

MINUTES
2nd MEETING (EXTRAORDINARY) OF 2023
ANTI-CORRUPTION COMMISSION
17 FEBRUARY 2023
COMMISSIONS SECRETARIAT

COMMISSION MEMBERS PRESENT:

Adrian (Gus) Pope	Chairman
Simon Whicker	Member
Romeo Frederick	Member
Kendra Foster	Member
Laurence Aiolfi	Member
Charles Jennings	Member

SECRETARIAT MEMBERS PRESENT:

Marilyn Conolly	Manager
Richard Oliver	Senior Investigator (“SIO”)

1. Meeting called to Order

The meeting was called to order at 10:04am.

2. Confirmation of Minutes

The draft minutes of the meeting of 17 January 2023 were previously approved by round robin and are available on the ACC website.

3. Matters Arising from Previous Minutes**a. Assessment of ACC Re: Jakarta Principles**

Members reviewed the Jakarta Principles consultation report (the “Report”) in detail. It was noted that some recommendations could be addressed directly by the ACC of its own volition in the shorter term whereas others were clearly matters to be considered in the medium or longer term, if at all, and would require significant legislative amendments. It was agreed that as an initial step the ACC would seek to prepare a more extensive policies and procedures manual based upon the draft prepared several years ago but never finalised or adopted. The Chairman, assisted by Member Jennings, would commence this, drawing on the resources of the Research Analyst as necessary. As part of this process, further meetings might be needed with the consultant who produced the Report if areas of the Report required clarification. In parallel with developing a more comprehensive policies and procedures manual it was agreed that the existing Corruption Reports/Complaints Procedure as published on the ACC’s website required review, particularly in the light of the recent amendment to the ACA which enables the Manager

to delegate to the SIO responsibility for accepting and acknowledging complaints. It was agreed that this responsibility be delegated forthwith and the Chairman agreed to review the Corruption Reports/Complaints Procedure on the website. The Chairman also stressed that it was important for the Secretariat, on a periodic basis (as a minimum annually), to review the content of the website for accuracy, being up to date etc. The Chairman passed a number of specific comments on the website to the Manager for immediate change and it was agreed that as part of the proposal to revise the website more generally, the documentation on it would need to be carefully checked. It was agreed that the question of to whom the Report was circulated and when would be considered in due course.

b. Secretariat Organisational Structure Updates

Members requested that the Manager outline the impact that any recommendations from the Portfolio of the Civil Service (PoCS) for the restructuring of the Secretariat would have on the operations of the ACC and to provide an update on staffing levels. The Manager advised that this was still an issue as there was a continuing need expressed for new administrative posts to support the work of all 6 commissions which impacted the support that the Secretariat could provide to the ACC. Members noted that PoCS recommended that the posts of Public Relations & Education Coordinator (currently vacant) and Research Analyst (currently filled) should be eliminated in order to create two more administrative posts. PoCS also recommended that the Deputy Manager post (currently vacant) in active recruitment as a full-time post, should be converted to a short term two year post then eliminated while a new Administrative Supervisor post was being developed.

Members noted that the posts of Public Relations & Education Coordinator and Research Analyst were vital to support the work of the Secretariat and the ACC and therefore should remain, in addition to creating more administrative posts to support the various commissions. In particular, members agreed that one administrative staff member should be assigned full-time to the ACC as opposed to the present situation where only one person is on staff to support all six commissions and therefore the Research Analyst and Manager have to take on administrative roles for other commissions. Members also requested that any vacant posts be filled as soon as possible to create a long term support system for the ACC while causing minimal disruption to the Secretariat. The Manager confirmed that two posts of Investigator II were filled in January, the vacant Analyst post was recently advertised, and the vacant Investigator I post was in recruitment. The Manager agreed to provide the ACC feedback to PoCS and to advocate for the additional posts needed to support the work of the ACC and other commissions. The Manager was also asked to provide any other feedback that PoCS' recommendations might have on the operations of the ACC.

The Chairman referred to the interim recommendation in the Jakarta Principles Report to the effect that, although not currently directly employing the Secretariat staff who were engaged in ACC work, particularly the investigators, the ACC should have some engagement in the staffing process. Accordingly, the Chairman advised that he had asked to be part of the recruitment

process for the post of Investigator I (a deputy to the SIO) and that he would be attending the interviews.

4. New Business

- a. No new business was discussed.

5. Operational Update

a. New Complaints

i. ACC/COMP/2023/01 and ACC/COMP/2023/02

It was noted that these covered the same issue and the SIO will review and revert for formal consideration.

b. Outstanding Matters

- i. The Chairman confirmed he still awaited receipt of advice from the ODPP on ACC/COMP/2021/02. The SIO confirmed in relation to ACC/COMP/2020/08 that background discussions were continuing with the complainant with a view to obtaining any further materials which might be relevant to the ACC's deliberations. The Chairman and the SIO confirmed in relation to ACC/COMP/2022/10 that the threshold legal question had now been submitted in writing to the ODPP and a response was awaited.

6. Any Other Business

a. Press article

The Chairman mentioned certain press articles he and certain other members had seen. The subject matter was discussed by the members and it was agreed that the alleged facts were unlikely to constitute an offence under the ACA but that the SIO would consider the matter and make some preliminary enquiries relevant to the threshold questions and revert.

b. IACCC & CCAICACB Conferences

The Manager and the SIO gave updates on forthcoming conferences involving these bodies by way of background and in the event members wished to seek further information with a view to participation if desired/appropriate.

c. Oversight by His Excellency The Governor

It was agreed to seek more formal clarification of expectations in this area as per the draft letter prepared by the Chairman.

d. Jury duty exemption request for ACC member

A member stated he had been summoned for jury duty. It was agreed that it was inappropriate for a member to serve on a jury (and arguably legally forbidden given the definition of "public officer" in the ACA and the prohibition on members of the ACC being a public officer). Accordingly the Manager would write to the Courts Office.

7. Action Items

- a. A comprehensive Policies & Procedures Manual will be developed (Chairman/Member Jennings/Research Analyst);
- b. The Secretariat will review the ACC website and review various content as instructed (Administrator/Analyst);
- c. The SIO will receive formal written delegation from the Manager to review any complaints as per the new law.

8. Items to be Discussed at the Next Meeting

- a. ACC/COMP/2020/08
- b. ACC/COMP/2021/02
- c. ACC/COMP/2022/10
- d. ACC/COMP/2023/01
- e. ACC/COMP/2023/02

9. Date of the Next Meeting

The date of the next meeting was agreed for Tuesday, 21st March, 2023 at 10:00am.

10. Adjournment

The meeting was adjourned at 12:52pm.



Adrian (Gus) Pope

CHAIRMAN

ANTI-CORRUPTION COMMISSION