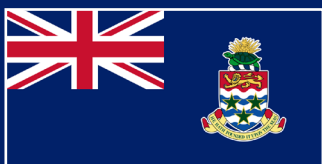




# CAYMAN ISLANDS

COMMONWEALTH PARLIAMENTARY ASSOCIATION  
BENCHMARKS FOR DEMOCRATIC LEGISLATURES

FINAL REPORT



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## SUMMARY

### *“Conducting this Assessment in 5 years time would show a different institution”*

#### *Interviewee during a consultation meeting*

The staff of the Parliament should be commended for their efforts and dedication to improving the administration and procedural processes of the Parliament, particularly since the last election. However, there are critical areas of the Recommended Benchmarks for Democratic Legislatures that the Parliament is some way off achieving. The Parliament remains constrained by the scheduling of its sittings, or lack thereof. Although the Parliament's autonomy is a relatively new development, it is not an excuse for its current situation.

The Parliament has had greater independence since the passing of the 2020 Legislative Assembly (Management) Law<sup>1</sup> (though the institution's name has since changed to 'Parliament'), which established what is now known as the Parliament Management Commission (PMC), responsible for the administration and management of the institution. However, the Executive maintains its power over convening Parliament sessions as and when required to pass its legislative agenda. The Parliament should have the power to call itself into a session as it would increase its ability to scrutinise the Government and legislate effectively.

Rules and procedures are simple, effective, and followed, though a backlog of reforms to the Standing Orders, which need to be passed, are agreed upon by cross-party stakeholders. Staff benefit from a code of conduct, and similar should be established for Members. However, as with many of the policies of the Parliament, the staff code of conduct is a civil service policy that has yet to be adapted concerning its unique nature as an institution.

The Parliament Building is well maintained, with a spacious chamber. However, there are shortfalls in the infrastructure available, limiting the efficiency and effectiveness of the Parliament. For example, offices for the opposition to meet need to be established. Significant technological advances for the Parliament have occurred recently, such as allocating laptops to all Members. There are plans for further digitisation of the institution, including the circulation of documents digitally rather than in hard copy, which will hopefully bring gains in efficiency. There appears to be an unrecognised need for research within the Parliament as, though it has been taken on by certain role holders for limited periods, it has never been a permanent service for Members.

Communications and broader public engagement are other areas in which the Parliament has taken significant strides in over the past few years. However, further steps must be taken to ensure that citizens of the Islands are placed centrally in its practices. For instance, there are no conventions for petitions to be meaningfully considered in the Chamber, and there are no procedures by which the public can contribute to the work of parliamentary committees.

A multi-year strategic plan for the Parliament would help offer a comprehensive and long-term vision, guiding the institution's development and governance. It would help set particular goals, allocate resources efficiently, and enhance the Parliament's accountability by detailing specific indicators of what must be achieved and who is responsible for each area.

Considering its available resources and facilities, the Cayman Islands Parliament demonstrates remarkable efficiency. Both members and staff show a strong commitment and enthusiasm to advance the institution toward greater autonomy. They are willing to learn from external sources and share their valuable expertise. Noteworthy reforms, such as the aforementioned establishment of the PMC, have been implemented. Still, the Parliament would benefit from increased independence, encompassing the development of its policies and greater control over its administration and budget. Existing knowledge, capacity, resources, and infrastructure gaps limit the Parliament's effectiveness and efficiency, preventing it from reaching its full potential.

This report recognises the significant improvements and the ambition to make further improvements. There are still challenges, and this report recommends further strengthening of the Parliament of the Cayman Islands.

## Background

In 2018, the CPA completed a consultation and review process that resulted in the adoption of updated Recommended Benchmarks for Democratic Legislatures<sup>2</sup>. The benchmarks, adopted by all Commonwealth legislatures, provide a minimum standard and a guide on how a Parliament should be constituted and how it should function. They play an essential role in

1 Cayman Islands Legislative Assembly (Management) Law, 2020 (Law 48 of 2020). (n.d.). Available at: [https://legislation.gov.ky/cms/images/LEGISLATION/PRINCIPAL/2020/2020-0048/ParliamentManagementAct\\_Act%2048%20of%202020.pdf?zoom\\_highlight=legislative+assembly#search=%22legislative%20assembly%22](https://legislation.gov.ky/cms/images/LEGISLATION/PRINCIPAL/2020/2020-0048/ParliamentManagementAct_Act%2048%20of%202020.pdf?zoom_highlight=legislative+assembly#search=%22legislative%20assembly%22) [Accessed 27 Nov. 2023].

2 CPA Recommend Benchmarks for Democratic Legislatures - <https://www.cpahq.org/media/IOjjk2nh/recommended-benchmarks-for-democraticlegislatures-updated-2018-final-online-version-single.pdf>

developing the effectiveness of parliamentary institutions across the 180 Parliaments and Legislatures of the CPA and contribute to implementing the Sustainable Development Goals (SDG 7<sup>3</sup>).

In October 2023, the Parliament of the Cayman Islands, a member Parliament of the CPA, became the sixteenth Commonwealth legislature to use the framework to conduct an Assessment and the fourth UK Overseas Territory. The overall objective of the exercise was for local stakeholders to measure the progress of their legislature in achieving democratic and good governance standards by comparing their practices to the benchmarks developed and adopted by Commonwealth Parliaments and, by extension, the CPA.

The Assessment was approved by the former Speaker and organised by the Clerk and her team. The actual Assessment took place from 23-27 October 2023. In advance of the Assessment, the Clerk of the Parliament undertook a review of the technical and legal benchmarks in consultation with Members and staff of the Parliament. One official from the CPA Headquarters Secretariat, Clive Barker, Programmes Manager, and a consultant, Shannon Dean, the Clerk of the Legislative Assembly of Alberta, facilitated the Assessment and met with stakeholders, including the former Speaker, Government Ministers, Leader of the Opposition, Members of the Parliament, Governor, Attorney General, civil servants, civil society and the media (as listed under the [stakeholders section](#)).

Critical documents were reviewed, including the 2009 Constitution Order<sup>4</sup>, Standing Orders of the Parliament<sup>5</sup>, Election Observation Mission (EOM) Reports, related laws, estimates and expenditures, Parliament website, and other materials. This report does not mention all 136 Benchmarks, although they have been considered part of the exercise. The report deals with benchmarks that still need to be met and the issues stakeholders have identified. Where a benchmark has been referred to, the specific benchmark reference number is included for cross-referencing.

## Acknowledgements

The Parliament chose to assess itself against these benchmarks. This positive approach to the process and the aims of continuous learning and improvement are admirable. The benchmarks will hopefully provide a valuable basis for constructive comparison and understanding between parliaments across the Commonwealth and allow for sharing experiences and good practices, ultimately leading to a more robust democracy.

The CPA Secretariat would like to thank all the stakeholders who participated in this process. A special thanks must go to the former Speaker of the Parliament at the time of the consultation week, the Rt. Hon. Katherine Ebanks-Wilks MP, for initiating the Assessment and to the Clerk, Mrs. Zena Merren-Chin, for her organisation and coordination of the programme. **It should be noted that this report is informed by a series of consultation meetings that took place in the week commencing 23rd October 2023, given changes to the balance of government and opposition Members and the roles of Premier and Speaker, that have taken place since this period.**

## Support and Follow-Up

Following the publication and consideration of the findings of this report, and within the boundaries of financial constraints, the CPA is committed to supporting the Parliament in strengthening its democratic processes. As such, the CPA stands ready to enable the Parliament to take forward these recommendations where requested and appropriate.

## Political, Economic and Social Context

The Cayman Islands is a self-governing UK Overseas Territory and the largest by population at approximately 70,000<sup>6</sup>. The territory comprises three islands (Grand Cayman, Cayman Brac, and Little Cayman), located south of Cuba and northeast of Honduras, between Jamaica and Mexico's Yucatán Peninsula. The capital is George Town on Grand Cayman.

The Islands operate as a parliamentary democracy under a constitutional monarchy, with the British monarch as the Head of State. The Governor, appointed by the British monarch, represents the Crown in the Cayman Islands and holds responsibility for foreign affairs, defence, internal security, and the police.

In the April 2021 general elections, the PACT (People-driven, Accountable, Competent, and Transparent) coalition of independents,

3 In particular, Goal 16.6 Develop effective, accountable and transparent institutions at all levels and Goal 16.7 Ensure responsive, inclusive, participatory and representative decision-making at all levels.

4 <https://legislation.gov.ky/cms/legislation/constitution/current.html?download=55:the-cayman-islands-constitution-order-2009-uksi-1379-2009>

5 [https://legislation.gov.ky/cms/images/LEGISLATION/PRINCIPAL/1997/1997-0000/ParliamentStandingOrders\\_2022%20Consolidation.pdf?zoom\\_highlight=standing+orders#search=%22standing%20orders%22](https://legislation.gov.ky/cms/images/LEGISLATION/PRINCIPAL/1997/1997-0000/ParliamentStandingOrders_2022%20Consolidation.pdf?zoom_highlight=standing+orders#search=%22standing%20orders%22)

6 <https://www.worldometers.info/world-population/cayman-islands-population/>



led by Wayne Panton, emerged victorious, marking a shift from the previous Progressives-led government<sup>7</sup>. The elections were notable for the high voter turnout (73.76%<sup>8</sup>) and the emphasis on local issues, including environmental concerns, governance, and economic recovery during the COVID-19 pandemic.

The Cayman Islands, known for its financial services sector, faced challenges due to global economic shifts and the impacts of the COVID-19 pandemic. The pandemic affected the tourism industry, a significant pillar of the Islands' economy. However, efforts have been made to diversify the economy and bolster the financial sector, ensuring resilience in challenging times.

Over the years, discussions surrounding the electoral process and governance have been prevalent. A 'one person, one vote' basis for elections was established following a Constitutional Order 2015<sup>9</sup>. This replaced the electoral system from the 2009 constitutional amendment, where 18 members were elected from five multi- and two single-member constituencies. This change aimed to ensure more direct representation for citizens. However, as in many democratic systems, it has been debated and discussed among the population and political figures.

