National Conservation Council

General Meeting
25 March 2026, 1pm
Government Administration Building (George Town)
YouTube (https://www.youtube.com/@CaymanIslandsDOE)

AGENDA

1. Call to Order
   a. Attendees, Apologies, Quorum
   b. Declaration of Interests

2. WP-2 Confirmation of Minutes of 10 December 2025

3. Matters Arising from Previous Meetings
   a. Control of Feral Cats in Environmentally Sensitive Areas
      i. https://caymannewsservice.com/wp-content/uploads/2026/03/Feline-Friends-v-DoE-and-NCC-25-February-2026.pdf

4. Reports
   a. Environmental Assessment Boards

5. New Matters
   a. Increase in Spear Gun User Licences
      i. WP-5ai draft motion to issue additional spear gun user licences
      ii. WP-5aii MHES Request for NCC Proposal
      iii. WP-5aiii DoE Spear Gun Recommendations
   b. WP-5b Annual Report 2025
   c. Council Manual Update
      i. WP-5ci draft motion to update the Council Manual
      ii. WP-5cii Council Manual (March 2026 update)
   d. Shark Project Briefing

6. Next Meeting
   a. 17 June 2026, 1pm, Government Administration Building (open to public via live broadcast on YouTube)

7. Any Other Business

8. Adjournment

9. Attendance Appendix

Council Member	**25 March 2026**	**Representation**
Dr. Ian Kirkham		Chairman; Terrestrial Ecology
Geddes Hislop		West Bay, Wildlife Conservation
Nickolaus Foster		Bodden Town
Walling Whittaker		George Town, Environmental Engineering
Donald McLean		East End
Handel Whittaker		North Side
Kathleen Bodden-Harris		Sister Islands
Dr. Samantha Shields		Conservation Medicine
Catherine Childs		National Trust for the Cayman Islands
Wilbur Welcome		Director of Agriculture
Haroon Pandohie		Director of Planning
Richard Mileham		Planning Officer, representing the Director of Planning
Gina Ebanks-Petrie		Director of Environment
Timothy Austin		DoE Deputy, Research
Morgan Golden-Ebanks		Acting Senior Policy Advisor, Ministry of Environment
John Bothwell		Secretary

National Conservation Council

General Meeting

10 December 2025

MINUTES

https://www.youtube.com/watch?v=R8QTTodTGbw

(broadcast date 12 December 2025)

1. Call to Order
   a. Attendees, Apologies, Quorum
      i. A quorum being present (see appendix) the meeting came to order at 1:14pm
   b. Declaration of Interests
      i. Members declared no conflicts of interests in any items on the Agenda.

2. Confirmation of Minutes of General Meeting of 17 September 2025
   a. Council considered the draft minutes and had no changes to make.
   b. Approval of the minutes were moved by Samantha Shields and seconded by Kathleen Bodden-Harris.
   c. The approval of the minutes was passed by acclimation. (Donald McLean abstained, and there were no objections.)

3. New Matters
   a. Bird Flu Update
      i. Update delivered by DoA Director Wilbur Welcome.
      ii. Sampling & surveillance continues, no further outbreaks. Poultry farmers continue to increase biosecurity.
      iii. Not able to back-trace the influenza, but no recently imported birds are sick so assume migratory birds as the source of infection. Some birds can be asymptomatic carriers. Therefore, even with this event contained or eliminated, new local events are always possible.
      iv. High environmental temperatures degrade the virus quickly in the environment. Farm had shady areas with cage & free ranging birds mingling, creating a pocket of infectability (a small area where the virus from infected birds could survive in the environment and infect new birds). But direct transfer can still occur from sick birds to healthy birds regardless of environmental conditions.
   b. Ratification of co-opting of Senior Policy Advisor (Environment) to the Council
      i. The draft motion, and background to the motion, was presented by the Secretary.
      ii. The motion was moved, as drafted, by Catherine Childs and seconded by Nickolaus Foster.
      iii. Council considered the motion (and background information).
         1. Council noted that the co-opting makes sense in terms of information flow to have someone from the Ministry as part of Council.

2. Council noted Emily Gilman (Ministry representative) is attending the meeting.

iv. Council voted and the motion was carried.
1. For: 9
2. Against: None
3. Abstain: Richard Mileham, Walling Whittaker, Wilbur Welcome

c. Appointment of DoE Little Cayman Officer as a Conservation Warden
i. The draft motion, and background to the motion, was presented by the Secretary.
ii. The motion was moved, as drafted, by Catherine Childs and seconded by Geddes Hislop.
iii. Council considered the motion, and background information, noting that the appointment was a good idea as Little Cayman needs a conservation enforcement presence. The motion was carried.
1. For: 9
2. Against: None
3. Abstain: Gina Ebanks-Petrie, Richard Mileham, Wilbur Welcome

d. Hemmington Forest Consultation Report
i. The secretary presented the Consultation Report and the Draft Management Plan.
ii. Council moved to accept the consultation process and consultation report, and to adopt the Management Plan for the Hemmington Forest National Park.
iii. Council considered the Motion, Report and Plan.
iv. Kathleen Bodden-Harris (the Sister Islands representative) offered to be on the design (and branding) team that would need to be assembled.
v. Council applauded DoE on the plan and the goals of people having more access to nature and trying to save the 'story' behind the area.
vi. The motion was carried.
1. Moved by Nickolaus Foster, seconded by Kathleen Bodden-Harris.
2. For: 9
3. Against: None
4. Abstain: Gina Ebanks-Petrie, Richard Mileham, Wilbur Welcome

4. 2025 to 2026: Sustaining Cayman's Natural Heritage
a. DoE Presented on several upcoming initiatives and goals for the next year related to areas of interest and involvement of the Council.
b. The Little Cayman World Heritage Nomination was used as a framing device for the various issues being considered as, whether on Little Cayman or one of our other islands, the efforts all contribute to preserving the Cayman Islands' valuable natural resources and beauty maintaining the quality of life in the Cayman Islands for current and future generations. Without a commitment to these actions, regardless of attaining World Heritage Status on Little Cayman, we will lose critical economic (tourism) opportunities and critical parts of our cultural identity.
c. See appendix for a selection of slides from the presentation.

5. 2026 Meetings
a. Council noted and accepted the schedule of general meetings for 2026.
b. Wednesdays, 1pm, 2026. 25 March, 17 June, 30 September, 2 December.

6. Any Other Business
    a. Council recognised Fred Burton for his contributions to Cayman conservation over the years, on the event of his retirement from the DoE at the end of this 2025.

7. Adjournment
    a. There being no other business, the meeting adjourned at 3:34pm.

8. Attendance Appendix

Council Member	**10 Dec. 2025**	**Representation**
Dr. Ian Kirkham	Present	Chairman; Terrestrial Ecology
Geddes Hislop	Present	West Bay, Wildlife Conservation
Nickolaus Foster	Present	Bodden Town
Walling Whittaker	Present	George Town, Environmental Engineering
Donald McLean	Present	East End
-	-	North Side
Kathleen Bodden-Harris	Present	Sister Islands
Dr. Samantha Shields	Present	Conservation Medicine
Catherine Childs	Present	National Trust for the Cayman Islands
Wilbur Welcome	Present	Director of Agriculture
Haroon Pandohie	-	Director of Planning
Richard Mileham	Present	Planning Officer, representing the Director of Planning
Gina Ebanks-Petrie	Present	Director of Environment
Timothy Austin	Present	DoE Deputy, Research
Emily Gilman	Present	Ministry of Environment (co-opted member)
John Bothwell	Present	Secretary

Little Cayman

An Example Of Cayman's Irreplaceable Natural Wonders, Safeguarded As A World Heritage Site For The Generations To Come.

World Heritage Status for Little Cayman

Criteria

- ✓Exceptional Natural Beauty
- ✓Critical Habitats for Biodiversity, especially endangered species

- ➢Community Led
- ➢Suggested Before
- ➢Lacked Management Tools
- ➢Trying Again

Process

- Community Proposing Committee
- UK Shortlist (April 2023)
- Proposal Reassessment (2024/25)
- Preparation of Nomination Dossier (2026/27)
- UK Review (2026/27)
- Submit Nomination Dossier (January 2028)
- IUCN Review (1.5 years)

Management Plans / Area Management

- Protected Area Management Plans
  - Marine Parks, e.g., Bloody Bay Marine Reserve
  - National Parks, e.g., Tarpon Lake?
- Environmental Management
  - Tourism Management Plan
  - Plan Cayman Development Plan
  - National Conservation Act section 41 reviews
  - National Climate Change Policy

Tarpon Lake – to be a National Park

East Interior and SE Ponds – to be a Wilderness Area first, maybe later a National Park

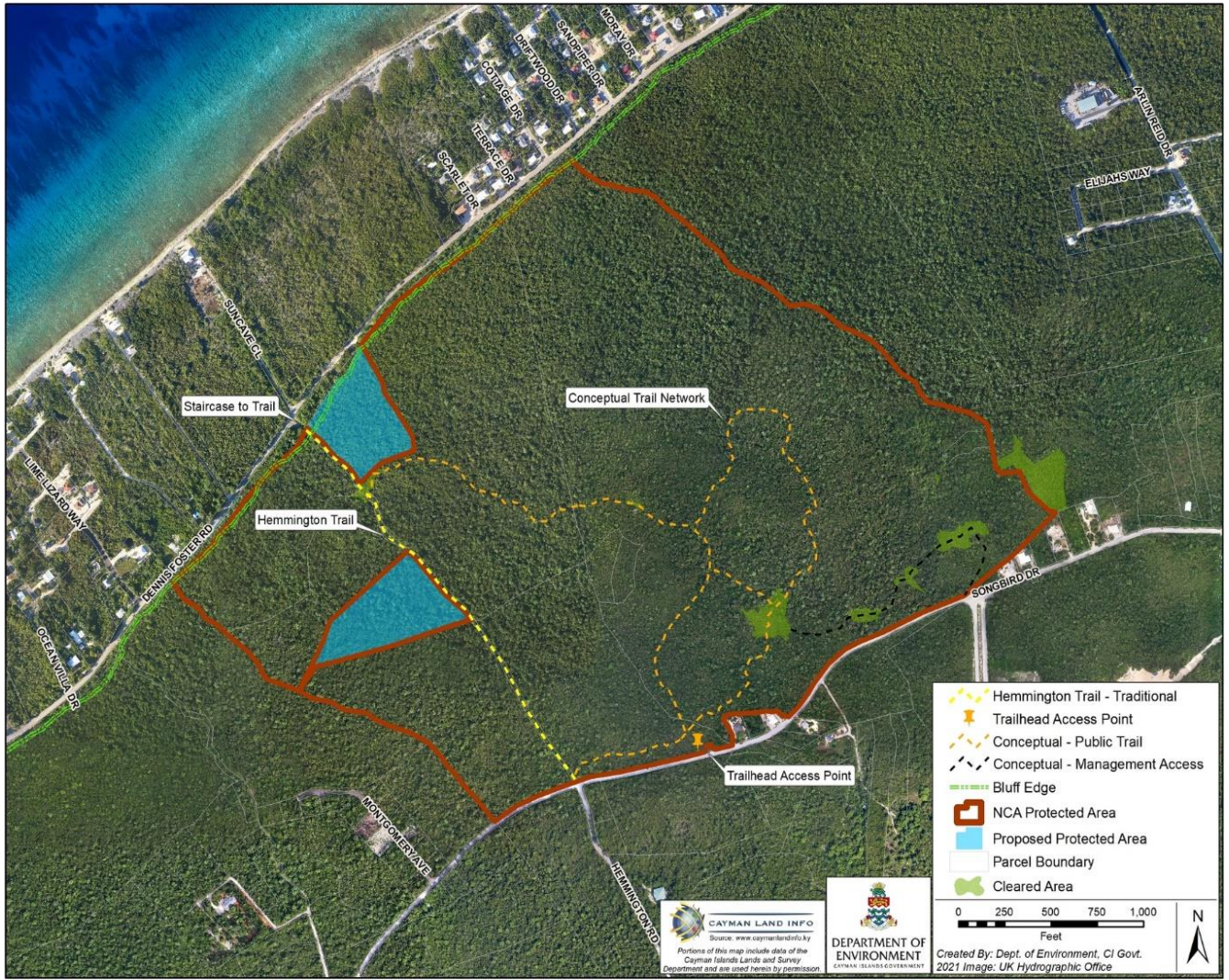
Salina Reserve Extension – to be conjoined in the Salina Reserve Management Plan (NTCI)

