CAYMAN ISLANDS
2013/2014 Session of the
LEGISLATIVE ASSEMBLY

ANNUAL REPORT

of the

OVERSIGHT COMMITTEE
OF THE OFFICE OF THE COMPLAINTS COMMISSIONER

2013 - 2014

Laid on the Table of Legislative Assembly on this day of 2014

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THE OVERSIGHT COMMITTEE OF THE OFFICE OF THE COMPLAINTS COMMISSIONER 2013-2014

ANNUAL REPORT

1. REFERENCE

The Oversight Committee of the Office of the Complaints Commissioner of the Cayman Islands Legislative Assembly was established under the Government Motion No 4 in accordance with the Standing Orders 70, met on a quarterly basis.

GOVERNMENT MOTION NO. 4

Appointment of Select Committee to Oversee the Performance of the Office of the Complaints Commissioner

WHEREAS Section 28 of the Public Management and Finance (Amendment) Law, 2004 states that the Complaints Commissioner shall be accountable to the Legislative Assembly for the performance of the Office of the Complaints Commissioner;

AND WHEREAS Section 28 of the said Law provides that a Committee of the Legislative Assembly be responsible for overseeing the performance of the Office of the Complaints Commissioner, or if no such Committee exists, the Speaker shall be responsible for same;

AND WHEREAS the Legislative Assembly appointed a Select Committee to be responsible for overseeing the performance of the Office of the Complaints Commissioner on 14th September 2005 by way of Government Motion No. 3/2005;

BE IT NOW THEREFORE RESOLVED THAT the Committee shall comprise five Elected Members;

AND BE IT FURTHER RESOLVED THAT the quorum for the Committee shall be three Members of the Committee including the Chairman or the Deputy Chairman.

Passed by the Cayman Islands Legislative Assembly this 29th day of May, 2013

2. CHAIRMAN AND MEMBERS OF THE COMMITTEE

The following Members of the Legislative Assembly are the present Members of the Oversight Committee of the Office of the Complaints Commissioner.

Mr Ezzard Miller, MLA – Chairman (appointed by the Speaker of the House)

Mr Bernie Bush, MLA – Deputy Chairman (elected by the Committee)

Mr Roy McTaggart, MLA – Member

Mr Alva Suckoo, MLA – Member

Capt Eugene Ebanks, MLA – Member

3. MEETINGS OF THE COMMITTEE

The Committee held six (6) meetings during the period covered in this report;

(i) Thursday, 20th June 2013

(ii) Tuesday, 2nd July 2013

(iii) Wednesday, 2nd October 2013

(iv) Tuesday, 7th January 2014

(v) Tuesday, 1st April 2014

(vi) Tuesday, 15th April 2014

4. ATTENDANCE OF MEMBERS

The attendance of Members at meetings is recorded in the Minutes of Proceedings which are attached to and form part of the Report.

5. PERSONS IN ATTENDANCE

In accordance with Section 28 of the Public Management and Finance (Amendment) Law, 2004 the following person was in attendance at the meetings:

- Ms Nicola Williams – Commissioner, Office of the Complaints Commissioner
- Ms Kim France – Chief Financial Officer, Office of the Complaints Commissioner

6. PRACTICE AND PROCEDURE OF THE COMMITTEE.

The Committee agreed that all its meetings would be conducted in accordance with the provisions of Standing Orders.

7. PAPERS CONSIDERED

In accordance with the provision of Standing Order the Committee considered the following papers.

- Fourth Annual Report of the Office of the Complaints Commissioner of the Cayman Islands addressing the Fiscal Year July 2007 – June 2008
- Annual Budgets for the Office of the Complaints Commissioner – 2013/14 and 2014/15
- Annual Report of the Office of the Complaints Commissioner for the 2011/2012 Financial Year

- Special Report to the Legislative Assembly *Re: "Nowak and the Cayman Islands Prison Service." – An Investigation by the Office of the Complaints Commissioner made on 19 October 2011*
- *"Let the Whistle Blow"* Own Motion Investigation by the Office of the Complaints Commissioner – February 2014.

