



The Integrity Commission
of the
Commonwealth of Dominica

Seventh
Annual
Report

Year ended August 31, 2015

Contents

Chairman's Letter of Transmittal	i
---	----------

Prayer ...Vision and Mission of the Commission	iii
---	------------

Statutory Authority	1
----------------------------	----------

Integrity Commission	2 - 6
-----------------------------	--------------

Composition and appointment; Committees; Meetings; Committee Meetings; Functions

Work Plan	7 - 17
------------------	---------------

List of persons in public life; Financial Declarations – receipt and examination; Form 3 certification; Complaints; Annual Report to Parliament; Budget Submission; Independence and Autonomy of Commission; Education Programmes

Other Activities and Decisions of the Commission	18 - 28
---	----------------

Tribunal under s.23 of Act; Appeal of High Court Ruling; UNCAC Peer review; Anti-corruption Conference; Regional Association of Commissions; DPP Forum; Meeting with Minister; Independence of the Commission

Administration and Operations	29
--------------------------------------	-----------

Acknowledgements	30
-------------------------	-----------

Signatures Page	31
------------------------	-----------

Appendices	32
-------------------	-----------

Profiles of Commissioners; List of persons in public life; Persons failed to file in accordance with Act; Form 3 certificates issued; Press Statement; Presentations; Papers; Report of meeting with the Minister

Chairman's Letter of Transmittal

December 10, 2015

**Hon. Rayburn Blackmoore
Minister for Justice, Immigration and National Security
Financial Centre
Roseau**

Dear Honourable Minister,

INTEGRITY IN PUBLIC OFFICE ACT, 2003, No. 6 OF 2003: ANNUAL REPORT OF THE COMMISSION TO PARLIAMENT

Under section 48(1) of the Integrity in Public Office Act, 2003, No. 6 of 2003, Parliament enacted: **'... the Commission shall as soon as possible but not later than two months after the end of each financial year, make a report to the Minister of its activities in the preceding year and the report shall be tabled in the House of Assembly not later than three months after receiving the report.'**

I submit herewith the report of the Commission for the year 2014/2015 to be tabled in the House of Assembly in accordance with this provision.

The report covers the activities of the Commission during the period 2nd September 2014 to 1st September 2015, except that matters begun during that period but concluded shortly thereafter are covered. This includes the decision of the High Court in the civil action, The Integrity Commission and The Attorney General, DOM HCV 371 of 2014 contained in the Order dated 24th September 2015 and the appeal to the Court of Appeal of the Eastern Caribbean Supreme Court which was filed on 26th October 2015 by the Commission.

The elucidation of the purpose of integrity legislation, and the development of Commonwealth Caribbean jurisprudence in this nascent anti-corruption and good governance regime require the learning and guidance of our apex Courts on the true construction of its provisions and the relevant provisions and principles of the Constitution. This is why, after careful consideration, the Commission felt impelled to seek the Court of Appeal's ruling in this matter. The Integrity Commissions and anti-corruption bodies in several Commonwealth Caribbean countries have also found it necessary to institute or robustly defend court proceedings in an attempt

to clarify their jurisdiction and protect their independence and autonomy [See, for example, the ‘**Legal Actions**’ and **Legal Matters**’ sections of the **Annual Reports of the Trinidad and Tobago Integrity Commission**, for the years 2006 to 2011 on www.integritycommission.org.tt and the 2011, 2012 and 2013 **Annual Reports of the Contractor General of Jamaica** pg. 23, pg. 213 and pg. 138 respectively, on www.ocg.gov.jm].

In this report, the Commission expresses its concern that after thirteen (13) months the Sixth Annual Report to Parliament has not yet been tabled in the House of Assembly and again urges the Minister to comply with the section 48(1) mandatory directive, without further delay.

Under section 13 of the Act, Parliament has protected the Commission from political interference in the performance of its statutory functions over the legislature and the Executive including Members of the House of Assembly, Ministers of Government, Permanent Secretaries and the Speaker of the House of Assembly. It is a general principle of governance in constitutional democracies that the exercise of public power in all its forms and by all state authorities must be accounted for to the public. Consistent with this principle, Parliament therefore provided that the Commission is accountable to it and, ipso facto, to the people of Dominica by directing that the Commission reports on its activities annually, subject, of course, to the secrecy and confidentiality attached to the declaration of financial affairs filed by persons in public life and the provisions of section 13 itself. The Annual Reports are published on the Commission’s website and otherwise made available to the public as soon as they are tabled in the House of Assembly.

The failure to table the Sixth Annual Report invades the province of Parliament and prevents it from exercising the scrutiny and review function immanent in section 48(1) of the Act, on behalf of the people of the Commonwealth of Dominica.

The Minister may wish to inform the Commission of the compelling reasons for his inability to comply with the statutory duty in this instance.

Yours very sincerely,

(Signed: Julian Johnson)

.....
JULIAN N. JOHNSON
CHAIRMAN

Prayer ...Vision and Mission

Prayer

We stand before you, Holy Spirit
Conscious of our imperfections
but aware that we gather in your name.

Come to us, remain with us
Enlighten our hearts and give us light and strength
So that all our decisions may be
Just and fair and in accordance with our Oath of Office.

Guide us by your wisdom,
Support us by your power,
for you are God,
Sharing the glory of Father and Son.

You desire justice for all:
Enable us to uphold the rights of others,
Do not allow us to be misled by ignorance
or corrupted by fear or favour.
Unite us to yourself in the bond of love
and keep us faithful to all that is true.

Amen.

Vision

A nation free of corruption and governed by persons in public life
who are imbued with the highest standard of integrity.

Mission

To establish effective oversight of the financial affairs of persons in
public life in order to foster a culture of integrity, accountability and
probity, and to respond to complaints of corruption in public office.

Statutory Authority



Integrity in Public Office Act, 2003

The Integrity Commission derives its authority from the Integrity in Public Office Act 2003, No. 6 of 2003 which was enacted in May 2003. The Commission was established when the Act came into operation by an order of the President on September 1, 2008 – Integrity in Public Office Act (Commencement) Order 2008, SRO No. 24 of 2008.

Integrity Commission Rules of Procedure 2011

The Integrity Commission Rules of Procedure, 2011 were prepared and signed by the Commission on July 14, 2011 in accordance with section 58 of the Act, and submitted to the Attorney General for necessary action regarding publication in the Official Gazette. To date, the Integrity Commission Rules of Procedure 2011 remain unpublished.

The Integrity Commission (Inquiries) Rules, 2012

In accordance with section 58 of the Act, the Integrity Commission (Inquiries) Rules 2012, SRO No. 21 of 2012 were made on July 12, 2012 and published in the Official Gazette No 32 dated July 12, 2012.

The Integrity Commission

Composition and Appointment

The Commission currently comprises the following seven members appointed by the President under sections 4 and 5 of the Act:

Table 1: Composition & Appointment of the Commission

Position	Appointment under the Act	
Julian N. Johnson	Chairman	In accordance with section 4(1)(a) of the Act, third appointment was effective September 1, 2014
Alick A. Lazare	Member	In accordance with section 4(1)(b) of the Act, third appointment was effective September 1, 2014
Vanoult Jno. Charles	Member	In accordance with section 4(1)(b) of the Act, second appointment was effective June 11, 2015
Indira St. Jean	Member	In accordance with section 4(1)(c) of the Act, first appointment was effective April 7, 2014
Anthony P. La Ronde	Member	In accordance with section 4(1)(c) of the Act, second appointment was effective July 9, 2014
Lennox Jno. Baptiste	Member	In accordance with section 4(1)(d) of the Act, first appointment was effective September 1, 2014
Henry G. Dyer	Member	In accordance with section 4(1)(e) of the Act, second appointment was effective April 11, 2014

The profiles of Commissioners are in Appendix 1.

The Integrity Commission — Committees

In an effort to fulfill its mandate, the Commission has, from inception, organized itself into three Committees. The current composition and purposes of these Committees are indicated in Table 2.

Table 2: Composition and Purpose of Committees of the Commission

Committee	Members	Overall Purpose
Finance and Administration (F&A):	Alick Lazare – Chairman Vanoulst Jno. Charles Indira St. Jean Anthony P. La Ronde Lennox Jno. Baptiste	...for the analysis of the declarations of persons in public life and review of the administration of the secretariat
Information and Public Relations (I&PR):	Indira St. Jean – Chairman Julian N. Johnson Vanoulst Jno. Charles Alick Lazare Henry G. Dyer	...for the development and implementation of education programmes on the Act and contingent issues for persons in public life and the wider public
Rules	Anthony P. La Ronde – Chairman Julian N. Johnson Henry G. Dyer Lennox Jno. Baptiste	...for the formulation, monitoring and review of rules to regulate the procedures of the Commission

The Integrity Commission - Meetings

For the operational year, the Commission convened a total of nineteen (19) meetings. Because of unresolved issues concerning the use of the Conference Room on the first floor of the Commissions Building, the meetings were held at the Fort Young Hotel at the total cost of four thousand, three hundred and forty-four 30/100 dollars (EC\$4,344.30). The attendance of Commissioners at the meetings is shown in Table 3.

Table 3: Attendance at Commission meetings 2014/2015

Commissioners	*Applicable No. of meetings	No. attended	No. absent and excused
Julian N. Johnson	18	18	-
Alick B. Lazare	18	18	-
Vanoulst Jno. Charles	17	15	2
Anthony P. La Ronde	19	17	2
Indira St. Jean	19	18	1
Lennox Jno. Baptiste	17	17	-
Henry G. Dyer	19	17	2

**Number of meetings during the period of membership*

The Integrity Commission — Committees' Meetings

In pursuit of the work programme approved by the Commission, each Committee met throughout the year. The number of meetings convened by the various Committees is shown in the following Table.

Table 4: Meetings of Committees of the Commission

Committees	No. of meetings 2014/15
1. Finance and Administration	11
2. Information and Public Relations	3
3. Rules	2

The Integrity Commission — Self-assessment and Review

In March and April 2015, the Commission embarked on a self-assessment and review exercise. Each Committee presented to the Commission and facilitated in-depth discussions on numerous issues impacting the effectiveness of the Commission as it sought to fulfill its statutory mandate.

The papers presented for discussion and review included:

- Effectiveness of the Procedures used in the Examination of and Enquiries into the Declaration of Persons in Public Life - Issues for Discussion [Taken from Commonwealth Strategies to Combat Corruption] And [Other Issues Arising from Operations]
- Principles and Practice for Financial Disclosure (Adapted from Good Practices in Asset Disclosure Systems in G20 Countries)
- Personnel Management – Departmental Guidelines
- The role of the Commission in educating persons in public life and the wider public
- The Role of the Rules Committee

The Integrity Commission - Functions

In order to achieve Parliament's mandate, section 9 of the Act specifies the following functions of the Commission as follows:

"The Commission shall -

- (a) receive, examine and retain all declarations filed with it under this Act;
- (b) make such enquiries as it considers necessary in order to verify or determine the accuracy of any declarations filed under this Act;
- (c) without prejudice to the provisions of any other enactment, inquire into any allegation of bribery or act of corruption under this Act;
- (d) receive and investigate complaints regarding non-compliance with any provision of this Act; and
- (e) perform such other functions as is required under this Act."

The section 9(e) functions required to be performed by the Commission are:

- i. the submission of an Annual Report to Parliament through the Minister for Legal Affairs – section 48(2) which shall be tabled in the House of Assembly no later than three months following receipt;
- ii. constituting a Tribunal of Inquiry of three members when the Commission considers it necessary or expedient so to do – section 23;
- iii. conduct an inquiry where the Commission suspects the possession of unaccounted or pecuniary resources – section 47(2); and
- iv. submission of estimates of expenditure by January 31st each year for the approval of the Minister for Finance – section 52(2).

Work Plan of the Commission

The decisions and activities of the Commission stem from its functions under section 9 of the Act and are detailed under the various initiatives and items of the Work Plan. In its entirety, the Work Plan included the following:

1. maintenance of an accurate list of persons in public life in accordance with Parts I and II of the First Schedule to the Act;
2. receipt and security of the financial declarations made by persons in public life;
3. examination of such declarations and request of further information, explanation and particulars from persons in public life where necessary;
4. issuance of Form 3 certificates to persons in public life when satisfied that full disclosure has been made in accordance with the Act and publish same in the Official Gazette;
5. receipt and investigation of complaints made by persons against persons in public life regarding non-compliance with the provisions of the Act;
6. inquiry into any allegations of bribery or act of corruption under the Act;
7. submission of annual report to Parliament and follow up on Sixth Annual report to Parliament (2014) which has not been tabled in the House of Assembly as required by section 48 of the Act;
8. submission of an annual budget to the Minister for Finance by January 31 of each year;
9. development and implementation of a programme of education on the provisions of the Act, for persons in public life on their duties and obligations under the Act; and
10. provision of information to the general public on the workings of the Commission.

Maintenance of an accurate list of persons in public life in accordance with Parts I and II of the First Schedule to the Act

The First Schedule to the Act lists sixteen offices respecting persons in public life. To maintain an accurate list of these persons in public life, the Commission pursued a number of actions including requesting that Permanent Secretaries and other Heads of Departments review the offices of persons in public life in their departments and indicate details of demission and new and current holders. Generally, Permanent Secretaries assisted the Commission and gave information on persons in public life who had left office and new appointments.

Records of all persons acting in the posts of persons in public life are also maintained, since these people fall under the jurisdiction of the Commission after six consecutive months of acting in those posts. This surveillance requires constant review of the Official Gazette and copies of the Instruments of appointment from the Public and Police Service Commissions.

Five (5) persons in public life were removed from the list since they were no longer persons in public life (Appendix 2). These persons demitted the office of person in public life in 2011, but continued to file declarations for two consecutive years in accordance with section 16(2) of the Act.

Eighteen (18) persons in public life were added to the list as they became persons in public life during the year. Most of these new persons in public life were required to file twice for 2014: in accordance with sections 16(4) and 16(1) of the Act.

The updated list of persons in public life for calendar year 2014, including the new persons in public life shows a total of one hundred and seventy-two (172) persons (Appendix 3).

Receipt and security of the financial declarations made by persons in public life

Receipt of financial declarations

The Commission took a number of actions to facilitate the receipt of the financial declarations of persons in public life. Firstly, financial disclosure forms (Form 2) along with copies of 'Guidelines for the filling out of Form 2' were sent to all persons in public life by the first week of January 2015. Financial declaration

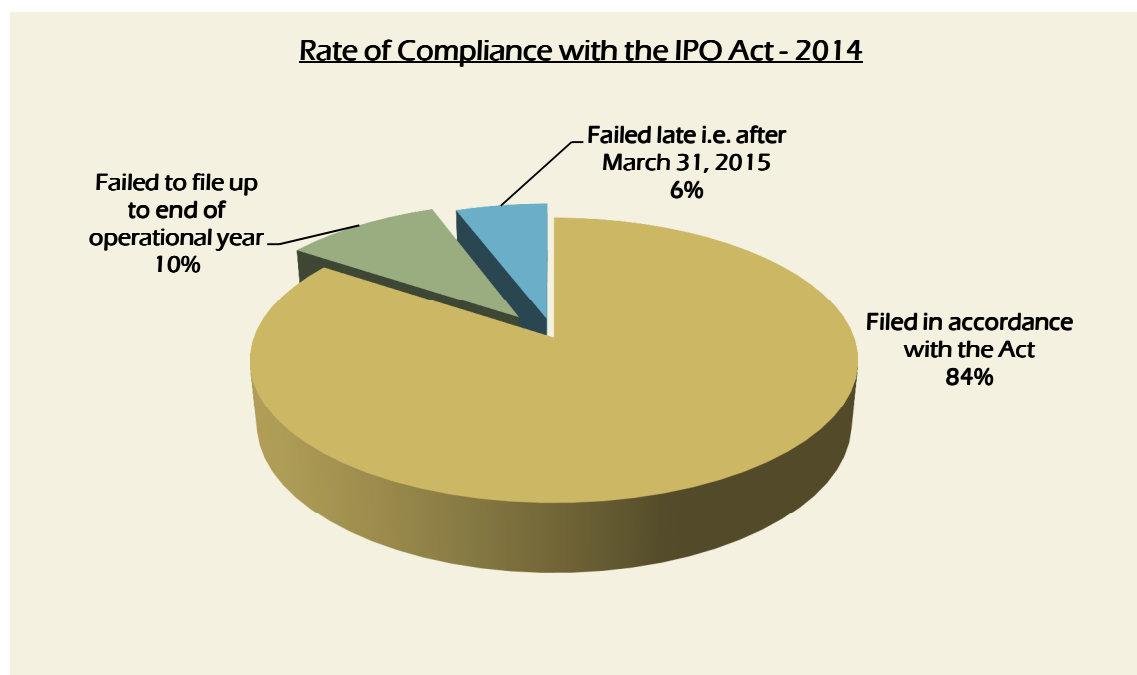
forms are available on the Commission's Website at: www.integritycommission.gov.dm. Also, notices reminding persons in public life of their obligations under the Act were published in the Official Gazette and in the media throughout the year.

Out of the one hundred and seventy-two (172) persons in public life who were required to file declarations for the calendar year 2014, one hundred and forty-five (145) filed in accordance with the Act.

Failure to comply with the Act – calendar year 2014

Twenty-seven (27) persons in public life failed to file in accordance with the Act for calendar year (Appendix 4). In accordance with section 22 of the Act, a report of that fact will be sent to the Director of Public Prosecutions (DPP). Following the publication of names in the Official Gazette, ten (10) persons subsequently filed declarations with the Commission. By the end of the reporting period seventeen (17) persons in public life had not submitted financial declarations for 2014 with the Commission.

See Fig. 1 for an illustration of the rate of compliance with the Act for calendar year 2014.



