

MINUTES
5th MEETING OF 2016
THE ANTI-CORRUPTION COMMISSION
21 SEPTEMBER 2016
CONFERENCE ROOM, COMMISSIONS SECRETARIAT

COMMISSION MEMBERS PRESENT:

Richard Coles	Chairman
W. Norman Bodden	Member
Sophia Harris	Member
Kadi Pentney	Member
Timothy Ridley	Member

APOLOGIES: N/A

ANTI-CORRUPTION UNIT MEMBERS PRESENT:

Richard Oliver	Senior Investigator
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SECRETARIAT MEMBERS PRESENT:

Deborah Bodden	Manager
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1. **Meeting called to Order**
 The meeting was called to order at 10:00am
2. **Welcome**
 The Chairman welcomed all Members and thanked them for agreeing to serve on the Commission for varying terms as appointed by Her Excellency, the Governor.
3. **New Business**
 - a. **Role of the Commission**
 - i. **Inclusion Policy**
 All members reviewed and signed the inclusion/confidentiality agreement.
 - ii. **Conflicts of Interest/Code of Conduct**
 Members indicated that there were no conflicts of interest to be declared, real or perceived, at this meeting. It was agreed the Secretariat would draft a Code of Conduct for Members to consider at the next meeting.*
 - iii. **Procedures Manual**
 Members were provided with a copy of the draft Manual from 2012. The Secretariat was asked to update the draft Manual and forward the updated copy to Members for review.*

iv. Spokesperson/PR/Media

It was agreed that the Chairman is the designated spokesperson for the Commission and that whilst Members are able to express their personal views on matters affecting the Commission this should be limited, if possible, and made clear that the views being expressed by the Member are his/her own personal views. It was further agreed that any Member who is asked to speak at or contribute to any conference, publication, etc. regarding corruption, or the work of the Commission, should provide the Chairman and other Members with the contribution they propose to make, detailing the nature of the contribution.

The Secretariat was asked to draft a Fact Sheet on the Commission to be published on the Commissions website and distributed to the media and members of the public and private sectors.

v. Letters of Request

Members discussed the procedures in relation to issuing letters of request under section 4(2)(c) of the Anti-Corruption Law (“AC Law”). The Commission had requested legal advice on this issue, and the matter deferred until such advice is considered.*

vi. Investigations

Members discussed the Commission’s role as it relates to investigations and, in particular, the responsibilities set out in section 4(1) of the AC Law.

b. Role of the Secretariat

i. Administration

The Manager explained the role of the Secretariat as it relates to the Commission, which mirrors that to the other Commissions. These responsibilities include managing issues relating to staffing, budget, resources, etc. whilst providing administrative, research, and analytical support to the Commission. Members were also informed of the internal structure of the Secretariat.

ii. Meeting Schedule

Members agreed that meetings would most likely be held on a quarterly basis but would be held as often as needed, recognising that there may be more frequent meetings initially to ensure Members were fully conversant with the work of the Commission. Members confirmed that the minutes of meetings would continue to be posted to the Commission’s website once they were approved at the next meeting. In addition, Members requested that agendas be circulated one week prior to meetings.

iii. Budget/Resources

The Manager stated that the Commissions Secretariat has one budget for the six Commissions it supports. There is a separate budget for the Investigator posts (Senior Investigator x1, Investigator x2, Trainee Investigator x1). It is recognised that now the Commission no longer utilises the RCIPS as primary investigators it is, more than ever, in need of additional financial support to hire additional investigators and staff and secure additional resources.

It was agreed that the Chairman and Member, Norman Bodden, will arrange to meet with Hon. Minister of Finance and Hon. Minister of Financial Services to discuss securing additional funding.** It was noted that compliance by the Cayman Islands with requirements of both FATF and OECD will likely oblige the Commission to incur additional expense which must be budgeted for.

iv. Staffing

Members were informed of the internal structure of the Secretariat which includes a Manager, Senior Investigator, 2 Investigators, 2 Administrator/Analysts, Trainee Investigator and an Office Administrator. Only the Manager and Investigators support the Commission. The Manager and Senior Investigator stressed the need for more staffing to assist the Commission.

v. Website/Emails/Security

The Manager stated that the Secretariat is in the process of re-developing the Commission's website, and that it was hoped in the next few months this website would be live.* Members were asked to consider any information they wished to have displayed on the website. It was confirmed that confidential documentation from the Secretariat to the Commission is not sent through the email system and as such any documentation would be hand delivered prior to meetings. The Secretariat has stand-alone security measures in place for Commission material.

