

**MINUTES
4th MEETING OF 2011
THE ANTI-CORRUPTION COMMISSION
29 NOVEMBER, 2011
CONFERENCE ROOM
COMMISSIONS SECRETARIAT**

COMMISSION MEMBERS PRESENT:

Commissioner of Police David Baines	Chairman
Auditor General Alastair Swarbrick	Member
Sir Peter Allen	Member
Leonard Ebanks	Member

APOLOGIES: Complaints Commissioner Nicola Williams Member

ANTI-CORRUPTION UNIT MEMBERS PRESENT:

Richard Oliver	Detective Inspector
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SECRETARIAT MEMBERS PRESENT:

Deborah Bodden	Manager, Commissions Secretariat
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Also present was Legal Counsel for the Commission as assigned by the Director of Public Prosecutions.

1. Meeting called to order

The meeting was called to order at 9:07 am.

2. Confirmation of previous minutes

The minutes of the 30 August, 2011 meeting were confirmed.

3. Presentation by Legal Counsel

Legal Counsel has been assigned by the Director of Public Prosecutions on a full time basis to the Commission as of 1 December, 2011 for a period of two months after which time an assessment will be conducted as to the future needs of the Commission. This is currently a temporary arrangement as the last Legal Counsel assigned to the Commission has left the employment of the Cayman Islands Government. Legal Counsel indicated that there are concerns about the legislation and specifically about the definitions used in the law. There seems to be a difference between what the intention of the law was and what was actually written in the law. These concerns were set out in a memorandum to the Chairman which will be forwarded to all members. The Commission is advised to request that the legislation be amended and made clearer to its original intentions. The Chairman has agreed to write to the Governor to express their concerns. Legal Counsel enquired as to the expectations of this role over the next two months and the Commission indicated a list of their needs. It was suggested that the Legal Counsel familiarise themselves with these needs by reading the minutes of previous meetings found on the website. All members are to forward any actions they require of the Legal Counsel to the Chairman.

4. **Outstanding Business**
a. **Scope Sub-Committee's Second Report**

Due to the change in the Legal Counsel there was no second report of the Scope Sub-Committee presented at this time. D/I Oliver will acquaint the Legal Counsel with these reports and update the Commission on their standing at the next meeting.

b. **Online Training**

The Commission members were able to enroll in the on-line course presented by DFID entitled "Essentials of Anti-Corruption". Six spaces were offered to the Commission which were utilised by four of the five commission members and two officers assigned to the unit. Unfortunately two commission members have had to withdraw from the course but others have indicated that it is useful and provides an avenue of good resources. They have formed an appreciation for what happens around the world and highlight some of the problems others are facing just as this commission is facing. The biggest issue facing these commissions is whether there is the political will to change the legislation.

c. **Electronic Security Update**

There has been no progress made in this area though D/I Oliver is still progressing the options for having a software system being created specific to the Commission's needs as opposed to purchasing one off of the shelf. A quote will also be obtained by D/I Oliver for a stand-alone server. Concerns arise over the lack of a Data Protection Law and the security of the system. As an aside the Unit is still working on the Computer Services Department installing a log-on notice for them which reminds users that they are to use the information they are about to view for work purposes only and what the consequences of misusing the information are.

5. **New Business**
a. **2012/2013 Budget**

The Commission was asked to forward their budget requests to the Manager by early January so that the Commissions Secretariat 2012/2013 Budget can be created. The lack of budget is a real concern for the Commission and the Chairman and Manager will work towards creating a request in order to sustain the operations of the Commission.

6. **Operational Update**

The Commission received a brief update from D/I Oliver on some ongoing investigations being conducted by the ACC Unit. The purpose of these updates is to provide the members with insight into the types of cases being handled by the ACC Unit and as a result the levels of workload they are experiencing and the resources necessary to handle such workloads. Specific details such as names, locations, dates, etc. are included in a separate schedule due to security issues. Information shared with members is done so to ensure they are able to fully act in their capacity as an oversight body.

7. **Any Other Business**
a. **Auditor General**

The Auditor General indicated that he would give a formal briefing at the next meeting of any concerns he is experiencing but indicated that he continues to have concerns surrounding the procurement process.

b. **FOI**

There is no word yet on the status of FOI as it relates to the Commission.

c. Private Member's Motion

A notation was made that a Private Member's Motion was made in the house to make changes to the Anti-Corruption Law however that motion has not progressed any further at this stage. Other members of the community such as Tim Ridley have expressed an interest in sitting on the Anti-Corruption Commission.

8. Action List

- a. Chairman to write to His Excellency the Governor re: request to have the ACC legislation reviewed;
- b. D/I Oliver to continue to research the electronic needs of the Commission and the Unit;
- c. Members will forward all expectations/requirements of the Legal Counsel to the Chairman; and
- d. The Scope Sub-Committee will continue their work as outlined above;

9. Items to be Discussed at the Next Meeting

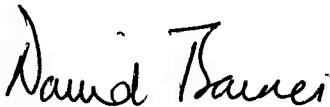
- a. Response to request to review legislation;
- b. Legal Counsel recommendations;
- c. Scope Sub-Committee's Second Report; and
- d. Electronic Security Update.

10. Next Meeting

The next meeting will be held on Tuesday, 28 February, 2012 at 9am.

11. Adjournment

The meeting was adjourned at 12:00pm.



David Baines
CHAIRMAN
ANTI-CORRUPTION COMMISSION