8. SUMMARY & COMMITTEE COMMENTS

8.01 The Office of the Complaints Commissioner produces monthly Confidential Memorandums, internal Annual Reports and Reports on Investigations carried out in Grand Cayman. The objective of the Commissioner Reports is to inform the Legislative Assembly about the work of the Office of the Complaints Commissioner and to determine whether there are appropriate management practices in place to ensure that these reports and investigations are provided in a cost effective manner and are performing effectively.

8.02 The Committee met on a quarterly basis to consider the Office of the Complaints Commissioner's monthly output invoices, any investigative reports and to review and approved the Commissioner's Budget. Internal matters which include staffing issues were also addressed during this period when appropriate.

ACKNOWLEDGEMENT

The Committee is most appreciative of the efforts of the Complaints Commissioner and her staff in presenting very fair, detailed, professional and informative monthly, annual and investigative reports and for the support and assistance given throughout this period.

The Committee also thanks the staff of the Legislative Assembly for the assistance provided.

REPORT OF THE COMMITTEE TO THE HOUSE

The Committee agrees that this Report be the *Annual Report of the Oversight Committee of the Office of the Commissioner* to the House for the year *2013-2014*.

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Mr Ezzard Miller, MLA – Chairman

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Mr Bernie Bush, MLA – Deputy Chairman

Mr Roy McTaggart, MLA – Member

Mr Alva Suckoo, MLA – Member

Capt Eugene Ebanks, MLA – Member

MINUTES OF
THE STANDING SELECT COMMITTEE TO OVERSEA THE PERFORMANCE OF THE OFFICE OF THE COMPLAINTS COMMISSIONER

Meeting
Thursday, 20th June 2013
10:00am

Minutes of proceedings of the Select Committee of the Complaints Commissioner meeting held Thursday, 20th June 2013 at 10:00am the Large Committee Room of the Legislative Assembly Building, Grand Cayman.

Present: Mr D Ezzard Miller, MLA – Chairman
Mr Roy McTaggart, MLA – Member
Mr Alva Suckoo, MLA – Member
Mr Bernie Bush, MLA – Member

Ms LeSanneo McLaughlin – Committee Clerk

Apologies: Capt Eugene Ebanks, MLA – Member

Attendees: Ms Nicola Williams – Complaints Commissioner
Ms Kim France – Chief Financial Officer

1. Meeting to Order

There being a quorum present the Chairman called the meeting to order at 10:10am.

The Chairman explained to the Members present the way in which he conducts the business in committee and would expect them to follow the rules and procedures.

2. Nomination of Deputy Chairman

The Second Elected Member for George Town, Mr Roy McTaggart nominated the Third Elected Member for West Bay, Mr Bernie Bush to be the Deputy Chairman of the Complaints Commissioner's Committee.

Acceptance of Nomination

The Third Elected Member for West Bay, Mr Bernie Bush accepted the nomination to be the Deputy Chairman.

There being no further nomination the Committee agreed that Mr Bernie Bush, the Third Elected Member for West Bay be the Deputy Chairman of the Complaints Commissioner's Committee.

3. Reference

The Motion reads as follows:-

<u>Government Motion No. 4/ 2013</u>

Appointment of the Select Committee to Oversee the Performance of the Office of the Complaints Commissioner

WHEREAS section 28 of the Public Management and Finance (Amendment) Law, 2004 states that the Complaints Commissioner shall be accountable to the Legislative Assembly for the performance of the Office of the Complaints Commissioner;

AND WHEREAS Section 28 of the said Law provides that a Committee of the Legislative Assembly be responsible for overseeing the performance of the Office of the Complaints Commissioner, or if no such Committee exists, the Speaker shall be responsible for same;

AND WHEREAS the Legislative Assembly appointed a Select Committee to be responsible for overseeing the performance of the Office of the Complaints Commissioner on 14th September 2005 by way of Government Motion No. 3/2005;

BE IT NOW THEREFORE RESOLVED THAT the Committee shall comprise five Elected Members;

AND BE IT FURTHER RESOLVED THAT the quorum for the Committee shall be three Members of the Committee including the Chairman or the Deputy Chairman.