An overview of the compliance figures for five years effective 2010 to 2014 – Fig. 2 indicates the following –:

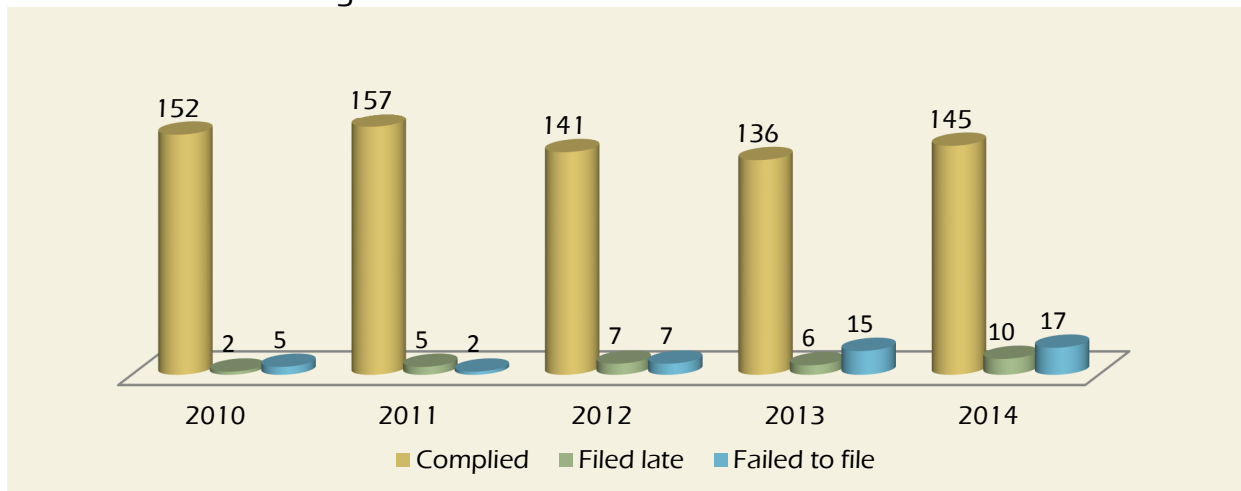


Fig. 2: Information on filing for calendar years 2010 to 2014

The trend-lines (Fig. 3) indicating percentage compliance and percentage non-compliance for the said period - 2010 to 2015 – indicate a gradual tendency toward non-compliance with the requirement of the Act to file annual financial declarations. The Commission hopes that educating persons in public life will assist in moving the compliance rate back to above 90%.

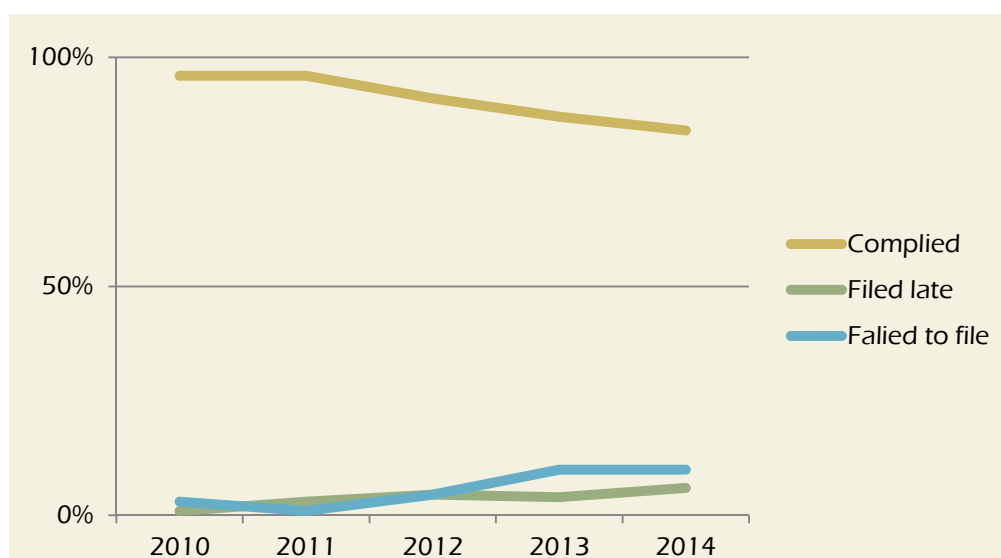


Fig. 3: Percentage rates – Compliance and Non-compliance with the IPO Act, 2010 – 2014

Examination of such declarations and request further information, explanation and particulars from persons in public life where necessary

The financial declarations received for 2014 were examined using the analytical tools and methods developed by the Commission. Pursuant to section 14 of the Act, twenty-two (22) declarants were required to furnish further particulars to the Commission. Nineteen of the queries were satisfactorily resolved. Three queries remain outstanding.

The issuance of Form 3 certificates to persons in public life when satisfied that full disclosure has been made in accordance with the Act

The Form 3 certificate states that the Commission has examined the declaration submitted by the declarant and is satisfied that full disclosure has been made in accordance with the Act. For the period, one hundred and forty-three (143) certificates were issued with respect to persons in public life for financial declarations filed for calendar year 2014. The list is at Appendix 5.

During the year, one person in public life was issued a Form 3 certificate with respect to his financial declaration for calendar year ended December 31, 2010. The certificate was published in the Official Gazette of Thursday, March 26, 2015 (Appendix 6).

Receipt and investigation of complaints made by persons against persons in public life regarding non-compliance with the provisions of the Act

For the reporting year, no new complaints regarding non-compliance with the provisions of the Act were received by the Commission. In previous Annual Reports, the Commission reported extensively on its receipt and investigation related to a complaint made by Mr. Lennox Linton in December 2009 that the Prime Minister was in breach of the Code of Conduct (noted above). After several adjournments, the matter is now set for hearing on November 5, 2015.

Inquiry into any allegations of bribery or act of corruption under the Act

For the reporting year, the Commission did not inquire into any allegations of bribery or act of corruption under the Act.

Submission of Annual Report to Parliament: Sixth Annual Report to Parliament (2014) not tabled in the House of Assembly as required by section 48 of the Act

The Sixth Annual Report of the Integrity Commission for the reporting year 2013/2014 was submitted to the Minister for Legal Affairs, Hon. Ian Douglas, in accordance with section 48 of the Act, by letter of Transmittal from the Chairman dated September 1, 2014. A release to the media was issued informing the public that the Report was sent to the Minister for laying in the House of Assembly no later than three months after receiving it. (Press Release at Appendix 7) When tabled in Parliament the Reports are published on the Commission's website and otherwise distributed to other oversight bodies.

At his request the Commission again submitted copies of the Sixth Annual Report to the newly appointed Minister for Justice, Immigration and National Security, on January 30, 2015 and reminded the Minister of the statutory duty to table the Report in the House of Assembly. At a meeting between the Minister, the Permanent Secretary and the Chairman of the Commission on April 22, 2015, the Minister informed that the Report would be tabled at the next sitting of the House of Assembly scheduled to be held before the annual budget meeting (Report of this meeting is at Appendix 12). In July 2015 the Ministry requested twenty-five additional copies of the Report and a soft copy was emailed to the Permanent Secretary for that purpose. Thirteen months after receiving the Report and after five sittings of the House of Assembly, at the time of reporting, the Sixth Annual Report had not yet been tabled in the House of Assembly.

Under section 48 read along with section 2(1) of the Act of 2003 Parliament has issued commands to the Commission and to the Minister assigned with the responsibility for Legal Affairs. The Commission has dutifully complied, but its obligation to report to parliament is frustrated by the minister's failure to table the Report in the House of Assembly no later than three months after receiving it.

No Questions in Parliament

There appears to have been no statements made or any questions asked in the House of Assembly concerning the tabling of the Sixth Annual Report in Parliament. Under section 60(3) of the Constitution the collective responsibility and accountability of the Cabinet and that of the Minister to Parliament have been made central principles of our parliamentary democracy. Standing Orders of the House of Assembly provide political means by which that responsibility and accountability principle can be enforced, that is, through questions, motions and/or speeches. The statutory requirement of tabling in the House of Assembly provides the opportunity/platform to enable Parliament to perform its autonomous check and balance function inherent in the constitutional principle of the separation of powers.

Indeed, it is, in part, through this type of representation in Parliament that the people are enabled as envisaged by the preamble to the independent Constitution [1978] *'to play their part in the institutions of the national life'*.

Reports of Statutory Bodies must be tabled in Parliament

The failure by the Minister to table the Sixth Annual Report in the House of Assembly as directed by the Act strikes at the very fabric of our parliamentary system of governance. Those who exercise public power must act in accordance with the Constitution and any other relevant law. In the establishment of statutory authorities, including regulatory and oversight bodies, Parliament has consistently required that these bodies report on their operations, activities and use of public funds in the administration of the enabling Acts by the submission of annual reports to it through the Ministers charged with portfolio responsibilities for these institutions. These statutes include: **Lotteries Act, Chap. 20:12 – Section 24; Social Security Act, Chap 31: 01 - Section 4(6); Dominica Broadcasting Corporation Chap. 45:06 - Section 19; Government Housing Loans Act, Chap. 23:60 - Section 13; Water and Sewerage Act, Chap. 43:40 - Section 33(2); Public Utility Commission Act, Chap. 43:01 - Section 37; Dominica Import and Export Agency Act, Chap. 82:01 - Section 20(5); Telecommunications Act 2000, No. 8 of 2000 - Section 28; Dominica State College Act 2002, No. 4 of 2002 - Section 38; Integrity in Public Office Act 2003, No. 6 of 2003 - Section 48; Public Works Corporation Act, 2006, No. 7 of 2006 - Section 12 (2); Dominica Air and Sea Ports Authority Act 2006, No. 8 of 2006 - Section 35; Electricity Supply Act, 2006, No. 10 of 2006 - Section 27.** Under these provisions the directive to table the report in Parliament is expressed in mandatory language and with strict deadlines for compliance.

The Act of 2003 expresses in its Long Title the purpose of the Act to establish probity, integrity and accountability in public life in the Commonwealth of Dominica. Section 48 of the Act speaks to that accountability to Parliament by the laying for its examination of the report of the Commission annually. The Minister, by his failure to act in accordance with section 48 of the Act, has directly impinged upon an essential function of the legislature by severing that accountability requirement.

Report must be submitted to Speaker for presentation to the House of Assembly

The Integrity Commission again urges the Minister: (i) to discharge the mandatory statutory duty under section 48 of the Act, and (ii) to make public the reasons for not doing so during the past thirteen months.

The Commission also again recommends that the Executive presents to Parliament a Bill to amend the Integrity in Public Office Act, 2003 to provide that “if the Minister fails to lay a report before the House in accordance with the provisions of subsection (1) of this section the Commission shall submit copies of that report to the Speaker who shall, as soon as practicable, present them to the House” [See section 83(5) of the Constitution and the Third Annual Report (2011), Appendix 6, pages 72 – 73 and 76].

Furthermore, Members of the House of Assembly must be punctilious in protecting their constitutional functions and seek to enforce the principle of ministerial responsibility to Parliament in accordance with the provisions of the Standing Orders of the House of Assembly. Parliament must continue to demonstrate that it is an important stakeholder in ensuring compliance with the procedures that it has established to give effect to the purposes of the Act.

The Commission again urges that a Select Committee of the House of Assembly be appointed to examine the Annual Report of the Commission and to report on the performance of its functions and the implementation of any recommendations contained therein, subject to section 13 of the Act.

Submission of an annual budget to the Minister for Finance by January 31 of each year

As required by section 52 of the Act, the Commission presented, on January 31, 2015, a budget of seven hundred and sixty-one thousand, and ninety-two

dollars (**EC\$761,092**) to finance its operations for financial year 2015/2016 for the consideration of the Minister for Finance. On July 29, 2015, the Financial Secretary advised the Commission that Parliament had approved their Estimates that were 88% of the requested amount, that is: six hundred and seventy-one thousand, three hundred and ninety-two dollars (**EC\$671,392**).

The requested and approved budgets are shown at Table 5.

Table 5: Budget Estimates – requested and approved - with respect to FY 2015/2016

Heads	Amount requested	Approved Estimates
Personal emoluments	550,071	550,071
Salaried allowances	6,000	4,000
Non-salaried allowances	39,021	39,021
Recurrent expenditure	166,000	78,300
	761,092	671,392

In the previous fiscal year, 2014/2015, the approved budget of six hundred and sixty-three thousand, one hundred and twenty-three dollars (EC\$663,123) which was the budget for much of the reporting year was increased by 8% in April 2015 with an advance from the Contingency Fund of fifty thousand, three hundred dollars (EC\$50,300) to assist in meeting the Commission's legal expenses in respect of the judicial review proceedings

Budget: Independence and Autonomy – Travel on the Commission's Business

In previous Annual Reports the Commission felt impelled to inform Parliament of the insuperable difficulties being encountered in expending funds in the travel vote approved by the Minister for Finance under section, 52 of the Act and by Parliament under the annual Appropriation Acts. [See Second Annual Report (2010) para 6.12 at p. 16 and Appendix vi; and Third Annual Report (2011) para 5.6 at pp. 22-23]. However, in June 2015, with the assistance of the Ministry of Justice, Immigration and National Security, the Commission was able to arrange and meet the costs for travel on the business of the Commission by Commissioner Henry George Dyer to the first meeting of Commonwealth Caribbean Association of Integrity Commissions and Anti-corruption Bodies, held in Grenada from the

travel votes of the Commission free from the additional administrative procedures referred to in the Annual Reports of 2010 and 2011.

Given the clear provisions of sections 13 and 52 of the Act, the Commission must be permitted to expend its approved funds on the business of the Commission in carrying out the purposes of the Act and in accordance with the Finance (Administration) Act 1994 and other applicable laws.

Development and implementation of a programme of education on the provisions of the Act, for persons in public life on their duties and obligations under the Act

During the year, the Commission planned and implemented four education sessions for persons in public life and members of the local Media. The sessions were held in February and March 2015 with the collaboration of the management of the Windsor Park Sports Stadium and the Chief Personnel Officer. The sessions were facilitated by Commissioners, and covered all topics in the IPO Act and contingent issues – Table 6.

Table 6: Education sessions held by the Commission – February - March, 2015

INTEREST GROUPS	PRESENTATION DATES	PRESENTERS
Media workers of Dominica	Friday, February 27, 2015	Julian N. Johnson Indira St. Jean Alick Lazare
Representatives of the various Trade Unions	Thursday, March 12, 2015	Henry Dyer Indira St. Jean Vanoulst Jno. Charles
Senior public officers	Thursday, March 19, 2015	Indira St. Jean Alick Lazare Anthony La Ronde
Chairmen of various statutory bodies	Thursday, March 26, 2015	Anthony La Ronde Indira St. Jean

One of the main resources for the sessions was a paper entitled: 'Operations of the Commission in Dominica September, 2008 – September, 2014' prepared and

presented by the Chairman (Appendix 7). Participants described the sessions as fruitful and informative.

The Commission also entertained, at its office on Wednesday, February 11, 2015, a Fourth Form class accompanied by a teacher from the Dominica Grammar School. The students were given reading material and a general overview of the Act, the workings of the Commission and advised on the need for integrity and accountability in the lives of citizens.

The provision of information to the general public on the workings of the Commission

The Commission uses the media in its effort to provide information to the general public on its workings. The Commission's Website <http://www.integritycommission.gov.dm/> was constantly updated to include full presentations made to interest groups and those made at conferences overseas. Links were also made to the Websites of similar oversight bodies and institutions.

Other Activities and Decisions of the Commission

Request for Appointment of Tribunal to hold formal Inquiry under section 23 of the Act

In 2014, the Commission found it necessary to advise the President to appoint a Tribunal comprising three members of the Commission in order to conduct an inquiry to verify the contents of certain financial declarations filed with it. After consulting the Attorney General, the President proceeded to appoint a Tribunal comprising of three members of the Commission of his own choosing and disregarded the Commission's advice.

The Commission is of the view that section 23(3) of the Integrity in Public Office Act does not provide for the President to appoint a Tribunal in his own deliberate judgment. The words of section 23(3) are clear, unqualified and unambiguous. The President must appoint a Tribunal consisting of three members of the Commission on the advice of the Commission. The Tribunal purported to be appointed by the President in the circumstances is not on the advice of the Commission and is accordingly *ultra vires*. The President is not legally authorized to appoint the Tribunal "at his discretion". The members of the Tribunal purported to be appointed by the President therefore did not take the required Oaths of office or enter upon their duties as members.

The Commission wrote to the President detailing the matter and requesting that he should reconsider and appoint the Tribunal as advised by the Commission in keeping with the provisions of the Act. The matter remains unresolved.

Commission appeals High Court Ruling that Minister of Government (Past), Now President, not subject to the Integrity in Public Office Act, 2003

The Commission has appealed to the Eastern Caribbean Court of Appeal the decision by the High Court of Dominica that the Commission is not entitled to publish in the Official Gazette, as mandated by section 22 of the Act, the name of a person in public life, a Minister of Government (past), who has failed to file a

declaration of assets in Form 2 of the Third Schedule as mandated by section 16(2) of the Act, because that declarant is now President of Dominica and is therefore immune from criminal proceedings by virtue of section 27 of the Constitution.

In The Integrity Commission v The Attorney General, DOMHCV 2014/037, Justice M.E. Bernie Stephenson held:

- “(i) That upon the proper construction of section 16(2) of the IPO Act a person who assumes the office of President of the Commonwealth of Dominica having been a person in public life during the immediately preceding period, is not required to file a declaration in Form 2 whilst that person holds the office of President of the Commonwealth of Dominica;**
- (ii) That upon proper construction of section 22 of the IPO Act the Integrity Commission is not entitled to nor is it required to have published in the Gazette the name of a person who holds the office of President of the Commonwealth of Dominica declaring that that person has not filed a declaration in Form 2.**

The reasons given by the learned Judge for the decision include the following:

“[46]... I am of the considered view that upon a true construction of section 27 the President is shielded from the institution of criminal proceedings which ought to and should include any preparatory steps which would likely result in the institution of criminal proceedings.”

“[49] ...I am of the considered view that for the President’s name to appear on a list of defaulters in the Gazette or to be named in a Report presented to the Director of Public Prosecution for further action which is for possible criminal prosecution even though it would be for an alleged default in his private and personal capacity would be flying in the face of the protection offered by the Constitution and would be bringing the office of the President into disrepute.”

“[50] ... I am of the view that whilst the President is in office any obligations which he may have in his personal life imposed by law which has a criminal or civil sanction as a result of inaction or action on his part is suspended whilst he is in office.”