Crown Mangrove Cays – North Sound

Sand Cay – Species Management Area

Management of Protected Areas

Implementation of the Hemmington Forest Management Plan – step 1: Design



Department of Environment
Cayman Islands Government

Alien Species Management

Department of Environment
Cayman Islands Government

Native Species Protection

Management Plans / Species Management

- Grouper
- Turtles
- Fishing Permits
- Seabirds
- (Sister Island) Iguanas
- Fishing Permits
- SCTLD / Corals

Recognising Cayman's World Heritage Status

- ✓Exceptional Natural Beauty
- ✓Critical Habitats for Biodiversity, especially endangered species
- ✓Committed to Good Management

- UNESCO Support
- Marketing Potential
- Citizen Enjoyment
- Caymanian Pride

WP-05ai: Motion To Increase Spear Gun Licencing (Draft for General Meeting)

1) Spear gun licences are currently only re-issued to persons who hold a valid licence, and a licenced spear gun.
2) The National Conservation Council (Licence and Permit) (Amendment) Directives, 2021, allow for the issuing of up to 170 licences.
3) The National Conservation Council has previously considered options, and then requested guidance from the Minister of Environment on the preferred direction, for issuance of new (non-renewal) licences. The Ministry of Health, Environment and Sustainability has now requested a framework from the Council for the issuance of new (non-renewal) licences.
4) The Department of Environment has provided for the consideration of Council a recommended method for the issuance of new (non-renewal) licences.

It is therefore proposed that the National Conservation Council recommend to the Cabinet that

A) Spear gun licences continue to be limited to persons who hold, or at most have previously held, a spear gun licence.
B) Licences be distributed in order of how long ago applicants held a licence.
C) Licencing begin with persons renewing a currently active licence, ensuring that they will be able to continue to practice their recreational activity.
D) The prioritisation ranking be done in annual groups, prioritising for persons still with previously licenced guns.
E) The Regulations allow a maximum of 170 licences to be issued. Licences shall be issued by year group until the number of available licences remaining is fewer than the number of applicants remaining in that year group. At that point those last licences shall be distributed randomly among the remaining applicants in that year group.
F) Fish biomass (population) and diversity studies, particularly for reef fish, continue and if fish populations begin to decrease (either individual species or in general) for any reasons fishery controls (issuance of new spear gun licences annually when available, or otherwise) will have to be reconsidered.
G) The issuance of licences in 2026 implement the licencing period set out in the National Conservation Council (Licence and Permit) Directives (2022 Revision).
    i) 5b(1) An application for a spear gun licence under this Part shall be made to the Council during the period beginning 1st June and ending on 31st August annually.
    ii) There be no pro-rating of licence fees ($50 per year).
H) This process be continued in subsequent years.
I) The Cayman Islands Government 2028/29 Budget should include an increase for enforcement and for public education by the Department of Environment, particularly to support sustainable spear gun use in the Cayman Islands.

J) The Department of Environment is asked to initiate a sustainable (spear) fishing component of the licencing process for this year.

K) That with the issuance of spear gun licences applied for in keeping with 5b(1) of the Regulations, section 9 of the Regulations may then come into full practice, facilitating the import of new spear guns (and parts for licenced guns) by persons who hold a valid spear gun licence.

L) That the National Conservation Act section 3(13) Delegation to the (Director of the) Department of Environment to process, decide, and issue permits on behalf of the National Conservation Council be continued and include the issuance of spear gun permits as above.

M) When endorsed by the Cabinet this process shall enter into force and should begin immediately and automatically, i.e., the Department of Environment initiate the licencing of current and additional spear gun holders as described and delegated above.

Mover:

Seconder:

For:

Against:

Abstain:

Ministry of Health, Environment & Sustainability
Cayman Islands Government

M E M O R A N D U M

TO: Chairman, National Conservation Council

FROM: Acting Chief Officer, Ministry of Health, Environment and Sustainability

COPY: Director, Department of Environment
Secretary, National Conservation Council

DATE: 24 November 2025

SUBJECT: Speargun Licence Prioritisation Framework

The Ministry is keen to ensure the National Conservation Council (the "Council") can process licences for spearguns in accordance with the National Conservation Council (Licence and Permit) Directive (2022 Revision).

As such, the Ministry sought legal counsel from the Attorney General's Chambers on whether the Council may lawfully determine, as an internal matter, the method for prioritising the issuance of spear gun licences under relevant legislation.

On the basis of the Attorney General's Chambers advice on the matter (attached), the Ministry requests confirmation from the Council on the final version of the prioritisation framework to be utilised in order that the Ministry may submit a Cabinet Note to advise the current Cabinet of the proposed prioritisation framework before it is implemented.

Yours sincerely,

Neyka Webster
Acting Chief Officer
Ministry of Health, Environment and Sustainability (MHES)

Attachment:
- Advice – Prioritisation of Spear Gun Licence Applications under the National Conservation Act and 2022 Directives

ATTORNEY GENERAL'S CHAMBERS

Memorandum

TO: **Ms. Hannah Reid Ford**
Ministry of Health, Environment & Sustainability

FROM: **Attorney General's Chambers**

DATE: **13 October 2025**

REF: **AGC 10712 of 2025**

RE: **Prioritisation of Spear Gun Licence Applications under the National Conservation Act and 2022 Directives**

Attorney General's Chambers Case Reference No. **AGC 10712 of 2025** (please refer when replying)

INTRODUCTION

1. By email dated 1 August 2025, the Ministry of Health, Environment & Sustainability (the "**Ministry**") sought the legal advice of the Attorney General's Chambers (the "**Chambers**") as to whether the National Conservation Council (the "**Council**") may lawfully determine, as an internal matter, the method for prioritising the issue of spear gun licences under the National Conservation Act (2013 Revision) (the "**Act**") and the National Conservation Council (Licence and Permit) Directives (2022 Revision) (the "**Directives**"), or whether Cabinet approval and/or amendment of the Directives is required.

2. On 1 September 2025, Chambers requested factual clarification from the Ministry on: (i) transitional arrangements for pre-2018 lapsed licences; (ii) any Cabinet directions on prioritisation; and (iii) whether the Council had publicised or applied a different policy.

3. By reply dated 10 September 2025, the Ministry confirmed that: (i) no transitional arrangements exist, save that pre-2018 lapsed licence holders would be "first in line" within that category; (ii) Cabinet has not issued directions on prioritisation, its involvement having been limited to approving the 170-licence cap in 2021; and (iii) the Council has never applied or publicised a different allocation policy.

4. This memorandum sets out the factual background, the relevant legislative framework, and the Chambers' legal analysis and advice on the issues identified.

BACKGROUND

5. The Ministry noted that spear guns have long been tightly regulated in the Cayman Islands as part of a broader marine conservation policy.

6. Until August 2016, spear gun licensing was administered by the Marine Conservation Board. That body was disbanded when Part 5 of the Act came into force, transferring responsibility to the Council, which since then has exercised licensing powers under section 22 of the Act. By virtue of section 3(12)(f) of the Act, the Council also has powers to issue directives which include procedures for determining the circumstances under which licences may be granted. The exercise of that power is subject to any directions of Cabinet.

7. On 12 February 2019[1], Cabinet considered, and granted approval for, a proposal from the Council ("**the Proposal**") which would set a maximum of 170 spear gun licences annually in the Cayman Islands and for amendments to the National Conservation Council (Licence and Permit) Directives, 2016 to reflect proposed changes relating to the importation of spear guns.

8. Amendments made to the Directives in 2021 by the National Conservation Council (Licence and Permit) (Amendment) Directives, 2021 ("the **2021 Amending Directives**")[2], introduced three material changes: (i) a 170-licence annual cap (Directive 5A); (ii) removal of the restriction limiting eligibility to existing licence holders; and (iii) a protocol for importation of new spear guns (Directive 9D).

9. Transitional provision was made by Directive 11 of the 2021 Amending Directives (now found in Directive 52 of the Directives) to the effect that any spear gun licence issued by the Council before the coming into force of the 2021 Amending Directives and which had not already expired, would expire on 30 September 2021.

10. Despite those transitional provisions, and Directive 9D making provision with respect to the importation of spear guns, the Chambers understands the Council has not issued new licences or approved imports since 2022, stating the need for Cabinet direction on prioritisation.

11. The Council and Department of Environment have proposed to process applications in this order until the cap is reached:

    - Renewals of spear gun licences last expiring after 1 January 2018 (regardless of whether the applicant currently has a gun).

[1] See Extract from Minutes of Cabinet relating to CP792/19 National Conservation Council's Spear Gun Licensing Proposal

[2] The 2021 Amending Directives came into force on 12 March 2021.

- Persons with a gun and tag indicating prior licensing, where the licence expired before 1 January 2018, to be renewed in order of expiration date.

- Persons who previously held a licence but no longer have a spear gun, to be renewed in order of last expiration year.

12. As clarified by the Ministry's 10 September 2025 reply email, Cabinet has not issued any directions with respect to the proposed method of processing licensing application and the Council has never applied or publicised a different policy.

13. The Ministry also noted that no Regulations or Directives prescribe internal processing (first-come-first-served or otherwise).

LEGAL ISSUES FOR CONSIDERATION

14. The following legal issues arise:

(a) Whether the Council may lawfully adopt its proposed prioritisation framework ("the Prioritisation Framework") as an internal procedural matter, or whether Cabinet approval and/or amendment of the Directives is required;

(b) If Cabinet approval or amendment is required, the implications for the processing of other licences and permits under the Act; and

(c) Whether additional administrative law or practical considerations arise in adopting and implementing such a framework.

EXECUTIVE SUMMARY

15. For ease of reference, our key conclusions are summarised as follows:

(a) In the absence of existing directions of Cabinet with respect to the order of prioritisation of renewals of spear gun licences, the Council may lawfully adopt its proposed Prioritisation Framework as an internal procedural matter within the scope of its powers in section 3(12)(f) of the Act.

(b) No amendment to the Directives is required, since the Prioritisation Framework does not alter substantive eligibility. Instead, it sequences processing within the Directive 5A cap.

(c) In light of the fact that it appears that the Council may, at the time of the Proposal considered by Cabinet in 2019, have proposed that applications for spear gun licences be processed in a particular order which, on its face, appears to be slightly different from the Prioritisation Framework which is now proposed, the Chambers advises that it would be prudent for the

Council to notify this Cabinet of its proposed Prioritisation Framework before it is implemented.

