

## MEMO

**TO: Auditor General**

**FROM: Chief Secretary**

**DATE: 15<sup>th</sup> July 2009**

**OUR REF: ADM/SpInv/1**

**SUBJECT: AUDIT REPORT – REVIEW of EXPENDITURES for OPERATIONS  
TEMPURA & CEALT**

Your memo of 25<sup>th</sup> June 2009 with attached draft report and follow up of 13<sup>th</sup> July 2009 refer.

While I do apologise for the delay, I must confess that each time that I have read the report with the intention of commenting, it has so annoyed me that I felt it best to not do so in the mood that it generated. Unfortunately, time has now expired and I must now offer my comments even though my reaction having read it again today is no different.

### Introduction

I have great difficulty trying to grasp:

- what it was that you set out to achieve; and
- what it is that you think this report will achieve?

I will accept that there was not in the public domain a detailed breakdown of the costs of these operations such as you have produced at p.10 of your report. I take no issue with your view that this information warranted being made available to Legislators and the public (objective #1 of your para. 3.01).

However, your three (3) other objectives, and how you have set about trying to supposedly fulfill them, give me much concern.

First of all, I would have expected you to have shown that you had made the effort to gain a clear grasp of how these operations had:

- been conceived;
- been born; and
- grown.

I would also have expected some reference to similar 'operations' that have taken place, even if in some other jurisdiction and which your profession had similarly reviewed. And most certainly I would have expected that there would have been an acknowledgement that these operations are completely different from the typical 'project' whose scope, resources and timescales are all definable prior to commencement.

I have seen neither of these evidenced in your report. Instead, I have seen general references to project management and value-for-money!

And I find the whole apparent infatuation with Martin Bridger and what he was paid very inappropriate, distasteful and unbecoming of your office.

### Comments

I have had sight of the comments tendered by Martin Bridger and Peter Gough and agree with them. I will not repeat them therefore but expect that they will be duly considered by you and reflected in your final report where they seek to correct inaccuracies in the draft.

I will make my comments in the order that I think that the issues to which they relate should have arisen in the report and not as per the order in which they do.

#### Paras. 2.01-2.02

Your account of the 'conception' of the initial operation interestingly fails to make any reference to the office of the FCO's Law Enforcement Advisor, Mr. Larry Covington, and the role that he would seemingly have played in this. I would certainly have expected that he would have been involved in the activities that resulted in the 'conception' and that it would be appropriate to acknowledge that H.E. availed himself of this office's advice and assistance and did not act merely on the advice of the then-Commissioner.

#### Para. 4.07

I find it absolutely amazing that you make no issue of the fact that this operation commenced, or was born, with:

- The acquisition of services without any competitive process; and
- No formal agreement regarding the deployment of the resources.

Furthermore, you fail to even acknowledge the absence of suitable independent skills to oversee these resources once they were deployed.

I can hardly believe that if you walked on to the GOAP site and found that there had been no competitive process and there was no contract in place when the works commenced that you would have treated such a situation the same way in a report on that project!

Para. 8.02

I also find it similarly amazing that you raise absolutely no issue with the fact that Mr. John Yates was 'an adviser' and provider of 'ongoing counsel' to the Governor. Once again, if you went on the GOAP site and learned that Mr. Ian Pairaudeau of McAlpine was serving in a similar role to the Minister responsible, I would expect that you would have much to say about this!!

Para. 9.02

While you had no issue with the initial engagement of the individuals referred to in this section (my comment on 4.07 above), you have raised major issues with their direct employment at similar costs to continue the work that they were engaged in – even though you acknowledge that they "represented a key capacity of the investigation team"!!

Paras. 9.05-9.09

I find your focus on the expenses related to Martin Bridger to be utterly subjective and in poor taste, particularly as you are unable to use it in any way for the fulfillment of your stated objectives.

Para. 2.02

Point of detail but significance – You should specify when the Strategic Oversight Group was appointed.

Para. 2.03

Point of detail but significance – The phrase 'in March 2008' should be placed at the end of that sentence immediately after 'Governor' in order to correctly reflect what transpired.

Para. 2.06

Point of detail but significance – I suggest that you use 'Operation Tempura' rather than 'The first phase of the investigation' at the start of the opening sentence of this para.

Also, the sequence of arrests was as follows:

- Lyndon Martin – 27 March '08;
- Rudolph Dixon – 15 May '08;
- Burmon Scott – 15 May '08; and
- Justice Henderson – 24 Sept. 08.

Your phrase 'arrests of individuals in the fall including presiding judge . . .' is inaccurate and intriguing.

Para. 8.07

Point of detail but significance – While Peter Gough has addressed the issue of 'overpayment' of BGP, let me simply reiterate that I expect this to be corrected.

Para. 9.06

Point of detail but significance – I attach 9# e-mail exchanges between Martin Bridger and myself in relation to him working extra days over the period June 2008 to January 2009. There may well have been a few other occasions when the approval was given verbally. I expect your last sentence of this para to be corrected.

However, I find your focus on such an issue in the context of both the fact that investigative work is not always a 9:00-5:00 / Mon. to Fri. job and more importantly in the context of my comments above on para 4.07, to be a classic illustration of the skewed context in which your report addresses the subject – starting a multi-million dollar operation without competitive procurement or a contract is fine but don't work overtime without permission!!!

Para. 9.07

Point of detail but significance – The phrase 'to March 2008' in the third line should read 'to May 2008'.

Management Response

Subject to the various corrections that have been put forward being made and a revised copy of the draft being provided, I would be willing to undertake the co-ordination of the 'management responses' that the document solicits.

Conclusion

Clearly the subject operations have proven expensive, inconclusive to date and controversial. As such, public interest in the costs of the investigations is appreciated. While your report as drafted will introduce into the public domain more detailed information of the costs than previously existed, I fail to see how it will make any positive contribution to overall better understanding by the public of why these funds have been spent and whether they are better off as a result.

This would appear to me to be a bit like giving a patient a detailed breakdown of the costs of them being treated overseas for a major procedure, with a full disclosure of how much the surgeon earned, while they're still in rehab! Yes, they have a right to know it but is it really going to hasten their attainment of wellness? Hardly, but the business office will have done its job!!



Donovan Ebanks  
Chief Secretary

cc. H.E. the Governor  
Peter Gough, Strategic Adviser, Ch Sec's office