The grounds of appeal filed by the Commission on 26th October, 2015 include the following:

- that the Court wholly and wrongly construed section 27 of the Constitution in relation to the facts of the case;
- that the Court erred in preferring and employing wrongly a literal as opposed to a purposive interpretation of the Act and thereby led itself into

error by its narrow construction and failed to give meaning to the high statutory functions and powers of the Commission provided for by Parliament in the Act as a whole;

- that the Court so construed section 27 of the Constitution as to wrongly declare the President to be above the law, contrary to the intent of the supreme law clause, the founding principles of a democratic republican state with respect for the Rule of Law and, as declared in the preamble to the Constitution;
- that the Court failed properly to construe and to give meaning to section 16(1) and (2) of the Act either *ex facie* or in relation to the evidence before it, namely that of the Commission seeking to discharge its functions under the Act as a whole in respect of a Minister of Government (Past), being a person in public life within the meaning of the Act;
- that the Court failed properly to construe and to give meaning to section 22 of the Act or wrongly construed section 22 of the Act by wrongly reading that section to mean that in the Commission's discharging its prescribed functions under section 22 of the Act it was initiating "criminal proceedings" within the meaning of that term in section 27 of the Constitution;
- that in wrongly construing sections 16 and 22 of the Act the Court took into consideration the extraneous consideration that the construction contended by the Commission would bring the Office of the President into disrepute, being a consideration wholly outwith a true construction exercise; and
- that the Court erroneously, narrowly and impermissibly construed the mandatory discharge of the Commission's statutory duty under section 22 of the Act to publish facts in the Official Gazette, where warranted, as being subject to the direction, control and veto of the Cabinet (in the person of the Cabinet Secretary) notwithstanding the statutory protection from political interference given by section 13 of the Act.

The Commission is being represented in this matter by Mr. Reginald T. A. Armour S.C. of Marie de Vere Chambers, Trinidad & Tobago and Mr Kevin Williams of Kevin Williams Chambers (The background to the Commission's application to the Court for declaratory relief was given in the Sixth Annual Report of the Commission to Parliament (2014) at pages 12-16. The Judgment of the High Court dated September 14th 2015 is published on the Commission's Website).

UNITED NATIONS CONVENTION AGAINST CORRUPTION (UNCAC)– Results of the Dominica Peer Review Exercise conducted in 2012

On May 28, 2010, the Commonwealth of Dominica acceded to the UN Convention against Corruption (UNCAC) which is a multilateral convention and comprehensive anti-corruption instrument negotiated by members of the United Nations. To track the level of implementation of the Convention, a peer review mechanism was adopted in 2009 involving self-assessment, evaluation and report generation. One of the outcomes of the review is the determination of the extent and type of assistance required by countries for the establishment of the framework for the full implementation of the Convention [See: 5th Annual Report of the Commission, section 9, page 32].

The Dominica Peer Review exercise was conducted in 2012 by representatives of the countries of Chile and Paraguay, and facilitated by the Financial Intelligence Unit (FIU). The 'Integrity in Public Office Act 2003' and by extension, the Integrity Commission, were part of the subject of the review. The result of the exercise entitled 'Review of implementation of the UNCAC' was presented to the Implementation Review Group in Vienna, June 1 – 5, 2015. The full report of the review comprehensively evaluates Dominica's institutional and legislative framework vis-à-vis the requirements of the UNCAC.

The Executive Summary of the report by the peer reviewers states the key institutions in the fight against corruption as: the Integrity Commission, the Financial Intelligence Unit, the Police, the Customs Department and the Director of Public Prosecutions, and notes the following successes and good practices:

- Dominica's legislative framework – including the Integrity in Public Office Act 2003 under which the Integrity Commission was created - allows for the implementation of several provisions of the Convention; and
- There is a high level of cooperation among domestic agencies responsible for investigating and prosecuting crimes and between them and the country's public authorities;

Article 36 of the UNCAC entitled 'Specialized authorities' states: "Each State Party shall, in accordance with the fundamental principles of its legal system, ensure the existence of a body or bodies or persons specialized in combating corruption through law enforcement. Such body or bodies or persons shall be granted the necessary independence, in accordance with the fundamental principles of the legal system of the State Party, to be able to carry out 27 their functions effectively

and without any undue influence. Such persons or staff of such body or bodies should have the appropriate training and resources to carry out their tasks.”

In light of Article 36, the peer reviewers have made the following recommendations regarding the Commission:

- Objectively define the scope of discretionary power to pursue an investigation or dismiss it.
- Create an investigative body for cases of corruption.
- Allocate the human resources necessary for the Integrity Commission and the Director of Public Prosecutions to perform their work effectively, and develop local capabilities.
- Provide the means necessary to create a legal library for the Integrity Commission.
- Provide technical assistance in combating corruption through training and development of capacities for members of the Commission, the Director of Public Prosecutions and the Financial Intelligence Unit.
- Negotiate the necessary mechanisms to provide functional and financial autonomy to both the Integrity Commission and the Director of Public Prosecutions’ Office to ensure the sustainability of both institutions. The Integrity Commission would then have a budget allocated by Parliament to ensure its functional independence.
- Provide technical assistance to strengthen the investigative capacities of the Integrity Commission, the Financial Intelligence Unit, the Chambers of the Attorney General and the Police Force.

All of these recommendations are consistent with the Commission’s requests to the Executive for amendments to the Act and structure of the Commission for greater effectiveness in fulfilling the mandate of the Act of 2003 [See: Third Annual Report- Appendix 6, pg. 67; Fourth Annual Report, Section 2.11, pg. 11].

The complete Executive Summary is on the Commission’s Website at <http://www.integritycommission.gov.dm/>.

Attendance at the Regional Conference for Heads of Anti-Corruption Agencies in Tanzania, Africa

Chairman of the Commission, Mr. Julian Johnson was invited by the Commonwealth Secretariat to address the Fifth Regional Conference for heads of anti-corruption agencies in Dar-es-Salaam, Tanzania over the period May 25 – 29,

2015. Mr. Johnson presented a paper to the conference entitled: '**Anti-Corruption Efforts in the Commonwealth Caribbean**' (Appendix 9) which highlighted the realities of the existing integrity infrastructure and the issues and challenges faced by anti-corruption agencies seeking to implement the provisions of integrity legislation in small island states.

Commission elected to first Executive of the Commonwealth Caribbean Association of Integrity Commissions and Anti-Corruption Bodies

The Integrity Commission of Dominica by Chairman Mr. Julian Johnson was elected to the Executive of the Commonwealth Caribbean Association of Integrity Commissions and Anti-Corruption Bodies at its inaugural conference held in Grenada from June 22 – 24, 2015.

The other members of the Executive of the Association are:

Chairman – Grenada: Dame Justice Monica Joseph, Chairman - Integrity Commission

Deputy Chairman – Trinidad and Tobago: Mr. Martin Farrell, Registrar – Integrity Commission

Secretary – Grenada: Mrs. Daniella Williams Mitchell, Commissioner

Treasurer – Grenada: Mrs. Daniella Williams Mitchell, Commissioner

Members – Jamaica: Mr. Dick Harrison, Contractor General; Turks & Caicos Islands: Mr. Eugene Otuoroye O. C, Director – Integrity Commission

Representative – Commonwealth Secretariat: Dr. Roger Koranteng, Governance and Anti-Corruption Adviser.

One of the main purposes of the Association is to facilitate the implementation of '**best practices**' in law, forensic investigation and accounting. The Association is of the view that it is vital for persons in public life to function honestly and free from corruption and wrong practices. As its first assignment, the Association will seek to draft a model integrity Act.

The Conference was held under the theme: '**Strengthening Integrity Commissions and Anti-corruption Bodies in the Commonwealth Caribbean**'. Delegates agreed and adopted resolutions which included the following:

- urge regional Integrity Commissions and Anti-corruption Bodies to maintain their independence, impartiality and professionalism to further enhance their effectiveness;
- urge Integrity Commissions and Anti-corruption Bodies to make recommendations to their Governments with a view to expanding and

enhancing the legislative frameworks for improved effectiveness of these institutions in the fight against corruption;

- call on member Governments to provide adequate financial, technical and human resources to the Integrity Commissions and Anti-corruption Bodies for the prompt and efficient discharge of their statutory functions for the sustainable fight against corruption;
- recommend Integrity Commissions and Anti-corruption Bodies to engage the media, private sector and the general public in the fight against corruption...

[The full Communique dated June 26, 2015 is published on the Commission's Website: <http://www.integritycommission.gov.dm/>]

In the Chairman's report to the Commission on the Conference, he highlighted the following concerns, issues and advice which emanated from the Conference:

- Invited guest, Dr. Edward Hoseah, Director General of Tanzania's PCCB warned the Integrity Commissions and Anti-Corruption Bodies that staff members of these institutions should be monitored to ensure that they themselves do not become 'victims of corruption'. He stated: **'Like any other human institutions, anti-corruption institutions are vulnerable to manipulation and corruption and that is where the challenges of staff conduct can become compromising to the institution,....Not all staff will be an angel; some will exploit. So you need to look internally to ensure that staff members remain conscious of their and the institution's credibility, they should be watched internally and externally.'**
- The IC's and Anti-Corruption Bodies face political interference that seek to neutralize and weaken their functions. They need to watch out for "internal faultlines" and introduce staff Codes of Conduct. In Nigeria lie-detector testing was introduced. Article 36 of UNCAC seeks to guarantee the independence of anti-corruption bodies. They must be empowered to employ staff and provide specialized training.
- Engage the media – retreat with the media bosses. Seek to turn criticism into opportunities. **"You must continuously educate the public about the work that you do."**
- Members of Parliament can be allies – seek to engage them at meetings.

- The IC's and Anti-Corruption Bodies must strictly adhere to the law and develop reputation for professionalism and independence and seek solidarity and partnership among Heads of such agencies.
- It is a monumental task to go after people of power. IC's are '**frontier functionaries**'. They are empowered to investigate – not to institute criminal proceedings.
- Pre-employment screening of potential employees to ensure the employment of qualified professional and competent staff; integrity background checks on persons engaged by anti-corruption bodies; "integrity testing" to investigate corrupt practices using undercover agents from outside the jurisdiction. Finger-print and polygraph testing included as terms of engagement of staff.
- Disgruntled and disloyal staff is one of the biggest threats to these agencies.
- The integrity of the Commission itself is fundamental to its management of the legislation.
- The '**Unresponsible Elite**' (Lloyd Best) and the '**TRICKYDADIAN**' personality type (V.S. Naipaul) are also persons in public life.
- Tax relief and fraud against the revenue of the state must be focused on. Gazetting of all discretionary waivers and the publication of the express provisions of the applicable laws under which they are granted.
- Declarations of assets should be made before Officers of the Court, Notary Public or Justice of the Peace. Truthful, accurate, full and proper – not false - information available to the person in public life about his assets must be included in the statutory declaration. There must be no "non-disclosures."
- **Public Disclosure Act 2011, No. 3 of 2011 of Jamaica** is an Act to encourage and facilitate the making by employees of specified disclosures of improper conduct in the public interest, to protect employees who make specified disclosures from being subjected to occupational detriment – i.e. subject to disciplinary action, dismissal or demotion.
- Staff employed on competitive basis through public advertisement; psychometrics testing for top candidates.

- The Barbados **Prevention of Corruption Act 2012** requires a political party which contests a general election to file a declaration with the Commission of the name and address of every financial contributor to the political party and in respect of all contributions made within two years prior to and six months after general elections.

Dominica's Country Paper on the **"Work of the Integrity Commission in the Fight against Corruption"** was presented by the Chairman under the following headings:

1. Functions, powers and duties of the Commission;
2. Initiatives implemented by the Commission;
3. The main challenges faced by the Commission;
4. Results of these initiatives;
5. Reflections on lessons learnt; and
6. Recommendations for strengthening integrity administration (Dominica's Country Paper is at Appendix 10).

The Chairman also delivered a paper and led discussions on **"The Independence of Integrity Commissions in OECS Member States and Recommendations for Strengthening the Legislative and Administrative Regime"**. (This paper is published on the Commission's Website: <http://www.integritycommission.gov.dm/>)

Another paper was presented by Commissioner Henry George Dyer, the other delegate at the Conference, on **"The Operation of the Integrity in Public Office Act, No. 6 of 2003 of the Commonwealth of Dominica"**. (This paper is at Appendix 11).

Commission's Chairman makes Presentation at Commonwealth Secretariat's Director of Public Prosecutions (DPP) Forum on Corruption in St. Lucia, June 30th – July 2nd, 2015

Chairman of the Commission Mr. Julian Johnson at the invitation of the Commonwealth Secretariat in collaboration with the Caribbean Financial Action Task Force (CFATF) Secretariat, attended a forum on Corruption and Economic Crimes and Recovery of Proceeds of Crime for Directors of Public Prosecutions and Heads of Prosecutions of Anti-Corruption Agencies in the Caribbean Region. The forum was held in St. Lucia from 30th June – 2nd July, 2015.

The Chairman participated in a panel discussion on the challenges and the managing of executive interference in investigating and prosecuting corruption related cases with particular reference to politically exposed or highly influential persons. In his intervention he referred to the law and principles governing the independence of constitutional and statutory oversight bodies, their autonomous powers and functions, the rule of law and the doctrine of the separation of powers embedded in the constitutions and upheld by the jurisprudence of apex Courts in member - states. It was necessary to ensure that the criminal justice system in all its manifestations is free from political interference and improper influences so that the citizens of CARICOM may always enjoy the full protection of the law. He emphasized the need to maintain appropriate arm's length relationship with the Executive in the management of the integrity and anti-corruption infrastructure established by Commonwealth Caribbean Parliaments under their respective enabling Acts.

The Forum was also attended by Ms. Evelina Baptiste the Director of Public Prosecutions of Dominica.

The Chairman's travel expenses were paid for by COMSEC/CFATF.

Representation at Regional Conferences and Seminars - UNODC Inter-Regional Seminar in Antigua

Commissioner Anthony La Ronde and the Research Assistant at the Commission, Mrs. Palestrina Rolle-George attended the 'UNODC Inter-Regional Seminar on Asset Disclosure in Small Island Developing State' over the period December 4 and 5, 2014 in St. John's Antigua & Barbuda. The conference highlighted conflict of interest, asset disclosure and investigation in light of the provisions of the United Nations Convention Against Corruption (UNCAC) which Dominica is signatory to.

Commissioner La Ronde's travel was not funded from the Commission's approved budget since there is an outstanding unresolved issue concerning the use of budgeted funds for travel on the business of the Commission. It is the view of the Ministry of Finance that Commissioners must request permission from the Ministry of Finance for travel on the business of the Commission by submitting the standard travel form used by public officers. The Commission is of the view, consistent with section 13 of the Act, that Commissioners should not be required to comply with this additional administrative procedure.

Meeting with the Honourable Minister for Justice


The Chairman Mr. Julian Johnson, on April 22, 2015 held a meeting with Honourable Rayburn Blackmoore Minister for Justice, Immigration and National Security and Mr. Davis Letang, Permanent Secretary to discuss the following matters:

1. Amendments to the Integrity in Public Office Act, 2003 and the First Schedule thereto;
2. The administrative structure and staff of the Commission;
3. Use of the Conference Room of the new building by the Integrity Commission; and
4. Sixth Annual Report of the Commission (2014) to Parliament

At the end of the meeting the following conclusions were arrived at:

1. that the amendments to the First Schedule will be done together with the amendments to the Act. This was the subject of a cabinet paper being prepared by the Ministry;
2. the staff structure of the Commission would be reviewed together with the amendments to the Act;
3. that Permanent Secretary Mr. Davis Letang would schedule a meeting with the Chief Elections Officer, The Secretary of the Public and Police Service Commission and the Secretary of the Integrity Commission with a view to resolving this matter, urgently;
4. that the Sixth Annual Report would be laid on the table at the next meeting of the House of Assembly. (The report of the meeting is at Appendix 14); and
5. that a copy of the Commonwealth Model Act approved by Commonwealth Ministers for Legal Affairs and Attorneys General held in Botswana in 2014 be made available to the Permanent Secretary.

Administration and Operations



Staff of the Commission

The Secretariat of the Commission is manned by a staff of five: Secretary, Research Assistant, Executive Officer, Junior Clerk and Office Attendant/Messenger.

Library

The Commission's library of reference books including reports, treaties, conventions and reference material such as legal dictionaries, reports, statutes, digest and forms and precedents on various subjects of the law is available for use by all persons in public life, the media, and other interested persons having regard to the confidentiality requirements of the Office.

Website

The Commission's Website: www.integritycommission.gov.dm is hosted by the ICT Unit. It is up to date and contains all the Annual Reports of the Commission that have been tabled in the House of Assembly, speeches, presentations and Frequently Asked Questions.

The Office of the Commission – Accommodation Issues

In the preceding report, the Commission reported in some detail on the issue of denial of access to the Conference Room on the first floor of the Commission's Building which was allocated for its use at the time the offices were moved to that building.

During this reporting period more correspondence was exchanged between the Secretary to the Commission, the Permanent Secretary, Ministry of Justice, the Chief Elections Officer and the Secretary – Police & Public Services Commission in an effort to address the issue of access.

To date the matter remains unresolved and the Commission has had to hold its meetings at the Fort Young Hotel at the cost of four thousand three hundred and forty four dollars and thirty cents (\$4,344.30) to the Commission during the 2014/2015 year of operation.