The Motion was moved by the Hon. Franz Manderson, Cert. Hon., JP – Deputy Governor Ex Officio Member responsible for Internal and External Affairs and the Civil Service, and passed by the Legislative Assembly on the 29th day of May, 2013.

The following Members were nominated on the floor of the House on the 29th May, 2013 to be the Members of the Complaints Commissioner's Committee, and the Elected Member for North Side, Mr D Ezzard Miller to be the Chairman :-

Mr Ezzard Miller, MLA – Chairman

Mr Roy McTaggart, MLA

Mr Alva Suckoo, MLA

Mr Bernie Bush, MLA

Capt. Eugene Ebanks, MLA

4. Scheduling of Meeting

The Chairman recommended that the Committee should meet on a quarterly basis on the first Tuesday of each quarter.

The Committee agreed to the recommendation.

It was agreed that the next meeting of the Committee would be held on Tuesday 2nd July, 2013 at 10:00 am to review and approve the Commissioner's Budget.

The Clerk to the Committee was advised by the Chairman to prepare a schedule for the up-coming meetings until the end of the next financial year and circulate it to Members.

5. Reports to be Tabled in the Legislature

The Complaints Commissioner informed the Committee that the office produces monthly and Annual Reports and suggested that they be tabled in the House and debated.

The Chairman explained the procedure in which Reports are being tabled and dealt with in the House. (Reports are not debated in the House unless a motion is moved that the report be accepted or rejected, otherwise reports are just being tabled).

The Committee agreed that all reports received from the Complaints Commissioner's Office in the future be tabled in the House.

A motion was moved by the Third Elected Member for West Bay, Mr Bernie Bush for the Annual Report 2007/08 Fourth Annual Report of the Office of the Complaints Commissioner of the Cayman Islands addressing the Fiscal Year July 2007-June 2008 to be laid on the Table of the House at its next meeting.

It was agreed by the Committee that the Annual Report 2007-08 Fourth Annual Report of the Office of the Complaints Commissioner of the Cayman Islands addressing the Fiscal Year July 2007-June 2008 be table at the next Meeting of the Legislative Assembly.

6. The Complaints Commissioner's Budget

The Complaints Commissioner presented a copy of the proposed Budget for her office to the Members of the Committee and gave a brief explanation on the adjustments made. She intimated that she requires an additional staff member and a security officer and stated the reason why they were needed. It was also stated that she would need a Deputy Commissioner in the near future to assist when she is not available.

Matters were also discussed concerning moving back into the previous office building for security reasons.

The Chairman of the Committee reminded the Commissioner that all budgets should be reviewed and approved in time and submitted to the Minister of Finance.

The Complaints Commissioner informed the Committee that the budget in discussion was a semi-budget for the remainder of 2013 and not for the subsequent year 2014.

It was recommended by the Chairman that the figures for the budget be finalised and brought back for review and approval at the next meeting of the Committee, to be held on Tuesday 2nd July, 2013.

7. Other Business

The Complaints Commissioner brought to the attention of the Committee that in her opinion the salary she was receiving for the work produced was too low and needed to be re-graded. She felt that she should be given the same salary as the other commissioners.

8. Adjournment

There being no further business the Committee adjourned at 11:22am.

MINUTES OF
THE STANDING SELECT COMMITTEE TO OVERSEE THE PERFORMANCE OF THE OFFICE OF THE COMPLAINTS COMMISSIONER

Meeting
Tuesday 2nd July, 2013
10:00am

Minutes of proceedings of the Select Committee of the Complaints Commissioner meeting held Tuesday 2nd July, 2013 at 10:00am the Large Committee Room of the Legislative Assembly Building, Grand Cayman.

Present: Mr D Ezzard Miller, MLA – Chairman
Mr Bernie Bush, MLA – Deputy Chairman
Mr Roy McTaggart, MLA – Member

Ms LeSanneo McLaughlin – Committee Clerk

Apologies: Capt. Eugene Ebanks, MLA – Member
Mr Alva Suckoo, MLA – Member

Attendees: Ms Nicola Williams – Complaints Commissioner
Ms Kim France – Chief Financial Officer

1. **Meeting to Order**
There being a quorum present, the Chairman called the meeting to order at 10:10am.