(d) The Council may also wish to consider whether, in light of the transitional provisions which were made in Directive 11 of the Amending Directives (as described at paragraph 9 above) and the terms of section 23(5) of the Act, it would first be appropriate to consider if there are any outstanding applications for renewal which were submitted before 31 August 2021 but which are still to be processed; it seems to the Chambers that those would take first priority before any applications from persons whose licences expired by operation of law on 30 September 2021.

(e) The Prioritisation Framework should be formally adopted, published and applied consistently to meet administrative law standards of legality, rationality and procedural fairness, and to mitigate risks of challenge.

(f) Licence holders should be reminded that licences remain subject to species-specific prohibitions (e.g. Nassau grouper by spear gun) and marine-zone restrictions.

RELEVANT LEGISLATIVE FRAMEWORK

National Conservation Act

Offence relating to ownership and use of spear guns

16. Section 34 deals with offences in Cayman waters. In particular, section 34(c) provides:

> *"34. A person who, not being authorised or permitted under this or any other Law—*
>
> *(…)*
>
> *(c) has a spear gun in his possession or takes a specimen in Cayman waters with the aid of a spear gun or has in his possession a specimen taken from Cayman waters with the aid of a spear gun;*
>
> *commits an offence."* (emphasis added)

17. Section 2 of the Act defines "spear gun" as follows:

> *""spear gun" includes a mechanical or pneumatic spear gun, a Hawaiian sling, a pole spear, a stick spear, a hook stick, harpoon, rod or any device with a pointed end which may be used to impale, stab or pierce any marine life, but does not include a striker."*

Powers of Council to licence use of spear guns

18. Section 22 of the Act empowers the Council, upon written application by any Caymanian, to grant a licence to that person exempting them from any of the provisions of Part 4[3] of the Act to meet traditional/cultural needs.

19. Section 23 of the Act makes provision with respect to the issue, renewal and amendment of a permit or licence. In accordance with subjection (5), if an application for the renewal of a licence has been made before the expiry of the licence but has not been dealt with by the Council when the licence is due to expire, the licence continues in force until the application for renewal is dealt with and any renewal in such case is to be taken to have commenced from the day when the licence would have expired but for the renewal. That is, however, expressed to be subject to any directives of the Council setting out application periods for the renewal of a licence.

Powers of Council to regulate its own procedure and to issue directives

20. Section 3(7) provides that:

> *"3. (7) Subject to the provisions of this Act, the Council may regulate its own procedure."*

21. Section 3(12)(f) provides for orders, guidance notes and directives. It states:

> "(12) *The Council, subject to any directions of the Cabinet, may make orders and guidance notes and issue directives for the purpose of giving effect to the provisions of this Law and such orders, guidance notes and directives may include —*
>
> *…*
>
> *(f)* ***procedures for determining the circumstances under which permits and licences may be granted under Part 5***;
>
> *…"* [emphasis added]

Relevant powers of Cabinet

22. Sections 49 and 50(1)(m) and (n) of the Act provide for Cabinet directions and regulations. They state as follows:

> *"49. The Cabinet may give to the Council in writing such general directions as appear to the Cabinet to be necessary having regard to the provisions of this Law, the Conventions and the public interest and the Council shall act in accordance with such directions.*

[3] Note that the Chambers considers that the reference to Part 4 is erroneous. Part 4 of the Act deals with the powers and functions of the Council with respect to protected species; it does not create offences relating to activities in respect of which a person would otherwise need to be authorised. We think this reference should properly be a reference to Part 6 of the Act. The Chambers can explore this further with the Law Revision Commission to establish whether the Commissioner may be able to exercise her powers to make an appropriate correction.

50. (1) The Cabinet may make regulations —

(…)

(m) prescribing forms of applications, permits and licences;
(n) relating to such other matters as may be necessary or desirable pursuant to this Law or the Conventions."

Challenges to decisions/acts of Council or Cabinet

23. Section 44 of the Act comprises a judicial review safeguard:

"44. Nothing in this Act shall be construed as preventing any person from applying to the Court for judicial review of a decision, act or omission of the Council or the Cabinet."

The Directives

24. Part 2 of the Directives, made under section 3(12)(f) of the Act, comprehensively governs spear gun licensing, including eligibility, conditions, renewal, transfer, surrender, and importation. The key provisions for present purposes are Directives 5A, 9D and 52.

25. Directive 5A provides the cap of 170 licences per year:

"*5A. The Council may issue no more than one hundred and seventy licences annually."*

26. Directive 9D deals with the importation of spear guns.

27. Directive 52 reflects the transitional provision which was made in the 2021 Amending Directives. It provides as follows:

"(1) A spear gun licence issued by the Council before the coming into force of the National Conservation Council (Licence and Permit) (Amendment) Directives, 2021 [SL 22 of 2021], which has not expired before the coming into force of the said directives, expires on 30th September, 2021.

(2) The Council shall pro-rate the prescribed fee for the renewal of a spear gun licence under directive 7A at four dollars per month in respect of a licensee who —
(a) at the date on which the National Conservation Council (Licence and Permit) (Amendment) Directives, 2021 [SL 22 of 2021] come into force holds a valid spear gun licence issued by the Council which expires after 30th September, 2021; and
(b) applies for renewal of the spear gun licence under directive 7 before 30th September, 2021."

LEGAL ANALYSIS AND ADVICE

(a) Whether the Council may adopt the proposed Prioritisation Framework without Cabinet approval

28. The statutory scheme creates a division between matters which properly fall within Cabinet's responsibility, and matters which are within the remit of the Council.

29. The Act confers on the Council the power to grant licences to Caymanians who make a written application, subject to being satisfied of certain matters. Section 50(1)(m) and (n) of the Act confers on Cabinet the power to make regulations prescribing the forms of applications, licences, and such other matters as may be necessary or desirable for the Act's purposes. Section 3(12)(f) of the Act permits the Council to make orders and guidance notes, and issue directives setting out "procedures for determining the circumstances under which permits and licences may be granted." The Council's powers in that regard are not unfettered; they are subject to any directions issued by the Cabinet in exercise of its powers.

30. The Act does not specify the trigger for directions of Cabinet to the Council. It is assumed that, in some instances, directions from Cabinet would be triggered by a proposal emanating from the Council itself, but it is in principle possible that the Council may give directions to the Council of its own motion or on a proposal from the Department of Environment or the Ministry, or indeed in response to representations made by some other entity.

31. The eligibility criteria for the issue of spear gun licences are set out in the Directives. It is not known to the Chambers whether, at the time of the making of the National Conservation Council (Licence and Permit) Directives, 2016 on 9 August 2016, the eligibility criteria were the subject of directions from Cabinet or whether these eligibility criteria were determined by the Council independent of any consideration given by Cabinet. What is known, however, is that the 170-licence cap on the number of spear gun licences which the Council is permitted to issue on an annual basis, which is now found in Directive 5A of the Directives, *was* the subject of a proposal put to the Council for consideration by the Cabinet on 12 February 2019[4] and *was* the subject of Cabinet *approval*[5]. It is unclear whether that approval was intended to be a *direction* as such, but clearly the Extract from the Cabinet minutes of the meeting of 12 February 2019 could be interpreted in that way.

[4] Cabinet Paper 792/19

[5] See the Extract from Minutes of Cabinet relating to CP792/19 National Conservation Council's Spear Gun Licensing Proposal

32. As confirmed by the Ministry at paragraph 12 above, however, Cabinet **has not** issued directions under section 49 of the Act as to prioritisation of applications within the 170-licence cap. No such direction appears to have been given by Cabinet, following its meeting of 12 February 2019.

33. In the absence of such directions, we consider that the power vested in the Council to set out procedures for determining the circumstances under which permits and licences may be granted is sufficiently broad to enable the Council to determine the order in which applications are processed within the fixed 170-licence cap prescribed by Directive 5A of the Directives.

34. The position might be different if, for example, the Council was proposing more substantive changes, such as new / different eligibility criteria for the grant of a licence as there would appear to have been a past practice of seeking directions from Cabinet in that regard, or at least seeking Cabinet's approval for the Council's proposals about changes affecting eligibility.

35. Although the proposed Prioritisation Framework may have practical effects for applicants, given that those lower in the sequence may be refused a licence once the cap is reached, we do not consider this to be akin to the creation of a new substantive condition of eligibility. It is the inevitable consequence of there being a limited number of licences to go around. The sequencing mechanism manages that scarcity but does not alter underlying eligibility.

36. Subject to the point we make at paragraph 37 below, we therefore advise that the Council may lawfully adopt its proposed framework as an internal matter in exercise of its powers under section 3(12)(f) of the Act.

37. On review of Cabinet Paper 792/19, it appears that a slightly different approach to prioritisation of licence applications may have been put to Cabinet from that proposed in the request for advice (see paragraph 2 of the Executive Summary on page 1, and paragraphs 6 and 7 of page 3, of the Appendix to the Cabinet Paper). Against that background, and given that a good deal of time has passed since the amendments were made to the Directives in 2021, such that we now have a different government, we would advise that it would be prudent for the Council to make Cabinet aware of its proposed Prioritisation Framework before it is published and implemented, thus giving the opportunity for Cabinet to comment should it wish to do so.

(b) If Cabinet approval in the form of directions, or amendments to the Directives, is required, whether there are implications for the processing of other licences and permits under the Act

38. Since the Chambers' advice is that directions from Cabinet / the formal approval of Cabinet are not strictly required for the implementation of the Prioritisation Framework, and nor are any amendments to the Directives necessary, this question falls away.

(c) Whether additional administrative law or practical considerations arise in adopting and implementing such a framework

39. Even where the implementation of the proposed Prioritisation Framework falls within the Council's remit, the Council remains bound by general principles of administrative law, requiring that decisions are rational and procedurally fair. That is reinforced by section 44 of the Act, which preserves the right of any person to seek judicial review of an act or omission of the Council.

40. Transparency is particularly important in this context, given the capped number of licences and the potential sensitivity of spear gun regulation, which could give rise to a risk of perceived unfairness in the distribution of licences. The Council should therefore formally adopt and publish the Prioritisation Framework, for example on its website, and apply it consistently. This will reassure applicants that decisions are taken according to a clear and publicised process, and will significantly reduce the risk of successful legal challenge.

41. The Council should also emphasise that a spear gun licence does not override other conservation restrictions, including in section 34(1)(c) of the Act, the species-specific prohibitions in regulation 6(2) of the General Regulations, and the zone-based prohibitions under the Marine Parks Regulations. The Council should make these limitations clear when adopting and publishing the framework, to avoid any misapprehension by licence holders.

42. Finally, we note that the proposed Prioritisation Framework would give first priority to applications submitted by persons whose licences expired sometime after 1 January 2018. The Chambers queries why that particular date has been selected (noting that, following the coming into force of the Amending Directives, in the absence of an application for renewal having been made between 1 June 2021 and 31 August 2021, all existing licences were to expire on 30 September 2021). The Council may wish to consider whether, in light of the transitional provisions which were made in Directive 11 of the Amending Directives (as described at paragraph 9 above) and the terms of section 23(5) of the Act, it would first be appropriate to consider if there are any outstanding applications for renewal which were submitted before 31 August 2021 but which are still to be processed; it seems to the Chambers that those would take first priority before any applications from persons whose licences expired by operation of law on 30 September 2021.

We so advise.