Acknowledgements

The Commission extends profound gratitude to all organizations and people who have facilitated and assisted its work for another year. Special mention must be made of:

- All persons in public life
- Staff of the Commission
- The Minister for Finance
- The Minister for Justice, Immigration and National Security
- Attorney General
- Financial Secretary and Staff of the Ministry of Finance
- The Integrity Commission of Grenada
- Mr. Reginald Armour S.C of Trinidad and Tobago
- Attorney at Law, Kevin Williams
- The Secretary to the Cabinet
- The Chief Personnel Officer and staff of the EPTD
- The Director of Public Prosecutions
- Permanent Secretary – Justice, Immigration and National Security
- The staff of the UWI Law Library
- The Government Printer
- Chief Elections Officer
- Mrs. Maureen Peter, Stenotypist
- The Head and staff of the ICT Unit, Establishment Department
- The Commonwealth Secretariat

Signed:

(Sgn: *Julian N. Johnson*)
JULIAN N. JOHNSON
CHAIRMAN

(Sgn. *Alick B. Lazare*)

ALICK B. LAZARE
MEMBER

(Sgn. *Vanoulst Jno. Charles*)

VANOULST JNO. CHARLES
MEMBER

(Sgn. *Indira St. Jean*)

INDIRA ST. JEAN
MEMBER

(Sgn. *Anthony P. La Ronde*)

ANTHONY P. LA RONDE
MEMBER

(Sgn. *Lennox Jno. Baptiste*)

LENNOX JNO. BAPTISTE
MEMBER

(Sgn. *Henry G. Dyer*)

HENRY G. DYER
MEMBER



Appendices

<i>Appendices</i>		<i>Pages</i>
1	Profiles of Commissioners	33 – 38
2	List of persons in public life who demitted office in 2011	38
3	List of persons in public life – end of calendar year 2014	39 – 43
4	Persons in public life who failed to file in accordance with the Act for calendar year 2014	43 – 44
5	Form 3 certificates issued in respect of financial declarations examined for 2014	44– 48
6	Form 3 certificate issued in respect of financial declaration examined for 2010	49
7	Press Statement: The Integrity Commission submits its Sixth Annual Report to Parliament through the Minister for Legal Affairs	49 – 50
8	‘Operations of the Integrity Commission in Dominica – September 2008 to September 2014’ – a paper by the Chairman of the Commission	50 – 59
9	‘Anti-corruption Efforts in the Commonwealth Caribbean’ – a paper by the Chairman of the Commission	60 – 64
10	‘Dominica – Work of the Integrity Commission in the fight against Corruption’ – a paper by the Chairman of the Commission	65 – 69
11	‘The Operation of the Integrity in Public Office Act No. 6 of 2003 in the Commonwealth of Dominica’ a paper by Commissioner Henry G. Dyer	70 – 77
12	Report of the meeting between the Honourable Minister of Justice and the Chairman of the Commission	78 - 82

Appendix 1: Profiles of Commissioners

CHAIRMAN - JULIAN N. JOHNSON

Julian N. Johnson, Barrister-at-Law, Solicitor, Mediator of the Eastern Caribbean Supreme Court and Notary Public, has held acting appointments in the office of Registrar General of the Supreme Court in Dominica and in the British Virgin Islands. He was called to the Bar in Dominica and Tortola, British Virgin Islands in 1988. He entered the public service in September 1964, was appointed a Permanent Secretary in 1979 and held the offices of Chief Personnel Officer and of Secretary to the Cabinet and Head of the Public Service for 13 years under five administrations before his retirement in August 2004. He has also served as a part-time tutor in Political Science in the Department of Government at the University of the West Indies on all three campuses and in Constitutional and Administrative Law at the School of Continuing Education, U.W.I. Dominica in 1990-1991.

His forty years experience in public service spans a spectrum of diplomacy (attending with Prime Ministers and Ministers at regional and international meetings and conferences in the major bilateral and multilateral fora) public management, teaching and human resource development, consumer protection supplies control and disaster management, legal consultancy and research in constitutional and administrative law, including the jurisdiction and functions of the major oversight institutions of the Constitution. He served as Dominica's representative on the Executive Board of UNESCO from April 2004 to October 2005 and as Chairman of the National Telecommunications Regulatory Commission (NTRC) from April 2004 to August 2008, Chairman of the Public Service Board of Appeal (April 2005 – April 2008) and Chairman of the Business Environment Task Force (2005 - 2006). In June 2010, Mr. Johnson was appointed Honorary Consul of the Republic of Finland to the Commonwealth of Dominica. He was first appointed Chairman of the Commission in September 2008 and for further three-year terms in August 2011 and August 2014.

He holds a Bachelor of Science degree in Economics (Hons) UWI, Jamaica, (1970), a Certificate in Multi-Lateral Diplomacy from the United Nations Institute for Training Research (UNITAR), New York, Geneva and Vienna, (1980), a Bachelor of Laws (LLB) U.W.I, Barbados, (1985) a Certificate in Legal Education from Hugh Wooding Law School, Trinidad & Tobago (1987) and Certificate of Achievement in Mediation Skills Training from the Judicial Education Institute of the ECSCT (November 2004).

In November 2002 he was awarded the Sisserou Award of Honour for meritorious public service to the Commonwealth of Dominica.

MEMBER - ALICK LAZARE

Alick Lazare has more than fifty years experience in public sector management in the Caribbean. He has held senior positions in the service of the Government of Dominica, including that of Financial Secretary and Fiscal Advisor, and has, since retirement in 1994, served as a consultant in public finance and management within the Caribbean.

He is a senior member of the civil service fraternity in the OECS with considerable experience concerning how economic management works in the region. As a consultant and advisor he has provided support to a number of regional and international institutions (including the Caribbean Development Bank, the Eastern Caribbean Central Bank, The World Bank, International Monetary Fund, UNDP, CIDA and USAID) in various aspects of public sector reform and economic management.

A major part of his work in the region supported reforms in public sector financial management policies and legislation, with particular emphasis on transparency and accountability in the transacting of public sector business. His work in reforming public finance legislation has been widely recognized.

In November, 1981 He was awarded the Sisserou Award of Honour for meritorious public service to the Commonwealth of Dominica.

MEMBER: VANOUYST JNO.CHARLES

Vanouyst Jno Charles is from the village of St Joseph on the west coast of Dominica. He started his working life as a Schoolteacher then switched to farming and became a prominent citrus and banana farmer. He has served on a number of Boards of Directors. Under his leadership as Chairman of the Dominica Banana Marketing Corporation (DBMC) and President of the Windward Islands Banana Growers Association (WINBAN), the Windward Islands banana industry hit its heyday both in terms of export volume and benefit to banana growers. Most recently, he served as Chairman of the Police Service Commission (PSC). Mr. Jno Charles was awarded the Sisserou Award of Honour in November 2008.

MEMBER: INDIRA J. ST. JEAN

Indira J. St. Jean is a Barrister-at-Law and Solicitor of the Eastern Caribbean Supreme Court having been called to the Dominica Bar in 2008 after graduating from the University of the West Indies, Cave Hill Campus, Barbados; and the Hugh Wooding Law School in Trinidad and Tobago. She has also been admitted to practice in St. Kitts/Nevis and Anguilla.

Ms. St. Jean is currently the Founder of 'PRO Legal Research and Solutions', a two-tier legal practice based in Roseau, Dominica providing legal support services to the legal fraternity as well as a selective range of legal services to individuals and businesses in the areas of Civil Litigation, Corporate & Financial Services, Intellectual Property, Immigration and Real Estate.

Additionally, Ms. St. Jean is currently a member of the International Law Firm, 'Delany & Associates' based in Barbados, and heads the Dominica office of that Firm with a focus on the jurisdictions of Anguilla, Dominica and St. Kitts and Nevis.

Ms St. Jean was based in Nevis from 2008 to 2012 working for the local leading law Firm of 'Daniel Brantley & Associates' where she gained considerable experience having been exposed to the regional and international legal scene serving clients (both corporate and individual) from all over the world. Ms. St. Jean has appeared before the Magistrate's Court, the High Court and the Court of Appeal.

Prior to entering the practice of law, she worked briefly with both the Dominica Ministry of Legal Affairs and the Registry of the High Court of the Eastern Caribbean Supreme Court in Dominica.

Ms. St. Jean is also a member of the leading service Club in Dominica, the Rotary Club.

MEMBER - ANTHONY P. LA RONDE

Anthony P. La Ronde, Barrister at Law, Solicitor and Notary Public was called to the Bar of the Eastern Caribbean Supreme Court (Dominica) in 1985.

He holds a B.A. General and B.A. Honours in History from the University of Waterloo, with a minor in Political Science. He read law at the University of the West Indies, Cave Hill Campus, Barbados and was awarded the LLB. Thereafter he obtained the Legal Education Certificate from the Hugh Wooding Law School in Trinidad and Tobago. Mr. La Ronde pursued post graduate studies at the University of the West Indies, Cave Hill Campus, Barbados. He holds an advanced Diploma in legislative drafting. He also holds certificates in law reporting and the consolidation of laws.

From 1971 to 2002 Mr. La Ronde worked in the public service of the Commonwealth of Dominica first as a teacher at the primary and high school levels and thereafter as a Barrister at law and Solicitor.

Mr. La Ronde has been a Teaching Assistant in History at the University of Waterloo and a Tutor in Law at the University of the West Indies - Cave Hill Campus and in Political Science at the St Augustine Campus in Trinidad. He lectured in Law at the University of Guyana.

As a Barrister at Law and Solicitor he held the positions, on full establishment, as a State Attorney, Parliamentary Draftsman, Chief Parliamentary Draftsman and Attorney General in the Commonwealth of Dominica. As the Attorney General he was a Member of Parliament and the Cabinet of the Commonwealth of Dominica from 1995 to 2002. He also held temporary appointments as Magistrate, Registrar General and Provost Marshall of the Supreme Court and Director of Public Prosecutions.

From 2003 he was a Senior Draftsperson - Legal Consultant at the CARICOM Secretariat in Georgetown, Guyana. From 2005 to 2009 he was the Officer in Charge/Director of the CARICOM Legislative Drafting Facility at the Secretariat.

Mr. La Ronde holds five specialist Practice Diplomas from the International Bar Association and the College of Law of England and Wales. The Specialist Practice Diplomas are in the following areas:

International Business Organizations; International Mergers and Acquisitions; International Joint Ventures; International Arbitration; International Competition Law.

Consequently he was made a FELLOW of the International Bar Association on the 18th day of October, 2007.

Mr. La Ronde is a trained and practicing Mediator. He is also a legal consultant who has worked as such with:

- numerous governments, including the Government of Suriname and St. Lucia;
- the Standards Bureau of the Commonwealth of Dominica;
- International organisations including IICA, ECTEL, USAID, the CARICOM Secretariat, the OECS Secretariat and the Commonwealth Secretariat; and
- the OECS Supreme Court.

Mr. La Ronde has been involved in numerous regional and international negotiations. As a legal practitioner he has appeared before the Magistrate's Court, the High Court, the Court of Appeal.

LENNOX JNO BAPTISTE

I have been a Practising Public Accountant and Computerized Accounting System Consultant since 1980.

My accounting experience began in the Dominica Civil Service in 1966, assigned to the Dominica Market Department as an assistant to John Strachan, C. A who had the responsibility of setting up the Accounting system for the said Establishment. Two years later I was seconded by the Government of Dominica to the newly formed Dominica Agricultural marketing Board (now DEXIA) in the capacity of Assistant Accountant. I acted as Secretary/Accountant at the DAMB for two years before completing successfully a two year Diploma course in Computerised Accounting and Electronic Data Processing at the Instituto Technico Commerciale de Puerto-Rico.

In 1974 I successfully completed the first final part of the Institute of Administrative Accounting and Data Processing Programme.

I worked with the Dominica Dispensary Co. Ltd from August 1974 until the winding up of the company in 1979 with the main responsibility of collating all sales of Nestle products and recovering long outstanding debts owed to Nestle SA.

In May of 1980 I was retained by the USA Agency for International Development to conduct a number of auditing functions under the Emergency Materials Distribution and work program after the passage of Hurricane David. This exercise revealed 90% accountability.

In November 1980 I appeared on the list of auditors in Dominica and Barbados acceptable to the Inter-American Foundation.

I successfully completed the following Accounting Software Configuration and Implementation Courses during the years 1990 to 2006: **Acc Pac, Great Plains, Real World and Adagio**

Presently, I am a member of the following professional bodies:

- Fellow of the Institute of Incorporated Public Accountants –Ireland
- Fellow of the Institute of Financial Accountants –UK
- Member of the Association of Accounting Technicians (ACCA Affiliate) UK
- Member of the Institute of Chartered Accountants of the Eastern Caribbean

I was also one of the founders of the Belles Combo Cadance Band. I played the keyboard and bass guitar from 1965 to 1970

MEMBER - HENRY DYER

Henry George Dyer, LL.B. (HONS) C.L.E, S.A.H. born on the 27th day of January 1939, in the town of Roseau, in the Parish of St. George, in the Commonwealth of Dominica.

Mr. Dyer attended the Dominica Grammar School, and Ryerson Institute (now Ryerson University) of Toronto, Canada, where he graduated with a Certificate in Business Administration, in 1965.

In 1973, he graduated with a LL.B (HONS) Degree from the Law Faculty of University of the West Indies, and in 1975, he graduated with a Legal education Certificate at the Sir Hugh Wooding Law School in Trinidad and Tobago.

He was the Minister of Communication and Works and Tourism, in the Government of Dominica from 1980-1983. He held the Post of Vice President of the Dominica Bar Association and Vice Chairman of the Human Rights Institute of the International Bar Association.

He held the posts of Attorney General of Dominica and Minister of Labour and Immigration, Registrar of the Supreme Court in Dominica and Senior Crown Counsel in the Attorney General Chambers in Barbados, Director of Public Prosecutions Dominica. He was Chairman of the Planning Appeals Board in Dominica, Deputy Chairman of the Dominica Social Security Board and Deputy Chairman of the Dominica Water Authority.

He held the post of President of the Roseau Co-operative Credit Union for 4 years. He was also a Director of the O.E.C.S. Home Mortgage Bank in St. Kitts.

He was inducted into the WHO's WHO Historical Society of the U.S.A. for his Professional Accomplishment for the period 2001-2002. He received the 2nd highest Award, the Sisserou Award of Honour in Dominica.

He was inducted in the Order of the International Ambassadors at the 2010 World Forum at St. John's College Cambridge England where he received a Gold Medal. He delivered a paper on the need for the *De-Linking of Dominica from the Privy Council*, which was organized by the American Biographical Institute and the International Biographical Centre, England.

He has represented Dominica and the Cava Hill Campus of the University of the West Indies in both Football and Cricket and was Captain of the Commonwealth Cricket Club of Toronto, Canada, Captain of both Cricket and Football of the Blackburn Sports Club of Roseau, Dominica.

Appendix 2: List of Persons in Public Life who demitted office in 2011

1.	George, Nicholas	Gazetted Police Officer (Past)
2.	Dailey, Julius	General Manager of a Public Institution
3.	Roberts, Claudine	Chief Technical Officer – Local Government Commissioner (Ag.) (Past)
4.	Sanford, Claudius	Member of the House of the Assembly
5.	Joseph, Francis	Chairman of a public institution

Appendix 3: List of persons in public life – End of calendar year 2014

	Name	Office
1.	Aird, Jennifer	Chairman of a public institution
2.	Albert, Patrickson	Gazetted Police officer
3.	Alexander, Stephenson	Chief Technical Officer – Executive Director, Small Business
4.	Alexander, Yvonne	Gazetted Police Officer
5.	Allport, Ruth	Permanent Secretary (Ag.) (Past)
6.	Andre, Lennard	Chairman of a public institution
7.	Andrew, David	Gazetted Police Officer
8.	Austrie, Reginald	Minister of Government
9.	Bannis, Jacinta	Chief Technical officer – Director Drug Prevention unit
10.	Baptiste, Dayton	Member of the House of Assembly (Past)
11.	Baron, Francine	Minister of Government
12.	Bardouille, Benoit	General Manager of a public institution
13.	Bardouille, Larry	Chairman of a public institution
14.	Bazil, Ezekiel	Member of the House of Assembly
15.	Bellot, Claudia	Permanent Secretary (Past)
16.	Bernard, Alvin	Minister of Government (Past)
17.	Bethelmie, Wellsworth	Chief Technical Officer – Director of Trade (Past)
18.	Birmingham, Marvlyn	Chairman of a public institution
19.	Blackmoore, Donille	Chief Technical Officer – President’s Secretary
20.	Blackmoore, Lucien	Permanent Secretary (Ag.)
21.	Blackmoore, Rayburn	Minister of Government
22.	Blaize-Jones Lucia	Chairman of a public institution
23.	Blanc, Dennis	Superintendent of Prisons
24.	Blanc, Dr. Ruby	Chief Technical Officer - Hospital Medical Director (Ag.)
25.	Blanchard, Mirium	Minister of Government
26.	Boyd-Knights, Alix	Speaker, House of Assembly
27.	Browne, Rosie	Chief Technical Officer
28.	Brumant, Heskeith	Chairman of a public institution (Past)
29.	Brumant, Ricky	Chief Technical Officer - Director of Agriculture (Ag.)
30.	Bruno, Nicholas	Permanent Secretary (Past)
31.	Bully, Collin	Chairman of a public institution
32.	Burnett-Biscombe, Anthony	Chairman of a public institution (Past)
33.	Burton, Gerald	Chairman of a public institution
34.	Burton, Minchinton	Chief Technical Officer – Director of Forestry
35.	Cadette, Sylvester	Chief Technical Officer - Director of Telecommunications (Past)
36.	Carbon, Daniel	Gazetted Police Officer – Chief of Police
37.	Carrette, Cyril	Gazetted Police Officer Chief of Police (Past)

