

MINUTES
2nd MEETING OF 2011
THE ANTI-CORRUPTION COMMISSION
31 MAY, 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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1. **Meeting called to order**

The meeting was called to order at 9:05 am.

2. **Confirmation of previous minutes**

The minutes of the 18 February, 2011 meeting were confirmed.

3. **Presentation by John Masters**

John Masters of the Legal Department gave the Commission a presentation on "The Way Forward." He discussed the role and structure of the Commission as well as the Commission's powers especially as they relate to delegation of duties. He also discussed the creation of a mission statement, code of conduct as well as a policies and procedures manual for the Commission. Mr. Masters stressed the importance of the Commission deciding core issues which relate to his functions and make up. From these decisions the Commission could begin drafting documents to support its policies and procedures.

At the end of the presentation (once Mr. Masters excused himself) the Commission decided to establish the Scope Sub-Committee which would report directly to the Commission at this time. The Sub-Committee will consist of John Masters and D/I Oliver and will begin by addressing the Resolutions identified in the presentation and accepted by the Commission. The Resolutions identified were as follows:

- a. "That an establishment project be launched for developing compliance protocols for the Anti-corruption Law.
- b. That the Cayman Islands government be approached to provide a budget of approximately \$20,000 to enable to project to take effect.
- c. That John Masters and Richard Oliver scope and put together a formal proposal for the purposes of seeking the funding.

- d. That funding be raised to visit and consult the Independent Commission Against Corruption in NSW Australia to seek guidance and assistance with protocols in establishment project."

The Commission agreed to accept Resolutions a and c and to leave Resolutions b and d until the Scope Sub-Committee reported back on their findings of Resolutions a and c. The Sub-Committee was asked to review the resolutions and align specific plans to each one.

It was further agreed that a delegation letter and a register to record those delegations will be created by the Secretariat for approval by the Commission.

In addition to the establishment of the Scope Sub-Committee it was agreed that the Commission would also create the following Committees:

- Audit and Compliance – Alastair Swarbrick (Chair) and Leonard Ebanks
- Legislative and Procedure – Sir Peter Allen (Chair) and Nicola Williams
- Operations and Investigative – Commissioner of Police, David Baines (Chair) and Alastair Swarbrick

The Commission agreed that each committee chair will be delegated the decision making power to operate their committee as they see appropriate via a delegation instrument. It was noted that although the chair of each committee has the delegated decision making authority the Commission wishes that in as many situations as possible the other ACC member should be consulted regarding decisions. The chair must also be prepared to provide the Commission as a whole with updates/reports when appropriate.

The Commission was informed that the \$5000 requested by the Chairman to facilitate training of the Commission members for the 11-12 budget year had been cut from the budget. It was decided that the Commission would not address the topics of training or funding until the Scope Sub-Committee had given their first report detailing their findings of resolutions a and c as described above.

The Commission also agreed, based on the recommendation from the Honourable Attorney General and the relevant experience and interest in the subject area that he possesses, that Mr. Masters should be confirmed as the Legal Advisor to the Anti-Corruption Commission. The Chairman has agreed that he will contact the Honourable Attorney General to confirm and clarify that the authorizing powers given to his post in the Anti-Corruption Law (2008) have been transitioned to the Director of Public Prosecutions now that the post has been filled.

4. Outstanding Business

a. Final Submission of the 2010 Annual Report

The 2010 Annual Report was signed at the meeting by those members who had not yet signed it and after the meeting was forwarded to the Governor and copied to the Honourable Deputy Governor and Honourable Attorney General.

b. 2011 Schedule of Conferences

As discussed above the budget for training for the Commission had been cut and thus unless the Commission members received external funding there would be no training during the 11-12 budget year. The Manager indicated that she had informed the Honourable Attorney General of this issue as it would raise compliance issues with the ACC's good standing with the OECD. The Manager did indicate that an online training had been identified and was waiting a response as to whether ACC members could participate in the course.

c. Electronic Security Update

The Manager briefed the Commission on the electronic needs of the Anti-Corruption Unit in terms of their securing of documents on a confidential server. The Manager indicated that as the information she received from the Anti-Corruption Unit indicated several police entities would want to subscribe to using this server, the Commissions Secretariat was in no position to seek additional funding for what would be classified as a RCIPS project.

d. Policies and Procedures Manual

The Secretariat has now drafted a policies and procedures manual which requires editing by the Commission. It was agreed that once the Scope Sub-Committee gives their first report and the Commission makes some fundamental decisions, the manual could be edited. For now, the project has been placed on hold.

e. Website

The Computer Services Department has begun building this website and the Commission agreed that the Complaints Form developed by the Secretariat could also be uploaded to the site.

f. Statistics

The Manager reminded the ACU that she would need to be provided with statistics to be able to complete the 2011 report when September came around and the question again arose what is the definition of a complaint? It is pertinent that the Commission answers this query so that the Unit may make an accurate report of information. It was agreed that the Secretariat would research what ICAC reported on in their annual reports so that information may be used as a guide.

5. 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 not discussed and not every case that is being investigated is mentioned.

6. Items to be Discussed at the Next Meeting

- a. Scope Sub-Committee's First Report;
- b. Online Training Opportunity;
- c. Electronic Security Update; and
- d. Website Development.

7. Next Meeting

The next meeting will be held on Tuesday, 30 August, 2011 at 9am.

8. Adjournment

The meeting was adjourned at 12:05pm.

DB

David Baines
CHAIRMAN
ANTI-CORRUPTION COMMISSION