2. **Review and Approval of Committee Minutes**
The following minutes were reviewed by the Committee and approved on a motion moved by Mr Roy McTaggart, the Second Elected Member for George Town.

   - Minutes - Thursday 20th June, 2013 **Approved**.

3. **Approval of the Office of the Complaints Commissioner Invoice**
The Committee reviewed and approved the following Complaints Commissioner's invoice on a motion by Mr Bernie Bush, the Third Elected Member for West Bay.

   - Invoice No. 2100001208 dated 25th June, 2013 in the amount of CI$51,101.00 **Approved**.

The Chairman made reference to the Public Management and Finance Law in regards to signing off on expenditures of the Office of the Complaints Commissioner. It was noted that signing off on invoices in the past were done on a monthly basis by the former Chairman, without being reviewed by the Committee.

The Chairman agreed that he would sign off on the invoice today given that it is outstanding and justified. However, going forward, expenditures on all invoices of the Office of the Complaints Commissioner must be submitted and reviewed by the Committee on a quarterly basis so that it is approved in advance for payment.

Recommendations

The Chairman recommended that the Complaints Commissioner provide the current and subsequent invoices which would reflect the four (4) months expenditure for the Office at the next quarterly meeting, this would be recurring every quarter thereafter.

The next meeting of the Committee will be held on 2 October, 2013. If any urgent expenditure from the Office of the Complaints Commissioner arises before that date, an emergency meeting will have to be called by the Chairman.

4. Review and Approval of the Complaints Commissioner's Budget

The Complaints Commissioner was asked about the expenditure procedures of the Office. She indicated that she has the authority to sign cheques and that there is a private bank account which is allocated for the expenditures of the Office of Complaints Commissioner. However, salaries are paid by the Treasury Department using the funds that are moved into a separate account for the payroll.

In regards to the budget, changes were made in the salary amount which reflects the increase for the new Executive post.

Mr Bernie Bush, the Third Elected Member for West Bay mentioned that there was a numerical error in the Basic Salary of CI$352,072 listed in the explanations section; it should actually read CI$353,072.

The Complaints Commissioner confirmed that the Insurance premiums are the rates provided by the Treasury Department.

On a motion moved by Mr Bernie Bush, the Third Elected Member for West Bay, the semi-budget of the Office of Complaints Commissioner for the remainder of 2012/2013 was approved.

5. Other Business

The Complaints Commissioner inquired of the Chairman if she could receive a copy of the Minutes of the Meeting.

The Chairman explained to the Complaints Commissioner that the Minutes of Meetings are for the Members of the Committee, persons in attendance are not allowed to receive copies.

6. Adjournment

There being no further business the Committee adjourned at 10:47am.

MINUTES OF
THE STANDING SELECT COMMITTEE TO OVERSEE THE PERFORMANCE OF
THE OFFICE OF THE COMPLAINTS COMMISSIONER

Meeting
Wednesday, 2nd October 2013
10:00am

Minutes of proceedings of the Select Committee of the Office of the Complaints Commissioner ("OCC") meeting held Wednesday, 2nd October 2013 at 10:00am in the Member's Dining Room of the Legislative Assembly Building, Grand Cayman.

Present: Mr D Ezzard Miller, MLA – Chairman
Mr Bernie Bush, MLA – Deputy Chairman
Mr Roy McTaggart, MLA – Member
Mr Alva Suckoo, MLA – Member

Ms LeSanneo McLaughlin – Committee Clerk

Apologies: Capt Eugene Ebanks, MLA – Member

Attendee: Ms Nicola Williams – Complaints Commissioner

1. **Meeting to Order**
There being a quorum present, the Chairman called the meeting to order at 10:10am.

2. **Confirmation of Committee Minutes**
The following minutes were reviewed by the Committee and approved on a motion moved by Mr Roy McTaggart, the Second Elected Member for George Town.