Infrastructure and development have also been focal points for the government, with projects aimed at enhancing the Islands' appeal to tourists and businesses. While the Cayman Islands has modern facilities for its legislature, its political landscape's continuous growth and evolution underscore the importance of infrastructure that can adapt to changing needs.



7 Cayman News Service. (2021). Independents pull together new government PACT. [online] Available at: <https://caymannewsservice.com/2021/04/independents-pull-together-new-government-pact/> [Accessed 14 Nov. 2023].

8 [www.elections.ky](http://www.elections.ky)

9 <https://caymannewsservice.com/wp-content/uploads/2015/10/The-Nineteen-Single-Member-Electoral-Districts-Boundaries-Order-2015.pdf>

# I. GENERAL

The Cayman Islands are a UK Overseas Territory that is internally self-governing. With executive powers invested in the British Crown through an appointed Governor. The Governor Chairs the Cabinet, which has general control of Government. The Parliament comprises twenty-one Members (including two ex-officio – Attorney General and Deputy Governor). The Cayman Islands Government includes the Premier and seven Ministers, each with a broad range of ministerial portfolios. The Governor appoints the Premier and has reserved powers in defence, external affairs, internal security, and the appointment of public offices<sup>10</sup>.

The Islands' last election took place in April 2021. The elections were initially set to be held on 26 May<sup>11</sup>, but Premier Alden McLaughlin asked then Governor Martyn Roper to dissolve Parliament on 14 February, triggering early elections<sup>12</sup>.

## Elections

The Cayman Islands has consistently demonstrated its commitment to meeting international election standards. This commitment is evident from the independent observations by the CPA British Islands and Mediterranean Region's (BIMR) international observer missions (EOM) during the 2013<sup>13</sup>, 2017<sup>14</sup>, and 2021<sup>15</sup> General Elections. In each instance, the elections were found to align with international standards. The Constitution and the Elections Act<sup>16</sup> form the foundational legal framework for elections in the Cayman Islands. The Cayman Islands' electoral framework and practices, while robust, do offer areas for further enhancement to ensure even greater alignment with democratic ideals and international best practices. The Supervisor of Elections, the Elections Office, and, by extension, the Cabinet should be commended for committing to implement the Mission's recommendations.

Voting rights for Caymanians are protected, ensuring that all eligible citizens can cast their votes through a secret ballot. However, a distinction exists between Caymanians, as defined by the Immigration Transition Act<sup>17</sup>, and British Overseas Territory Citizens (BOTC) connected to the Cayman Islands. BOTC citizens can only vote if they have also attained the immigration status of a Caymanian, which is regulated by the British Nationality Act 1981<sup>18</sup>.

As is mentioned in the last EOM report, residency on the islands for at least two of four years preceding the date of voter registration does appear overly restrictive. It may exclude otherwise eligible Caymanians from exercising their voting rights. As the Venice Commission's Code of Good Practice in Electoral Matters states, length of residence requirements should be imposed only for local or regional elections<sup>19</sup>.

Benchmark 1.1.4 outlines that campaign finance laws should be in place to regulate monetary contributions to political parties and candidates. The scope and transparency surrounding campaign donations for candidates and political parties could be improved. Recommendations from the CPA BIMR Election Expert Mission Report have yet to be implemented in this area<sup>20</sup>.

Although the Cayman Islands has an established Election Management Body (Elections Office), it does not have an independent Electoral Commission. From meetings held in the consultation phase of this Self-Assessment, there seems to be no intention to create an Electoral Commission. Stakeholders have highlighted that this might be because elections occur in four-year cycles or the size of Cayman's electorate. However, this is counter to the Venice Commission and Council of Europe's good practice to have

10 Legislation.gov.uk. (2023). The Cayman Islands Constitution Order 2009. Section 55. [online] Available at: <https://www.legislation.gov.uk/ukxi/2009/1379/schedule/2/paragraph/81/made> [Accessed 6 Nov. 2023]

11 Staff (2020). General election date set for 26 May 2021. [online] Cayman Compass. Available at: <https://www.caymancompass.com/2020/05/22/general-election-date-set-for-26-may-2021/> [Accessed 7 Nov. 2023].

12 Cayman News Service. (2021). McLaughlin moves election date. [online] Available at: <https://caymannewsservice.com/2021/02/mclaughlin-moves-election-date/> [Accessed 7 Nov. 2023].

13 [https://www.uk-cpa.org/media/2162/ci\\_eom\\_final-report.pdf](https://www.uk-cpa.org/media/2162/ci_eom_final-report.pdf)

14 <https://cnslibrary.com/wp-content/uploads/CPA-Election-Observation-Mission-Cayman-Islands-Preliminary-findings.pdf>

15 www.uk-cpa.org. (n.d.). Cayman Islands Election Report Now Published by CPA BIMR Mission. [online] Available at: <https://www.uk-cpa.org/news-and-views/cayman-islands-election-report-now-published-by-cpa-bimr-mission/>

16 Elections Act. (n.d.). Available at: [https://legislation.gov.uk/cms/images/LEGISLATION/PRINCIPAL/1983/1983-0036/ElectionsAct\\_2022%20Revision.pdf?zoom\\_highlight=elections+act#search=%22elections%20act%22](https://legislation.gov.uk/cms/images/LEGISLATION/PRINCIPAL/1983/1983-0036/ElectionsAct_2022%20Revision.pdf?zoom_highlight=elections+act#search=%22elections%20act%22) [Accessed 27 Nov. 2023].

17 Cayman Islands Immigration (Transition) Act. (n.d.). Available at: [https://legislation.gov.uk/cms/images/LEGISLATION/PRINCIPAL/2018/2018-0033/ImmigrationTransitionAct\\_2022%20Revision.pdf?zoom\\_highlight=immigration+transition+act#search=%22immigration%20transition%20act%22](https://legislation.gov.uk/cms/images/LEGISLATION/PRINCIPAL/2018/2018-0033/ImmigrationTransitionAct_2022%20Revision.pdf?zoom_highlight=immigration+transition+act#search=%22immigration%20transition%20act%22) [Accessed 27 Nov. 2023].

18 Legislation.gov.uk. (2010). British Nationality Act 1981. [online] Available at: <https://www.legislation.gov.uk/ukpga/1981/61>.

19 Code of Good Practice in Electoral Matters Guidelines and Explanatory Report. (n.d.). Paragraph I.1.1.c.iii. Available at: [https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-STD\(2003\)034-e](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-STD(2003)034-e) [Accessed 5 Dec. 2023].

20 www.uk-cpa.org. (n.d.). Cayman Islands Election Report Now Published by CPA BIMR Mission. [online] Available at: <https://www.uk-cpa.org/news-and-views/cayman-islands-election-report-now-published-by-cpa-bimr-mission/> [Accessed 30 Oct. 2023].

the organisation of elections overseen by an impartial body that should be in charge of applying electoral law<sup>21</sup>.

It was recommended in the last EOM report that political party financing and candidate disclosures should be monitored for compliance<sup>22</sup>. From the consultation, it was noted by several stakeholders that, at this midway point ahead of the next election, this still needs to be put in place. Recommendations like this and others must be implemented to prevent corruption and unlawful influence, ensure fair competition, and safeguard public trust in elections.

## Incompatibility of Office

The Parliament complies with Benchmark 1.3.1, as Members can make affirmations instead of just oaths to take up their seats, as provided in the Constitution<sup>23</sup>. The Constituion also provides that Members cannot simultaneously serve as civil servants or in the judicial branch of government<sup>24</sup>.

## Separation of Powers, Immunity and Natural Justice

Natural Justice is the legal principle that fundamental procedures must be followed for a decision that reflects an unbiased approach. The Cayman Islands Parliament recognises the importance of these principles, mainly when serious allegations are made against identifiable individuals during its proceedings, both within the Legislature and its Committees, as highlighted by Benchmark 1.8.1. While a draft Code of Conduct exists for MPs, it has not been universally accepted. The need for provisions addressing disciplinary measures and establishing an independent investigative body is evident. This observation aligns with the essence of Benchmark 1.8.2, emphasising the importance of ensuring that Members or others subject to serious charges are accorded natural justice throughout the entire consideration process.

## Members Remuneration Benefits and Professional Development

The remuneration and benefits provided to legislators are essential in prioritising their parliamentary duties. The Parliament Management Act<sup>25</sup> delineates the salary and benefits for Members. This provision ensures that all forms of compensation are allocated on a non-partisan basis, adhering to the principles of Benchmark 1.5.1. It is good practice that Members' pay is based on the Civil Service pay scale and that they are paid full-time, the Parliament follows this standard.

However, it should be noted that no independent body determines or reviews the remuneration of Members. Such a mechanism would ensure that Members' pay is set and reviewed objectively and impartially, promoting transparency and encouraging public confidence in the system's fairness. An independent body can also ensure that long-term stability is factored into any changes in Members' pay, providing a consistent and predictable framework for salary adjustments. This stability not only benefits the financial planning of Members themselves in their personal lives, but it also assists with the Parliament's overall budgetary management.

### RECOMMENDATION 1

**An independent body should be established to determine Members' salaries and benefits. Salaries and any allowances should be made public on the website of the independent body and/or Parliament's website.**

Interparliamentary organisations and exchanges with other Parliaments provide regular Member development. Members report that peer support is sufficient and builds confidence. This development is often in the form of a Post-Election Seminar conducted by the CPA. However, while Post-Election Seminars are essential exercises in the early stages of Parliament, more is needed to provide Members with the knowledge and guidance they need based on responses from other stakeholders. During the Self-Assessment, the need for a detailed procedural manual to further guide Members throughout their tenure in Parliament

21 European Commission for Democracy through Law, 2003. Code of Good Practice in Electoral Matters: Guidelines, explanatory report and interpretative declarations. Council of Europe. Available at: [https://www.venice.coe.int/images/SITE%20IMAGES/Publications/Code\\_conduite\\_PREMS%20026115%20GBR.pdf](https://www.venice.coe.int/images/SITE%20IMAGES/Publications/Code_conduite_PREMS%20026115%20GBR.pdf) [Accessed 7 Nov. 2023].

22 www.uk-cpa.org. (n.d.). Cayman Islands Election Report Now Published by CPA BIMR Mission. [online] Available at: <https://www.uk-cpa.org/news-and-views/cayman-islands-election-report-now-published-by-cpa-bimr-mission/>.