38.	Carrette, Samuel	Permanent Secretary (Past)
39.	Catin, Raphael	Assistant Superintendent of Prisons
40.	Celaire, Rhoda	Permanent Secretary (Past)
41.	Christmas, Martin	Chief Technical Officer - Director Primary Health Care (Past)
42.	Christian, Clarence	Chief Technical Officer – Director of Audit
43.	Charles, Justina	Minister of Government
44.	Charles, Martin	Chairman of a public institution
45.	Charter, Algernon	Superintendent of Prisons (Past)
46.	Clarendon, Hannah	Chairman of a public institution
47.	Corbette, Julius	Managing Director of public institution
48.	Cuffy, Matthew	Gazetted Police Officer (Ag.)
49.	Daniel, Catherine	Minister of Government
50.	Darroux, Cassius	Minister of Government
51.	Darroux, Kelvar	Minister of Government
52.	Darroux, Kenneth	Minister of Government
53.	David, Jacinta	Chief Technical Officer – Chief Cultural Officer (Ag.)
54.	David, John A. C.	Gazetted Police Officer
55.	Douglas, Eisenhower	Permanent Secretary (Past)
56.	Douglas, Ian	Minister of Government
57.	Drigo, Johnson	Minister of Government
58.	Dublin, Damian	Chairman of a public institution
59.	Dupuis, Josiah	Chief Fire Officer
60.	Edwards, Annie	Chief Technical Officer – Chief Physical Planner (Ag.) (Past)
61.	Edwards, Irma	Permanent Secretary – Chief Personnel Officer
62.	Edwards, Rosemund	Permanent Secretary – Financial Secretary
63.	Ettinoffe, Bernard	General Manager of a public institution
64.	Eusebe, Jones	Deputy Chief Fire Officer (Past)
65.	Fagan, Mandra	Permanent Secretary
66.	Felix Grant, Colleen	Chairperson of a public institution
67.	Gregoire, Felix	Permanent Secretary – Secretary to the Cabinet (Past)
68.	Ferrol, Eleanor	Chief Technical Officer – Sec., Public & Police Services Comm.
69.	Ferrol, Steve	Permanent Secretary – Secretary to the Cabinet
70.	Fevrier, Willie	Chairman of a public institution
71.	Fontaine, John	Chief Technical Officer – Local Government Commissioner
72.	Fontaine, Melena	Chief Technical Officer – Chief Technical Officer (Ag.)
73.	Francis, Joshua	Member of the House of Assembly
74.	Francis, Titus	Chairman of a public institution
75.	George, Ambrose	Minister of Government (Past)
76.	George, Margaret	Chairman of a public institution (Past)
77.	Graneau, Ashton	Minister of Government (Past)

78.	Green, Ronald	Member of the House of Assembly (Past)
79.	Guiste, Harold	Permanent Secretary (Ag.)
80.	Henderson, Edward	Chief Technical Officer – Ministry of Tourism
81.	Henry, Eddison	General Manager of a public institution
82.	Hyacinth, Steve	Permanent Secretary
83.	Isaac, Joseph	Member of the House of Assembly
84.	Irish, Ainsworth	Gazetted Police Officer (Past)
85.	Isidore, Ronald	Member of the House of Assembly (Past)
86.	James, Edison	Member of the House of Assembly (Past)
87.	Jean-Jacques, Tammy	Member of the House of Assembly (Past)
88.	Jean-Jacques-Thomas, Janice	Managing Director of a public institution
89.	Jno. Baptiste, Hobbes	Gazetted Police Officer
90.	Jno. Charles, Vanoulst	Chairman of a public institution (Past)
91.	John, Clem	Chairman of a public institution
92.	John, Hector	Member of the House of Assembly
93.	John, Steve	Managing Director of a public institution
94.	Johnson, Dr. David	Chief Technical Officer – Chief Medical Officer
95.	Johnson, Julian N	Chairman of a public institution
96.	Johnson, Kendell	Chief Technical Officer – Ministry of Public Works
97.	Jolly, Aurelius	Chairman of a public institution
98.	Joseph, Anthony	Chairman of a public institution
99.	Joseph, Hubert	Chairman of a public institution (Past)
100.	Lafond, Jennifer	Permanent Secretary (Past)
101.	Lambert, Bernadette	Chairman of a public institution
102.	Lambert, Edward	Advisor to the Prime Minister
103.	Lambert, Eleanor	Chairman of a public institution
104.	La Rocque, Stephen	Chief Technical Officer – Chief Elections Officer
105.	Laudat, Michael	Gazetted Police Officer (Past)
106.	Lawrence, Angela	Chairman of a public institution
107.	Lawrence, John Bristol	General Manager of a public institution (Past)
108.	Lawrence, Jones	Deputy Fire Chief (Ag.)
109.	Lawrence, Raymond	Chief Technical Officer – Chief Cultural Officer (Past)
110.	Leblanc, Mathew	Chief Technical Officer – Labour Commissioner
111.	Lestrade Marcus	Chief Technical Office- Director of Surveys
112.	Letang, Davis	Permanent Secretary
113.	Letang, Rhoda	Managing Director of a public institution
114.	Linton, Lennox	Member of the House of Assembly
115.	Lugay, Daniel	Member of the House of Assembly
116.	Magloire, Andrew	Chief Technical Officer – Chief Fisheries Officer
117.	Magloire-Akpa, Sonia	Chief Technical Officer – Director, Political Affairs
118.	Martin, Sam	Member of the House of Assembly (Past)
119.	McIntyre, Colin	Minister of Government
120.	Meade, Brian	Chairman of a public institution

121	Mitchel, Florian	General Manager of a public institution
122	Monell, Al	Chief Technical Officer – Director, Financial Services Unit (Past)
123	Moses, Paul	Chairman of a public institution
124	Munroe, Ian	Chairman of a public institution
125	Nassief, Yvor	Chairman of a public institution (Past)
126	Paul, Roslyn	Minister of Government
127	Pemberton, Patrick	Chairman of a public institution
128	Peter, Levi	Member of the House of Assembly
129	Pierre, Nelson	Chairman of a public institution
130	Pinard, Ian	Minister of Government
131	Piper, Colin	Managing Director of a public institution
132	Powell, Marcella	Permanent Secretary (Ag.)
133	Prevost, Careen	Permanent Secretary (Ag.)
134	Prevost, Joan	Chairman of a public institution
135	Prevost, Norris	Member of the House of Assembly (Past)
136	Raymond, Vernanda	Chief Technical Officer – Clerk of the House of Assembly
137	Rolle, Kelvin	Chief Technical Officer – Chief Physical Planner
138	Royer, Bentley	Member of the House of Assembly (Past)
139	Royer, Helen	Permanent Secretary
140	Savarin, Charles	Minister of Government (Past)
141	Scotland, Anthony	Chief Technical Officer – Chief Environmental Health Officer
142	Scotland-Andrew, Mayna	Chief Technical Officer - Chief Protocol Officer
143	Severin, Duke	Gazetted Police Officer (Past)
144	Shillingford, Dorian	Chairman of a public institution
145	Shillingford, Gloria	Minister of Government (Past)
146	Shillingford Juliette	Chairman of a public institution
147	Skerrit, Roosevelt	Minister of Government
148	Southwell, Dermott	Chairman of a public institution
149	St. Jean, Petter	Minister of Government
150	Stephenson, Ivor	Parliamentary Secretary
151	Sylvester, Ambrose	Chairman of a public institution (Past)
152	Thomas, Bennett	Chief Technical Officer - Director of Telecommunications
153	Thomas, Esther	Permanent Secretary
154	Thomas, Felix	Chairman of a public institution
155	Thomas, Gregoire	General Manager of a public Institution
156	Thomas, Kingsley	General Manager of a public institution/ (Past)
157	Timothy, Julius	Minister of Government (Past)
158	Tonge, Robert	Minister of Government
159	Toulon, Ronald	Member of the House of Assembly (Past)
160	Valerie, Davidson	Gazetted Police Officer
161	Vigilante, Stafford,	Gazetted Police Officer
162	Walter, Matthan	Chief Technical Officer – Director of Trade (Ag.)

163	Walter, Matthew	Minister of Government (Past)
164	Weekes, Claude	Gazetted Police Officer
165	Williams, Anthony	Deputy Chief Fire Officer (Ag)
166	Williams, Cuffy	Gazetted Police Officer
167	Williams, Eluid	Chairman of a public institution (Past)
168	Williams, Geneta	Chief Technical Officer - Hospital Services Coordinator
169	Williams, Joseph	Gazetted Police Officer
170	Williams, Merina	Chief Technical Officer - Chief Elections Officer (Past)
171	Williams, Monell	Member of House of Assembly
172	Winston, Curtiss	Chairman of a public institution

Appendix 4:

Persons in public life who failed to file in accordance with the Act for calendar year 2014

INTEGRITY COMMISSION NOTICE - INTEGRITY IN PUBLIC OFFICE ACT 2003, No. 6 OF 2003: FAILURE TO FILE DECLARATIONS BY 31st March 2015

In keeping with the provisions of section 22 of the Integrity in Public Office Act 2003, it is hereby notified that the following persons in public life failed to file declarations for the period ended December 31, 2014 in accordance with the Act.

Under section 22 of the Act a report of that fact shall be sent to the Director of Public Prosecutions for further action. The names of these persons in public life are published hereunder:

- | | | |
|------------|-----------------------|---|
| 1. | Andre, Lennard | Chairman of a public institution |
| 2. | Wellsworth, Bethelmie | Chief Technical Officer (Director of Trade - Past) |
| 3. | Browne, Rosie | Chief Technical Officer (Director, Women's Bureau) |
| 4. | Cadette, Sylvester | Chief Technical Officer (Director of Telecommunications – Past) |
| 5. | Christmas, Martin | Chief Technical Officer (Director Primary Health Care – Past) |
| 6. | Christian, Clarence | Chief Technical Officer (Director of Audit) |
| 7. | Cuffy, Matthew | Gazetted Police Officer |
| 8. | Edwards, Annie | Chief Technical Officer (Chief Physical Planner – Ag. – Past) |
| 9. | Eusebe, Jones | Deputy Chief Fire Officer (Past) |
| 10. | Fontaine, Melena | Chief Technical Officer (Chief Education Officer - Ag.) |
| 11. | Graneau, Ashton | Minister of Government (Past) |
| 12. | Henry, Edison | General Manager of a public institution (Past) |
| 13. | Lawrence, Jones | Deputy Chief Fire Officer |
| 14. | Meade, Brian | Chairman of a public institution |
| 15. | Piper, Colin | Managing Director of a public institution |
| 16. | Savarin, Charles | Minister of Government (Past) |

17. Shillingford, Juliette	Chairman of a public institution
18. Sylvester, Ambrose	Chairman of a public institution (Past)
19. Thomas, Kingsley	General Manager of a public institution (Past)
20. Toulon, Ronald	Member of the House of Assembly (Past)
21. Williams, Anthony	Deputy Chief Fire Officer (Past)
22. Williams, Geneta	Chief Technical Officer (Hospital Services Coordinator)
23. Nassief, Yvor	Chairman of a public institution (Past)
24. Pemberton, Patrick	Chairman of a public institution (Past)
25. Francis, Titus	Chairman of a public institution
26. Mitchel, Florian	General Manager of a public institution
27. Walter, Matthan	Chief Technical Officer (Director of Trade Ag.)

(Signed: Helen Ambo)
SECRETARY
INTEGRITY COMMISSION

File: IC.530-03

Appendix 5: Form 3 Certificates issued

DECLARATIONS CERTIFIED WITH RESPECT TO PERIOD ENDED 20TH FEBRUARY, 2015

The Integrity Commission hereby certifies that it has examined the declarations submitted by the following persons in public life with respect to the period ended **20th February, 2015** and is satisfied that full disclosure was made in accordance with the Act. Certificates were issued to them as provided for by section 14(4) of the Act.

1. Baptiste, Isaac	-	Member of the House of Assembly
2. Benoit, Jahisiah	-	Member of the House of Assembly
3. Fontaine, Thomson	-	Member of the House of Assembly
4. Registe, Edward	-	Member of the House of Assembly

(Signed: Cheryl Roberts)
SECRETARY (Ag.)
INTEGRITY COMMISSION

DECLARATIONS CERTIFIED WITH RESPECT TO CALENDAR YEAR ENDED DECEMBER 31, 2014

The Integrity Commission hereby certifies that it has examined the declarations submitted by the following persons in public life with respect to year ended 31st December, 2014, and is satisfied that full disclosure had been made in accordance with the Act. Certificates were issued to them as provided for by section 14(4) of the Act.

1. Aird, Jennifer	-	Chairman of a public institution (Past)
2. Albert, Patrickson	-	Gazetted Police Officer
3. Alexander, Yvonne	-	Gazetted Police Officer
4. Allport, Ruth	-	Permanent Secretary (Past)
5. Andrew, David	-	Gazetted Police Officer
6. Austrie, Reginald	-	Minister of Government
7. Bannis, Jacinta	-	Chief Technical Officer/Director, Drug Prevention Unit
8. Baptiste, Dayton	-	Member of the House of Assembly (Past)
9. Bardouille, Benoit	-	Managing Director of a public institution
10. Bardouille, Larry	-	Chairman of a public institution
11. Baron, Francine	-	Minister of Government
12. Bazil, Ezekiel	-	Member of the House of Assembly
13. Bellot, Claudia	-	Permanent Secretary (Past)
14. Birmingham, Marvlyn	-	Chairman of a public institution
15. Blackmoore, Donille	-	Chief Technical Officer – President’s Secretary
16. Blackmoore, Lucien	-	Permanent Secretary
17. Blackmoore, Rayburn	-	Minister of Government
18. Blaize-Jones, Lucia	-	Chairman of a public institution
19. Blanc, Denis	-	Superintendent of Prisons
20. Blanc, Dr. Ruby	-	Chief Technical Officer/Hospital Medical Director (Ag.)
21. Blanchard, Mirium	-	Minister of Government
22. Boyd-Knights, Alix	-	Speaker of the House of Assembly
23. Brumant, Heskeith	-	Chairman of a public institution (Past)
24. Brumant, Ricky	-	Chief Technical Officer/Director of Forestry (Ag.)
25. Bruno, Nicholas	-	Permanent Secretary (Past)
26. Bully, Collin	-	Chairman of a public institution
27. Burnett-Biscombe, Anthony	-	Chairman of a public institution (Past)
28. Burton, Gerald	-	Chairman of a public institution
29. Burton, Minchinton	-	Chief Technical Officer/ Director of Forestry
30. Carbon, Daniel	-	Gazetted Police Officer
31. Carrette, Cyril	-	Gazetted Police Officer (Past)
32. Carrette, Samuel	-	Permanent Secretary (Past)
33. Catin, Raphael	-	Assistant Superintendent of Prisons
34. Celaire, Rhoda	-	Permanent Secretary (Past)
35. Charles, Martin	-	Chairman of a public institution
36. Charles, Justina	-	Minister of Government
37. Charter, Algernon	-	Superintendent of Prisons (Past)
38. Clarendon, Hannah	-	Chairman of a public institution

39. Corbette, Julius	-	General Manager of a public institution
40. Daniel, Catherine	-	Minister of Government
41. Darroux, Casius	-	Minister of Government
42. Darroux, Kelvar	-	Minister of Government
43. David, Jacinta	-	Chief Technical Officer/ Chief Cultural Officer
44. David, John	-	Gazetted Police Officer
45. Douglas, Eisenhower	-	Permanent Secretary
46. Dublin, Dr. Damian	-	Chairman of a public institution
47. Dupuis, Josiah	-	Chief Fire Officer
48. Edwards, Annie	-	Chief Technical Officer / Chief Physical Planner (Past)
49. Edwards, Irma	-	Permanent Secretary
50. Edwards, Rosamund	-	Permanent Secretary/Financial Secretary
51. Ettinoffe, Bernard	-	General Manager of a public institution
52. Fadelle, Juliette Shillingford	-	Chairman of a public institution
53. Fagan, Mandra	-	Permanent Secretary
54. Felix-Grant, Colleen	-	Chairman of a public institution
55. Ferrol, Eleanor	-	Chief Technical Officer/Secretary, Public and Police Commission
56. Ferrol, Steve	-	Permanent Secretary
57. Fevrier, Willie	-	Chairman of a public institution
58. Fontaine, John	-	Chief Technical Officer/Local Government Commissioner
59. George, Ambrose	-	Minister of Government (Past)
60. George, Margaret	-	Chairman of a public institution (Past)
61. Green, Ronald	-	Member of the House of Assembly (Past)
62. Gregoire, Felix	-	Permanent Secretary (Past)
63. Guiste, Harold	-	Permanent Secretary (Ag)
64. Henderson, Edward	-	Chief Technical Officer – Ministry of Tourism
65. Henry, Edison	-	General Manager of a public institution
66. Hyacinth, Stephenson	-	Permanent Secretary
67. Irish, Ainsworth	-	Gazetted Police Officer
68. Isaac, Joseph	-	Member of the House of Assembly
69. Isidore, Ronald	-	Member of the House of Assembly (Past)
70. James, Edison	-	Member of the House of Assembly (Past)
71. Jean-Jacques -Thomas, Janice	-	Managing Director of a public institution
72. Jean-Jacques, Tammy	-	Member of the House of Assembly (Past)
73. Jno. Baptiste, Hobbes	-	Gazetted Police Officer
74. Jno. Charles, Vanoulst	-	Chairman of a public institution (Past)
75. John, Clem	-	Chairman of a public institution
76. John, Hector	-	Member of the House of Assembly
77. John, Steve	-	General Manager of a public institution
78. Johnson, Dr. David	-	Chief Technical Officer/Chief Medical Officer
79. Johnson, Julian	-	Chairman of a public institution
80. Jolly, Aurelius	-	Chairman of a public institution
81. Joseph Anthony	-	Chairman of a public institution
82. Joseph, Hubert (Micky)	-	Chairman of a public institution (Past)
83. Joseph, Rhoda	-	Managing Director of a public institution
84. La Rocque, Steven	-	Chief Technical Officer/Chief Elections Officer