- Minutes – Tuesday, 2nd July 2013 **Approved.**

3. **Ratification of Office of the Complaints Commissioner's Invoices Approved via Round Robin**

- Invoice No. 2100001209 dated 26th July 2013 in the amount of CI$57,886.00
- Invoice No. 2100001210 dated 26th August 2013 in the amount of CI$57,886.00

The above mentioned Invoices that were approved via 'Round Robin' were reviewed by the Committee and approved on a motion moved by Mr Bernie Bush, the Third Elected Member for West Bay.

4. **Approval of the Office of the Complaints Commissioner Invoice**
The Committee reviewed and approved the following Complaints Commissioner's Invoice on a motion by Mr Bernie Bush, the Third Elected Member for West Bay.

- Invoice No. 2100001211 dated 25th September, 2013 in the amount of CI$57,886.00 **Approved**.

The Chairman advised the Committee that he spoke to the Financial Secretary and Hon Marco Archer, the Minister of Finance in regards to the Invoices from the Office of the Complaints Commissioner. The Financial Sectary had concerns about submitting multiple invoices for payment at one time. The Chairman recommended that the invoices be approved in advance however disbursement of the funds will be on a monthly basis. This process would eliminate the need for a Round Robin in the future.

The Complaint Commissioner was therefore advised to produce invoices for three months in advance currently being October, November and December of this year as well as going forward. The Chairman agreed to sign off on all three invoices at one time reminding the Complaints Commissioner that the funds will still be disbursed the same on a monthly basis.

The Committee agreed and **approved** on a motion moved by Mr Alva Suckoo, the Fourth Elected Member for Bodden Town.

5. **Approval of the Complaints Commissioner's Budget**
There was no Budget presented. However, the Chairman asked the Complaints Commissioner if the budget was cut and then she proceeded to discuss the recruitment of the Executive Assistant. The Complaints Commissioner also advised the Committee that since the last meeting her investigator, Mr Sonji Myles has resigned and they will be recruiting for that position which is already in the budget.

6. **Review of the Annual Report of the Office of the Complaints Commissioner for the 2011/2012 Financial Year for Tabling in the House at its next meeting**
The above Annual Report was reviewed by the Committee and approved on a motion moved by Mr Alva Suckoo, the Fourth Elected Member for Bodden Town.

7. **Review and Approval of Schedule of Meetings**
The Committee reviewed and agreed on the Schedule of Quarterly Meetings 2013-2014 on a motion moved by Mr Roy McTaggart, the Second Elected Member for George Town.

8. **Any Other Business**
There were no other business.

9. **Adjournment**
There being no further business the Committee adjourned at 10:25am.

MINUTES OF
THE STANDING SELECT COMMITTEE TO OVERSEE THE PERFORMANCE OF THE OFFICE OF THE COMPLAINTS COMMISSIONER

Meeting
Tuesday, 7th January 2014
10:30am

Minutes of proceedings of the Select Committee of the Office of the Complaints Commissioner ("OCC") meeting held Tuesday, 7th January 2014 at 10:30am in the Large Conference Room of the Legislative Assembly Building, Grand Cayman.

Present: Mr D Ezzard Miller, MLA – Chairman
Mr Bernie Bush, MLA – Deputy Chairman
Mr Roy McTaggart, MLA – Member
Mr Alva Suckoo, MLA – Member

Ms LeSanneo McLaughlin – Committee Clerk

Apologies: Capt Eugene Ebanks, MLA – Member

Attendee: Ms Nicola Williams – Complaints Commissioner

1. **Meeting to Order**
There being a quorum present, the Chairman called the meeting to order at 10:45am.

2. **Confirmation of Committee Minutes**
   - *Minutes – Tuesday, 2nd October 2013*

The above minutes were reviewed by the Committee and **approved** on a motion moved by Mr Roy McTaggart and second by Mr Bernie Bush.

3. **Commissioner's Updates**
Commissioner Williams gave the Committee an update on the investigations on:

   - Pensions; Pensions Law; Prison Report and Health & Safety.

The Commissioner also advised the Committee on the following matters:

   - Internal Matters: - One of the Investigators is on refresher training. Training for staff is conducted once a year.

     Recruitment for an Investigator and an Executive Assistant will commence.

