound infrastructure of good governance in Member States by, first, sounding the alarm by reminding the world that “corruption thrives in times of crisis” and then by encouraging and fostering integrity and accountability in order to reduce the opportunity for corruption.

Here in the Cayman Islands, on the 1st and 2nd of March we welcomed the commencement of the Standards in Public Life Law 2014, Amendment Law 2016, and Regulations 2020. These pieces of legislation seek to assist with

establishing and promoting a high standard of integrity and accountability for persons in public life through the introduction of a wide range of measures to prevent conflicts of interest.

One such measure is the collection by the Commission of declarations of interest, income, assets and liabilities from persons in public life. The Commission began receiving declarations for the year ending 30 June 2020 from persons in public life, most of whom are first time declarants, for entry into the Register of Interests which may be viewed by members of the public. On the 10th, 18th, and 25th of June, Members of the Commission attended the Commonwealth Caribbean Association of Integrity Commissions and Anti-Corruption Bodies’ Sixth Annual Conference which was hosted virtually under the theme All In: Promoting Integrity, Combating Corruption in an effort to continue building relationships with other Commonwealth Caribbean Heads of Anti-Corruption Commissions in the fight against corruption.

“The Commission is pleased to hear of the anticipated extension of the United Nations Convention against Corruption to the Cayman Islands. Such an extension will reinforce the Cayman Islands’ commitment to integrity, accountability, good governance, and anti-corruption

efforts. An important underpinning of the Convention is the participation of civil society and non-governmental organisations in accountability processes. We therefore again appeal to the public to contact the Commission, the Anti-Corruption Commission, or other relevant law enforcement body with information which would lead to the investigation, prosecution, and conviction of persons engaged in corruption” said Chairman Rosie Whittaker-Myles.

The Members of the Commission stand united with the Anti-Corruption Commission and the rest of the world today and each day to reduce corruption and hold public officials accountable for their actions and behaviours.

28. During this period a total of 114 new civil servants viewed the Commission's educational introduction video presentation which highlights the remit of the Commission, the adopted Nolan Principles and the important role of all public servants to dispel the perception that there is corruption in the public service. All new civil servants are required to attend an orientation session. Other information and topics covered include the structure of government, employee benefits, various laws that apply to civil servants and an introduction to select Commissions.

The session affords civil servants the opportunity to feel comfortable and meet fellow civil servants across a gamut of ministries and departments within government. The video has been reviewed by the Commission Secretariat and with the Standards in Public Life Act and regulations which came into force 2 March 2020, some of the content will need to be updated to cover these important aspects.

Section Nine

COMPLAINTS

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

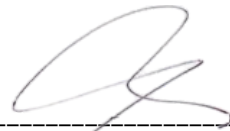
Section Ten

MOVING FORWARD

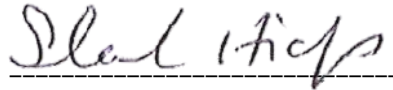
30. Over the next reporting period the Commission will continue to:
- finalise the draft SPL (Amendment) Bill, and Regulations;
 - facilitate any requests for viewing the Register of Interests;
 - support the finalization of the Ministerial Code of Conduct and the development of a Parliamentary Code of Conduct;
 - 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 8th day of March 2021.



Rosie Whittaker-Myles



Sheenah Hislop



Isatou Smith

State Opening of the First Parliament of the Cayman Islands and Retitling of the Legislative Assembly Building as the House of Parliament



Commission for Standards in Public Life Chairman (center), Mrs. Rosie Whittaker-Myles attends the official State Opening of Parliament, with (l-r) Sophia Harris, Chairman of the Anti-Corruption Commission, Dale Crowley, Chairman of the Human Rights Commission, Ormond Williams, Chairman of the Judicial and Legal Services Commission, Olivaire Watler, Acting Chairman Civil Service Appeals Commission and Vaughan Carter, Chairman of the Constitutional Commission on 4 December 2020.



The Hon. W. McKeeva Bush, Speaker of the House unveils the new building title 'House of Parliament' as the Premier Hon. Alden McLaughlin and Hon. Arden McLean, Leader of the Opposition look on. (photo courtesy of Government Information Services)

Section Eleven

APPENDIX

MEMBER BIOGRAPHIES



Mrs. Rosie Whittaker-Myles (Chairman)

is an attorney-at-law in private practice. She is a former partner in a medium-sized law firm as a member of the 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 28 February 2021.



Ms. Sheenah Hislop (Member)

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 Institute of Professional Accountants (CIIPA) Education Committee and Member of CIIPA's Investigations Committee. Ms. Hislop was appointed as Treasurer and Member to the R3 Cayman Foundation in May 2020 and 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 28 February 2021.

MEMBER BIOGRAPHIES



Ms. Isatou Smith (Member)

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 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.



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