23 Legislation.gov.uk. (2023). The Cayman Islands Constitution Order 2009. Section 10(5). [online] Available at: <https://www.legislation.gov.uk/ukxi/2009/1379/schedule/2/paragraph/10/made> [Accessed 14 Nov. 2023].

24 Legislation.gov.uk. (2023). The Cayman Islands Constitution Order 2009. Order 62 (1)(b) [online] Available at: <https://www.legislation.gov.uk/ukxi/2009/1379/schedule/2/paragraph/62/made> [Accessed 14 Nov. 2023].

25 Section 13 – Schedule 1 - [https://legislation.gov.ky/cms/images/LEGISLATION/BILLS/2020/2020-0049/LegislativeAssemblyManagementBill2020.pdf?zoom\\_highlight=legislative+assembly+management#search=%22legislative%20assembly%20management%22](https://legislation.gov.ky/cms/images/LEGISLATION/BILLS/2020/2020-0049/LegislativeAssemblyManagementBill2020.pdf?zoom_highlight=legislative+assembly+management#search=%22legislative%20assembly%20management%22)

was underscored. This, in addition to more frequent and formalised training, would significantly enhance the capabilities and proficiency of Members.

## **RECOMMENDATION 2**

**Following an election, the onboarding of new Members should include a comprehensive procedural orientation to the Standing Orders and procedures governing committees. This orientation should be formalised with a procedural manual they can refer to during their tenure. The Parliament should also be forthcoming in providing training for Members between elections to ensure their continuous development.**

### **Infrastructure**

The current building of the Parliament was completed in 1972. It is commendably equipped with resources that facilitate its smooth operation, reflecting a commitment to ensuring that legislative functions are carried out efficiently. However, while the infrastructure is adequate mainly, there is a notable challenge concerning space. The current facilities need to provide room for meetings of parliamentary groups, as they currently hinder effective collaboration and discussion by not doing so. Similarly, the Leader of the Opposition has no office space in the Parliament, meetings of the People's Progressive Movement take place in a room elsewhere on the Islands that can only just fit all Members with no room for other staff. Practically, this implicates the ability of the party to convene around sittings promptly. This issue could easily give other observers with less of an understanding of the context that there are partisan reasons for such space not being allocated. However, it was clear that this isn't the case.

Innovative proposals for a new building using some of the current parking lot to build a multi-story space for an 'overflow' of capacity were noted. However, it has also been pointed out that these initiatives have been removed from recent budget proposals, meaning that the project will not go ahead for at least two years if necessary approvals are received.

## **RECOMMENDATION 3**

**Parliament should give consideration in its capital planning to address the need for caucus meeting space and provide an office for the Leader of the Official Opposition. A new building, such as the one that proposals have been drawn up for, would help resolve this issue.**



## II. ORGANISATION OF THE LEGISLATURE

### 1. PROCEDURES AND SESSIONS

#### Rules of Procedure

The Parliament has the power to adopt and amend its rules of procedure via a Standing Order Committee, as outlined in Standing Orders 78 and 87<sup>26</sup>. This Committee is also provided for in the Constitution<sup>27</sup>. However, there is no established process of regularly reviewing the Standing Orders, such as at the start of each term, as they are only reviewed on an ad-hoc basis. The Standing Orders were last revised in 2018, meaning that they have not been meaningfully reviewed since the last election.

Benchmark 2.1.1 states that Parliament's rules should reflect the actual practice and culture of the Legislature. Although commencement times for daily sittings is a relatively straightforward rule for Members, there was considerable feedback that Members were not punctual enough to ensure that sittings started on time. Feedback was also provided, noting that, due partially to the infrequency of sittings, they tend to go very late and into early morning hours.

#### RECOMMENDATION 4

**Training should be arranged to raise awareness of the need for sittings to commence on time. Though there is a fixed adjournment time of 16:30 in Standing Order 10, this ruling should be stronger in response to how frequently it is ignored. For instances where debates overrun, there should be provisions for follow-up sittings that can occur soon after, meaning that Members and staff do not need to be in the chamber into the early morning hours.**

Benchmark 2.1.3 provides that Parliament's rules shall be reviewed regularly to enhance parliamentary effectiveness and relevance. The Cayman Islands' Parliament's current Standing Orders are lacking in several areas that would improve efficacy. For instance, currently, Parliament must sit for government reports to be tabled. This results in considerable delays. Also, currently, there is no requirement for the Government to respond to petitions from the public.

#### RECOMMENDATION 5

**Currently, the Business Committee determines the order of business. This is not provided for in the Standing Orders. The procedure for determining the order of precedence should be codified.**

The tabling of reports was seen as a weak area of the Parliament in its rules. There currently is no procedure for tabling documents when the Parliament is not sitting. This delays the public's access to reports and other materials, such as committee meeting minutes. Stakeholders raised that the Government occasionally fails to meet its statutory deadlines for tabling audited statements and annual reports. Having such a procedure in place would go some way toward addressing this issue and general concerns raised about timely access to government and committee information.

#### RECOMMENDATION 6

**A procedure should be established for tabling documents when the Parliament is not sitting. Parliamentary committees would be one example of a body(s) that could achieve this. Assigning specific committees to oversee the process of tabling reports outside of sittings ensures that they can review reports, provide recommendations, and ensure compliance with necessary procedures.**

#### Presiding Officers

The Parliament complies with all benchmarks related to the Presiding Officer (Speaker of the Parliament). The Speaker is elected to the role by the Parliament, and the individual must be a person qualified to be an elected member<sup>28</sup>. The Speaker can perform

26 Parliament Standing Orders (2022 Consolidation). (n.d.). Available at: <http://gazettes.gov.ky/portal/pls/portal/docs/1/13140689.PDF> [Accessed 29 Nov. 2023].

27 Legislation.gov.uk. (2023). The Cayman Islands Constitution Order 2009. Section 71(1). [online] Available at: <https://www.legislation.gov.uk/uksi/2009/1379/schedule/2/paragraph/71/made> [Accessed 14 Nov. 2023].

28 Legislation.gov.uk. (2023). The Cayman Islands Constitution Order 2009. Section 65. [online] Available at: <https://www.legislation.gov.uk/uksi/2009/1379/schedule/2/paragraph/65/made> [Accessed 7 Nov. 2023].

their functions effectively within the Chamber. Historically, the position has had a limited role in outreach and civic education on the institution's functions. However, recent advances made by the institution in this area, as discussed under point 9 on *Accessibility, Openness, and Engagement*, can be credited to the former Speaker. No feedback was received to indicate that the former Speaker was partial to either side of the Chamber. Positive responses were received, crediting her efforts towards reform of the institution.

## Convening Sessions and Setting the Agenda

The infrequency with which the Parliament sits was emphasised as a primary cause for concern throughout almost all meetings during the consultation phase of this Self-Assessment. Currently, the Parliament meets four times a year, and this has been met with resistance and difficulties in maintaining a quorum. This should be increased to reflect the jurisdiction's size and complexity and the laws it passes, as it has much fewer sittings than other comparable Overseas Territories. Consideration could be given to reducing quorum from a majority of Members<sup>29</sup> to just one-third. This may facilitate the ability of the Parliament to convene its sittings on time. As highlighted in subsequent sections, more is needed for the House to fulfill its responsibilities adequately.

In addition to the frequency of Parliament sittings not commencing on time, there was considerable feedback that adjournment breaks during a sitting day are prolonged and sessions must resume promptly. During meetings, it was highlighted frequently that meetings of the Executive are often the cause of meetings not commencing at prior agreed times. Therefore, it is imperative that the government understands the importance of legislative sittings and that the timing of meetings should be tracked to better organise such meetings around sittings. As opposed to just being an example of disorganisation that inconveniences Members, this should be perceived as a dysfunction highlighting a lack of independence by the Parliament.

There is no annual parliamentary calendar. This was frequently referred to as an issue during the consultation phase of this Self-Assessment. Having a calendar is crucial to the effective functioning of the legislature, as there must be a comprehensive schedule outlining what activities there will be for a year. The importance of a calendar lies in its ability to provide a roadmap for Members and their support staff, coordinating debates and committee sessions. This roadmap ensures that essential parliamentary functions, such as budget debates, private members motions, and committee appearances, are conducted systematically. Moreover, a calendar helps Members manage their time efficiently, balancing their chamber responsibilities with other commitments. Finally, a calendar would contribute to transparency and accountability, allowing the public to anticipate when critical decisions will be made, and promoting public engagement in the institution's process.

### RECOMMENDATION 7

**A Parliamentary calendar should be established as soon as possible and shared with the public via the Parliament's website.**

## Debate and Voting

The Parliament complies with the key provision enabling Members to amend the Agenda, adhering to Benchmark 2.4.1. Where there is room for improvement is the lack of an annual parliamentary calendar, promoting the transparency of the Parliament's activities (2.4.4).

In terms of voting, Members can vote on issues before the Parliament. It is positive that ex-officio Members (namely the Deputy Governor and Attorney-General) cannot cast their votes in Parliament<sup>30</sup>, upholding the Latimer House Principles<sup>31</sup> to ensure that the government does not have too much power in the democratic process.

## Petitions

Unfortunately, it must be noted that the Cayman Islands does not meet Benchmark 2.7.1 as, though Standing Orders 15, 16 & 17<sup>32</sup> address the filing of petitions, there isn't provision for such petitions to be meaningfully considered. More must be done to communicate the petition process and make it easier for the public to use petitions. This again highlights the need for more significant opportunities for the public to have their voices heard. One way that the Parliament could incorporate petitions into its proceedings while distilling the process to what issues the public cares about most would be to set a threshold of signatures that

29 Parliament Standing Orders (2022 Consolidation). (n.d.). Section 13 (1). Available at: <http://gazettes.gov.ky/portal/pls/portal/docs/1/13140689.PDF> [Accessed 29 Nov. 2023].

30 Legislation.gov.uk. (2023). The Cayman Islands Constitution Order 2009. Section 75. [online] Available at: <https://www.legislation.gov.uk/ukqi/2009/1379/schedule/2/paragraph/75/made> [Accessed 7 Nov. 2023].