85. Lafond, Wallace Jennifer	-	Permanent Secretary (Past)
86. Lambert, Bernadette	-	Chairman of a public institution
87. Lambert, Edward	-	Advisor to the Prime Minister
88. Lambert, Elenore	-	Chairman of a public institution
89. Laudat, Michael	-	Gazetted Police Officer
90. Lawrence, Angela	-	Chairman of public institution
91. Lawrence, John Bristol	-	General Manager of a public institution (Past)
92. Lawrence, Raymond	-	Chief Technical Officer/Chief Cultural Officer (Past)
93. Leblanc, Matthew	-	Chief Technical Officer/Labour Commissioner
94. Lestrade, Marcus	-	Chief Technical Officer/Director of Surveys
95. Letang, Davis	-	Permanent Secretary
96. Linton, Lennox	-	Member of the House of Assembly
97. Lugay, Daniel	-	Member of the House of Assembly
98. Magloire- Akpa Sonia	-	Chief Technical Officer/Director Political Affairs
99. Martin, Sam	-	Member of the House Assembly (Past)
100. McIntyre, Collin	-	Minister of Government
101. Monelle, Al	-	Chief Technical Officer/ Director, FSU (Past)
102. Moses, Paul	-	Chairman of a public institution
103. Munro, Ian	-	Chairman of a public institution
104. Paul, Roslyn	-	Minister of Government
105. Peter, Levi	-	Member of the House of Assembly
106. Pierre, Nelson	-	Chairman of a public institution
107. Pinard, Ian	-	Minister of Government
108. Piper, Colin	-	Managing Director of a public institution
109. Powell, Marcella	-	Permanent Secretary
110. Prevost, Careen	-	Permanent Secretary
111. Prevost, Joan	-	Chairman of a public institution
112. Prevost, Norris	-	Member of the House of Assembly (Past)
113. Raymond, Vernanda	-	Chief Technical Officer /Clerk of the House of Assembly
114. Rolle, Kelvin	-	Chief Technical Officer/ Chief Physical Planner
115. Royer, Helen	-	Permanent Secretary
116. Royer, Julien Bentley	-	Member of the House of Assembly
117. Saint-Jean, Petter	-	Minister of Government
118. Scotland-Andrew, Mayna	-	Chief Technical Officer/Chief Protocol Officer
119. Scotland, Martin Anthony	-	Chief Technical Officer/Chief Environmental Health Officer
120. Severin, Duke	-	Gazetted Police Officer
121. Shillingford, Dr. Dorian	-	Chairman of a public institution
122. Shillingford, Gloria	-	Minister of Government (Past)
123. Skerrit, Roosevelt	-	Minister of Government
124. Southwell, Dermott	-	Chairman of a public institution
125. Stephenson, Alexander	-	Chairman of a public institution
126. Stephenson, Ivor	-	Parliamentary Secretary
127. Sylvester, Ambrose	-	Chairman of a public institution

128.	Bennette, Thomas	-	(Past) Chief Technical Officer/Director of Telecommunications
129.	Thomas, Esther	-	Permanent Secretary
130.	Thomas, Felix	-	Chairman of public institution
131.	Thomas, Gregoire	-	General Manager of a public institution
132.	Timothy, Julius	-	Minister of Government (Past)
133.	Tonge, Robert	-	Minister of Government
134.	Valerie, Davidson	-	Gazetted Police Officer
135.	Vigilant, Stafford	-	Gazetted Police Officer
136.	Walter, Matthew	-	Minister of Government (Past)
137.	Weekes, Claude	-	Gazetted Police Officer
138.	Williams, Cuffy	-	Gazetted Police Officer
139.	Williams, Eluid	-	Chairman of a public institution (Past)
140.	Williams, Joseph	-	Gazetted Police Officer
141.	Williams, Merina	-	Chief Technical Officer/Chief Elections Officer (Past)
142.	Williams, Monelle	-	Member of the House of Assembly
143.	Winston, Curtiss	-	Chairman of a public institution

(Signed: Cheryl Roberts)
SECRETARY (Ag.)
INTEGRITY COMMISSION

August 19, 2015
Ref. IC.530-03

Appendix 6: Official Gazette Notice – Form 3 Certificate issued re financial declaration for 2010

GAZETTE NOTICE INTEGRITY IN PUBLIC OFFICE ACT 2003, NO. 6 OF 2003: PERSONS IN PUBLIC LIFE – FACT OF CERTIFICATION

The Integrity Commission hereby certifies that it has examined the declaration submitted by the following person in public life (past) and is satisfied that a full disclosure has been made in accordance with the Act. A certificate was issued to him as provided for by section 14(4) of the Act with respect to the year certified

Person in public life	Designation	Year of certification Year ending...
Charles Savarin	Minister of Government (Past)	December 31, 2010

(Signed: H. Ambo)

SECRETARY

INTEGRITY COMMISSION

File: IC 140/02

Date: March 16, 2015

Appendix 7: Press Statement

THE INTEGRITY COMMISSION SUBMITS ITS SIXTH ANNUAL REPORT TO PARLIAMENT THROUGH THE MINISTER FOR LEGAL AFFAIRS

As mandated by section 48 of the Integrity in Public Office 2003, the Integrity Commission has submitted its Sixth Annual Report for the past operational year to the Minister for Legal Affairs. The Minister is required to table the Report in the House of Assembly not later than three months following its receipt.

The Sixth Annual Report highlights the activities of the Commission over the period September 1, 2013 to August 31, 2014. It includes information on how the 157 persons in public life for calendar year 2013 complied with section 14 of the Act which requires them to file declarations of income, assets and liabilities with the Commission. The report also provides updates on a couple of pending court matters to which the Commission is party.

In April of this year, Ms. Indira St. Jean joined the Commission replacing Mr. Davidson Bruney as the nominee of the Leader of the Opposition. Commencing their second

three-year terms on the Commission in April and July of this year were Attorneys at law and former Attorneys General, Henry Dyer and Anthony La Ronde. Mr. Dyer was the nominee of the Dominica Bar Association and Mr. La Ronde, the nominee of the Leader of the Opposition. The full Commission comprises seven members.

Appendix 8: Presentation by the Chairman of the Commission

THE OPERATIONS OF THE COMMISSION IN DOMINICA SEPTEMBER, 2008 – SEPTEMBER, 2014 PRESENTATION

**BY
JULIAN N. JOHNSON CHAIRMAN, INTEGRITY COMMISSION
TO THE MEDIA WORKERS ASSOCIATION OF DOMINICA**

INTRODUCTION

On 2nd September, 2008 in an address at the swearing-in of members of the Commission I commended the mass media of Dominica for encouraging and advancing public dialogue on the purposes of the Integrity in Public Office Act, 2003 and on the functions of the Commission under the Act.

I repeat here what I said then: *"Sometimes, the mass media can get it wrong. Sometimes, the media can be grossly unfair and can serve sectional interests. But a responsible, objective, vibrant, free and courageous media does play a very important role in the guaranteeing of proper standards in public life in liberal democracies. They have a duty to monitor the workings of Government and the workings of the Parliament on behalf of the public. They play a key role in enhancing public awareness of good governance and rule of law issues."* (Speech by Mr. Julian N Johnson, Chairman, Integrity Commission on "The implementation of Integrity in Public Office Act, 2003", September 2nd 2008, para. 6).

THE PURPOSE OF THE ACT

1. **EXPRESS STATUTORY PURPOSE** - The Long Title of the Act states as follows: *An Act to provide for the establishment of an Integrity Commission for the purpose of receiving declarations on the financial affairs of persons holding specific positions in public life, for the purpose of establishing probity, integrity and accountability in public life and for related matters.*
 - The receiving, examining and enquiries into the declarations of financial affairs of persons in public life is central to the legislative purpose.

2. **REASONS FOR THE ACT AS ADVANCED BY THE PROMOTOR IN APRIL 2003 (HANSARD OF THE MEETING OF THE HOUSE OF ASSEMBLY 28TH – 30TH APRIL, 2003, PGS 246-360 PASSIM).**

- The Act was passed with full Government and Opposition support: 18 Ayes: 1 Abstention.
- AG & Minister for Legal Affairs – Hon. Henry Dyer advanced the following reasons:
 - (a) “The introduction of this Bill is not at all a reflection that there is widespread corruption or bribery among the public servants or in our society as a whole...”(p. 247)
 - (b) “International agencies, which are assisting small jurisdictions are constantly monitoring us to see whether we observe the norms of good governance and whether the Government is transparent.” (p247)
 - (c) “.... International institutions and Governments want accountability in the sense that they want money that is given to a country and is given for the benefit of the people of the country... they want to know that the money has gone where it was sent so that the people must have the benefit of the gifts and not those people who are to administer.”(p. 253)

3. **THE ESTABLISHMENT AND APPOINTMENT OF THE COMMISSION (Sec. 4)**

- (i) Five political appointees – Five members of the Commission are appointed on the advice of politicians, that is, on the advice of the Prime Minister or the Leader of the Opposition. The Chairman and two members are appointed on the advice of the Prime Minister and two members are appointed on the advice of the Leader of the Opposition. In the case of the Chairman, however, Parliament sought to achieve political consensus on his/her appointment by requiring consultation between the Prime Minister and the Leader of the Opposition before the Prime Minister advises the President to exercise the function of the appointment.
- (ii) Two non-political appointees - There are two non-political appointees on the Commission. One such member is appointed on the advice of the Dominica Bar Association and the other on the advice of a professional body, called, the Dominica Branch of the Institute of Chartered Accountants of the Eastern Caribbean referred to in The Institute of Chartered Accountants of the Eastern Caribbean Agreement Act 2003, No. 2 of 2003, which has not yet come into operation!
- (iii) Why this method of appointment? Because Parliament determined that it was necessary to have qualified professional expertise in law and accountancy (a chartered or certified accountant) on the Commission and empowered the executives of these professional associations to make the recommendations.
- (iv) Parliament, however, directed that the members appointed on the advice of politicians must satisfy the following condition:

“they shall be persons of high public standing and reputation for personal integrity.”

Parliament thought it unnecessary to expressly stipulate this requirement for the members who are required to possess professional qualifications in law or accountancy, i.e., the Chairman, and the nominees of the Dominica Bar Association and the Dominica Branch of the Institute of Chartered Accountants of the Eastern Caribbean.

4. **INDEPENDENT, IMPARTIAL AND ACCOUNTABLE ADMINISTRATION OF THE ACT – SECTIONS 13 AND 48**

Notwithstanding the method of appointment – the route by which the Chairman and members of the Commission came onto the Commission, the Act of 2003 and the applicable principles of public law require that all members bring an independent and impartial mind to the execution of their statutory functions and duties. The Commission must act in good faith. (See Keith Rowley v Integrity Commission of T&T, Civil Suit No. 185 of 2007, 3rd February 2009). Section 13 of the Act mandates it. The security of tenure provided by section 7(3)-(7) of Act reinforces it. Consistent with these principles the Commission’s decisions concerning persons in public life must be based on material that has an evidential or factual basis or is logically probative and free from irrelevant considerations. In Constituency Boundaries Commission v Urban Baron ((1999) 58 WIR 153) the Court of Appeal emphasized that the exercise by the Commission of its constitutional powers is not to be deliberately influenced to favour the appointing authorities. This learning is relevant to statutory oversight bodies as well. Once appointed – all persons on the Integrity Commission, including the political appointees, must perform their functions as independent and impartial adjudicators. It must be noted that the meeting of the Commission that unanimously rejected two of the complaints lodged against Prime Minister Roosevelt Skerit by Lennox Linton and decided to investigate the complaint that Prime Minister Roosevelt Skerit had committed a breach of Rule 1(e) of the Code of Conduct comprised the three members of the Commission appointed on the advice of the Prime Minister and the member appointed on the recommendation of the Dominica Branch of the Institute of Chartered Accountants of the Eastern Caribbean. [See decision No 1/2010/2011 in Appendix 5 of the Third Annual Report of the Commission, August, 2011].

The Commission is required to keep proper accounts to be audited by the Director of Audit or an auditor appointed by the President and to submit annual reports to Parliament. In compliance with these requirements the Commission has over the past five years submitted to Parliament comprehensive reports of its activities in the administration of the Act within the time limits set thereby. In accordance with section 48 of the Act the Commission has submitted annual reports to the Minister for Legal Affairs for the years 2009, 2010, 2011, 2012, 2013 and 2014 detailing the activities

undertaken by the Commission in the administration of the Act. The sixth Annual Report 2014 was submitted to the Minister for Legal Affairs on the 1st September, 2014.

5. FUNCTIONS OF THE COMMISSION - Section 9

The Commission shall -

- (a) receive, examine and retain all declarations filed with it under this Act;
- (b) make such enquiries as it considers necessary in order to verify or determine the accuracy of any declarations filed under this Act;
- (c) without prejudice to the provisions of any other enactment, inquire into any allegation of bribery or act of corruption under this Act;
- (d) receive and investigate complaints regarding non-compliance with any provision of this Act;
- and
- (e) perform such other functions as is required under this Act.

Such other functions include:

- (i) submission of reports to Parliament annually;
- (ii) power to make Rules to regulation the procedures of the Commission;
- (iii) the holding of inquiries.

Part III of the Act contains the financial disclosure regime that persons in public life are required to observe in filing their declarations of financial affairs with the Commission. The declarations are required to be in Form 2 of the Third Schedule to the Act and must be filed within three months after the end of a calendar year. A declaration must also be filed not later than three months after a person first becomes a person in public life. Under section 16(2) the declarant must file a declaration in the following two calendar years after he has ceased to be a person in public life, otherwise than by reason of death.

6. 2008 -2013 ANNUAL STATISTICS ON DECLARATIONS OF FINANCIAL AFFAIRS

Year	No. of Persons in Public Life	No. of Persons who filed	No. of Persons who failed to file	No. of Persons who filed late	No. of Persons Gazetted	Compliance in percentage (%)	No. of Queries sent	No. of Declarations Certified	No. of Cases charged by DPP	No. of cases prosecuted by DPP
Dec. 1 2008	119	102	17	17	17	86	78	107	0	
Dec. 31, 2008	136	96	40	15	40	66	58	94	2	
Dec. 31 2009	147	101	13	33	46	69	33	126	16	3
Dec.	159	152	1	6	7	96	28	151	7	0

31, 2010										
Dec 31, 2011	164	158	4	2	6	96	14	159	6	0
Dec 31, 2012	155	137	15	3	18	88	40	135	18	0
Dec 31, 2013	157	136	15	6	21	87	23	141	21	0

7. **Complaints of non-compliance with the Act**

Under section 9(c) and (d) the Commission is mandated to inquire into any allegation of bribery or act of corruption under the regime in Part VI of the Act and to receive and investigate complaints regarding non-compliance with any provisions of the Act including the Code of Conduct specified in the Second Schedule.

The Commission received and examined a number of complaints concerning non-compliance by Ministers of Government with the provisions of the Act including the Code of Conduct. Two of these were rejected under section 32 for want of jurisdiction in accordance with the provision of section 8(4) of the Constitution and the common law principles prohibiting the retrospective operation of criminal statutes since the alleged conduct complained of occurred before the Act came into operation on 1st September, 2008 (See Annual Report 2009, Appendix iii pp. 58 – 107).

A complaint concerning the acceptance of gifts, benefits and advantages by a Minister in contravention of the Code of Conduct was not proceeded with because it lacked the particularity required by section 31 of the Act. Also an anonymous complaint was not dealt with for want of Jurisdiction (ss. 9(d), 31, and 55).

The Commission, however, after the examination of a complaint in writing made under section 31 against a Minister and hearing the complainant under section 32 decided to conduct an inquiry under section 33 in order to ascertain whether a breach of rule 1(e) of the Code of Conduct specified in the Second Schedule to the Act was committed by that person in public life. Rule 1(e) provides that a person in public life shall not:

“use his official influence in support of any scheme or in furtherance of any contract or proposed contract or other matter in regard to which he has an interest”

(See Third Annual Report 2011, Appendix 5, pp. 49-66).

The Minister has since instituted judicial review proceedings against the Commission’s decisions and the matter is presently before the Court. The Commission has reasonably sought ‘equality of arms’ in the proceedings by also

engaging senior counsel in its defence and requested and obtained public funds for that purpose.

8. Anonymous Complaints and Allegations of Corruption

The jurisdiction of the Commission is limited to the investigation of complaints of non-compliance with the Act or any allegation of bribery or corruption under the Act received from identifiable persons, natural or legal. Under these provisions the Commission is not empowered to act on its own volition or on anonymous complaints or complaints made through the press or other public forum. (DOM – s.9, s.31 and Part VI with s.55. Republic v First Track High Court, Accra, ex p. Commission on Human Rights and Administrative Justice [2009] 1 LRC 44).

A strong dissenting judgment in the Republic's Case however, opined that on a liberal and purposive interpretation to realise the purpose of such laws a wide definition should be given to the word “complaint” to include informal complaints brought to the attention of the oversight body “through any credible means, including through public media and other public fora”. This would therefore empower such bodies to initiate investigations based on such persistent media reports of breach of the legislation. (See dissenting judgement of Date – Bah JSC in Republic Case [2009] 1 LRC, 44 supra. But see the section 55(1) statutory requirement and R v Davis [2008] UKHL 36 concerning the strong common law presumption that a person accused is entitled to confront those who testify against him).

9. WHAT ARE NOT THE FUNCTIONS/POWERS OF THE COMMISSION?

The Commission has not supplanted the powers duties and responsibilities of other oversight governance bodies under the Constitution or otherwise. These include: (i) Parliament – PAC; (ii) Director of Audit and Accounting Officers; (iii) Parliamentary Commissioner; (iv) The Public/Police Services Commissions; (v) Police Service and (vi) DPP.

10. THE INTERNAL ORGANIZATION AND STAFF OF THE COMMISSION

- a. The Committees of the Commission
 - i. Financial and Administrative Committee,
 - ii. Rules Committee and
 - iii. Information and Public Relations Committee.
- b. Staff of the Commission
 - i. Secretary
 - ii. Research Assistant,
 - iii. Executive Officer,
 - iv. Junior Clerk and
 - v. Office Attendant.

11. RECOMMENDATIONS FOR THE AMENDMENTS TO THE ACT OF 2003 SUBMITTED BY THE COMMISSION TO THE EXECUTIVE AND CONTAINED IN

ITS REPORTS TO PARLIAMENT AND THE GOVERNMENT OF DOMINICA'S TREATY OBLIGATIONS UNDER UNITED NATIONS CONVENTION AGAINST CORRUPTION (UNCAC). (See Appendix 6 of Third Annual Report 2011 – October, 24, 2011, for the suggested amendments to the Act and the structure and administration of the Commission)

On the 28th of May, 2010 the Government of Dominica acceded to UNCAC.