c. Role of the Unit

i. Reports Procedure

The procedure for receiving reports was outlined. Members asked that the procedures be outlined in hard copy for review.* Finalised procedures will consist of two components – general procedures which will be used as an educational tool for persons making reports, and internal specific procedures which will govern the work of the Commission.

ii. Recording Information

The procedure for recording information was outlined. Members asked that this be included in the general procedures for reporting as detailed above.

d. Legal

i. Counsel

As an independent body the Commission can take advice from Counsel as and when needed. The Secretariat has a budget, whilst limited, to do so.

ii. Relationship with the ODPP

The Secretariat and previous Commission developed a strong working relationship with the Office of the Director of Public Prosecutions, and specifically with the Deputy Director of Public Prosecutions. The Chairman will request to meet with the Deputy DPP in due course for discussions on the work of the Commission.

iii. Advice

The Secretariat recently received advice pertinent to one of its current investigations. Discussion was deferred until such time as this advice can be reviewed by members.**

iv. Freedom of Information (“FOI”) Law

Members discussed the applicability of the FOI Law to the Commission and the way in which information was recorded for compliance with any request. Whilst the general information held by the Commission falls under a number of exemptions, each request is reviewed on its own merits and exemptions applied where allowed. Section 8 of the ACC Law was noted.

v. Multilateral Memorandum of Understanding (“MMOU”)

Various entities have been asked to sign a MMOU with the Cayman Islands Monetary Authority (CIMA) and other Cayman Government agencies. This MMOU is part of the compliance with the FATF audit which will take place in Cayman in 2017. Members had no objection to signing the MMOU in principle; however, each request for information will need to be considered in accordance with the AC Law and the Commission also queried how sections 2 (ea), 5 and 8 of the AC Law impact such an MMOU. The Commission also queried whether CIMA has had any response/feedback from any of the other parties to the MMOU; and why the Financial Reporting Authority appears not to have been included. The Secretariat will make these enquiries on the Commission’s behalf.*

vi. Memorandum of Understanding “MOU” (RCIPS)

Members were given a draft discussion document which outlines the need for an MOU between the Commission and the RCIPS now that the AC Law has amended the structure of the Commission and its operations. This matter was deferred for further consideration.

4. **Operational Update**

The Commission received a verbal update from the Senior Investigator on the 11 ongoing investigations being conducted by the ACU. For reasons of security Specific details such as names, locations, dates, etc. are included in a separate confidential schedule

The Commission was informed that since inception (1st Jan. 2010) there have been 132 complaints registered by the ACC, of which:

- a. 6 are 'pending' awaiting further or sufficient information which may make it appropriate to make further investigations;
- b. 105 have been concluded;
- c. 10 have been transferred to other investigative units for action; and
- d. 11 are under current active investigation.

5. **Any Other Business**

Commissioner of Police and Auditor General

Members were reminded that the Chairman may invite the Commissioner of Police and Auditor General to any meeting of the Commission. Members were asked to inform the Chairman in advance if they wished for the invitation to be extended so that the Secretariat may make the necessary arrangements.

6. **Action Items**

Members were asked to: (marked with **)

- a. review the draft Code of Conduct/Conflicts of Interest Code when circulated;
- b. review the draft updated Policies and Procedures Manual when circulated;
- c. review the draft Fact Sheet when circulated;
- d. review the legal advice re: letters of request when circulated;
- e. review the existing website to provide feedback on content of redeveloped site;
- f. review the draft reporting procedure when circulated; and
- g. consider the draft discussion document re: MOU (RCIPS).

The Secretariat was asked to: (marked with *)

- a. send each Member a copy of their signed inclusion agreement;
- b. draft a Code of Conduct for Member's review;
- c. update the Policies and Procedures Manual for Member's review;
- d. draft a Fact Sheet for Member's review;
- e. provide Members with a copy of the legal advice re: letters of request;
- f. arrange a meeting between the Chairman and Member Norman Bodden with Government Ministers;
- g. draft a reporting procedure;
- h. make enquires re: MMOU (CIMA).

7. **Items to be Discussed at the Next Meeting**
- a. Draft Code of Conduct
 - b. Updated Policies and Procedures Manual
 - c. Draft Reporting/Complaints Procedure

8. **Next Meeting**

The date of the next meeting is 13 October 2016.

9. **Adjournment**

The meeting was adjourned at 2:35pm.



Richard Coles

CHAIRMAN

ANTI-CORRUPTION COMMISSION