Attorney General's Chambers

_____

Attorney General's Chambers

v8.2 17 November 2023
(updated 9 January 2026)

DoE Spear Gun Licencing Recommendations

Recommendation Summary:

That spear gun licences continue to be limited to persons who hold, or at most have previously held, a spear gun licence. The National Conservation Act limits licences to traditional uses and those persons who have previously held a licence can best meet this requirement of showing a historic link to the practice.

That licences be distributed in order of how long ago applicants held a licence, beginning with persons renewing a currently active licence, ensuring that they will be able to continue to practice their recreational activity. That the prioritisation ranking be done in annual groups, prioritising for persons still with previously licenced guns. The Regulations allow a maximum of 170 licences to be issued. When the number of available licences remaining is fewer than the number of applicants remaining in the year group those last licences be distributed randomly among the remaining applicants in that year group.

Full Recommendation:

In unanimously passing the National Conservation Act, 2013, the Parliament of the Cayman Islands indicated its desire for at least the continued importation of spear gun parts by licenced owners. (Section 22 "(2) A licence shall specify the name of the person who is permitted to engage in the activity and a description of the activity including- … (d) the allowance for the purchase of new and replacement of parts on any and all equipment used to fulfil the purpose of the licence.") Since the passage of the Act the Department of Environment has regularly received enquiries from members of the public regarding the importation of spear guns or spear gun parts, and the issuance of new spear gun licences. Although relatively small, the public desire for continued use of spear guns has not abated in the intervening years since the passage of the Act.

The issuance of the *National Conservation Council (Licence and Permit) (Amendment) Directives, 2021*, (now in force) responded to this desire for continued spear fishing by

a) creating the protocol for the importation of new spear guns and parts by licence holders;
b) establishing that "5A. The Council may issue no more than one hundred and seventy licences annually"; and
c) removing the previous directive that only persons who previously held a spear gun licence were eligible for a licence.

The management of spear guns under the new Directives must now be considered.

1) The DoE has done a scan of regional regulations for spear guns (e.g., Appendix 1), which are very variable and offers no obvious best approach to managing spear fishing.
2) While the Directives allow for the issuance of up to 170 spear gun licences per year it does not set a minimum so the number of licences issued (up to 170) and how they are apportioned is at the discretion of the National Conservation Council, acting within the scope of the Law and Directives and any written directions of Cabinet or policy guidance from the Minister.

a. The maximum of 170 licences was based upon the number of persons (171) then calculated as eligible to receive a licence under the National Conservation Council (Licence and Permit) Directives, 2016. (Holders of a spear gun owner's licence under the Marine Conservation Law (2013 Revision), i.e., licences expired after 30 September 2015.)
    i. 170 is a reduction from the total number of licenced spears over time which was about 440 licences: 116 licenced under the National Conservation Act and a further 322 previously licenced under the Marine Conservation Law but not renewed.
b. Two assumptions are made regarding the 170 maximum licence capacity.
    i. The full 171 persons were unlikely to all renew, as some percentage have not done so yet under the Act, i.e., that 171st person would not be disenfranchised.
    ii. If the full 170 licences were issued some would go to new licence holders as some percentage of currently eligible persons are unlikely to renew as they have not done so yet.
c. With the enhancement of the marine parks it was hoped that the Cayman Islands could sustain the current potential maximum number of spear fishers for the immediate future. However it was recognised that adaptive management of spear gun licence numbers, utilising fish stock health estimates based on the Department's annual reef fish biomass surveys, may be needed, i.e., there is the option that if the fish biomass[1] were to begin to decrease then any non-renewed spear gun licences that came available for distribution in future years would not be distributed in order to keep the fishery sustainable.
    i. The Department of Environment have been monitoring reef fish biomass for about ten years now and will continue to do so to inform ongoing management of the marine resources of the Cayman Islands.
    ii. The data does not show that current levels of fishing pressure are unsustainable, at the present time.
    iii. Increasing human population, and climate change, will have to be taken into account in the ongoing management of the natural resources of the Cayman Islands. However, both of those stresses are outside of the fishery management control.
    iv. Management of all (reef) fishing will therefore have to be kept under review and spear guns (and to a lesser extent fish pots) are the easiest pressure to manage and manipulate as spear fishing has a high impact on reef fish populations and spear gun licence numbers, and conditions, may be adjusted through Directives and Regulations and most easily by not adding new licence holders.
d. How the difference between the number of persons renewing their licence and whatever maximum (up to 170) the Council chose to issue would be distributed was at

[1] Biomass is the measure of both the number of fish seen but also their sizes. So more big fish means more biomass and fishing can continue. Lower biomass means either fewer fish or fewer big fish, which may mean that fishing needs to be restricted. This is a relative measure over time, i.e., comparing biomass of each species to itself over time, but not to other species, or the average trend (positive or negative) of all species.

the discretion of the Council and not yet decided upon. That is, whether any classes of previous licence holders would be given preference for 'new' licences, or if persons who had not previously held a licence would be eligible to apply for and receive a completely new licence as well, or whether any new licences would be issued at all, had not yet been decided by the Council, or given any formal direction by Cabinet or the Minister though discussions had been held with the former Minister of Environment.

e. Instructions from the Ministry on 16 December 2025 was that it is now "for the NCC to confirm its proposal for prioritising how the licences are issued up to the 170 maximum under the (Licence and Permit) (Amendment) Directives, 2022. Once the Ministry has the finalised proposal as endorsed by the Council, we will submit a Cabinet Note to advise the elected leadership of the framework."

3) The DoE recommends that spear gun licences continue to be limited to persons who hold, or at most have previously held, a spear gun licence.
    a. The Act limits licences to traditional uses and, though the Department does not suggest that a practice which only began in the 1960s or thereabout is traditional, the argument could better be made for allowing people to continue a practice they previously engaged in than to extend the practice by licencing new practitioners.
    b. Cayman's fish populations are not robust enough to support significant increased extraction, such as would reasonably be expected to arise from licencing new spear fishers.
    c. Spear guns are a very efficient means of extracting fish, particularly species less susceptible to other capture methods like hook-and-line, and of selectively targeting larger individuals that produce significantly more and higher quality eggs.
4) DoE recommends that in 2026 applications be considered and licences be distributed under the National Conservation Council (Licence and Permit) Directives (2022 Revision) as follows, in order of preference, until 170 licences are issued:
    a. Renewals of spear gun licences last expiring after 1 January 2018, i.e., licences issued under National Conservation Act and still eligible to renew but regardless if they currently have a spear gun or not.
        i. 116 licences
    b. Persons who do still have a gun and tag, or a gun that was tagged, indicating it had previously been licenced to them, i.e., still have their gun and licence last expired before 1 January 2018.
        i. Renewed in order of last expiration date of licence.
    c. Persons who previously held a licence, but who no longer have a spear gun.
        i. Renewed in order of last expiration year of licence.
        ii. At such time as the number of applicants in a given year group exceeds the remaining number of licences available, i.e., 170 licences is being reached, the final licences will be distributed by random draw from the applicants within that year group.
5) In the unlikely event that 170 licences have still not been distributed the Department of Environment recommends that those 'extra' licences not be issued.

6) In subsequent years of annual licence renewals under the National Conservation Council (Licence and Permit) Directives (2022 Revision), the order of preference would be the same as above.
    a. If at any time research indicates a reduction in fish biomass the Department will likely recommend a hiatus on considering the renewal of previously expired licences, i.e., licences not kept up to date, resulting in a slow reduction of the number of licences issued to below the maximum 170 per year.
    b. This would likely only be one recommendation within a suite of options to address reductions in fish biomass.
7) Any new species-specific regulations, e.g., slot or season or bag limits for mutton snapper (currently unmanaged), should apply to all fishers for fairness and are best done through Species Conservation Plans rather than through spear gun licencing conditions.
8) The allowance of one spear gun per licence holder should not be relaxed for enforcement efficiency and to not increase extraction as would reasonably occur if licence holders had multiple spear gun types allowing for the more efficient take of a greater range of species by a single licence holder.
9) There is no restriction (in principle) at this time on licence holders changing their gun for a different type and the Department does not recommend such restrictions at this time.
    a. There would be no impediment if licence holders wish to change their 'reef fish' gun for a 'pelagic' gun.
10) The Department does not support the creation of a special licence exemption for the use (or importation and use) of 'pelagic' spear guns by non-Caymanians, whether tourists or residents.
    a. The Department does not have the available data to manage the Cayman Islands pelagic fishery sustainably, as required by the Act for the issuing of licences. (Nor foresees the ability to obtain or collect such in a rapid manner.)
    b. The transfer of spear fishing pressure from reef fish to pelagics by those persons already holding a current or previous spear gun licence is a transfer of fishing pressure rather than the increase which new spear fishers, even if limited to tourist pelagic spear fishers, would be.
    c. The Department does recognise that a not insignificant – but unknown – proportion of our pelagic fish population will be migratory. This reduces the perception of the susceptibility of these stocks to local overfishing, especially compared to the unknown but presumed greater fishery take they are subjected to as they pass through other jurisdictions. However, without sufficient local fishery data, the Department cannot support opening a new class of local fishery, i.e., pelagic spear fishing by non-Caymanians.
    d. Any such 'tourist pelagic spearing licence' should take into account government interest around non-Caymanian fishing.

DEPARTMENT OF ENVIRONMENT (DOE)
SPEAR GUN LICENCE TERMS AND CONDITIONS

As provided for under Section 22 of the National Conservation Act (2013), in issuing a spear gun licence to individuals, the National Conservation Council has attached the following conditions which shall apply.

This Licence:

1. limits the number of spear guns that may be possessed under the licence to one (1);
2. prohibits the licensee from selling, lending or giving the spear gun to any other person;
3. permits the taking only of bony fish (Teleostei);
4. limits the number of bony fish (Teleostei) that may be taken in any one period of twenty-four hours beginning at midnight to a maximum of three (3) fish, excluding lionfish;
5. prohibits the taking of any Part 1 listed species including sharks and rays;
6. prohibits the taking of Nassau Grouper (Epinephelus striatus) or parrotfish (family Scaridae);
7. prohibits the use of spear guns in all marine park zones other than the two 'No-Diving Overlay Zones' off the north coast of Grand Cayman;
8. prohibits the use of a spear gun within two hundred yards of any dive or snorkel vessel flying a dive flag indicating that there are divers in the water, excluding the vessel from which the licensee is snorkelling;
9. prohibits the use of the spear gun in any lagoon, sound or a body of water which does not exceed twenty feet in depth;
10. prohibits the use of a spear gun in a 'SPAG Overlay Zone';
11. Prohibits the use of a spear gun while on SCUBA.

Additionally,

1. The licensee is required to keep the licence in his/her presence when spear fishing.
2. The license shall be for a period of 1 year after which the licensee must reapply to the Council.
3. The Council may suspend or revoke a licence if it appears to the Council that:
    a. any offence under Section 23. (10) of the National Conservation Act has been committed;
    b. any material particular on the application for the licence was false;
    c. the licensee is convicted of any offence under the law, any regulations or directives thereunder;
    d. the licensee is convicted of any offence involving violence or the threat of violence; or
    e. the licensee contravenes any condition or restriction of the licence, or any condition or restriction of any other licence or permit granted to him, whether or not the licensee is prosecuted or convicted of any offence in relation to such contravention.
4. Section 24 of the Act shall apply to a suspension or revocation of a spear gun licence.