31 <https://www.cpahq.org/media/dhfajkpg/commonwealth-latimer-principles-web-version.pdf>

32 [https://www.cpahq.org/media/znnmbuf1/cay\\_legislativeassembly.pdf](https://www.cpahq.org/media/znnmbuf1/cay_legislativeassembly.pdf)

a petition should receive, after which the matter will be debated in the Chamber. Consideration should be given to how petitions can be incorporated into the new website with a portal allowing the public to submit and vote on appeals that can be considered.

## RECOMMENDATION 8

**The Parliament should proactively seek to educate the public on petitions and how they can be utilised via all available communication channels. The Standing Orders should also be reformed to mandate a Government response to petitions.**



## Records

It was highlighted by stakeholders that, though there is software for the automated transcription of chamber recordings, there are significant delays, of up to a couple of days, in delivering Hansard reports for public access. The Parliament should be mindful that, though visual livestream broadcasts of proceedings, alongside radio coverage, are valuable forms of engagement, a formal written record of what was said by Members in the Chamber must be produced promptly and made clearly on the new website.

## 2. COMMITTEES

### Organisation

The Parliament has the right to establish standing and select committees (3.1.1), and sufficient staffing and facilities exist for these committees' sittings. As part of inquiries, committee visits were an activity that various stakeholders mentioned was not customary. Some contacts said that they knew this practice in other Parliaments and hoped to see it replicated in the Cayman Islands. Given the size of the jurisdiction, it should be reasonably cost-effective given the cost of transportation and the likelihood that accommodation would not be an expense. However, it would still require a budget line. There is a good level of awareness of this power among staff in Parliament, and officials are forthcoming in providing information when needed (7.1.2).

### Research

It was emphasised that, though some staff have undertaken research to support Members' work in the past, there isn't a formal structure or department for this in the Parliament. It is believed that if there were dedicated staff, then Members would utilise this resource and that its absence has resulted in Members not expecting such a service to be provided.

Research departments within Parliament are essential in enhancing the overall legislative process and the quality of Members' decision-making. By providing Parliamentarians with timely, accurate, and well-researched detail, such a department can empower Members to make informed choices on complex issues that legislation addresses. The department would conduct an in-depth analysis of proposed amendments to be presented to the Chamber, offering valuable insights that enable Members to understand the impacts of their decisions.

This information equips Members with the knowledge needed to engage meaningfully in evidence-based debates, asking relevant questions, and developing better laws overall. Additionally, a robust research department would support the Parliament's committees in their oversight functions, aiding them in scrutinising government actions and holding authorities to account.

## RECOMMENDATION 9

**The Parliament Management Council should provide dedicated staff to support research services to Members. This will ensure that Members have adequate technical support for financial and budgetary scrutiny.**

*“We don’t conduct research because Members don’t ask for it. But I believe that they would be asking for research if we did”*

*Ms Zena Merren-Chin, Clerk of the Parliament*

## Legislative Drafting

Establishing a legislative drafting capacity within Parliament would significantly enhance its legislative process. Such in-house expertise would ensure that proposed laws are crafted with clarity and legal accuracy. This avoids discovering loopholes further down the line that might lead to misinterpretation or legal challenges. Skilled drafters can also help align laws with existing legal frameworks, ensuring coherence in the legal system.

A Parliament equipped with the capability for legislative drafting is better positioned to respond promptly to emerging policy needs. Legislative drafting expertise is also essential for ensuring legislation complies with the Constitution. Additionally, having an internal capacity for legislative drafting reduces dependence on getting such knowledge from external sources, enhancing the institution's autonomy.

## RECOMMENDATION 10

**The Parliament should look at ways of making more legislative drafting and specialist legal advice available to Members.**

## Powers and Resources

Notably, the Public Accounts Committee has powers to summon persons, papers, and records, which is extended to witnesses and evidence from the Executive, including officials (3.2.1). The 2015 Whistleblower Protection Law<sup>33</sup> protects informants and whistleblowers (3.2.8), positively affecting the transparency and openness of the Islands' governance. There are currently four Standing Committees: Finance<sup>34</sup>, comprised of all elected Members of Parliament and chaired by the Minister responsible for finance, Business, Public Accounts (PAC)<sup>35</sup>, and the Performance of the Ombudsman's Office. The Standing Committee on Finance and Public Accounts meets regularly in public (3.2.6), although there have been recent challenges surrounding the quorum of the PAC.

Information on the membership and order of business of committees is shown on the new website, along with reports and schedules of when committees are sitting. This is a dramatic improvement on what was previously displayed online for committees. Ideally, the committee proceedings would also be linked in this section of the website, allowing citizens to see their

33 [https://legislation.gov.ky/cms/images/LEGISLATION/PRINCIPAL/2015/2015-0022/WhistleblowerProtectionAct\\_Act%2022%20of%202015.pdf?zoom\\_highlight=2015+whistleblower+law#search=%222015%20whistleblower%20law%22](https://legislation.gov.ky/cms/images/LEGISLATION/PRINCIPAL/2015/2015-0022/WhistleblowerProtectionAct_Act%2022%20of%202015.pdf?zoom_highlight=2015+whistleblower+law#search=%222015%20whistleblower%20law%22)

34 Legislation.gov.uk. (2023). The Cayman Islands Constitution Order 2009. Section 71 (6). [online] Available at: <https://www.legislation.gov.uk/uksi/2009/1379/schedule/2/paragraph/81/made> [Accessed 6 Nov. 2023]

35 Legislation.gov.uk. (2023). The Cayman Islands Constitution Order 2009. Section 87. [online] Available at: <https://www.legislation.gov.uk/uksi/2009/1379/schedule/2/paragraph/81/made> [Accessed 6 Nov. 2023]



sessions, given the preference for virtual coverage citizens have, as was mentioned by some stakeholders.

It was noted by various stakeholders that these two committees are functioning well, though inevitably, given the other points made in this report, there is more that the Standing Orders committee could be doing, mindful of the issues that there appears to be consensus on resolving. Committee sessions currently occur in the Chamber, utilising AV provisions to ensure they can be broadcast. However, if more plenary sittings were to take place, as recommended in this report, scheduling would need to be considered to avoid clashes with committee sessions.

### 3. POLITICAL PARTIES, PARTY GROUPS, CROSS-PARTY GROUPS, AND THE OPPOSITION

The transparency and regulation of political parties could be improved (4.1.2). Currently, though there are rules regarding the funding of parties and candidates, stakeholders mentioned that they are not confident in how well these are enforced. Funds are allocated to the Leader of the Opposition through the Parliamentary Management Act<sup>36</sup> (4.4.1). However, as noted earlier, staffing resources could be improved to support research and legislative drafting to address the need for more resources for Members supporting them with parliamentary functions.

*“The Parliament Management Act is a ‘work in progress’”*

*Interviewee during consultation meeting*

There are no restrictions on establishing cross-party groupings. However, on occasions where this does occur, it is done informally. A women’s caucus, in particular, would be a cross-party grouping that could help provide an apolitical forum for women Parliamentarians to provide peer-to-peer support for one another and collectively discuss how they can advocate for women’s rights on the Islands. Hopefully, this would inspire more women to run for elected office on the Islands.

### 4. PARLIAMENTARY STAFF

The Parliament has a small, hardworking team of clerks and administrative staff. The main concern mentioned by Parliament staff during the consultation meetings was the scheduling of sittings and the knock-on effect that overrunning sittings have on their personal lives. Several staff emphasized a ‘transition to autonomy’, highlighting their positive perspective on the institution’s future given the gains it has made in recent years (e.g. in its communications, as mentioned elsewhere in this report).

The only partisan staff employed by the institution are the Constituency Office Assistants, brought in by the Parliament Management Act 2022<sup>37</sup>. The broader team is a small and hardworking group of clerks and administrative staff, and we heard consistent feedback from staff, showing a collective understanding of how the institution can improve. There was evidence that the Parliament had become more professional and effective since the transition to independence.

It was noted that employees of the Parliament had recently transitioned from being considered civil servants to formally being recognised staff of the Parliament Management Commission. All of the staff opted to transition to the Parliament Management Commission as they were able to keep all of the benefits that has been afforded to them as civil servants. There is now a clear separation between civil service staff and those of the Parliament, allowing parliamentary staff to apply for internal job opportunities within the civil service may make the institution more appealing as an employer.

#### RECOMMENDATION 11

**Senior management and support for the Clerk and Chief Officer should be strengthened by prioritizing recruitment for key positions with a focus on succession planning.**

#### Representation, Recruitment, Promotion and Management

36 Cayman Islands Legislative Assembly (Management) Bill, 2020 . (n.d.). Available at: [https://legislation.gov.ky/cms/images/LEGISLATION/BILLS/2020/2020-0049/LegislativeAssemblyManagementBill2020.pdf?zoom\\_highlight=Parliamentary+Management+Act#search=%22Parliamentary%20Management%20Act%22](https://legislation.gov.ky/cms/images/LEGISLATION/BILLS/2020/2020-0049/LegislativeAssemblyManagementBill2020.pdf?zoom_highlight=Parliamentary+Management+Act#search=%22Parliamentary%20Management%20Act%22) [Accessed 27 Nov. 2023].

37 Cayman Islands Parliament (Management) (Amendment) ACT, 2022 (Act 6 of 2022). (n.d.). Available at: [https://legislation.gov.ky/cms/images/LEGISLATION/AMENDING/2022/2022-0006/ParliamentManagementAmendmentAct2022Act6of2022.pdf?zoom\\_highlight=Parliament+Management+Act#search=%22Parliament%20Management%20Act%22](https://legislation.gov.ky/cms/images/LEGISLATION/AMENDING/2022/2022-0006/ParliamentManagementAmendmentAct2022Act6of2022.pdf?zoom_highlight=Parliament+Management+Act#search=%22Parliament%20Management%20Act%22).

It was also noted that some key positions in the Parliament remain vacant, such as Deputy Clerk and Chief Financial Officer (as shown in [Appendix B](#)). Having a deputy for the current Clerk would greatly aid the institution in the continuity of its proceedings. In the absence of the Clerk, a deputy could step in to ensure that proceedings continue to run smoothly. It was understood during the consultation that the Parliament has faced challenges when attempting to hire for positions like this and in achieving sufficient quality candidates for a hire to be possible. It was also noted that on several occasions, entire recruitments have not been possible as no candidates have been satisfactory enough for an interview or offer. This point also relates to the transition of parliamentary staff from being formally considered civil servants to being considered staff directly employed by the Parliament. There is an impediment to recruitment given the inability of Parliament to hire from the civil service as there is a need for more mobility between the staff that support the Parliament and the Executive.

