



**PILON CORRUPTION WORKING GROUP
MEETING MINUTES**

**Friday 12 August 2022
1.00PM Nauru time**

1. **Welcome:** Ronald Talasasa, Chair of the Corruption Working Group (CWG) welcomed everyone to the third virtual CWG meeting for this year. The last meeting was held on 27 May 2022. He thanked everyone for attending today.

2. **Present:**

1	Ronald Talasasa Republic of Nauru	Director Public Prosecution
2	Andrew Kelesi Solomon Islands	Deputy Director of Public Prosecutions
3	Lisa Williams Cook Islands	Crown Counsel
4	Meg Rudder Australia	Senior Legal Officer
5	Sarla Hallock Australia	Legal Officer
6	Rosy Fogatia Assistant Coordinator	PILON Secretariat
7	Sasae Walter Coordinator	PILON Secretariat

3. **Apologies:**

Ernestine Rengiil – Palau

4. **Matters for Discussion:**

1. Approval of Minutes of 27 May 2022
Australia moved a Motion to approve minutes and was seconded by the Solomon Islands.

2. CWG Workplan 2022:

SH shared that for 2022, the CWG will hold two activities, the first co-badged webinar with the Cybercrime Working Group on 1 April 2022 with more than 100 attendees about which a report was provided at the last CWG meeting, and the second one is the upcoming webinar on mutual assistance on 21 October 2022.

MR of AGD informed members that AGD continues to work closely with regional partners on anticorruption and integrity through Australia's role as co-chair of the G20 Anti-Corruption

Working Group. Australia is going to host the next G20 Anti-Corruption Working Group Meeting in September and the WG is working on adopting some high-level principles on the role of audits in tackling corruption as well as the collection of good practice relating to anti-money laundering regulations and anti-corruption education programme. She shared that a lot of consultation is being held with the partners involved in sharing ideas and getting it finalised so that it can be formally adopted by G20.

Chair thanked MR of Australia for a very interesting update on the G20 Anti-Corruption Working Group.

3. Update from each of the working group members on corruption related court matters or initiatives in their country

LW of the Cook Islands updated members that the Cook Islands have been preoccupied with the general election since 1 August 2022 and they are still finalising the results.

She also informed members that she will be attending an Anti-Corruption conference in Sydney, Australia, at the end of this year.

AK of the Solomon Islands updated that there is an established taskforce that is made up of the ODPP and the Office of the Anti-Corruption Council. The purpose of this taskforce is to look at the issues raised by the ODPP in last meeting and considering the amendments of the Anti-Corruption Act.

Chair asked the Cook Islands if they have election petition cases. LW responded that they have yet to receive any petition cases as yet. But election petition is common in the Cook Islands after elections.

Chair asked the Solomon Islands if bribery in relation to election matters is used as grounds for petition, whether it is prosecuted or is a subject to criminal law?

AK responded that there were 2 cases where the elements of petitions were before the Chief Justice who dealt with it and this involves probe bribery allegations. The Chief Justice specifically made good disposition as to when and what time they received this money. It challenges the Corruption Act on the notion of bribery. The first matter was challenged in court but given the matters circumstances they applied for stay of proceedings. They quoted the abuse of process during the civil petition. The OPDD is anticipating the hearing of this matter very soon.

Chair updated members on Nauru in terms of Police Investigation and Prosecutions, and that much of the work is centred on sexual offences and wounding cases. In relation to corruption, they've had a few investigations and most of the heads of the organisations investigated are from overseas, and when they leave, some of them don't want to return to testify. Now Nauru has the audio-visual link facility, and the ODPP want to pursue these cases, but the witnesses overseas don't wish to participate. This is one of the hiccups the office has encountered at the moment.