NOTE: Any breach of licence conditions constitutes an offence under the National Conservation Act.

v8.2

17 November 2023
(updated 9 January 2026)

Appendix 1: Table of Regional Spear Gun Rules (https://www.hashtagboatlife.com/caribbean-fishing-laws/)
(note the information in this table contains inaccuracies)

Country	Spear fishing?	Spear fishing?			
		Visitors	Resident	Gear restrictions?	License?
Anguilla	Citizens only	No	Yes		
Antigua and Barbuda	citizens only with permit	No	Yes		Yes
Bahamas	Hawaiian sling only and not within 200 meters of any island's coastline. Spearguns are prohibited.	Yes	Yes	Hawaiian sling only	
Barbados	Yes, but no-take in MPA's	Yes	Yes		
Belize	Yes, only freediving, not on SCUBA	Yes	Yes		
Bermuda	Citizens only, not within 1nm of shore	No	Yes		yes
British Virgin Islands	No	No	No		
Cayman Islands	Citizens only	No	Yes		
Costa Rica	Yes, with standard fishing license	Yes	Yes		Yes
Cuba	Yes	Yes	Yes		
Dominican Republic	Yes	Yes	Yes		
Grenada	Citizens only	No	Yes		
Guatemala	Yes, with a recreational fishing license.	Yes	Yes		Yes
Honduras	No, lionfish only with a permit	No	No		
Jamaica	Yes, but not inside of Montego Bay National Park.	Yes	Yes		
Mexico	Yes, with permit on snorkel only	Yes	Yes		Yes
Nicaragua	Not sure				
Panama	Yes	Yes	Yes		
Puerto Rico	Yes, with restricted areas	Yes	Yes		
Saint Kitts and Nevis	No	No	No		
St Lucia	Citizens only	No	Yes		
Saint Vincent and the Grenadines	Citizens only	No	Yes		
Turks and Caicos	No, lionfish only	No	No		
Trinidad and Tobago	Yes, with restricted areas	Yes	Yes		
US Virgin Islands	Yes, outside MPA's	Yes	Yes		
Venezuela	Yes, with fishing license	Yes	Yes		Yes

National Conservation Council

National Conservation Council
Cayman Islands

Promoting and securing
biological diversity
and the sustainable use
of natural resources
in the Cayman Islands

Annual Report 2025

Staircase up the bluff to Hemmington Forest National Park.

The National Conservation Council exists to promote and secure the biological diversity of the Cayman Islands and ensure the sustainable use of Cayman's natural resources. It acts to protect and conserve endangered, threatened and endemic wildlife and their habitats. The Council oversees the protection of terrestrial, wetland and marine areas with the support of the current generation and for the benefit of future generations of the Cayman Islands.

Table of Contents

Council Activities, 2025 3
Appendix 1: The Council 5
1.1 Purpose 5
1.2 Statutory Functions 5
1.3 About this report 6
1.4 Composition of the Council 7
1.5 Governance 9
1.6 Meetings 9
1.7 Entry Into Force of the National Conservation Act 10
Appendix 2: Section 41 Consultations 10
Appendix 3: Financial 11

Council Activities, 2025

During 2025 the Council dealt with a number of administrative issues but was still able to advance a number of important conservation issues, while continuing to oversee legally mandated conservation consultations with other Government entities.

Conservation of Wildlife (Protected Species)

- Council reviewed and revised the draft Species Conservation Plan for Seabirds taking account of the Cabinet's feedback on the original draft submitted.

Conservation of Habitats (Protected Areas)

- Council proposed the (draft) management plan for Hemmington Forest National Park, which would be the Cayman Islands' first official National Park. After public consultation this was submitted to the Cabinet for approval. (https://conservation.ky/hemmington-forest/)

Alien Species

- Council (along with the Director of the Department of Environment and the Director of the Department of Agriculture) approved updated procedures for the control of feral cats in environmentally sensitive areas by the Department of Environment, to allow a method less stressful to the cats being killed to be used.

Administrative Activities

- Council provided comments to the Minister and Cabinet colleagues regarding proposals to ammend the National Conservsation Act, 2013.
- On February 5, 2025, the Cayman Islands Grand Court ruled in favour of the National Conservation Council in a judicial review against the Central Planning Authority regarding an unlawful, retrospective, after-the-fact planning permission for a road in an area subject to an Interim Directive designating it Critical Habitat for Blue Iguanas. The court ruled that the CPA acted unlawfully by trying to amend the improper permission rather than quashing it. An appeal for the removal of the Interim Directive was subsequently decided by Cabinet, removing the Interim Directive.
- There was a period of reduced activity as Council's membership was unsetteled as Cabinet changed the membership of the Council, a Judicial Review of that decision was brought by past memebrs of the Council and which placed a stay on the actions of the Council, Cabinet changed the memebrship of the Couincil again and the Judicial Review was withdrawn.
- The Senior Policy Advisor (Environment) was co-opted onto the Council to improve communication between the Council and the Ministry with responsibility for the Environment.

Sustainable Development

- Council oversaw the successful completion by the Environmental Assessment Board of its review of the Environmental Impact Assessment of the proposed East/West Arterial road.
    - NCC Chair's Cover Letter, https://conservation.ky/wp-content/uploads/2025/08/NCC-Chairs-letter-to-Minsister-Ebanks-Wilks-re-EABs-report-on-EIA-for-EWA-w-Case-for-B2.pdf
    - Environmental Assessment Board's Review of the East-West Arterial Final Environmental Statement, https://conservation.ky/wp-content/uploads/2025/08/EAB-Final-Comments-EWA-Combined.pdf
- In 2025 the following section 41 reviews were conducted on behalf of the Council.
    - Planning Reviews: 1,381
        - DPA Section 7 consultations: 1,058
        - NCA Section 41(3) consultations: 272
        - NCA Section 41(4) consultations: 51
            - Directed Conditions (Not all Section 41(4) consultations were necessary/requested): 48
                - Directed refusal: 2
    - Other Section 41 Reviews to other Government Entities: 46
    - Coastal Works Reviews: 17
    - Turtle Friendly Lighting Plans: 17
    - No reviews required Environmental Impact Assessments.
        - Two applications were screened but found not to require an EIA, while one quarry EIA was approved to restart (though the applicants did not recommence).
        - The status of all active EIAs can be found on https://conservation.ky/current-eias/. (Only the Airports Authority EIAs, voluntarily screened and initiated by the Authority in 2024, remain active.)
        - Any that have produced public reports can be found on https://conservation.ky/eia-reports/.

Appendix 1: The Council
(Statutory Construction of the Cayman Islands National Conservation Council)

1.1 Purpose

The National Conservation Council (the Council, NCC) is established by, and to facilitate the goals of, the National Conservation Act 2013 (the Act, NCA), that is: to promote and secure biological diversity and the sustainable use of natural resources in the Cayman Islands; to protect and conserve endangered, threatened and endemic wildlife and their habitats; to provide for protected terrestrial, wetland and marine areas; and to give effect to the provisions of certain international conventions (the Protocol Concerning Specially Protected Areas and Wildlife to the Convention for the Protection and Development of the Marine Environment of the Wider Caribbean region, the Convention on Wetlands of International Importance (especially as waterfowl habitat), the Convention on the Conservation of Migratory Species of Wild Animals, the Global Convention on Biological Diversity, and the United Nations Framework Convention on Climate Change).

1.2 Statutory Functions

The functions of the NCC are set out in Part 2, section 3 of the Act, in particular in subsection (9):

(a) subject to this Act, managing and making recommendations on the use of the Environmental Protection Fund;
(b) promoting the biological diversity and the conservation and sustainable use of natural resources in the Islands;
(c) co-ordinating the establishment and adoption by the public and private sectors of national policies for the conservation and sustainable use of natural resources, including-
    (i) the use of wetlands and wetland resources; and
    (ii) the excavation of aggregate and fill materials;
(d) recommending and maintaining protected areas and conservation areas and conserving, maintaining and restoring their natural resources in accordance with Part 3;
(e) conserving, maintaining and restoring populations and critical habitats of protected species in accordance with Part 4;
(f) promoting the training of professional and voluntary personnel in the fields of research, management and wardening of protected areas and species and the other natural resources of the Islands;
(g) promoting wider understanding and awareness of the significance of the ecological systems of the Islands, the benefits of conserving natural resources and of the provisions of this Act and the Conventions;
(h) publicising the establishment of protected areas and the designation of protected species and raising public awareness, through educational programmes and other means, of the significance and value of protected areas and species and of the benefits that may be gained from them;
(i) encouraging public involvement, particularly by local communities, in the planning and management of protected areas and the conservation of protected species;
(j) promoting the adoption of guidelines by entities for the integration of conservation issues into their decision-making processes and for the achievement of the sustainable use of natural resources;

(k) promoting district, national and regional initiatives, including co-operative enforcement measures and mutual assistance in the enforcement of national laws, in order to further the objectives of the Conventions;
(l) promoting national plans for emergency responses to activities or events, whether caused naturally or not, that present a grave and imminent danger to biological diversity and encouraging international co-operation to supplement such national plans;
(m) promoting national plans for the sustainable management, conservation and enhancement, as appropriate, of sinks and reservoirs of greenhouse gases; and
(n) carrying out such other functions and duties as are specified under this Act and the regulations;

and in subsection (12):

the Council, subject to any directions of the Cabinet, may make orders and guidance notes and issue directives for the purpose of giving effect to the provisions of this Act and such orders, guidance notes and directives may include-

(a) criteria for identifying endangered or threatened species or other species needing protection under this Act;
(b) criteria for evaluating proposals for the establishment and management of protected areas and for the measures required to protect and conserve protected species and their critical habitat;
(c) criteria for the application for, and grant of, monies from the Fund;
(d) criteria for the review, assessment and reporting of activities funded in whole or in part by monies from the Fund;
(e) the form and content of a petition under section 16(3);
(f) procedures for determining the circumstances under which permits and licences may be granted under Part 5;
(g) measures governing the methods and conditions under which the captive breeding or artificial propagation of protected species may be allowed;
(h) procedures for regulating and controlling wild populations and the import, introduction, possession, transportation and release of alien or genetically altered specimens;
(i) procedures for consultation by entities pursuant to section 41(3); and
(j) the carrying out of environmental impact assessments under section 43.

1.3 About this report

This report is prepared in compliance with the duty set out in section 5 of the Act requiring the Council, no later than three months after the end of the financial year, to prepare and submit to the Minister a report of its activities during the preceding year, following which the Minister shall submit it to Cabinet for laying on the table of the Parliament.

This is the tenth annual report of the National Conservation Council and covers the period from 1 January 2025 to 30 December 2025 inclusive.

1.4 Composition of the Council

The Act regulates the composition of the Council. The Council is composed of thirteen voting members (section 3(2)):

(a) the Director or his nominee from the Department of the Environment;
(b) the Deputy Director of Research in the Department of the Environment;
(c) the Director of the Department of Agriculture or his nominee from the Department of Agriculture;
(d) the Director of Planning or his nominee from the Department of Planning;
(e) a person nominated by the National Trust and appointed by the Cabinet; and
(f) eight persons appointed by the Cabinet.

The Cabinet appoints the Chair. Amongst the Cabinet appointees at least four shall have relevant scientific or technical expertise and they are chosen such that there is at least one person from each of the six electoral districts.

The Department of Environment (DoE) is charged with appointing a Secretary to the Council (section 6). John Bothwell, Manager of the Department's Legislation Implementation and Coordination Unit, has remained as Secretary throughout 2025 and since the Council's inception in 2014.

The Council membership in 2025 was as follows.