Although the Parliament needs to take active measures to ensure women are represented at all levels of the administration (5.1.5), this is far from being an issue. The Parliament should be proud that most of the staff employed are women, including the Chief (Clerk) and Deputy Chief Officer. However, there is a concern that marginalised groups, such as persons with disabilities, would be restricted from working at the Office as there is limited access for wheelchair users. Hopefully, a forthcoming disability audit, mentioned elsewhere in this report, will start the path to resolving this issue for the benefit of Members and staff, with support from the CPA's Capital Investment Fund. It is also hoped that any additional Parliament building that houses staff will help the institution overcome this constraint.

It was made clear during the consultation by various stakeholders that the Parliament is currently adopting policies from the civil service as its own, a key example being the staff code of conduct. As most stakeholders agreed, the Parliament should establish its policies, ensuring they are bespoke and relevant to its distinct nature as an institution. Though the Parliament has an impressive Communications Strategic Plan, it would benefit greatly from having a broader multi-year Strategic Plan interlinking key performance indicators (KPI) with expenditure for the following reasons:

- Objective Alignment: A consolidated plan ensures that all departments within the institution are aligned with overarching goals and objectives that are relevant and fair for each of them. This coherence avoids conflicting priorities, ensuring every department contributes towards a single vision for the institution.
- Efficient Resource Allocation: The Parliament can allocate resources more efficiently with a unified strategic plan. It allows for a comprehensive understanding of the resource needs of each department in relation to the strategic priorities, enabling better budgeting and resource management.
- Performance Measurement: KPIs are measurable indicators of progress. By establishing specific KPIs for each department, the Parliament can objectively measure and evaluate the performance of different departments. This data-driven approach is essential for monitoring the effectiveness of practices and procedures.
- Accountability and Transparency: A consolidated plan with clearly defined KPIs enhances accountability. Each department can be held accountable for its role in achieving the strategic goals, creating a culture of responsibility within the institution.
- Communication and Collaboration: A unified plan promotes effective communication and collaboration among different departments. It helps create a shared understanding of the overarching goals, encouraging teamwork and cooperation among various departments.

## RECOMMENDATION 12

**The Parliament should, in consultation with Members, develop a multi-year strategic plan to improve the functioning of the institution and ensure that the public can see its long-term vision and scrutinise performance against it.**

### III. FUNCTIONS OF THE LEGISLATURE

#### 5. LEGISLATIVE FUNCTION

##### Legislative Process

Stakeholders were positive overall on the Parliament's legislative process. However, the public's involvement in the process was identified as an issue from what various contacts had mentioned. It was concerning to hear a lack of awareness amongst many individuals of what ways the Parliament could engage the public, highlighting flaws in what the concept of the institution is understood as in society.

Whereas the Cayman Islands are not compliant with some benchmarks in this area (6.1 and 6.2), this is down to the nature of the Islands as an Overseas Territory and the role of the Governor. Nevertheless, long-term consideration should be around the need for post-legislative scrutiny (6.2.4). It would be of considerable value to the Cayman Islands to see how effective laws have been implemented, and where there may have been failures or mistakes, they can be rectified.

There is no Standing Order requirement nor established parliamentary practice for Bills to stand referred to committees (3.2.2 and 3.2.3). However, there is a 28-day notice requirement for the introduction of bills, which allows the public to scrutinise them. Although the referral of Bills to committees for public input does not occur, we are advised that the Government conducts public meetings on Bills regularly.

Public input into the legislative process is of paramount importance in any legislature. The absence of this in the Cayman Islands is concerning. The following points provide the reasoning as to why any Parliament must ensure that they are providing an opportunity for citizens to input into the legislative process:

- Inclusivity and Representation: Public consultations allow diverse voices and perspectives from often marginalised communities to be heard. They ensure that the legislative process is inclusive and representative of the varied interests and concerns of the population, not just those of Parliamentarians.
- Enhanced Decision-Making: By gaining public input, Members gain valuable insights and information that may not be apparent solely from within the Chamber or in their meetings with constituents.
- Accountability: Public consultations remind Members of the broader audience that the institution is there to represent. Without these consultations, it is easier for them not to consider the views of their constituents and act from just their perspective.
- Public Engagement in Parliament: When people feel that their opinions matter, they are more likely to be engaged in the democratic process beyond formal elections. Public consultations assure citizens that they are being heard.
- The Adaptability of Legislation: Similar to the concept of Post-Legislative Scrutiny mentioned elsewhere in this section, public consultations encourage a legislative communication process between the Parliament and the public. Rather than the Parliament pushing out laws that the public feels indifferent to and does not understand the origination of, public consultations mean an iterative approach, leading to better-crafted laws that the public appreciates.

#### RECOMMENDATION 13

**Once laid in the chamber, every bill should be made publicly available. They should be listed on the Parliament's new website for the public to download, and notices should be shared on the Parliament's social media channels. The Parliament's staff should engage with media outlets to utilise their audience in sharing information about the legislation.**

The Westminster Foundation for Democracy (WFD) has done impressive work in Post-Legislative Scrutiny, which might assist in how the Parliament takes this forward<sup>38</sup>. The issue of establishing such a process, in light of other constraints and challenges faced by the Parliament, needed to be revised on the list of priorities or concerns among stakeholders. However, this may stem from a need for more awareness of such forms of legislation.

#### RECOMMENDATION 14

**A process for post-legislative scrutiny should be considered by consulting with other parliaments and NGOs for examples of good practice and what is simple, efficient, and effective.**

38 Post-Legislative Scrutiny. (n.d.). Available at: [https://www.wfd.org/sites/default/files/2021-12/WFD\\_Manual-on-Post-Legislative-Scrutiny.pdf](https://www.wfd.org/sites/default/files/2021-12/WFD_Manual-on-Post-Legislative-Scrutiny.pdf) [Accessed 22 Nov. 2023].

**Post-legislative scrutiny (PLS)** is a process to evaluate and assess the effectiveness and impact of laws passed by Parliament. The purpose of this type of scrutiny is to ensure that regulations achieve their intended outcome and to identify any unintended consequences or areas where amendments are required. The following are some key points to consider in relation to PLS:

1. **Timeline:** As a systematic and structured review of legislation that has been in place for some time, the process must take place at a reasonable stage allowing a fair review of the impact of the law (e.g. five years after enactment).
2. **Accountability and Transparency:** PLS promotes accountability within government by holding it accountable for the laws it passes. Members will be able to take what they have learned from PLS, in applying it to how they debate other laws that have yet to be passed. It also enhances transparency by making the evaluation process open to public scrutiny.
3. **Evidence-Based:** PLS relies on data and research to assess the law's impact. This often involves collecting and analysing information, consulting relevant stakeholders to the law in question (e.g. if the law relates to press freedom, consulting with the editor of a newspaper and the head of a press regulator).
4. **Parliamentary Committees:** In most parliaments that have PLS systems in place, the responsibility for conducting it falls on parliamentary committees, such as oversight, audit, or justice committees, which understand the topic of the legislation.

## Governor's Role

Under the Governor's reserved powers<sup>39</sup>, they can enact legislation if they deem it necessary or desirable in the interests of the areas for which they are responsible<sup>40</sup>. However, though these powers have been exercised in recent years, they are still rare occurrences. As such, stakeholders did not cite this arrangement as the most pressing issue.

## Private Member's Bills (PMB)

The Constitution gives any Member of Parliament the right to introduce any Bill or propose any motion for debate in the Parliament. However, dedicated time for such bills to be debated is provided for in the Standing Orders. Ensuring the Standing Orders allocate time for PMBs promotes inclusivity in allowing all Members, regardless of their government/opposition status, to actively contribute to the legislature's work. It also encourages a diversity of views in giving a chance for issues that may not be prioritised by Government but are significant to specific Members and the constituents they represent. PMBs encourage the system of checks and balances the Parliament provides in offering alternative solutions that are responsive to the needs of the public.

There is an absence of legislative drafting capacity in the Parliament, which naturally affects various areas of the institution and is likely contributing to the lack of PMBs. Many Members will not have a legal background. Therefore, having such expertise would guide them in adhering to legal standards with the legislation they are proposing and ensuring that it fits within the current policy framework of the jurisdiction. Should the law be passed, it would also reduce the risk of legal challenges.

During the consultation, it was highlighted that currently, a PMB is due for debate in the Parliament and that it is likely to pass. This is a positive sign for the Parliament, if so, as it will show the government's and opposition's ability to collaborate on legislation of this nature.

## RECOMMENDATION 15

**The Standing Orders should be amended to provide for a dedicated time in the order of business for Private Members' motions or Bills.**

39 Legislation.gov.uk. (2023). The Cayman Islands Constitution Order 2009. Section 81. [online] Available at: <https://www.legislation.gov.uk/uksi/2009/1379/schedule/2/paragraph/81/made> [Accessed 6 Nov. 2023]

40 Legislation.gov.uk. (2023). The Cayman Islands Constitution Order 2009. Section 55. [online] Available at: <https://www.legislation.gov.uk/uksi/2009/1379/schedule/2/paragraph/81/made> [Accessed 6 Nov. 2023]



## Timing of Bills

Another issue that various stakeholders raised was timing. There needs to be more opportunities for Members to conduct analysis or prepare for debates. Budget sessions are a good example of this as often Members are given around 3,500 pages worth of budget detail to review approximately 48 hours before debates on the budget. This amount of time needs to be increased for Members to arrive at such debates with a thorough understanding of the implications and potential effects of the budget on their constituents. Without days in advance of budget debates, Members will not be able to make well-informed decisions and contribute meaningfully to sessions in the Chamber. Helpfully, stakeholders working around the budget had also mentioned intentions to condense its content to make it more concise, respecting the time taken to scrutinise the details.

