

MINUTES
4th MEETING OF 2021
ANTI-CORRUPTION COMMISSION
26 MAY 2021
COMMISSIONS SECRETARIAT

COMMISSION MEMBERS PRESENT:

Sophia Harris	Chairman
Kenrick Hall	Member
Kadi Pentney	Member
Adrian Pope	Member
Simon Whicker	Member

APOLOGIES:

N/A

SECRETARIAT MEMBERS PRESENT:

Deborah Bodden	Manager (as of 9:45am)
Richard Oliver	Senior Investigator
Lise Hurlstone	Administrator/Analyst (in-part)

1. Meeting called to Order

The meeting was called to order at 9:30am.

2. Confirmation of Minutes

The minutes of 13 April 2021 will be confirmed via round robin.

3. Conflicts of Interest

No conflicts of interest were declared at this meeting by any Member. In the event that any Member is conflicted, he/she recuses themselves during the discussion of the respective matter.

4. Matters Arising from Previous Minutes

a. Amendments to the Anti-Corruption Act

Member Gus Pope indicated that he has not had an update on the status of the requested amendments to the Anti-Corruption Act from Legal Drafting. The Chairman asked him to follow-up.

b. Assessment of ACC Re: Jakarta Principles

The Secretariat has begun working with a member of the Solicitor General's Chambers to undertake the assessment as previously set out. The assessment is ongoing and it is expected that it will be completed in several months.

c. Advice Re: Structure of the ACC

Members received the request for advice relating to the structure of the ACC in preparation for making any further recommendations to the amendments to the Anti-Corruption Act. The advice indicated that there are no requirements relevant to the CFATF recommendations or other requirements.

5. New Business

a. Acting DPP

It is noted that the DPP (Patrick Moran) has resigned from his post and the Deputy DPP (Candia James-Malcolm) has been appointed to act in the post whilst the Judicial and Legal Services Commission undertakes a recruitment process for the post. Mr. Moran formally remains in post until the end of July.

b. Manager Commissions Secretariat

It is noted that the Manager Commissions Secretariat (Deborah Bodden) has resigned from her post following her appointment to another posting within the CIG. A recruitment exercise is currently underway and an appointment will be made in due course. Ms. Bodden will remain the Appointing Officer at Commissions Secretariat in the interim though staff member Lise Hurlstone has been given additional duties to undertake the running of the office day-to-day.

c. KYC on Buyers of Property

The Chairman indicated, that at a recent AMLSG meeting, the issue was raised that KYC is only conducted on buyers of properties but not on sellers. The Chairman indicated that the ACC would support any increased measures to further enhance AML/AC provisions.

6. C-FATF Related Updates

The Chairman and the Senior Investigator have continued to attend CFATF meetings as required by the CFATF and as the Cayman Islands Government continues to the work on outstanding matters related to the recommendations. The Secretariat will continue to submit quarterly statistics as required.

7. National Risk Assessment Related Updates

The Senior Manager continues to attend the NRA meetings and has recently submitted statistics and wording, with the approval of the Chairman, for the draft report.

8. Operational Update

a. New/TBC Corruption Reports/Complaints

There were no new reports/complaints however there are a number of matters which continue to be considered as follows:

- ACC/COMP/2020/008 – at the meeting of 7 December 2020 Members agreed that further information was required in order for an assessment of this report/complaint to be made. Follow-ups continued to be made however the additional information required is still not available.
- ACC/COMP/2021/002 – at the meeting of 23 February 2021 Members agreed that further information was required in order for an assessment of this report/complaint to be made. Additional information was provided to Members at the meeting of 13 April 2021 and again on 27 April 2021. It appears as though the matter is being investigated by the appropriate body but it was agreed that the legal advice would still be requested to finalise a decision.
- ACC/COMP/2020/004 – at the meeting of 13 April 2021 it was agreed that the complainant should be asked to attend the office for an interview so that additional information could be gathered. An extensive interview was undertaken and it was agreed that the complaint/report did not meet the threshold in accordance with s.4 (1)(c) of the Anti-Corruption Act. Members agreed therefore that the matter would be closed.
- ACC/COMP/2020/005 – at the meeting of 13 April 2021 it was agreed that Members would further review the extensive documentation provided. Following a review of that information Members agreed that further information is required in order for an assessment of this report/complaint to be made. Such additional information will now be requested.
- ACC/COMP/2020/006 – at the meeting of 26 May 2021 it was agreed that the report/complaint would be accepted as current investigation.

b. Existing Corruption Reports/Complaints

The Commission was informed that since inception (1st Jan. 2010) there have been 189 reports/complaints registered by the Commission, of which:

- i. 3 are 'pending' awaiting further or sufficient information which may make it appropriate to make further investigations;
- ii. 161 have been concluded (or have not met the threshold or fallen under the remit of the Commission);
- iii. 10 have been transferred to other investigative units for action;
- iv. 12 are now under current active investigation; and
- v. 3 are being assessed/considered (ACC/COMP/2020/008 and ACC/COMP/2021/002, 005).

The internal spreadsheet which provides details of the investigations will continue to be updated on a monthly basis.

9. Any Other Business

There was no other business to discuss.

10. Action Items

- a. Member Gus Pope will follow-up with Legal Drafting regarding the amendments to the Anti-Corruption Act;
- b. The Chairman will liaise with the Attorney General related to matters discussed during the operational report;
- c. The Secretariat will draft correspondence and request advice in relation to the reports/complaints as detailed above; and
- d. The Secretariat will continue to provide the necessary statistics for the CFATF and NRA reporting as required.

11. Items to be Discussed at the Next Meeting

- a. Operational Update
- b. Amendments to the ACL
- c. Assessment of ACC Re: Jakarta Principles

12. Next Meeting

The date of the next meeting will be agreed via round robin.

13. Adjournment

The meeting was adjourned at 1:10pm.



Sophia Harris

CHAIRMAN

ANTI-CORRUPTION COMMISSION