January 2025

Representation	**Member**
General Member	Stuart Mailer (Chairman) (Marine & Terrestrial Biodiversity Expertise)
East End	Steve Broadbelt
North Side	Dr. Ian Kirkham (Terrestrial Ecology Expertise)
West Bay	Lisa Hurlston-McKenzie (Climate Change & Sustainable Development Expertise)
George Town	Lucille Seymour, MBE
Bodden Town	Pierre Foster
Sister Islands	[unfilled]
National Trust	Frank Roulstone
Department of Agriculture	Brian Crichlow
Director of Planning Planning Officer, representing the Director of Planning	Haroon Pandohie Richard Mileham
Director of Environment	Gina Ebanks-Petrie
DoE Deputy, Research	Timothy Austin
General Member	Patricia Bradley (Avifauna Expertise)

February 2025 (Extraordinary Gazette 11/2025)

NAME	POSITION	REPRESENTING
Gilbert McLean	Chair	
Ezzard Miller	Voting Member	North Side / Technical
Capt. Eugene Ebanks	Voting Member	West Bay
Dr. A. Steve McField	Voting Member	Bodden Town
Arden McLean	Voting Member	East End / Technical
Kenny Ryan	Voting Member	Cayman Brac / Technical
Paula Tathum	Voting Member	George Town
Ian Kirkham	Voting Member	Terrestrial Ecology
Frank Roulstone	Voting Member	National Trust for the Cayman Islands
Director (or Nominee)	Ex-Officio Voting Member	Department of Agriculture
Director (or Nominee)	Ex-Officio Voting Member	Department of Planning
Director (or Nominee)	Ex-Officio Voting Member	Department of Environment
Deputy Director	Ex-Officio Voting Member	Department of Environment

May 2025 (Extraordinary Gazette 36/2025)

Name	Position	Representing	Expires
Dr. Ian Kirkham	Chairperson	Terrestrial Ecology	14 May 2027
Geddes Hislop	Voting Member	West Bay and Wildlife Conservation	14 May 2027
Nikolaus Foster	Voting Member	Bodden Town	14 May 2027
Walling Whittaker	Voting Member	George Town and Environmental Engineering	14 May 2027
Donald McLean	Voting Member	East End	14 May 2027
Harris McCoy	Voting Member	North Side	14 May 2027
Kathleen Bodden-Harris	Voting Member	Sister Islands	14 May 2027
Dr. Samantha Shields	Voting Member	Conservation Medicine	14 May 2027
Catherine Childs	Voting Member	National Trust for the Cayman Islands	14 May 2027
Director (or Nominee)	Ex-Officio Voting Member	Department of Agriculture	Does not expire
Director (or Nominee)	Ex-Officio Voting Member	Planning Department	Does not expire
Director (or Nominee)	Ex-Officio Voting Member	Department of Environment	Does not expire
Deputy Director, Research (or Nominee)	Ex-Officio Voting Member	Department of Environment	Does not expire

Mr. Harris McCoy subsequently resigned from his seat on Council in July 2025.

1.5 Governance

Section 3 of the Act governs the proceedings of the Council. Seven voting members of the Council constitute a quorum. The decisions of the Council are by simple majority and the chair has a casting vote only. The Council is obligated to meet in a place open to the public and cause to be prepared and published the agendas and minutes of all meetings. The Council may, subject to the Act, regulate its own procedure.

The Council's Manual of Policy and Procedure contains rules for administration of the Council, a Code of Conduct, and a procedure for Disclosure of Interests. The Council chose to adopt the model Code of Conduct proposed by the Commission for Standards in Public Life.

In respect of Disclosure of Interests Schedule 2 of the Act provides, in subsection 9:

(1) If a member of the Council has any pecuniary or other interest in any matter to be dealt with by the Council, he shall disclose the fact to the chairman and shall not take part in any meeting at which the matter is considered or discussed.
(2) A member of the Council who fails to comply with subparagraph (1) commits an offence and is liable-
    (a) on summary conviction to a fine of twenty thousand dollars and to imprisonment for two years; or
    (b) on conviction on indictment to a fine of fifty thousand dollars and to imprisonment for five years,
    unless he proves that he did not know that matter in which he had an interest was the subject of consideration at that meeting.
(3) A disclosure under subparagraph (1) shall be recorded in the minutes of the meeting of the Council.

Council members are also subject to the provisions of the Standards in Public Life Act and were required to file a declaration of interests with the Commission for that Act. Access to that register of interests would be through the Commission on Standards in Public Life.

The Department of Environment's Freedom of Information staff have been delegated to administer Freedom of Information requests to the Council.

1.6 Meetings

The Council held General Meetings in 2025 on 2 June (no meeting in the first quarter due to the changes of Council members and related Judicial Review), 17 September and 10 December.

Agendas with working papers, and Minutes (once approved), of the meetings can be found at https://conservation.ky/general-meetings/. In accordance with the statutory requirement and the Council's Policy and Procedure Manual, the agenda and working papers for the meetings were published in advance and the public was able to view the proceedings of each General Meeting in full and live on YouTube. The meeting recordings can be viewed at National Conservation Council (NCC) General Meetings - YouTube.

Council also conducts non-binding working groups approximately every three weeks in order to prepare for the general meetings. Council occasionally considers procedural items at these

sessions or via correspondence, with those items then being ratified at the next appropriate General Meeting.

Matters for the Agenda are cast as Working Papers (or sometimes Information Papers) prepared by the Department of Environment (with the option for papers to be prepared by Council members either individually or representing Committees of the Council). Matters for decision are usually presented with a recommendation and a draft motion for approval as a resolution of the Council.

1.7 Entry Into Force of the National Conservation Act

Parts 5 and 7 of the National Conservation Act, 2013 (NCA), with the exception of sections 46 and 47 of Part 7, came into force on the 15th day of August 2016. This included section 51, which repealed the Marine Conservation Act (2013 Revision). Only sections 46 and 47 of the National Conservation Act still remain to come into force.

Appendix 2: Section 41 Consultations

Under Section 41 of the National Conservation Act all Government entities are required to consult with the National Conservation Council before granting a permit or licence, or making some other decision, that would be likely to have an adverse effect on the environment. Section 43 of the Act allows the Council, where necessary, to require the proponent to carry out an Environmental Impact Assessment (EIA). When an EIA is initiated, the Council appoints an Environmental Advisory Board (EAB) to regulate the process.

The Council has delegated normal section 41 reviews to the Department of Environment (to the Director, as per section 3(13) of the Act) as an administrative function of the Act. This includes identifying any proposals which may require an EIA and reporting a Screening Opinion to the Council for the Council to decide if an EIA is required, or not.

In 2025 the following section 41 reviews were conducted on behalf of the Council.

- Planning Reviews: 1,381
    - DPA Section 7 consultations: 1,058
    - NCA Section 41(3) consultations: 272
    - NCA Section 41(4) consultations: 51
        - Directed Conditions (Not all Section 41(4) consultations were necessary/requested): 48
            - Directed refusal: 2
- Other Section 41 Reviews to other Government Entities: 46
- Coastal Works Reviews: 17
- Turtle Friendly Lighting Plans: 17

Two applications were screened but found not to require an EIA, while one quarry EIA was approved to restart (though the applicants did not recommence).

EIAs remain international best practice at a relatively minor cost for those projects that require them, especially compared to the potential savings they can identify for the project. They are an important tool for assuring the public that environmentally, socially and economically appropriate decision-making is occurring. The activation of EIAs in local legislation has gone a long way to raising the profile of the Cayman Islands which in February 2013 were assessed as “weak” in

each of the four areas of environmental governance (species, sites, development control and people) evaluated by the Foundation for International Environmental Law and Development (FIELD[1]). Having EIA legislation also assists the Cayman Islands in achieving commitments made under the Convention on Biological Diversity, the Ramsar Convention, the 2001 Environment Charter, and the Cayman Islands Constitution Order 2009.

Unfortunately, the non-acceptance of Council recommendations, or even Directions under the Act, in some instances remains a significant problem. Non-acceptance of Direction could leave the non-complaint Government agency, or even private sector entities acting on the advice or permission of the non-compliant Government entity, open to legal challenge or prosecution.

The status of all active EIAs can be found on https://conservation.ky/current-eias/. (Only the Airports Authority EIAs, voluntarily screened and initiated by the Authority in 2024, remain active.) Any that have produced public reports can be found on https://conservation.ky/eia-reports/.

Appendix 3: Financial

All accounts for the National Conservation Council and the Environmental Protection Fund are held and administered by the relevant Departments and Ministries of the Cayman Islands Government. Accounts for financial reporting or auditing purposes should be sourced from the relevant Departments & Ministries, or the Treasury Department and Ministry of Finance.

[1] https://doe.ky/wp-content/uploads/2025/02/FIELD-assessment-environmental-protection-frameworks-overseas.pdf

WP-05ci: Council Manual Updates

1) National Conservation Act section (7) allows that "Subject to the provisions of [the Act], the Council may regulate its own procedure."
2) The Council has a Manual of Policies and Procedures which "specifies the internal procedures, rules and processes that the Council has established to govern its operation".
3) There having been minor changes to Council processes over the years an update to the Council Manual is proposed to bring the written procedures in line with current practice.

It is therefore proposed that the National Conservation Council update its Manual of Policies and Procedures (as described below).

- 5.3.1, time of meetings changed to 1pm.
- 5.3.2, council year changed to calendar year from financial year, reflecting change in Cayman Islands Government financial year.
- 5.3.3, location of notice of Council meetings on Council not DoE website, and no longer requiring a hard copy at the DoE office.
- 5.3.4, General Meetings should be (not shall be) once a quarter.
- 5.4.2, General Meetings shall be open to the public by internet broadcast for free viewing.
- 5.7.2, Collective good faith execution of decisions by Council members.
- Acknowledgement of Council Code of Conduct to be re-signed by members when Council (majority) are (re)appointed.
- Other typographical corrections, e.g., 5.3.7, seven days' notice not seven days notice.

Mover:

Seconder:

For:

Against:

Abstain:

National Conservation Council
Manual of Policies and Procedures
25 March 2026

Contents

PREFACE 2
BACKGROUND 2
ADMINISTRATION 3
5.1. MEMBERSHIP 3
5.2. QUORUM AND ATTENDANCE 3
5.3. SCHEDULE OF MEETINGS, CANCELLATION AND ADJOURNMENT 3
5.4. PUBLIC ATTENDANCE AT COUNCIL MEETINGS 4
5.5. AGENDA AND BOARD PAPERS 5
5.6. CHAIRING MEETINGS 5
5.7. COUNCIL DECISIONS 6
5.8. COUNCIL DECISIONS VIA CORRESPONDENCE 6
5.9. VOTING 6
5.10. PROCEDURE FOR VOTING ON MOTIONS 7
5.11. DISCLOSURE OF INTERESTS 7
5.12. COUNCIL AND COMMITTEE MINUTES 8
5.13. VARIATION, AMENDMENT AND INTERPRETATION OF STANDING ORDERS FOR MEETINGS 9
5.14. SUSPENSION OF STANDING ORDERS 9
CODE OF CONDUCT 10
a) Compliance with Laws 10
b) Objectivity / Impartiality 11
c) Fairness / Courtesy 11
d) Accessibility 11
e) Timeliness 11
f) Quality, Consistency & Cost 11
g) Collegiality 12
h) Confidentiality 12
Disclosure of Interests 12
PUBLIC COMMUNICATION 13

6. Policy 13
7. Website 13
DEFINITIONS 14
Council Orders, Guidance Notes and Directives 14
Acknowledgement of Code of Conduct 14

PREFACE

1) The purpose of this manual is to act as an operational guide for the National Conservation Council. It specifies the internal procedures, rules and processes that the Council has established to govern its operation[1]. It includes guidance for Council members, Government entities and members of the public. It will be published on the National Conservation Law section of the Department of Environment website for public reference. It will be revised at various times as the Council's Policies, Procedures and Directives evolve.