This is another issue that having a research department in Parliament could address. The research department could conduct an in-depth budget analysis, providing members with comprehensive information on its proposed allocations, revenue sources, and potential economic impacts. The department can give the Members data-driven assessments, historical context, and comparative analysis with other overseas territories/jurisdictions, aiding in understanding the budget's implications.

## 6. OVERSIGHT FUNCTION

There was a perception outside the Parliament that the Executive initiated this Self-Assessment, and perhaps that itself is a sign of a lack of public understanding of what role the Parliament has in the political system of the Islands.

Committees can summon witnesses to attend their sessions for questioning, as provided for in the Standing Orders<sup>41</sup>. There should be procedures for Members to promptly obtain information from the Executive (7.1.2). Standing Orders do not require the Executive to respond to Written Questions within a specific timeframe. This inevitably leads to delays in the provision of answers to such questions.

### Oversight

The Parliament should be more proactive in providing oversight of Cayman Island's commitments to international treaties and human rights instruments (7.1.5). Although it is up to the UK Government to extend such commitments to the Islands, it should be an area that the Parliament has a greater grasp of. Similarly, the Parliament should also provide oversight of state-owned enterprises or those agencies or entities funded or subsidised by the people of the Cayman Islands (7.1.4).

### Financial and Budget Oversight

Effective financial oversight needs to be improved by adequate resources and access to technical advice (7.2.6). Funding is not provided for independent budgetary reviews. This means that the Parliament requires more time to undertake financial scrutiny, both at a budgetary and financial level. Consequently, insufficient time is available for budgetary scrutiny, as mentioned in the section on the timing of bills.

### No Confidence and Impeachment

The Parliament meets both benchmarks regarding no-confidence and impeachment (7.3). This was not raised as an issue by any stakeholders during the consultation period of this Self-Assessment.

## 7. REPRESENTATION FUNCTION

### Representation of Women

Currently, five women are sitting in the Chamber (neither of which are ex-officio Members), meaning that women's representation in Parliament is 23.8%<sup>42</sup>. In the cabinet, it is 30%<sup>43</sup>. The last election saw a 9.5% increase in women's representation as two more women were elected. It is encouraging that this significant increase took place in the previous election. The newly elected women Members were two of seven newly elected Members. With greater acknowledgement of the importance of women Members in this Parliament and cross-party engagement in women's rights advocacy, the representation of women in Parliament could likely improve once more at the next election.

41 Parliament Standing Orders (2022 Consolidation) Arrangement of Paragraphs c CAYMAN ISLANDS PARLIAMENT STANDING ORDERS (2022 Consolidation). (n.d.). Available at: <http://gazettes.gov.ky/portal/pls/portal/docs/1/13140689.PDF> [Accessed 29 Nov. 2023].

42 <https://parliament.ky/members/>

43 <https://www.gov.ky/cabinet>

Benchmark 8.1.1 stipulates that the Legislature shall be organised to enable the substantive representation of women (in terms of Members). It was stated from the outset that the Parliament does not currently comply with this benchmark. It should be noted that various senior political stakeholders are women (Clerk/Chief Officer, Deputy Chief Officer, Auditor-General, Governor). While women in the Cayman Islands have equal rights, there are still social and economic barriers to women being fully equal. Increasing women's representation could be something that Commonwealth Women Parliamentarians (CWP) and the CPA could assist with, and the Parliament may wish to consider a Gender Sensitive Audit to identify further opportunities for development<sup>44</sup>.

Parliamentarians are provided with adequate and appropriate resources to fulfil their constituency responsibilities. As mentioned in this report, legislation has been passed to provide Members with Constituency Office Assistants in recent years<sup>45</sup>.

## 8. PARLIAMENTARY ASSISTANCE, NETWORKING AND DIPLOMACY

As mentioned regarding professional development, Members of the Parliament have frequently represented the Parliament at international events and gained from learning and development programmes run primarily by the CPA. For example, the CPA Secretariat has run Post-Election Seminars for the Parliament<sup>46</sup>. The Parliament is also a member parliament of the CPA's Small Branches network and frequently is represented at its activities and other CPA, such as the recent Disaster Risk Management in Small Jurisdictions Workshop<sup>47</sup> and Advanced Parliamentary Development Residency Programme<sup>48</sup>. The Commonwealth Parliamentary Association UK branch (CPA UK) also regularly engages in bilateral and multilateral activities delivered as part of the CPA UK-led UK Overseas Territories Project (UKOTP). In the last year or so, the Parliament was represented at their *Women in Trade Workshop*<sup>49</sup>, their *Trade Workshop for Overseas Territories, Crown Dependencies, and Devolved Legislatures*<sup>50</sup>, and their *Overseas Territories Forum on Oversight of Public Finances and Good Governance*<sup>51</sup>.



Members attending a Post-Election Seminar by the CPA Secretariat in August 2021

44 <https://www.cpahq.org/our-networks/commonwealth-women-parliamentarians/cwp-gender-sensitising-parliaments/>

45 Cayman Islands Parliament (Management) (Amendment) Act, 2022 (Act 6 of 2022). (n.d.). Available at: [https://legislation.gov.ky/cms/images/LEGISLATION/AMENDING/2022/2022-0006/ParliamentManagementAmendmentAct2022Act6of2022.pdf?zoom\\_highlight=Parliament+Management+Act#search=%22Parliament%20Management%20Act%22](https://legislation.gov.ky/cms/images/LEGISLATION/AMENDING/2022/2022-0006/ParliamentManagementAmendmentAct2022Act6of2022.pdf?zoom_highlight=Parliament+Management+Act#search=%22Parliament%20Management%20Act%22) [Accessed 22 Nov. 2023].

46 www.cpahq.org. (2021). CPA Virtual Post-Election Seminar: The Parliament of the Cayman Islands. [online] Available at: <https://www.cpahq.org/events/cpa-virtual-post-election-seminar-the-parliament-of-the-cayman-islands/> [Accessed 22 Nov. 2023].

47 www.cpahq.org. (2023). Disaster risk decision-making on the agenda for Commonwealth politicians at CPA workshop for small Parliaments. [online] Available at: [https://www.cpahq.org/news/2023\\_05-disaster-risk-management-workshop/](https://www.cpahq.org/news/2023_05-disaster-risk-management-workshop/) [Accessed 7 Dec. 2023].

48 www.cpahq.org. (n.d.). Advanced Parliamentary Development Residency Programme - October 2023. [online] Available at: [https://www.cpahq.org/parliamentary-academy/residency-courses/2023\\_10-academy-residency-scotland/](https://www.cpahq.org/parliamentary-academy/residency-courses/2023_10-academy-residency-scotland/) [Accessed 7 Dec. 2023].

49 www.uk-cpa.org. (n.d.). CPA UK Hosts First All-Female In-Person Programme, Focusing on Women in Trade. [online] Available at: <https://www.uk-cpa.org/news-and-views/cpa-uk-hosts-first-all-female-in-person-programme-focusing-on-women-in-trade/> [Accessed 22 Nov. 2023].

50 www.uk-cpa.org. (n.d.). Trade Workshop Welcomes Delegates from the Overseas Territories, Crown Dependencies and Devolved Legislatures. [online] Available at: <https://www.uk-cpa.org/news-and-views/trade-workshop-welcomes-delegates-from-the-overseas-territories-crown-dependencies-and-devolved-legislatures/> [Accessed 22 Nov. 2023].

51 www.uk-cpa.org. (n.d.). Overseas Territories Forum Welcomes Delegates from Nine UK Overseas Territories. [online] Available at: <https://www.uk-cpa.org/news-and-views/overseas-territories-forum-welcomes-delegates-from-nine-uk-overseas-territories/> [Accessed 22 Nov. 2023].

## IV. VALUES OF THE LEGISLATURE

### 9. ACCESSIBILITY, OPENNESS AND ENGAGEMENT

#### Accessibility for Persons with Disabilities

During the consultation, it was pointed out that, though there is motivation and awareness of areas of the Parliament that could be improved in enabling access for persons with disabilities, progress has been slow. The ground floor of the building is accessible to wheelchair users as ramps have been installed to ensure they can navigate that area of the building. However, the first floor of the building remains inaccessible due to the need for an internal lift.

It is a short-term plan for the Parliament to undertake a disability audit conducted by a consultant to assess the premises and broader institution's accessibility, making recommendations on improving its accessibility. The CPA offers a Capital Investment Fund to support the Parliament with such an assessment, which it may wish to utilise.

#### RECOMMENDATION 16

**A disability audit of the institution and its premises should be undertaken, providing a roadmap for how it can be made more accessible to persons with disabilities.**

#### Website

The Parliament's website was frequently raised as a cause for concern by stakeholders in how it holds back public engagement and broader awareness of what the institution does. A new website has been developed to address various areas for improvement that have been highlighted. When writing this report, the website had just gone live. The Parliament must understand the most critical information that must be shared via the website, such as the following matters:

- Information on Members: Names, party affiliation, contact information, constituency representation, and voting records. As mentioned under 'Transparency', Members' interest filings should be listed on the website.
- Sittings: A schedule of what sittings are due. Agendas for meetings and minutes of those that have taken place.
- Legislation: Texts of bills and laws. Information on the status of legislation being debated.
- Committees: Terms of reference for committees and information on their composition. Agendas and minutes for sessions.
- Hansard: Transcripts of debates and video recordings of sessions (e.g., a link to the Parliament's YouTube page).
- Information on the administration: A breakdown of the structure of the Parliament (e.g., its organisation chart) and information on the Parliamentary Management Council, along with other information relating to the institution, would be informative for the public.
- Publications and Reports: Committee reports
- Constituency Information: Maps and descriptions of constituencies.
- Election Information: Historical information on previous election results along with dates of forthcoming elections.
- News and Press Releases: News pages with information on parliamentary activities and a place for statements produced by the Parliament to be made public.
- Public Participation: Areas for the public's direct contribution to proceedings (e.g., petitions as mentioned and committee inquiry submissions). Information on the Commonwealth Youth Parliament, open days, and other engagement initiatives should also be presented.

Providing information on the aforementioned core areas should be the priority as they are often technically straightforward to implement (i.e., PDF versions of key documents). In general, the Parliament should consider what information the most remote groups in the Cayman Islands would need to know when viewing the website when thinking of what information to include, as Parliament can be a confusing and complicated institution.