     OCC will be fully staffed once these two posts are filled; however, there is still a need for Deputy Commissioner which is a major concern for Commissioner Williams. This post was not approved for the OCC due to budgetary constraints.

- Commissioner was asked to train on Anti-Money Laundering and Whistle Blowing overseas in April 2014 cost of which will be covered by the organizers.

- OCC had an information booth at the Cayman Pirate's Week Heritage Days. She is hesitant on doing this again as there were more cruise ship passengers inquiring than the locals and seeking a better a location that would encourage more locals.

  Mr Alva Suckoo suggests using the MLA Bodden Town Office in the future. An advertisement can be done to notify the public of the time and dates that the OCC would be having a workshop there.

  The Commissioner agreed with this idea and the other Members suggest using the MLA Offices in all districts.

- The Annual Internal Complaints Process Conference Awards Ceremony will be at the Governor's House in March.

4. Ratification of OCC Invoices Approved via Round Robin

- *Invoice No. 2100001212 dated 31st October 2013 in the amount of CI$57,886.00*
- *Invoice No. 2100001213 dated 26th November 2013 in the amount of CI$63,516.77*

The Committee approved the above invoices via 'Round Robin' and therefore considered it ratified. It should be noted that the reason for the increase of CI$5,630.77 on the monthly drawdown was also approved by the Committee once a confirmation of the increase was provided and reviewed by the Committee via email. The confirmation email was from Ms Kim France noting that the previous amount was based on the pre-appropriation budget and once the budget was approved the new invoice amount represents 1/8 of the difference between the approved budget and the pre-appropriation. Therefore, the invoice amounts will be the same from November 2013 to June 2014.

5. Approval of the OCC Invoices

- *Invoice No. 2100001214 dated 31st December, 2013 in the amount of CI$63,516.77*
- *Invoice No. 2100001215 dated 31st January, 2014 in the amount of CI$63,516.77*

Further to the agreement by the Committee to pre-approve invoices three months in advance during the 2nd October 2013 meeting, the above OCC Invoices including the invoices for February and March were **approved** by the Committee provided that the draw downs are for the same amount of CI$63,516.77. Once an invoice is received by the Committee Clerk, the Chairman will be contacted to come into office to sign.

6. Review and Approval of the Revised Schedule of Quarterly Meetings

- *Confirmation of the next meeting – Tuesday, 1st April 2014*

The Committee agreed that Tuesday is a better day for meetings to be held because the Counselors are usually free on this day. Therefore, it was agreed that Committee will meet at the above mentioned date.

- *2014 Meeting Schedule*

The Schedule of Quarterly Meetings 2013-2014 should be revised to reflect Tuesday's dates rather than Wednesdays.

7. **Any Other Business**

There were no other business.

8. **Adjournment**

There being no further business the Committee adjourned at 11:15am.

MINUTES OF
THE STANDING SELECT COMMITTEE TO OVERSEE THE PERFORMANCE OF THE OFFICE OF THE COMPLAINTS COMMISSIONER

Meeting
Tuesday, 1st April 2014
10:00am

Minutes of proceedings of the Select Committee of the Office of the Complaints Commissioner ("OCC") meeting held Tuesday, 1st April 2014 at 10:00am in the Large Conference Room of the Legislative Assembly Building, Grand Cayman.

Present:	Mr D Ezzard Miller, MLA – Chairman Mr Bernie Bush, MLA – Deputy Chairman Mr Roy McTaggart, MLA – Member Ms LeSanneo McLaughlin – Committee Clerk
Apologies:	Mr Alva Suckoo, MLA – Member Capt Eugene Ebanks, MLA – Member
Attendee:	Ms Nicola Williams – Complaints Commissioner

1. **Meeting to Order**
There being a quorum present, the Chairman called the meeting to order at 10:10am.

2. **Confirmation of Committee Minutes**
   - *Minutes – Tuesday, 7th January 2014*

The above minutes were reviewed by the Committee and **approved,** as amended, on a motion moved by Mr Bernie Bush and second by Mr Roy McTaggart.

3. **Matters arising from the Minutes**
In reference to the previous minutes, the question of a ratification of the invoices being done during the last meeting was acknowledged and the Chairman confirmed that the invoices were approved in advance via 'Round Robin' and therefore the Committee did not need to ratify them again in the meeting.