2) The National Conservation Council may be contacted via the Department of Environment (DoE@gov.ky, www.DoE.ky, Tel: 345-949-8469, Fax: 345-949-4020; PO. Box 10202, KY1-1002) or the Council email: ConservationCouncil@gov.ky.

BACKGROUND

3) The National Conservation Council is established under Section 3 of the National Conservation Law (NCL, the Law). It exists to exercise the powers and carry out the duties imposed on it by the Law. The Council's function, generally, is to promote the conservation and sustainable use of Cayman's natural resources and biological diversity. The main source of the Council's functions, powers and duties may be found in Section 3 of the National Conservation Law. The Council's composition is guided by Schedule 2 of the Law.

4) This manual contains material that is in addition to, but does not replace, the Law itself. This manual is not a substitute for the Law itself. A copy of the National Conservation Law may be downloaded from the National Conservation Law section of the Department of Environment website.

[1] This manual is based in part on the Cayman Island's Human Rights Commission's Policies and Procedures Manual and the Code of Conduct for Persons in Public Life in the Cayman Islands, as promulgated by the Commission for Standards in Public Life.

ADMINISTRATION

5) Subject to any other provision in the Law the Council may regulate its own proceedings.

5.1. MEMBERSHIP

5.1.1. The Council is formed of thirteen voting members, appointed by Cabinet in accordance with Schedule 2 of the Law, having a range of competencies and drawn from relevant government departments, the National Trust and from across all the districts of the Cayman Islands. Duration of appointment is for two years and may be renewed.

5.1.2. Additional non-voting members may be co-opted from time to time.

5.2. QUORUM AND ATTENDANCE

5.2.1. Seven voting members of the Council constitute a quorum. The Chairperson is considered a voting member of the council for purposes of quorum. The statutory quorum will apply regardless of vacancies in the voting membership. No business will be transacted at a Council meeting unless a quorum is present. Members obliged to leave in the course of the meeting should ensure the Chair and secretary have so noted. If during a meeting, the number of members present falls below the quorum the Chair shall terminate the meeting at that point.

5.2.2. Attendance and absence shall be recorded in the minutes.

5.2.3. Subject to Council approval the quorum for Committees will be agreed separately for each Committee as part of the terms of reference for that committee.

5.2.4. Ordinarily all attendance will be in person. Telephone or video-conference attendance may be permitted (with agreement of the Chair) in exceptional circumstances. All persons must be able to hear and be heard when conducting meetings by this means.

5.2.5. Members, including non-Council members of advisory committees will be invited to make any necessary Disclosure of Interest at the start of each meeting.

5.3. SCHEDULE OF MEETINGS, CANCELLATION AND ADJOURNMENT

5.3.1. Until agreed by the Council otherwise, the standing meeting time for the National Conservation Council will be Wednesday afternoons at 1pm.

5.3.2. The Council shall approve in advance of each calendar year a provisional set of dates and venues for Council meetings.

5.3.3. Notice of and the agenda for General Council meetings will be published on the National Conservation Council website seven clear days in advance of the meeting.

5.3.4. There should be at least one General Council meeting every quarter of the calendar year.

5.3.5. General Council meetings shall be held in a place open to the public.

5.3.6. At the discretion of the Chair a Special meeting may be called at short notice to consider urgent business. If the Chair fails to exercise her/his discretion to convene a Special meeting, in circumstances where it is reasonably justifiable to do so, seven voting Members may request a Special Meeting by depositing notice together with the wording of the motion to be voted upon with the Director of the Department of the Environment (the Director) who must call the Council meeting within seven clear days of receiving such written request by immediately posting the deposited notice, provided always that the Director is not the Chair. If the Director is the Chair the notice shall be deposited with the Legal Advisor.

5.3.7. Council meetings may be cancelled by the Chair, acting in consultation with other persons as the Chair chooses, with seven clear days' notice, if there is insufficient business or other good reason to do so.

5.3.8. With agreement of the majority of Members present, and for good reason, the Chair may adjourn a Council meeting for a reasonable period.

5.3.9. The Council may adjourn a Council meeting for a reasonable period or to another date, or failing agreement as to date, to a date at the discretion of the Chair. A motion to adjourn must be seconded and the vote taken immediately without amendment or discussion by a show of hands. A similar motion to adjourn to another date may not be moved within an hour of the vote on the earlier motion.

5.4. PUBLIC ATTENDANCE AT COUNCIL MEETINGS

5.4.1. Section 3(6) of the NCL prescribes that the Council shall meet in a place open to the public and that agendas and minutes be published.

5.4.2.Open to the public shall include the internet broadcast for free viewing.

5.4.3. Mobile telephones, pagers, tablets and other such equipment must be switched to silent mode during meetings of the Council so as not to disturb the conduct of the meeting.

5.4.4. Committee meetings and executive, non-decision making, Preparatory Workgroup Sessions of the Council may be held in private.

5.4.5. The Council is not required by legislation to permit the recording or broadcasting of its meetings by sound, video, film, photograph or any other means (this includes blogging or tweeting, posts on social media sites such as Facebook or publishing on video sharing sites). However, in the interests of helping the wider public observe and understand Council decisions, requests to record and report on meetings of the Council that are held in public may be permitted providing it can be demonstrated that it will not disrupt the meeting and is carried out in accordance with any protocols and guidance issued by the Council.

5.4.6. Requests to record and report on public meetings of the Council and its Committees should be made in writing to the Council at least two clear working days in advance of any such meetings. Open requests will be considered.

5.4.7. The Chair of the meeting has discretion to withdraw or suspend this permission should s/he deem it necessary, for example if the recording is disrupting the conduct of the meeting, or where a member of the public attending a meeting objects to being recorded. In order to assist the Chair to manage the meeting and respect the wishes of other members of the public who are present the recording must be carried out in such a way that everyone present is aware that the meeting is being recorded or reported.

5.5. AGENDA AND BOARD PAPERS

a) General Council meetings

5.5.1. Council members will be given notice and agendas fourteen (14) clear days in advance. Council members may submit matters for inclusion in the agenda up to twenty one (21) clear days in advance.

5.5.2. Board Papers may consist of Information Papers, Working Papers and papers prepared by Council members. Preparation of Board Papers other than members papers shall be delegated to either (i) the appropriate Department represented on the Council or (ii) such other Committee or persons as the Council may determine.

5.5.3. All papers and agendas for general Council Meetings will be available for public inspection seven (7) clear days in advance on the website and at the DoE Reception. In exceptional circumstances late papers will be accepted up to three (3) clear days in advance.

b) Committee and Preparatory Workgroup meetings

5.5.4.Committee and Council members will be given notice and agendas five (5) clear days in advance. Committee and Council members may submit matters for inclusion in the agenda up to seven (7) clear days in advance.

5.6. CHAIRING MEETINGS

5.6.1. The Chair appointed by Cabinet will preside at Council meetings. In the event that the Chairperson appointed by Cabinet is unable to attend any meeting of the Council the members in attendance, by majority vote, shall choose an Acting Chair.

5.6.2. Committees will be chaired by the person agreed by the whole Council to be the Chair of that Committee. In his/her absence Committee members may appoint an acting Chair.

5.6.3. If, in the opinion of the Chair of any meeting, any person present at that meeting is incapacitated or not showing proper behaviour considerate of the other persons present such that the due and orderly despatch of business is not possible, the Chair of that meeting shall have the power to require that person to leave the meeting.

5.6.4. In the case of a Council member the Chair shall first put the motion “That the Member named be not further heard" and the motion if seconded shall be put and determined without discussion.

5.7. COUNCIL DECISIONS

5.7.1. The Council will aim to build consensus among attending Members.

5.7.2. Council decisions, once taken, will not be publicly opposed by members and will be carried out collectively and in good faith.

5.7.3. A Member departing early will be treated as a non-attending Member for the purpose of any decision taken after the time of departure. A Member shall have the option of having his/her dissent recorded to a decision of the Board provided he/she has attended for the whole of the discussion and decision, and asks to record his/her dissent immediately after the decision is concluded.

5.7.4. Written comments on agenda items submitted by Members who are not attending will be circulated to Members. All written comments must be received by the Secretary, no later than three (3) clear days prior to the Board meeting.

5.7.5. Only attending members will be able to vote, and generally this will be done by a show of hands.

5.7.6. At the Chair's discretion, or at the request of a quarter of the members in attendance, voting may be conducted through a secret ballot. In such circumstances the Legal Advisor, or the Secretary if the Legal Advisor is not present, will issue and collect ballot papers, count the vote, and announce the result to the Council.

5.7.7. In the event of Council members wishing to make a decision at a meeting contrary to recommendations contained in the relevant Working Paper, the reasons must be clear and minuted, failing which the Chair retains the discretion to adjourn the item to a subsequent meeting.

5.8. COUNCIL DECISIONS VIA CORRESPONDENCE

5.8.1. Exceptionally, if a Council decision is required urgently and it is not possible to convene a meeting, the Chair may permit the matter to be dealt with through correspondence. A matter is considered to be urgent only if a decision is immediately required to avert an unfavourable, harmful or adverse outcome.

5.8.2. Such correspondence shall clearly state the motion to be decided upon. It shall also clearly state the time frame for discussion and decision.

5.8.3. In deciding on written resolutions individual Members will submit their response to the Secretary and the Chair in writing. Such decisions require at least seven positive votes to pass.

5.8.4. The decision will be confirmed at the next Council meeting.

5.9. VOTING

5.9.1. Decisions of the Council shall be by simple majority of voting Members present.

5.9.2. The Chair shall have a casting vote only, i.e., shall only vote in the event of a tied vote. Similarly, an Acting Chair shall have a casting vote only. S/he shall count as a voting member for purposes of quorum.

5.10. PROCEDURE FOR VOTING ON MOTIONS

5.10.1. The recommendations contained in Working Papers shall be formulated as motions.

5.10.2. Every motion and amendment must be moved and seconded. The terms of all motions and amendments must be clearly stated prior to a Member speaking to the motion or amendment. If the Chair decides, a motion or amendment will be written down, signed by the mover and seconder, and given to the Secretary who will read it to the meeting.

5.10.3. Where a motion and one amendment only are before the meeting these will be voted on together, but if there are more amendments than one, the amendment last proposed will be put against that immediately preceding and the amendment then carried against the next preceding and so on until there remains only one amendment, between which and the original motion the vote will be taken. Where convenient for the disposal of the matter under consideration the Chair has the discretion to arrange the consideration of and voting on amendments in the order in which they affect the original motion.

5.10.4. Motions or amendments which are not seconded will not be discussed or recorded in the minutes. Any Member may have her/his abstention or dissent from the eventual decision recorded in the minutes.

5.10.5. A motion or amendment may be withdrawn by the mover if her/his seconder and the Council agree. Such a motion or amendment will not be inserted in the minutes.

5.10.6. A motion for the approval of a report of, or a minute of, the Council will be considered as an original motion and any proposal involving alteration or rejection of the report or minute will be dealt with as an amendment.