#### Public Understanding of Parliament

The public's understanding of Parliament is an area that can be improved, as was agreed by all stakeholders during consultations. This is a priority, as evidenced by hiring a Communications Officer and setting up social media accounts covering the work of the Parliament. The Parliament has outreach events hosting parliamentary activities in the smaller islands, Cayman Brac and Little Cayman. One way the Parliament could improve public understanding of Parliament would be a 'Parliament Week' style annual series of events to inspire interest in Parliament, politics, and democracy. This 'week' could include open days for schools and civil society organisations to tour the premises. It could also be a point of the year to host the opening or final session of the

The Cayman Islands Youth Parliament is very active, with frequent meetings, as seen during the consultation visit. Its sittings are live-streamed, and various Members have engaged with its proceedings. It was noted by some stakeholders that the Youth Parliament is not necessarily seen as a path to sitting in the Parliament itself. Some consideration should be given to this as, though a Youth Parliament should never be seen as a 'rite of passage', it was noted that many of the participants still do not see public office as either a realistic or appealing role to achieve.

## 10. ETHICAL GOVERNANCE

### Code of Conduct & Behaviour

Although the Parliament does have procedural rules on etiquette in the House, it does not have a formal code of conduct, agreed upon by all Members, that sets out the standards of behaviour expected of Members as they carry out their work in the Parliament and outside. Instead, the Parliament has an 'opt-in' code of conduct<sup>53</sup> that Members of the governing party agree to, but opposition Members do not. A Ministerial Code of Conduct also exists<sup>54</sup>. Different stakeholders had indicated that there had been previous attempts to create measures and rules to create more transparency and improve behaviour, but this was met with resistance.

*"The current existing code of conduct is perceived as an 'opt-in' agreement"*

*Interviewee during consultation meeting*

### RECOMMENDATION 17

**A Code of Conduct, agreed upon by all Members, should be established.**

### Freedom of Information

The Freedom of Information Act 2021 requires that public authorities provide information when requested by members of the public within 30 working days<sup>55</sup>. Though stakeholders highlighted that the Parliament is often delayed in responding to such requests, they are always within the statutory deadlines. However, it is concerning to learn how many of these requests would likely be resolved by information being provided on the new website, including, among other areas, the Parliament's Members, committees, Hansard, legislation, procedures and rules, reports, and proceedings.

### Transparency

Another area of improvement that the new website can address would be the transparency of Member's registered interest filings. Section 121 of the Constitution<sup>56</sup> mandates a register of interests that the Commission for Standards in Public Life maintains. Section 11 of the Standards in Public Life Act 2021<sup>57</sup> requires MPs and staff to file a yearly register of interest. However, the forms themselves are not publicly available as they could be. MPs Register of Interest forms are available for inspection at the Commission's Office upon request. These forms should be made available on the new website the Parliament has launched. Doing so will allow citizens to access these details, understand what interests Members have, and assure them that any stakeholders are not unduly influencing them. It will also ensure that voters are as informed as possible to judge their representatives at the ballot box.

52 Parliament.ky. (2023). Youth Parliament Programme – Parliament. [online] Available at: <https://parliament.ky/commonwealth-parliamentary-association/youth-parliament-programme/> [Accessed 6 Nov. 2023].

53 <https://www.caymaniantimes.ky/documents/2023-01-06-07-59-53-Signed-Code-of-Conduct.pdf>

54 www.gov.ky. (2023). Available at: <https://www.gov.ky/publication-detail/ministerial-code-of-conduct-v11-27.07.21> [Accessed 23 Oct. 2023]

55 Cayman Islands Freedom of Information Act. (n.d.). Available at: [https://legislation.gov.ky/cms/images/LEGISLATION/PRINCIPAL/2007/2007-0010/FreedomofInformationAct\\_2021%20Revision.pdf?zoom\\_highlight=freedom+of+information#search=%22freedom%20of%20information%22](https://legislation.gov.ky/cms/images/LEGISLATION/PRINCIPAL/2007/2007-0010/FreedomofInformationAct_2021%20Revision.pdf?zoom_highlight=freedom+of+information#search=%22freedom%20of%20information%22) [Accessed 22 Nov. 2023].

56 Legislation.gov.uk. (2023). The Cayman Islands Constitution Order 2009. Section 121. [online] Available at: <https://www.legislation.gov.uk/ukSI/2009/1379/schedule/2/paragraph/121/made> [Accessed 13 Nov. 2023].

57 [https://legislation.gov.ky/cms/images/LEGISLATION/PRINCIPAL/2014/2014-0003/StandardsinPublicLifeAct\\_2021%20Revision.pdf?zoom\\_highlight=The+Standards+in+Public+Life+Act#search=%22The%20Standards%20in%20Public%20Life%20Act%22](https://legislation.gov.ky/cms/images/LEGISLATION/PRINCIPAL/2014/2014-0003/StandardsinPublicLifeAct_2021%20Revision.pdf?zoom_highlight=The+Standards+in+Public+Life+Act#search=%22The%20Standards%20in%20Public%20Life%20Act%22)



In disclosing their financial interests, business affiliations, and other potential conflicts, Members can help ensure that personal or financial considerations do not unduly influence their actions and decisions. Listing such interests on the Parliament's website would empower citizens to assess their actions and decisions in the context of potential conflicts. It would also contribute to establishing the Parliament's website as a central point for information on the legislature.

Not having a calendar of the Parliament's activities accessible to the public has also held back its transparency. A publicly accessible calendar is a fundamental tool for journalists, advocacy groups, and the wider public to stay informed about upcoming parliamentary sessions, debates, committee meetings, and other essential activities. Without this information, the public will struggle to engage with the Islands' political system, as they are unaware of when critical discussions or decisions occur.

A visible calendar allows constituents to plan session attendance or engage with their representatives on issues they are debating at the time in the Chamber. Moreover, it facilitates media coverage, enabling journalists to report on legislative activities accurately and promptly. Without a calendar, the Parliament is currently opaque, which can lead to concerns about hidden agendas, reduced accountability, and a general lack of openness by the institution. The new website provides a window of opportunity for the Parliament to overcome the current barriers to getting an organised schedule that can be made available to the public.



## RECOMMENDATIONS

### RECOMMENDATION 1

An independent body should be established to determine Members' salaries and benefits. Salaries and any allowances should be made public on the website of the independent body and/or Parliament's website.

### RECOMMENDATION 2

Following an election, the onboarding of new Members should include a comprehensive procedural orientation to the Standing Orders and procedures governing committees. This orientation should be formalised with a procedural manual they can refer to during their tenure. The Parliament should also be forthcoming in providing training for Members between elections to ensure their continuous development.

### RECOMMENDATION 3

Parliament should give consideration in its capital planning to address the need for caucus meeting space and provide an office for the Leader of the Official Opposition. A new building, such as the one that proposals have been drawn up for, would help resolve this issue.

### RECOMMENDATION 4

Training should be arranged to raise awareness of the need for sittings to commence on time. Though there is a fixed adjournment time of 16:30 in Standing Order 10, this ruling should be stronger in response to how frequently it is ignored. For instances where debates overrun, there should be provisions for follow-up sittings that can occur soon after, meaning that Members and staff do not need to be in the chamber into the early morning hours.

### RECOMMENDATION 5

Currently, the Business Committee determines the order of business. This is not provided for in the Standing Orders. The procedure for determining the order of precedence should be codified.

### RECOMMENDATION 6

A procedure should be established for tabling documents when the Parliament is not sitting. Parliamentary committees would be one example of a body(s) that could achieve this. Assigning specific committees to oversee the process of tabling reports outside of sittings ensures that they can review reports, provide recommendations, and ensure compliance with necessary procedures.

### RECOMMENDATION 7

A Parliamentary calendar should be established as soon as possible and shared with the public via the Parliament's website.

### RECOMMENDATION 8

The Parliament should proactively seek to educate the public on petitions and how they can be utilised via all available communication channels. The Standing Orders should also be reformed to mandate a Government response to petitions.

### RECOMMENDATION 9

The Parliament Management Council should provide dedicated staff to support research services to Members. This will ensure that Members have adequate technical support for financial and budgetary scrutiny.

### RECOMMENDATION 10

The Parliament should look at ways of making more legislative drafting and specialist legal advice available to Members.

### RECOMMENDATION 11

Senior management and support for the Clerk and Chief Officer should be strengthened by prioritising recruitment for key positions with a focus on succession planning.

### RECOMMENDATION 12

The Parliament should, in consultation with Members, develop a multi-year strategic plan to improve the functioning of the institution and ensure that the public can see its long-term vision and scrutinise performance against it.

**RECOMMENDATION 13**

Once laid in the chamber, every bill should be made publicly available. They should be listed on the Parliament's new website for the public to download, and notices should be shared on the Parliament's social media channels. The Parliament's staff should engage with media outlets to utilise their audience in sharing information about the legislation.

**RECOMMENDATION 14**

A process for post-legislative scrutiny should be considered by consulting with other parliaments and NGOs for examples of good practice and what is simple, efficient, and effective.

**RECOMMENDATION 15**

The Standing Orders should be amended to provide for a dedicated time in the order of business for Private Members' motions or Bills.

**RECOMMENDATION 16**

A disability audit of the institution and its premises should be undertaken, providing a roadmap for how it can be made more accessible to persons with disabilities.

**RECOMMENDATION 17**

A Code of Conduct, agreed upon by all Members, should be established.