- **UNCAC Article 5(3) – Preventive anti-corruption Policies and Practices – Periodic Evaluation and Review of Existing Legislative Institutional and Procedural Provisions.**

Article 5(3) states as follows: *'Each State Party shall endeavour to periodically evaluate relevant legal instruments and administrative measures with a view to determining their adequacy to prevent and fight corruption'.*

The Government of Dominica is therefore required to review the existing legislative, institutional and procedural provisions with a view to strengthening what is in place and introduce what is required in order to develop a coherent and coordinated anti-corruption strategy. In doing this the Government should include participation of its citizens in the planning and implementation of the strategy. (See Commonwealth Strategies to Combat Corruption – Commonwealth Updated Legislative and Technical Guide, 2011 pg. 23).

- **Article 6(2) of UNCAC** states as follows: **"Each Party State shall grant the body or bodies referred to in paragraph 1 of this article the necessary independence, in accordance with the fundamental principles of its legal system, to enable the body or bodies to carry out its or their functions effectively and free from any undue influence. The necessary material resources and specialized staff, as well as the training that such staff may require to carry out their functions, should be provided."** In that regard the government of Dominica is required to ensure the operational independence of the Commission in order for it to perform effectively its statutory mandate. (Commonwealth Guide, 2011 pg. 26)

12. THE COMMISSION AND PARLIAMENT

The Commission in the performance of its important, albeit intrusive statutory functions require a supportive institutional/political environment. The Parliament of Dominica must continue to demonstrate that it is an important stakeholder in enhancing the integrity regime that it has enacted and the institution that it has established. Properly exercised oversight can be an unequalled tool against corruption. In the Third Annual Report to Parliament on October 24th 2011 I felt constrained to state:

“The submission of the Commission’s annual report to Parliament provides the opportunity for Parliament itself to exercise its oversight jurisdiction under the doctrine of ministerial responsibility which is a central feature of our Westminster model Constitution. The First and Second Reports of the Commission were laid in Parliament on the 4th February, 2010 and 17th March, 2011 respectively. At meetings of Parliament held subsequently there has been scant reference to any of the Reports either in questions, motions, statements or speeches before the House of Assembly. This is regrettable. Under our Constitution, Parliament is authorized to play a continuing role in ensuring that the purposes of the Act are given full effect and in holding the responsible Ministers to account for the proper provisioning of the Commission.”

In order to strengthen Parliament’s oversight role I suggest the following:

- (i) **Periodic Review of the Acts:** In any amendments to the existing legislation or in any new anticorruption Acts there should be included provisions which require the responsible Minister to carry out an independent review of the operation and effectiveness of the Acts as soon as possible after the expiration of three years from its commencement and every three years thereafter; and
- (ii) **Standing Select Committee of Parliament** should be established under the Standing Orders of the House of Assembly to examine the Annual Report of the Commission and to report on the performance of its functions and the implementation of any recommendations contained therein subject, of course, to the Commission’s independent jurisdiction under section 13 of the Act of 2003.

13. COMMONWEALTH SECRETARIAT’S ANTI-CORRUPTION INITIATIVES

- a. **Model Integrity in Public Life Act and Model Code of Conduct** - On the direction of the Law Ministers of Small Commonwealth Jurisdictions (which includes seventeen jurisdictions in the Caribbean) given in October, 2007 the Commonwealth Secretariat has developed a model Integrity in Public Life Act focusing on a model Code of Conduct for a specific class of public officials, guidelines on conflict of interest and offences constituting “abuse of public office” and “misconduct and neglect of duty”. The model Act is explicitly drafted to apply to the state functionaries involved in all the main areas of governance. This includes the Executive (including the Head of State and the Head of Government), the Legislature, senior public officials, top management of public authorities, and political appointees who are members of the government. The model Act imposes a novel duty on these officials to sign a copy of the Code of Conduct to be delivered and retained by the Commission and made available for public inspection. It mirrors the recommendations made by the Commission in respect of its independence and clear jurisdiction over the staff of the Commission. It also empowers the Commission, inter alia, “to investigate a complaint from

any source” that a public official has committed an offence of “abuse of office” or “wilful misconduct and neglect of duty” within the meaning of the model Act. It was presented to the meeting of Law Ministers and Attorneys General of Small Commonwealth Jurisdictions at Marlborough House, London, September, 2013 and to the Commonwealth Law Ministers Meeting, Botswana, May 2014.

b. Commonwealth Associations of Anti-corruption Agencies

• **Commonwealth Africa**

With the assistance of the Commonwealth Secretariat the Association of anti-corruption agencies in Commonwealth Africa was established in 2013. The Association’s secretariat in Botswana will coordinate capacity building and mutual assistance on a regional basis in such areas as investigations, forensics evidence management, prosecution, public education and asset tracking and recovery. The Association seeks to broker the exchange of ideas and good practices and to encourage the sharing of professional skills, knowledge and experience in areas of comparative advantage, harness political will, and strive for adequate legislation, policy reform and law enforcement.

• **Commonwealth Caribbean**

At Sub-Regional Integrity Commissions Conferences in St Lucia (June 2011), and St Vincent (June 2012) and at the Public Administration in Very Small States Conference, Marlborough House, London (April 2013), the establishment of an umbrella organization of regional integrity commissions with support from the Commonwealth Secretariat was recommended. The organization would be charged to review and implement best practices for the sub-region, to seek the assistance of regional and international organisations in order to maintain a pool of common services in law, forensic investigation and accounting for member states, to draft harmonized legislation to include regulations and rules of procedure for the Commissions and provisions for the appointment of inquiry tribunal/panel from within OECS member states. The Commonwealth Secretariat has now indicated its willingness to assist in the establishment of such an association in the Commonwealth Caribbean. A meeting is being convened for later this year to discuss this initiative.

14. DOCUMENTS/INFORMATION ON THE COMMISSION’S WEBSITE –

www.integritycommission.gov.dm

- a. The Integrity in Public Office Act, 2003
- b. Integrity Commission (Inquires) Rules 2012
- c. Annual Reports 2009 – 2013
- d. Speeches and Papers delivered by Chairman Julian N. Johnson
- e. Frequently Asked Questions Booklet - 2012

- f. Guidelines for filling out Form 2
- g. Form 2 Declaration of Income, Assets and Liabilities
- h. Links to other anti-corruption bodies and good governance websites.

15. THE COMMISSION BEFORE THE COURT

- a. Roosevelt Skerit v the Commission (2012) - Civil Suit: Dom HCV 2012/0399
 - b. Integrity Commission v The Attorney General of Dominica (2014) – Suit No. 37/2014
- a. **ROOSEVELT SKERRIT V INTEGRITY COMMISSION** - The last hearing in this matter was on the 19th February 2015 at which the Court gave the following directions ;
- 1. The Claimant is to file further written submissions by the 2nd March 2015
 - 2. The defendant to file further written submissions in response by the 9th March 2015
 - 3. Oral arguments by each party limited to one hour each and twenty minutes each for rebuttal will be heard on the 1st April 2015.
- b. **INTEGRITY COMMISSION V ATTORNEY GENERAL** - The last hearing was on the 6th February 2015 at which the Court made the following order with respect to directions ;
- 1. Joint list of issues to be filed by 6th March, failing agreement individual list to be filed by 13th March 2015.
 - 2. Skeleton arguments with authorities to be filed on or before 31st March 2015.
2. Hearing set down for 8th April 2015 at 9.00 am

16. FREQUENTLY ASKED QUESTIONS BOOKLET

We now invite your questions and comments. Novel questions will be further examined by the Commission and included in the FAQ Booklet [2015] for the benefit of the wider public.

JULIAN N JOHNSON
CHAIRMAN INTEGRITY COMMISSION
 27TH February, 2015
 Rev. 5th March, 2015

Appendix 9: Presentation by the Chairman of the Commission

ANTI-CORRUPTION EFFORTS IN THE COMMONWEALTH CARIBBEAN

Notes for Presentation

by

Julian N. Johnson – Chairman, Integrity Commission, Dominica

5th Commonwealth Regional Conference for Heads of Anti-Corruption Agencies in Africa

Dar es Salaam, Tanzania, 25th – 29th May 2015

1. Introduction

I thank the CFTC and the Commonwealth Secretariat for inviting me to this important meeting and for paying the costs of my attendance, in substantial part. I must also recognise the work and efforts of Dr. Roger Koranteng, Governance Advisor to the Commonwealth Secretariat and publicly thank him for his great contribution to better governance and for his assistance in confronting the challenges of anti-corruption administration in the very small states of the Commonwealth including the Commonwealth Caribbean. I have come here to learn how your collaboration is helping the African region to strengthen its legal regime and institutional capacity in the fight against corruption.

2. The Commonwealth Caribbean

(i) Geographical Area

From Belize in Central America to Guyana in South America and includes – Trinidad and Tobago, Grenada, St. Vincent and the Grenadines, Barbados, St. Lucia, Dominica, Antigua, St. Kitts and Nevis, Jamaica, Bahamas and the Territories of Montserrat, British Virgin Islands, Cayman Islands, Bermuda and the Turks and Caicos Islands.

(ii) Sociology/political economy and public administration of Very Small States

(a) In a socially small society the personalised and multiplex nature of human relationship makes it extremely difficult for partiality to be absent. In these states it is impractical to separate personality from function. It is difficult to maintain anonymity. All members of the public are a kind of extended family; network of influence extend everywhere. Public officials have to operate professionally within a hierarchy of people with whom they are unavoidably personally acquainted, related, or otherwise connected in a non-work environment¹.

(b) A substantive feature of the political system is what the late Prof. Carl Stone has characterised as “patron-clientelism”, that is, the exchange of economic and social

¹ “Public Administration in Small Islands States”, Randal Baker pp. 17-18

favours to a poor and socially fragmented population in return for party support. Leaders harness the state as a resource from which to establish a power structure that competes with and parallels the power structure rooted in the ownership of the forces of production, distribution and exchange. This has caused the ascendancy of the “political kingdom” to be almost complete.²

- (c) The ubiquity of politics and “it’s our own turn to eat” mentality. “In a small island of 50,000-100,000 people, dominated by a single political party it is very difficult to prevent political abuse. Everybody depends on the government for something, however small, so that most are reluctant to offend it. The civil servant lives in fear, police avoid unpleasanties, the trade unions are tied to the party, and the newspaper depends on government for advertisements and so on.”³

It is in this environment that the integrity commissions and other anti-corruption bodies in the very small states of the Commonwealth Caribbean are required to exercise jurisdiction over elected and appointed executive, members of Parliament, heads of departments of government and other senior public and police officers, managing directors and chairmen of statutory corporations who are included in the list of “persons in public life” in the respective legislation.

3. The Existing Anti-Corruption Initiatives in the Commonwealth Caribbean –

There are three broad categories of anti-corruption legislation:

- (i) Those that have codified the criminal law and have reproduced in their codes the common law rules on bribery and misconduct in public office – Belize (Criminal Code, Rev. ed. 2000 – Chapter 101) and Bahamas (Penal Code 1873 – Chapter 84)
- (ii) Those that have replication of the late 19th century and early 20th century UK anti-corruption legislation:
Bahamas (Prevention of Bribery Act 1976); Barbados (Prevention of Corruption Act 1927, Chapter 144); and Belize (Prevention of Corruption Act 1927, Rev. Ed. 2000 Chapter 105).
- (iii) Those that have a series of modern legislation beginning in the 1970’s with the Integrity in Public Life Legislation and including initiatives promoted by the Inter-American Convention Against Corruption:
Guyana – Integrity Commission Act 1997 (Cap 19.12); Trinidad and Tobago – Integrity in Public Life Act 2000, as amended; Antigua - Integrity in Public Life Act 2004 and Prevention of Corruption Act 2004; St. Lucia - Integrity in Public Life Act 2004; Dominica - Integrity in Public Life Act 2003; Jamaica – Parliament (Integrity of Members) Act 1973 and Contractor - General Act 1983 and Contractor - General (Amendment) Act 1999; Belize – Prevention of Corruption in Public Life Act 1994; Grenada – Integrity in Public Life Act 2004 and Prevention of Corruption Act 2007; and Montserrat - Integrity in Public Life Act 2000⁴

² “Democracy and Clientelism in Jamaica”, Carl Stone pp. 91-101, passim

³ “Agony of the Little Eight”, Sir Arthur Lewis, 1965

⁴ “Corruption: Law, Governance and Ethics in the Commonwealth Caribbean,” Derrick V. Mckoy (2012) Chapter 3

4. The Establishment and Functions of Integrity Commissions

The new legislation in member states create new obligations for persons in public life:

- (i) to disclose their income, assets and liabilities; and
- (ii) to observe all statutory prohibitions prescribed for the purpose of establishing probity, integrity and accountability in public life.

The legislation also criminalizes the possession of unaccounted property or pecuniary resources disproportionate to one's legitimate sources of income, that is, illicit enrichment. The legislation also establishes a Commission to administer its provisions which includes duties to receive, examine and inquire into the accuracy and fullness of the financial disclosures filed with the Commission. This investigation may be done by formal inquire made pursuant to the Commission of Inquiry legislation.

The Commission is empowered to receive and investigate complaints of non-compliance with the legislation generally including breaches of the Code of Conduct.

The Commission is also required to submit annual reports to Parliament on its activities through the responsible Minister.

5. Issues and Challenges

- a. Independence of the Commissions
 - i. Express statutory provisions – Section 13 of Dominica's Integrity in Public Office Act 2003; security of tenure of members of the Commission for three (3) years – independent tribunal process for removal; [section 7 (1) (4) – (7)]
 - b. Expenses of the Commissions – all expenses incurred for the purposes of the legislation are a charge to the Consolidated Fund after approval by the Minister for Finance 52(1) & (2).
 - c. The Commission to keep proper accounts to be audited by Director of Audit or an auditor appointed by the President.
 - d. The composition of the Commission, Secretary and Staff of the Commission – managing staff integrity and the issue of institutional loyalty; Commissions have no "carrots". Section 49 provides that – the Commission "shall be provided with a staff adequate for the prompt and efficient discharge of its functions under the Act". But these shall be public officers "appointed by the Public Service Commission."
6. Relations with the executive, constitutional ministerial responsibility and statutory operational independence (Dominica Constitution s. 61 with s.68, AG of Fiji v. DPP of Fiji [1983] 2 A.C. 672 and Mossell (Jamaica) Ltd. (t/a Digicel) v. Office of Utilities Regulations and Ors (Jamaica) [2010] UKPC (21st January, 2010)) – necessity for appropriate "arm's length relationship" with the Executive. The Montserrat legislation mandates that the Commission shall be provided with its own "Secretary" who shall be "an employee of the Commission". The Governor has, however, appointed the "Secretary of the Public/Police Service Commission" as the

Commission's Secretary! Unresolved issue of Executive approval for travel by the Commission on the business of the Commission in Dominica.

- Vagueness and ambiguity in the legislation – e.g. “head of department” (DOM)
- Investigative powers – “Complaints” requiring formal complaint by identifiable individual, body corporate or body of persons; Commission not authorized to initiate such investigation suo motu or on complaint made through the mass media or other public fora, however persistent.

(Republic v First Track High Court, Accra, ex p. Commission on Human Rights and Administrative Justice [2009] 1 LRC 44).

7. **Parliament Oversight**. Parliament must continue to demonstrate that it is an important stakeholder in enhancing the integrity and corruption prevention regime that it has enacted.⁵
8. **The Courts and “access to Justice”**: – delays in proceedings in judicial review matters concerning the Commission and its jurisdiction, its composition and membership.
 - Proceedings involving powerful high profile persons in public life. Head of Government; Head of State; Speaker of the Legislature; Leader of the Opposition who are subject to the Commission's jurisdiction. Political power and the Rule of Law.
9. **Conclusion** – An explanation of the existence of corruption by Caribbean Jurist and former Contractor - General of Jamaica, Derrick Mc Koy who states that corruption arises in society:
 - (i) because public agents engaged to manage and administer public bureaucracies naturally seek to maximise their own welfare;
 - (ii) because the activities of these agents are not sufficiently transparent; and
 - (iii) because these agents are often in positions of moral hazard which arises in the public service when public agents can engage in corrupt activity with no real fear that any significant adverse consequences will follow.”

He concludes on this point by stating that whichever explanation one adopts for the existence of corruption in society the success of the anti-corruption regime will depend on the consistent and certain application of sanctions to the anti-corruption acts.⁶

Hence the role of the Director of Public Prosecutions, who is empowered to institute criminal proceedings for breach of the provisions of the statute after considering reports from the Commission, looms large.

⁵ “Oversight Bodies – Implementation of Integrity Legislation in Very Small Caribbean States,” by Julian N. Johnson” – Public Administration in Very Small States Conference, Marlborough House, London, April 23-24, 2013 pp 17-19

⁶ Corruption: Law, Governance and Ethics in the Commonwealth Caribbean,” Derrick V. McKoy (2012) p 2.