4. **Commissioner's Updates**
Commissioner Williams gave the Committee updates on the following:

   - Commissioner represented the Cayman Islands Office at the Cora Conference.
   - The Office of the Complaints Commissioner Own Motion Investigation Report **"Let the Whistle Blow"** was released to the public.

- On 18th March 2014, OCC had their Seminar in the morning and awards ceremony at the Governor's House that evening. Two OCC Committee Members as well as the Clerk of the Committee was present at the awards ceremony. Ms Jodie Grant, Head of the OCC participated in the training at the Seminar.
- Ms Claudine Simons, the Intake Officer of the OCC will be the Honorary Secretary at the Caribbean Ombudsman Association next year in May 2015 which will be held in St Kitts or Trinidad.
- Mr Daniel Lee was hired as the new Investigator.
- There have been stress related illnesses amongst staff and the uncertainty of them staying with OCC is unknown due to this. With the new Investigator the Commissioner hope that this will help lift the load amongst the staff.

5. Approval of the OCC Invoices

- *Invoice No. 2100001218 dated 26th March, 2014 in the amount of CI$63,516.77*

The above invoice and the impending April, May, and June invoices were **approved** for the same amount of $63,516.77 by a motion by Mr Bernie Bush and seconded by Mr Roy McTaggart.

6. Review of the Office of the Complaints Commissioner *Own Motion Investigation Report "Let the Whistle Blow" – February 2014* for Tabling in the House at its next meeting

The Committee reviewed and discussed the recommendations and noted that there was no time frame on when they would be actioned. There was some discussion on the importance of having the report debated in the Legislative Assembly. The Complaints Commissioner also expressed her agreement that the report should be debated. The Chairman suggests that all that was necessary to have the report debated was to move a motion that the recommendations be accepted as Governments policy under the Standing Orders.

After some further discussion the Committee on a motion **moved** by Mr Roy McTaggart and seconded by Mr Bernie Bush agreed that the Chairman would Table the Report in the House as well read the recommendation, and in accordance with Standing Orders move that the recommendations be accepted as Government policy.

The Chairman was therefore asked by the Committee to draft a Motion to that effect.

7. Any Other Business

With the Commissioner's contract expiring 16th August 2014, Mr Bernie Bush asked if the Committee would consider writing a letter to the Deputy Governor for a resolution of the Complaints Commissioner's contact renewal. This was agreed by motioned **moved** by Mr Roy McTaggart and seconded by Mr Bernie Bush. The Chairman agreed to draft a letter for the Committee to consider.

8. Confirmation of the next Meeting

- *Tuesday, 1st July 2014 - Confirmed*

Mr Roy McTaggart reminded the Committee that the OCC Budget is due for review. The next quarterly meeting will be too far ahead and the deadline for the budget is in the upcoming weeks. The Committee agreed to schedule a special meeting for Tuesday, 15th April 2014 at 2:30pm to consider the budget of the OCC for 2014/15.

9. Adjournment

There being no further business the Committee adjourned at 11:15am.

MINUTES OF
THE STANDING SELECT COMMITTEE TO OVERSEE THE PERFORMANCE OF THE OFFICE OF THE COMPLAINTS COMMISSIONER

Meeting
Tuesday, 15th April 2014
2:30pm

Minutes of proceedings of the Select Committee of the Office of the Complaints Commissioner ("OCC") meeting held Tuesday, 15th April 2014 at 2:30pm in the Large Conference Room of the Legislative Assembly Building, Grand Cayman.

Present: Mr D Ezzard Miller, MLA – Chairman
Mr Bernie Bush, MLA – Deputy Chairman
Mr Alva Suckoo, MLA – Member
Capt Eugene Ebanks MLA – Member (arrived late)

Ms LeSanneo McLaughlin – Committee Clerk

Apologies: Mr Roy McTaggart MLA- Member

Attendee: Ms Nicola Williams – Complaints Commissioner
Ms Kim France – Chief Financial Officer

1. Meeting to Order
There being a quorum present, the Chairman called the meeting to order at 2:42pm.

2. Confirmation of Committee Minutes
- *Minutes – Tuesday, 1st April 2014*

The above minutes were reviewed by the Committee and **approved** as amended on a **motion moved** by Mr Bernie Bush and second by Mr Alva Suckoo.