For example, there's a case of a Health Inspector, who went around and inspected restaurants and shops owned by people from specific cultural groups and asking to close their business unless they give him some form of benefit. The difficulty of this is that the

ODPP were unable to get the interpreter from Fiji to interpret for this case because of the lockdown in Fiji. There are Mandarin speakers in Nauru, but not Guangdong speakers. Now that Fiji is opening, the ODPP are now faced with travel restrictions, so the office is using more aerial facilities.

Chair also shared that when a witness testifies using aerial facilities from overseas or another place, that's easier than an interpreter interpreting through aerial. ODPP are still monitoring this process.

Corruption Working Group Publications

MR of AGD informed members that OCO reached out about the 'Who, What, Why of Whistleblower Protection for the Pacific' publication. She was not aware of any countries reaching out on the Framework publication that was produced last year.

SH added that the NZ Public Service Fale, which is a Pacific led initiative, which involves the Public Service Commissions across the Pacific Islands. Sarla shared that she, MR and SW attended a meeting with the PS Fale representatives on the work of the CWG, and they actually expressed an interest on potentially adapting some of the resources the CWG has created like the whistleblower booklet and online modules. There's an interest from regional organisations on using some of our materials for other departments and agencies across the Pacific.

SW informed members that some former members of the CWG in their capacity as senior legal officers in the Pacific, have requested e-copies of the 'Who, What, Why of Whistleblower Protection for the Pacific' publication and the 'Guiding Principles for Protecting Whistle-blowers and Encouraging Protected Disclosures'. This was provided to them.

SW also informed members that the Secretariat continues to receive updates through newsletters and emails from the Transparency International (TI) New Zealand, an agency through advocacy, campaigning and research, have exposed countless systems and networks that enabled global corruption to thrive. TI continued work to change attitudes towards corruption, bribery and organised crime within governments and businesses.

Chair encouraged members to take some time, to familiar with these materials and to share these documents as much as possible with new members and also PILON members in future.

4. Suggestions for Possible CWG Activities or Topics for 2023

Chair informed members the next webinar on Mutual Assistance is scheduled on 21 October 2022.

LW suggested the CWG consider running a training or workshop on the intersection between culture and law.. In the Pacific there's quite an overlap, for example there's the treating and bribery with the elections. There could be scope to flesh that out in terms on how we structure our legal frame work around that.

Chair thanked LW for a very useful and very interesting suggestion.

MR suggested that if members are keen on these topics as a training next year, members can self-nominate as speakers, or identify with other areas like NGOs or DPPs who might be

suitable speakers. It would be good to see members to take an active role in proposing suitable speakers for that.

AK of the Solomon Islands supported the idea suggested by LW and echoed by SW. He shared that this is very relevant to the Solomon Islands, and when they were revisiting their Electoral Act and were providing opinions on the specific defence, what was shared earlier by members was what came to mind as a defence, and was wondering whether this defence was available in other Pacific jurisdictions. That is the allowing of gift giving by candidates to be done at a specific time specified in Act.

AK informed members that the application of that defence is crucial, whether the giving of traditional gifts before election, during election or after election and how long someone can use it as a defence. This is a topic that is relevant to other Pacific Islands and would like the CWG and AGD to look at possible ways we can discuss and share ideas on how to address this.

MR advised that there was a request from the Public Service Fale to look at collaborating and use some of our materials turn into online training modules, that can be seen as a joint activity between the Fale and the PILON CWG. We can develop the training materials and this can be widely shared by members with their colleagues.

SH agreed that the developing the resources and having it combined activity with the Fale is something that would be good, particularly joining with the Public Service Commissions who also have some anti-corruption responsibility with their countries. We could also plan to do maybe 1 or 2 webinars on the themes identified by the CWG.

SH encouraged members to share more ideas on activities that the CWG can include in their workplan in future.

Chair encouraged members to send the Secretariat any suggestions on any good interesting beneficial activities for the next CWG workplan.

5. **Next Meeting:** Friday 14 October 2022, 1.00pm Nauru time.
6. **Meeting Closed:** 1.50pm Nauru time.

Minutes endorsed on 14 October 2022