5.10.7. The Chair may move approval of the report, of, or minute of, the Council.

5.10.8. The mover of an amendment and the mover of the original motion each have a right of reply, in that order. When a mover of the original motion has replied the Chair will close the debate and no other Member will be allowed to speak. The Secretary or the Chair will announce the terms of the motion and amendment(s) and take the vote.

5.10.9. Where a vote is taken all business will be decided by a majority vote of those present and voting. A vote will normally be taken by a show of hands.

5.11. DISCLOSURE OF INTERESTS

5.11.1. Members are under a statutory obligation of disclosure of any interest in relation to any item on the agenda to the Chair and such Council member shall take no part in the discussions or decisions of the Council in relation to that item, and shall recuse her/himself from the meeting during such discussions or decisions.

5.11.2. Where any dispute arises as to whether a declarable conflict exists the following will apply:

5.11.3. In the event that this situation arises during the course of a meeting, the Chair of that meeting will have the power to rule as to whether such a conflict exists. In the event of such a ruling being made, the member concerned will be required to take no further part in the discussions or decisions relating to the agenda item concerned, or, if the conflict is in relation to more than one items under discussion, for the duration of business in relation to the items concerned and in either case shall recuse her/himself from the meeting during the consideration of the item(s).

5.11.4. In the event that the member refuses to remove themselves from the meeting, it shall be in the power of the Chair of the meeting to suspend the item(s) concerned from the agenda and bring it/them back for consideration at a subsequent meeting. In this event, the matter of potential conflict shall be referred to the Legal Advisor for advice on the matter. At the subsequent meeting if, based on the advice of the Legal Adviser there is still no agreement between the Chair and the member in question regarding the existence of a declarable conflict of interest it shall be decided by a binding vote of the Council in which the member in question shall have no vote.

5.11.5. In the event that the potential conflict arises outwith a meeting, then the Legal Advisor shall advise as to whether such a conflict exists. In the event of being advised that a declarable conflict exists the member concerned will be required to take no further part in any business relating to that matter. If the member in question still disagrees the existence, or not, of a declarable conflict of interest shall be decided by a binding vote of the Council, informed by the advice previously given by the Legal Advisor, in which the member in question shall have no vote.

5.12. COUNCIL AND COMMITTEE MINUTES

5.12.1. Minutes of all Council and Committee meetings will be taken by the Secretary who will normally be a member of staff of the Department of Environment as designated by the Director.

5.12.2. Taken in conjunction with the papers presented to the meeting, the minutes should provide a correct record of the meeting and the decisions reached, and sufficient detail to indicate the issues discussed in reaching those decisions.

5.12.3. A ‘first draft’ minute will be circulated to Members within seven (7) clear days of the Council or Committee meeting. Any revisions required by Members will be raised and discussed at the next Council or Committee meeting. The minutes will be signed by the Chair as a correct record (subject to any amendments agreed).

5.12.4. The minutes of General Council meetings shall be posted on the National Conservation Law section of the Department of Environment website after they have been confirmed.

5.12.5. Minutes of Committee and Executive Preparatory Workgroup Sessions will not generally be published as they are not decision making sessions.

ESTABLISHMENT OF COMMITTEES

5.12.6. In accordance with section 3(13) of the NCL, the Council may delegate any of its functions other than the making of orders and the issuing of directives, to the Director or to any committee or subcommittee of its members.

5.12.7. By section 4(1) the Council may appoint Advisory Committees consisting of members of the Council, representatives of districts and persons with knowledge and experience of conservation issues to assist it in the performance of its powers and duties.

5.12.8. The Council shall decide the remit, membership and chairmanship of Committees.

5.12.9. Committees shall report directly to the Council.

5.12.10. Environmental Advisory Boards established for the purposes of overseeing Environmental Impact Assessments commenced prior to the appointment of the Council shall be reconstituted as Advisory Committees to the Council, with no changes in makeup or remit.

5.12.11. These Standing Orders will apply to the Committees set up by the Council unless standing orders specific to the committee are established.

5.13. VARIATION, AMENDMENT AND INTERPRETATION OF STANDING ORDERS FOR MEETINGS

5.13.1. These Standing Orders may be varied, revoked or altered only by the Council and any such alterations will require the consent of the majority of Members present at such a meeting. Notice of the intention to bring forward proposed amendments to Standing Orders must be signified at the previous Council meeting. Notwithstanding this provision, no Standing Order may be varied or amended if this would contravene any statutory or other legal provision, or any direction made by Cabinet.

5.13.2. The Chair in consultation with the Legal Advisor or the Secretary will have discretion, with or without discussion with other Members, to determine all questions of procedure where no specific provision is made under these standing orders.

5.13.3. A periodic review at not less than two yearly intervals of the Standing Orders will be undertaken to consider whether amendments should be proposed.

5.14. SUSPENSION OF STANDING ORDERS

5.14.1. Providing it is consistent with any statutory provisions, any one or more of the Standing Orders can be suspended at any meeting, provided that two-thirds of those members present agree.

CODE OF CONDUCT

1) The members of the National Conservation Council adopt, uphold, promote and undertake to be bound by the following seven core principles, as a matter of good governance and honourable conduct.

   a) Leadership - Members should promote and support these principles by leadership and example.

   b) Selflessness - Members should take decisions solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family or their friends.

   c) Integrity - Members should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.

   d) Objectivity - In carrying out public business council members should make choices on merit.

   e) Accountability - Members are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

   f) Openness - Members should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

   g) Honesty - Members have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

2) Additional Requirements

   a) Compliance with Laws

      i) Members shall act in accordance with all applicable laws and should comply with the spirit and intent of the law.

      ii) Members shall not commit or condone an unethical or illegal act or invoke another to do so.

      iii) Members should be familiar with legislation, policies and directives that apply to their work (most importantly the National Conservation Law and related Regulations, policies and directives) and the work of the Council in order to comply with or facilitate others' compliance with applicable laws.

      iv) Members should recognize the public interest through consistency and predictability in the exercise of their decision-making authority by considering relevant facts and evidence as well as law and jurisprudence.

b) Objectivity / Impartiality

i) Members should approach every proceeding and every issue arising in a proceeding with an open mind, and avoid doing or saying anything to cause any person to think otherwise.

ii) Members should be independent in decision-making.

c) Fairness / Courtesy

i) Members have an obligation to comply with procedural fairness and natural justice requirements and to act impartially in the conduct of proceedings, including in matters of law and member attitude and demeanour.

ii) Members should treat each person with dignity and respect and in a manner that builds trust.

iii) Members should treat those who appear before this Council fairly, and without favouritism.

d) Accessibility

i) Members should be aware and respectful of social and cultural differences. In the course of their duties, they should act in a manner that promotes an appreciation of diversity.

ii) Members must be sensitive to potential barriers to accessibility.

iii) Members should conduct hearings or reviews such that those who appear before or make representation to the Council understand procedures and practices and can participate equally.

e) Timeliness

i) Members should take all reasonable steps to ensure that proceedings are concluded in a timely manner, avoiding unnecessary delays and cancellations of proceedings.

ii) Parties are entitled to a decision as soon as practicably possible after the proceeding.

f) Quality, Consistency & Cost

i) Members should be fully prepared for a meeting or other proceeding and ensure that proceedings are orderly.

ii) Members should ensure that proceedings are streamlined to the best extent possible without sacrificing fairness.

iii) The Council should strive to ensure that its meetings and decisions are of an equal high quality and that decisions are consistent.

iv) Members should respect the use and treatment of public funds.

g) Collegiality

i) Members should foster a collegial working environment and conduct themselves in a manner that reinforces the integrity and professionalism of the National Conservation Council.

ii) Members should conduct themselves in a manner that demonstrates respect for the views and opinions of colleagues, technical staff and the public.

iii) Members should not comment publicly on another member's decision or conduct unless otherwise approved through an established policy.

h) Confidentiality

i) Members shall consider the privacy interests of individuals in the conduct of hearings and decisions, consultations, meetings, deliberations, decisions and public statements.

ii) Members must not disclose information that the Council considers to be confidential.

iii) Members must not take advantage of confidential or other information obtained through official duties to obtain a personal benefit.

Disclosure of Interests

1) The National Conservation Law, 2013 (schedule 2, clause 9) requires that if a member of the Council has any pecuniary or other interest in any matter to be dealt with by the Council he shall disclose the fact to the chairman and shall not take part in any meeting at which the matter is considered or discussed.

2) A member of the Council who fails to comply with the disclosure obligation commits an offence and is liable-

(a) on summary conviction to a fine of twenty thousand dollars and to imprisonment for two years; or

(b) on conviction on indictment to a fine of fifty thousand dollars and to imprisonment for five years,

unless he proves that he did not know that matter in which he had an interest was the subject of consideration at that meeting.

3) It shall be Council practice to ask attending members for a disclosure of interests at the beginning of every meeting.

4) Any disclosures shall be recorded in the minutes of that meeting of the Council.

5) The Standards in Public Life Law requires that each Council member shall register a declaration of interests with the Commission for Standards in Public Life, in keeping with the requirements of that Law and the standards of that Commission.

PUBLIC COMMUNICATION

6. Policy

6.1. The Chair (or designate) speaks (to the media, groups requesting comment, etc.) on behalf of the Council.

6.2. Enquiries should be made in writing (email acceptable). Responses, where possible, will likewise be in writing.

6.3. The Chair (or designate) speaks after feedback from the Council.

6.4. Members of the Council may express their opinions on matters, but must ensure that in doing so it is made clear that these are personal opinions and are not being made on behalf of the National Conservation Council.

6.5. Council members may attend meetings of other groups, e.g., district councils, and report on general council meetings or bring back information or questions to the Council.

6.6. Similarly Council members may personally and privately respond to 'general' questions and comments from individuals enquiring into the Council's activities but also raising issues for the Council's consideration.

6.7. At all times Council members should be mindful and respectful of the personal, private and confidential issues which the Council may have to consider or be made privy to from time to time, including business and government plans and considerations not yet advanced to the stage of public discussion.

7. Website

7.1. There shall be created a National Conservation Council website.

7.2. All Council and Law related documents for public reference will be uploaded there, including:

7.2.1. Agendas and minutes of General Meetings.

7.2.2. Council Annual Reports after they have been tabled in the Legislative Assembly by the Minister for Environment as provided for in the Law.

7.2.3. All species and area plans and other proposals being made available for public consultation.

DEFINITIONS

8. Terms defined in the Law have the same meaning in this manual.

9. Other definitions:

"clear days" means the number of days specified not counting the day of the notice or the day of the meeting or other activity as applicable.

"Director" means the Director of the Department of the Environment from time to time.

"Legal Advisor" means the person appointed by the Attorney General's Chambers to provide legal advice to the Council.

Council Orders, Guidance Notes and Directives

Nominations for Protected Areas
Nominations for Protected Species
Applications for Permits & Licences
Consultations by Government Entities

National Conservation Council

Acknowledgement of Code of Conduct

I _____ acknowledge that I have read and understand the Code of Conduct and other principles as set out in the National Conservation Council's Manual of Policies, Procedures and Directives.

I agree to adhere to this Manual and commit myself to acting in accordance with all applicable legislation, policies, and guidelines, including those contained within the Manual.

_____ _____

Signature of Member Signature of Witness

Date: _____ Date: _____

To be signed by members upon taking up their role as a member of the Council, and re-signed by all members whenever a majority of the Council are appointed or reappointed.