3. Matters arising from the Minutes
The Chairman presented a letter regarding the renewal of the Commissioner's employment contract which presented and reviewed by the Committee. The letter is addressed to Her Excellency the Governor and copied to the Deputy Governor. The Committee agreed with the content and **approved** for it to be sent to Her Excellency the Governor on a motion **moved** by Mr Bernie Bush and second by Mr Alva Suckoo.

The Chairman reported that he had followed the instructions of the Committee and during the sitting of the House on Wednesday, 9th April 2014, had moved a Motion that the report "Let the Whistle Blow" be accepted as Government Policy and that the recommendations be implemented.

The Motion had not been passed.

4. **Commissioner's Updates**

Commissioner Williams gave the Committee updates on the following:

- Ms Abbey Natara Glasgow has been appointed as the new Executive Assistant to the Commissioner. The OCC is now fully staffed however they are still in need of a Deputy Commissioner;
- Mr Daniel Lee, the new Investigator will attend a mediation course in October in the Bahamas after his probation;
- The 10th Anniversary of the OCC will be celebrated July 14-16 on all three Islands. For each day an Island will be designated for the anniversary celebration while Grand Cayman will host the last night of the Anniversary celebration.

5. **Approval of the OCC Invoices**

There were no invoices available for approval during the meeting.

6. **Review of the Office of the Complaints Commissioner's Budget**

The Complaints Commissioner presented a copy of the proposed 2014/15 Budget for her office to the Members of the Committee. Ms Kim France the OCC's Chief Financial Officer gave a brief outline of the Budget and noted that the difference was due to the salary movement and as the overall amount was insignificant the 2014/15 Budget remained the same as the previous year's 2013/14 Budget amount. It was also noted that the Budget did not include the salary of the Deputy Commissioner and if the post was approved the Budget would have to be increased to reflect that.

The Chairman suggested writing a letter to Hon Marco Archer or the Budget Office indicating that the Committee considered the post of Deputy Commissioner essential and should be included in the OCC 2014/15 Budget.

This was agreed by a **motion moved** by Mr Bernie Bush and seconded by Mr Alva Suckoo.

7. **Review of the Annual Report of the OCC Committee for Tabling in the House at its next meeting**

The Committee reviewed and discussed the above mentioned Report and noted that today's Minutes should be included in the Report. The Minutes will therefore have to be approved via Round Robin. This was agreed by the Committee by a **motion moved** by Mr Bernie Bush and seconded by Mr. Alva Suckoo.

Commissioner Williams questioned if the *Mental Health and Place of Safety Report* was Tabled during this term. The Chairman ask the Committee Clerk to provide a confirmation and if it was to include it with the list of Reports of the paper.

8. **Any Other Business**

The Commissioner queried the outcome of the OCC *Own Motion Investigation Report* ***"Let the Whistle Blow"*** during the House meeting in Cayman Brac.

The Chairman reported that the Government had not supported the Motion and only the Deputy Governor and the Premier had spoken to the motion. It had been rejected by the Government as they did not agree with all the recommendations.

The Chairman expressed the view that the Premier should have at least stated publically which of the recommendations contained in the report were not accepted.

It was also noted that it had been the recommendation of Committee Member, Mr Roy McTaggart, to have the report debated in the House and Members were very concerned that he had voted no in the House on the motion moved by the Chairman.

The Commissioner also expressed her disappointment that the report was not debated in the house as she thought such a debate could have given support and comfort to whistle blowers. She also pointed out that she was unaware that there was a Whistle Blowing hotline and that the bill for 'Whistle Blowing' legislation was in the advance stages of drafting, as her office had not seen a draft or been involved in developing drafting instructions although her offer to assist remained on the Table.

9. Confirmation of the next Meeting

- *Tuesday, 1st July 2014 – Confirmed*

10. Adjournment

There being no further business the Committee adjourned at 3:24pm.