# STAKEHOLDERS

Thank you to all of the people consulted as part of this Assessment:

## DIPLOMAT

### **H.E. Anne Owen**

Governor of the Cayman Islands

## MEMBERS OF PARLIAMENT

### **Hon. Katherine Ebanks-Wilks, MP**

Member of Parliament (Former Speaker of the Parliament of the Cayman Islands)

### **The Hon, Wayne Panton, MP**

Premier of the Cayman Islands

### **Hon. Franz Manderson, MP**

Deputy Governor of the Cayman Islands

### **Hon. Roy McTaggart, MP**

Leader of the People's Progressive Movement (Official Opposition) and Member of Parliament

### **Mr Dwayne Seymour MP**

Member of Parliament

### **Hon. William McKeeva Bush, MP**

Member of Parliament

## GOVERNMENT MINISTERS

### **Hon. Kenneth Bryan, MP**

Minister of Tourism

## CIVIL SERVANTS

### **Ms. Gloria McField-Nixon**

Chief Officer, Portfolio of Civil Service

### **Mr Samuel Rose**

Cabinet Secretary

### **Mr. Wesley Howell**

Chief Officer and Election Officer

### **Mr Jose Griffith**

Director, Law Reform Commission

### **Sue Winspear**

Auditor General

### **Sharon Roulstone**

Ombudsman, Office of the Ombudsman

### **Mr. Kenneth Jefferson**

Financial Secretary



## PARLIAMENTARY STAFF

**Ms Zena Merren-Chin**

Clerk of the Parliament

**Melissa Ebanks**

Deputy Chief Officer

**Nordra Walcott**

Assistant Clerk

**Garfield Ellison**

Chief Parliamentary Advisor

**Susan Burke**

Communication Officer

**Kim Evans**

Serjeant at Arms

**Christopher Clarke**

Page

**Kimberley Powell**

Accounts Officer

## MEDIA CONTACTS

**Reshma Ragoonath**

Compass Media

**Mr. Orrett Connor**

Host of *For the Record* Radio Show

## CIVIL SOCIETY ORGANISATIONS

**Dr. Annette Stephenson**

Chairperson of the Disability Council

## LEGAL REPRESENTATIVES

**Mr. Steve McField**

Attorney-at-Law

# APPENDIX A

## CONSTITUTIONAL AND LEGISLATIVE MANDATES FOR THE PARLIAMENT OF THE CAYMAN ISLANDS

The following mandates define the duties and the requirements of the Parliament of the Cayman Islands:

### Constitution of the Cayman Islands

The Cayman Islands Constitution Order 2009 establishes the ‘Legislative Assembly’ as the legislature and grants its legislative powers.

### Legislative Mandates

Parliament (Immunities, Powers and Privileges) Act, 2015  
Parliament (Management) Bill, 2020  
Public Management and Finance Act (2020 Revision)  
Standards in Public Life Act, 2021  
Parliament (Management) (Amendment) Act, 2023  
Immigration (Transition) Act (2022 Revision)  
Elections Act (2022 Revision)

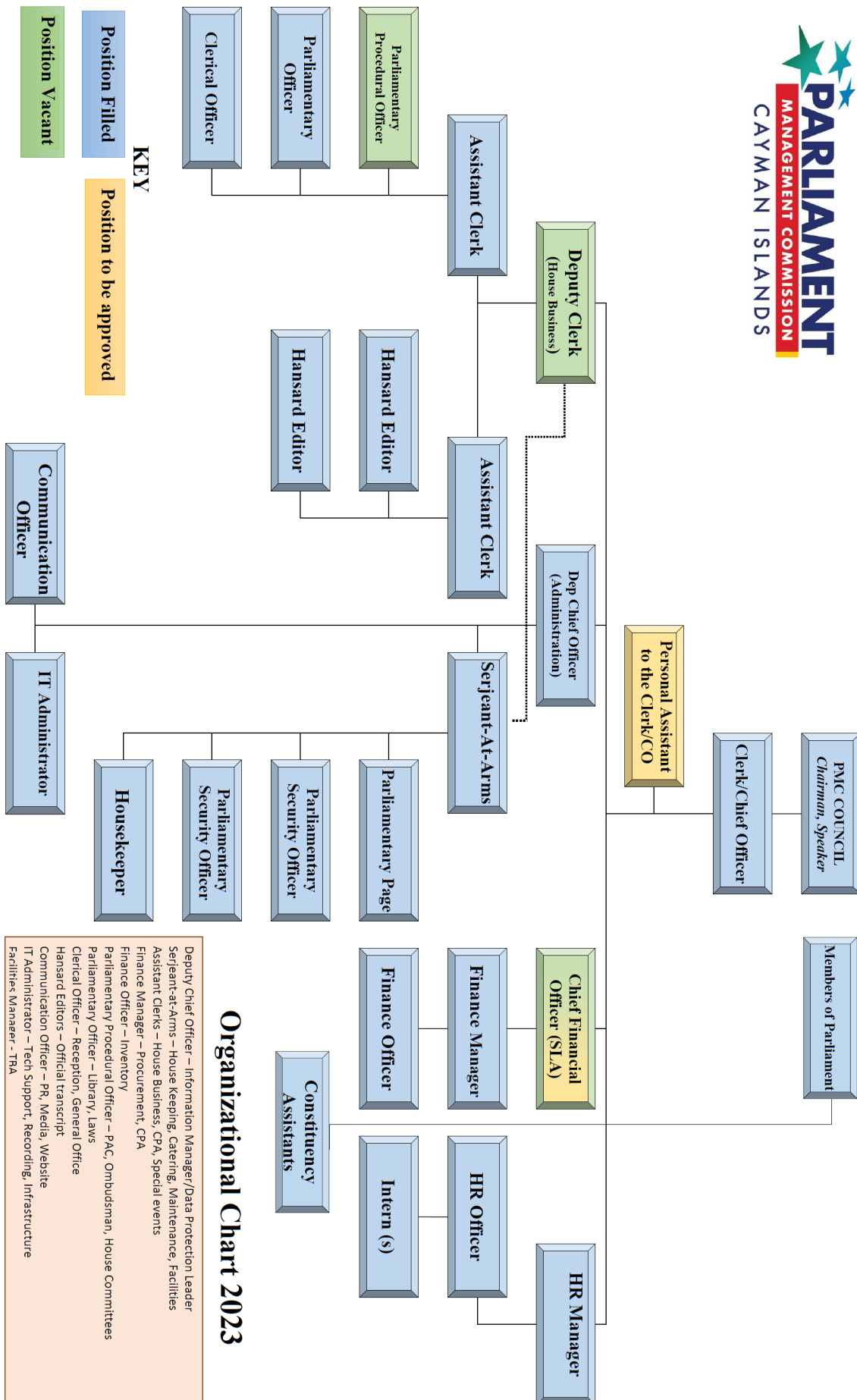
### Policy Mandates

Standing Orders of the Parliament of the Cayman Islands

# APPENDIX B

## ORGANIZATIONAL CHART 2023

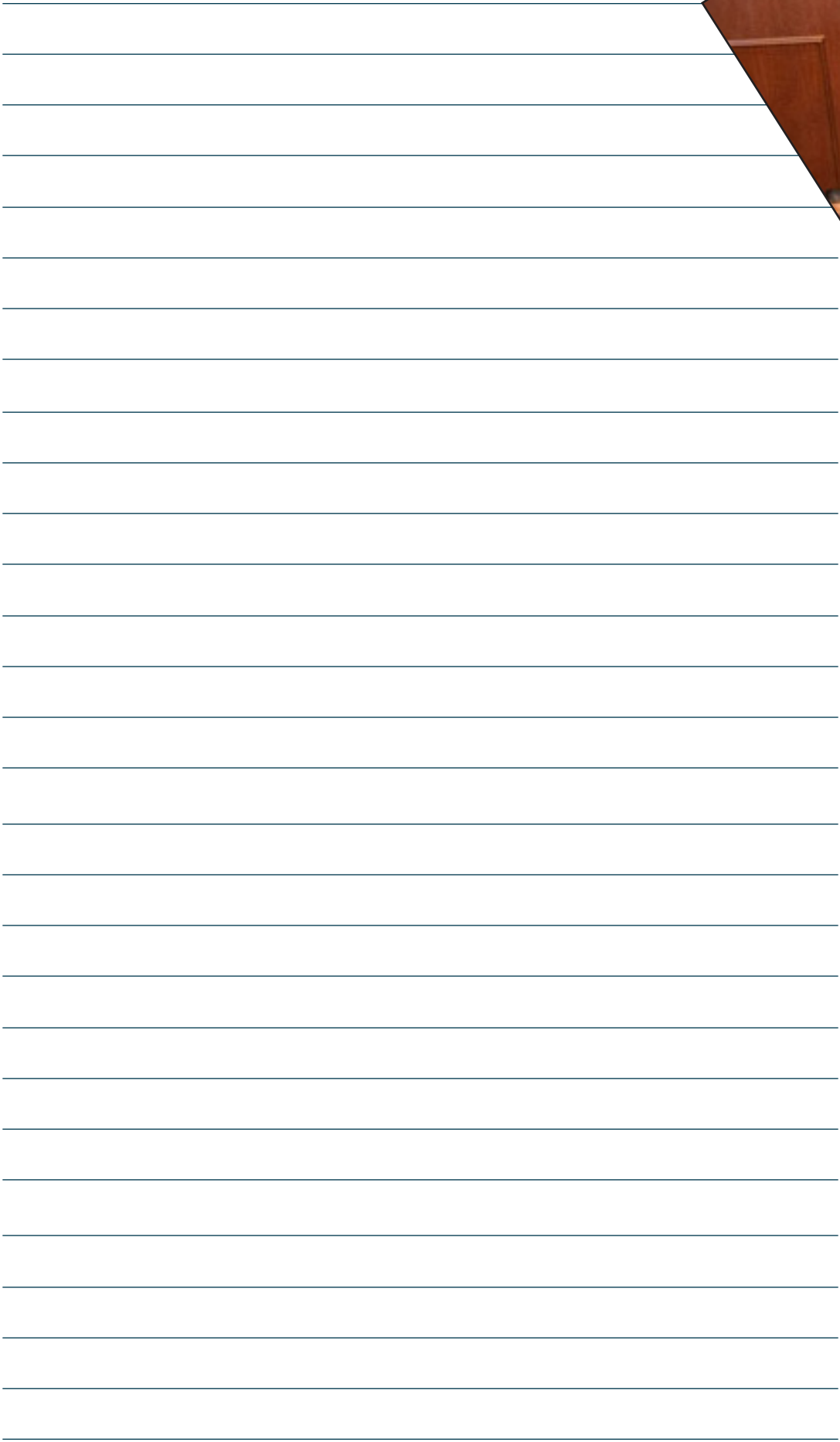
The following chart illustrates the structure of the Parliament's staffing structure:



[illegible]









*Image credits: CPA Secretariat and CPA member parliaments*  
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