DOMINICA: IMPLEMENTATION OF
THE INTEGRITY IN PUBLIC OFFICE ACT 2008 – 2013

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Dec 31, 2013	157	136	15	6	21	87	23	141	21	0

Appendix 10

INTEGRITY COMMISSION OF DOMINICA COUNTRY PAPER – DOMINICA (Presented in PowerPoint)

“WORK OF THE COMMISSION IN THE FIGHT AGAINST CORRUPTION” Delivered in Grenada, June 22 – 26, 2015 by CHAIRMAN JULIAN N. JOHNSON

INTRODUCTION

- *The Integrity in Public Office Act, 2003, No. 6 of 2003 was enacted on 29th May, 2003*
- *Entered into force on 1st September, 2008 and Integrity Commission appointed with effect 2nd September, 2008.*
- *Dominica acceded to the Inter American Convention Against Corruption, 1996 on 20th October, 2004*
- *Dominica acceded to the UN Convention Against Corruption, 2003 on 28th May, 2010*

FUNCTIONS, POWERS AND DUTIES OF THE COMMISSION

- *To Receive, examine, inquire into and certify declaration of financial affairs of “persons in public life” (Sections 14-16)*
- *To investigate and inquire into allegations and complaints of non-compliance with the Act. (Section 9)*
- *To hold inquiry into the source of income of a person in public life where Commission suspects him or any other person on his behalf to be in possession of property or pecuniary resources disproportionate to his legitimate source of income. (Section 47(2))*
- *To receive, investigate and hold inquiry into complaints made by a person against a person in public life where the Commission is of the view that investigation is necessary to ascertain whether a breach or any provision of the Act including the Code of Conduct had been committed and report to the DPP. (Sections 33,34) with 11,23,24)*
- *Required to submit annual report to the Minister of Legal Affairs for tabling in Parliament on the activities of the Commission for the preceding year. (Section 48)*
- *Powers to make rules to regulate the procedures of the Commission (Section 58)*
- *Required to keep proper accounts to be audited by the Director of Audit or an auditor appointed by the President of Dominica (Section 52)*

- To keep confidential and secret the declarations of financial affairs and information relating to such declarations received from persons in Public Life or the Commission business or proceedings thereto (Section 21) with 50)

INITIATIVES IMPLEMENTED

1. Introduced a **Procedures Manual** for the receipt, analysis and examination of annual declarations.
2. Held sessions with persons in public life, including ministers and other parliamentarians, to sensitize them concerning their statutory obligations and to explain the most important provisions of the Act and how it pertained to them.
3. Held a well-attended press conference to interact with the media on the workings of the Commission, its performance and challenges.
4. Published various articles concerning aspects of the provisions of the Act to build public awareness of and gain support for their implementation.
5. Published a **Frequently Asked Questions Booklet**, arising from questions of education sessions and press conference for the information of persons in public life and the public and to elucidate some of the more difficult provisions of the Act.
6. Established a **Website** to disseminate information concerning the Commission and the carrying out of its functions.
7. Made the **Integrity Commission (Inquiries) Rules, 2012** to govern procedures for conducting inquiries. I.O.W Sections 58 of the Act.
8. Commenced work on the setting up and computerization of a data base for annual declarations and processes for analysis of financial disclosure data.
9. Reviewed legislation and made extensive recommendations to Government for, inter alia, giving greater autonomy and discretion in certain matters to the Commission. Recommendations included:
 - a) Periodic review of the Act as mandated by Article 5 of the UN Convention Against Corruption.
 - b) A standing Select Committee of parliament to examine the annual reports of the Commission on its activities and the implementation of any recommendations contained therein, subject to Section 13 of the Act.
 - c) Authority for staffing and personnel management.
 - d) Detailed listing of office covered by the Act to remove ambiguity in existing list and ensure all high-risk officials are included.
 - e) Provision for own-volition powers to investigate persistent allegations of breaches of the Act in the public media and not solely by formal complaints made by natural, corporate or body of persons.

MAIN CHALLENGES

1. While under Section 52 of the Act the Commission has continued to be provided with adequate financial resources to carry on its operations (including supplementary resources for legal expenses), administrative autonomy issues arise in the

appointment, management and disciplining of staff, the control of physical accommodation (its meeting place), the travelling of its Commissioners and staff, and the laying of its report in parliament by the Minister.

- 2. The enforcement of the provisions of the Act has been hampered by inadequate support in prosecuting breach of its provisions to the extent that a number of cases have either not been heard or have been discontinued.*
- 3. Failure of the relevant authority to table its annual report to parliament has affected its accountability obligations and the effectiveness of its reporting on certain vital issues affecting its operations. No provision was made as in the Audit Act for the Commission to submit directly to the Speaker of House of Assembly after the expiration of the prescribed period.*
- 4. Part VI of the Act dealing with bribery and corruption has broaden the jurisdiction of the Commission to deal with “prescribed officers” that is virtually all public officers and not only “persons in public life” has remained inoperative because no Regulations have been made by the Minister concerning the procedures of the Commission in that regard.*
- 5. Public support is still lacking either because of misunderstanding of the role and authority of the Commission or the deep divide in political communities where communities remain dissatisfied with actions taken by the Commission from the perspective of party interests. Nor is the Commission itself unaffected by this divide between communities. (Constituencies Boundaries Commission v. Urban Baron [1999] ECLR 114) the findings and learning in that case are instructive.*

RESULTS OF INITIATIVES

- 1. **Procedures Manual** has brought consistency in the examination of financial disclosure and made operations more efficient and sustainable.*
- 2. Education sessions have helped to maintain a high compliance rate in the annual filing of declarations.*
- 3. Computerization of data base and analysis of declarations has speeded up work on the examination of annual declarations and allowed for greater access to financial disclosure data.*
- 4. Legislative and administrative review has sensitized government to the need for amendments to the Act and for strengthening the organizational structure of the Commission. A new Act is now being drafted.*
- 5. The website has helped in facilitating networking and disseminating useful information.*

The chart below reflects the period 2008 – 2013 which summarizes the Commissions work and which may be accredited to the initiatives implemented and the zero tolerance of the Commission to non-compliance.

Year	No. of Persons in Public Life	No. of Persons who filed	No. of Persons who failed to file	No. of Persons who filed late	No. of Persons Gazetted	Compliance in percentage (%)	No. of Queries sent	No. of Declarations Certified	No. of Cases charged by DPP	No. of cases prosecuted by DPP
Dec. 1 2008	119	102	17	17	17	86	78	107	0	
Dec. 31, 2008	136	96	40	15	40	66	58	94	2	
Dec. 31 2009	147	101	13	33	46	69	33	126	16	3
Dec. 31, 2010	159	152	1	6	7	96	28	151	7	0
Dec 31, 2011	164	158	4	2	6	96	14	159	6	0
Dec 31, 2012	155	137	15	3	18	88	40	135	18	0
Dec 31, 2013	157	136	15	6	21	87	23	141	21	0

REFLECTIONS ON LESSONS LEARNT

1. *The Act is based on a reactive approach to complaints from the public or the examination of financial disclosure and does not sufficiently address the proactive prevention of unethical behaviour. Unlike similar legislation in other regional and extra-regional countries, the Act does not require the Commission to educate persons in public life and other public servants in public service ethics. The Commission is persuaded that while complaints from the public and the examination of financial disclosure may be a sufficient deterrent to unethical behaviour, a more sustainable and effective prevention is instructing persons in public life and other public officers in public service ethics. The Commission has obtained from the Integrity Commission of Tasmania a training module in Ethics, including guidelines for its use which it intends to adopt.*
2. *The Code of Conduct set out in the Act covers actual conflict of interest. It is important to also guard against potential conflict of interest. While this was outside its purview, the Commission was successful in persuading a member of Cabinet to discontinue an association that had a potential for conflict of interest. This is an important safeguard and should be provided for in legislation.*
3. *The Commission must function with independence and impartiality. Unauthorized control by the executive could compromise its statutory functions and purpose.*

4. *Legislation should give own volition power and lay down clear procedures for dealing with the bribery and corruption regime in Part VI of the Act.*
5. *All offenses under the Act are criminalized. Certain offenses (late filing of declarations) should be made administrative offenses and dealt with conclusively by the Commission or referred to the Public Service Commission for disciplinary action.*
6. *The formal complaint provisions in the Act may be discouraging, especially as there is no whistle-blower protection.*
7. *Examination of financial disclosure without public scrutiny of at least a summary of the accounts of the reporting person makes it difficult to discover incomplete or false information. (contrast Bahamas provisions)*
8. *Without the support and cooperation of the public, the work of the Commission will continue to be hampered and incomplete.*

RECOMMENDATIONS

Individually, the OECS Countries cannot provide the level and quality of resources to sustain effective surveillance over public sector behavior in the areas covered by their legislation. Trinidad and Tobago's recent experience in obtaining information from international giants like Google is instructive. Given the small size of most of the administrations, collective effort is of paramount importance. An umbrella organization would go a long way to strengthening the pool of resources that could help to take the surveillance of all the Commissions forward. This could be done in several ways including:

- *Peer review to upgrade exponentially the quality of skills and processes in each jurisdiction.*
- *A skills bank to provide resources for highly technical investigations involving access to information outside domestic jurisdictions.*
- *Coordination of legislative upgrading and systems development in all jurisdictions.*
- *High level advocacy for influencing government interventions in the governance of all Commissions.*
- *SUGGESTED AMENDMENTS TO THE INTEGRITY IN PUBLIC OFFICE ACT, 2003 e.g.*
- *(see appendix 6 of the Third Annual Report - 2011)*

Appendix 11: Paper presented by Commissioner Dyer

An address at the First Commonwealth Regional Conference for Heads of Integrity Commissions and Anti-Corruption bodies in the Caribbean.

By Commissioner Henry Dyer of the Commonwealth of Dominica on the 22nd June, 2015 in Grenada.

The Operation of the Integrity in Public Office Act (No. 6 of 2003) of the Commonwealth of Dominica.

This presentation aims to inform this forum our experience during the operation of the said Act since its implementation from the 1st September, 2008 (S.R.O No. 24 of 2008).

During the debate when the Bill was being enacted into Law and as the then Attorney General who piloted the said Bill in Parliament, I stated the following:-

“Over recent years, much of the world community has addressed itself to the issue of honest government and combating corruption, the United Nations, the Commonwealth Secretariat and the Transparency International have done a lot to focus attention to the need for the elimination of corruption and the need for good governance. Some Governments in the Caribbean have already enacted legislation on the subject of Integrity in Public Life. International agencies, which are assisting small jurisdictions are constantly monitoring us to see whether we observe the norms of good governance and whether the Government is transparent.”

"Corruption requires two parties, the corruptor and the corruptee. If I should go through the sections explanatory note "The Integrity in Public Office Bill. The main purpose of this Bill is to prescribe a code of conduct for persons in public life and to establish an Integrity Commission with the powers necessary to ensure the maintenance of integrity of persons in public life within the meaning of the Bill. The persons in public life are listed in the schedule to the Bill and include besides public servants, Ministers and Members of the House of Assembly."

- Declared purpose/principal objective of the Act:
 - (a) Receiving declarations on the financial affairs of persons in public life, to establish **probity, integrity and accountability in public life**;
 - (b) Should protect reputations of innocent person in public life from unsustainable allegations
 - (c) The IPO Act, 2003 was passed in Parliament- April 30, 2003,
 - (d) The Act was assented to- May 29, 2003 and published in the Official Gazette- June 5, 2003;
 - (e) It came into force by SRO No. 24 of 2008 appointing Sept. 1, 2008 as the date for coming into force of the Act.
- **Five year "hibernation"**. It took 5 years since the passage of the Act to commence its operation.

The Act makes provisions for the Commission

- (a) To inquire into any allegation of bribery or act of corruption under the Act;
- (b) Receive and investigate complaints regarding non-compliance with provisions of the Act; and
- (c) Perform such other function as is required under the Act.

INDEPENDENCE OF THE COMMISSION – SECTION 13

- The Commission is an independent governance institution subject to oversight by the Supreme Court and Parliament
- The Commission in the exercise of its functions under the Act shall not be under the control or direction of any person or authority- including the President, the Cabinet, the Prime Minister or any Minister of the Commonwealth of Dominica.
- Sec. 11 gives the Commission the powers, rights and privileges of the Supreme Court at a trial, in relation to enforcing the attendance of witnesses and examining them on oath, affirmation or otherwise; compelling the production of documents; and the issue of a commission or request to witnesses abroad.

There has been much debate over the meaning of the word "Corruption". The word "Corruption" is given its normal and literal meaning and is not confined to the taking of a Monetary Bribe.

“Breach of trust” means the use and misuse of Public Office with respect to the property, money and powers of the State, particularly if some financial, tangible or intangible gain is obtained or conferred otherwise than in accordance with the law and the public interest.

The meaning of “Conflict of interest” is self evident and needs no explanation.

“Misfeasance is Public Office” means the deliberate and intentional misuse of Office knowing that the act or decision is unlawful or with reckless disregard as to the same, which is likely to cause loss or damage to the Government or confer some benefit or gain.

- While the Commission has continued to be provided with adequate financial resources to carry on its operations (including supplementary resources for legal expenses), and administratively the autonomy of the institution is being threatened in the appointment and management of staff.
- The enforcement of the provisions of the Act has been hampered by inadequate support in prosecuting those in breach of those provision to the extent that a number of cases have either not been heard or have been discontinued or dismissed.

VISIONARY THINKING

In a lecture delivered at the Fort Young Hotel Roseau, Dominica on the 29th December, 2008 to mark the close of Reunion 2008. Reverend William W. Watty had this to say –

“We have therefore entered the post modern age in which Reason has been dethroned from her pre-eminence, and the way of reason that was once thought to be all sufficient judge has now become the defendant, for the human being has been proved to be as much an irrational as he is a rational creature, whose decision and even thinking processes are determining more often by irrational forces and emotions and motives of selfishness, powerlust, greed, envy, ambition, vindictiveness, hate and fear than by the objectivity of reason. Sooner or later, even when we think we have been logical, we arrive at the conclusions we always wanted to reach, and concoct good reasons for getting what we always wanted to have. One of the marks therefore of the post-modern age is that reason is no longer a guarantee of objectivity, and therefore we must, and have every right to be suspicious, first of all, of ourselves and our reasoning processes, as well as of the pretensions of others who are interest enough in us to try to persuade us to their ways of thinking.”

“Therefore, also, strange as it may seem, what is politically correct is what, for the time being, happens to be politically expedient, since there is no such thing as political correctness when power is the name of the game. Every political ideology is fundamentally flawed in pretending to be what it cannot be, and in promising what is unable to deliver.”

This in my view tells us the difficult task which we face today.

When the Integrity Legislation was being debated for passage in the Parliament, three members of the Opposition, one of whom was the former Minister of Finance spoke against this important piece of legislation and although they spoke against it, when it came for the vote, they were absent, one member who was sitting there walked out.

The membership of a Commissioner was challenged by a Minister of Government. The Eastern Caribbean Court of Appeal after hearing the matter restrained the Commissioner from holding any meeting with the said Commissioner or divulging any confidential information whether written or oral in respect of any matter involving any member of the Cabinet in Dominica in the interim. The Commissioner's term expired on the 6th of April, 2014 before the matter was even heard, that is, 2 years after the matter was brought to Court.

On January 3, 2013, the Commission wrote to the Chief of Police requesting his assistance pursuant to section 53 of the Act, for an investigation into two matters concerning the management of the affairs of the Commission namely: (i) the secrecy and confidentiality of the business and proceedings of the Commission as required by the oath of secrecy specified in the Fourth Schedule to the Act; and (ii) the secrecy and confidentiality of the Form 2 declaration of the income, assets and liabilities of a person in public life filed with the Commission and information relating thereto.

The first matter concerned the publication of part of the business and proceedings of a Commission meeting held on December 13 and 14 on the Dominica News Online electronic newspaper. The second matter concerned

the broadcast on the "Between You and Me" radio Programme on Q95 of information related to the financial declaration of the Prime Minister.

The Chief of Police submitted two progress reports on the investigation under cover letters dated July 29th 2013 and March 14, 2014. The second report informed that the information related to the financial declaration of the Minister was sent under confidential cover to an email address by the Minister's Counsel. The email contained information from the Minister's 2009 declaration to which he was privy. The report indicated that the email was sent to this address unintentionally and that Counsel was tricked into sending the emails to someone purporting to be considered to be his friend. It appears that this email address was created by an individual well-versed in computer technology and for the purpose to deceive and to receive confidential information.

Based on the progress reports from the Chief of Police, it is clear that neither a member of the Commission ^{nor a member of staff} was the source of the unauthorized disclosure of information related to the 2009 declaration of the Minister. The Commission has written to the Minister's Attorney and to the Minister of Legal Affairs bringing the contents of the reports to their attention and has also issued a press release on the matter. However, regarding the disclosure of information related to the proceedings of the Commission the investigation is still on-going.

It has been suggested and recommendations have been made for the Commission to act on its own volition so as to give the Commission more strength. I am not of this view. Section 33 of the Act in my view gives the Commission that power. Infact, the Montserrat Legislation with a similar

provision removed the word "otherwise" in our legislation and replaced it with "its own volition".

Our Report to Parliament which is mandated under Act is yet to be laid on the table in Parliament even although this report must be laid within 3 months of its presentation to the relevant Minister under the Act. I am speaking of the 6th Report which is dated 31st August, 2014. The Commission has been informed that the report will be laid in Parliament at the next sitting of the Parliament. The last sitting of the Parliament was in early June 2015, which was adjourned sine die.

We at this gathering have a responsibility to ensure that corruption in Government must not and will not be institutionalize. We owe this to the next generation including the children yet unborn.

Let us put our heads together to save the Caribbean from this evil which we are seeing all around us.

I THANK YOU.

Appendix 12: Report of Meeting – Minister /Justice and Chairman - IC

REPORT OF MEETING BETWEEN CHAIRMAN, INTEGRITY COMMISSION AND THE MINISTRY OF JUSTICE, IMMIGRATION AND NATIONAL SECURITY

Wednesday, April 22, 2015

PRESENT

Hon. Rayburn Blackmoore	-	Minister for Justice, Immigration and National Security
Mr. Davis Letang,	-	Permanent Secretary, Ministry of Justice, Immigration and National Security
Mr. Julian Johnson	-	Chairman, Integrity Commission

IN ATTENDANCE

Mrs. Maureen Peter	-	Supervisor/Stenographic Unit/Stenotypist
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The Meeting commenced at 10:20 a.m.

Mr. Julian Johnson congratulated Hon. Rayburn Blackmoore on his appointment to the office of Minister for Justice, Immigration and National Security. He said that by virtue of that appointment he had general constitutional responsibility under the doctrine of ministerial responsibility to Parliament and under sections 2(1), 48, 49(1) and 59 of the Act for the administration of the Integrity Commission subject to the Commission's independent jurisdiction under section 13 of the Act and other applicable laws.

He said that the Integrity Commission had been established on 2nd September 2008 and began to perform its duties on the very same day. It organised three Committees to enable it to carry out its functions. The Commission he said was one of the very few Commissions that was actually functioning in the Eastern Caribbean because, inter alia, soon after its establishment the requisite financial and material resources had been provided by the Government of Dominica. Reference was made to the paper which he delivered at the Marlborough House Conference in 2013 on "Oversight Bodies – Implementation of Integrity Legislation in Very Small Caribbean States" in which detailed reasons were given why the Integrity Commission in Dominica was able to function as a good practice institution among the very small States of the Commonwealth.

[Mr. Davis Letang was excused from the Meeting
in order to attend another pre-scheduled meeting]

The following topics were put forward by Mr. Johnson for discussion:

1. Amendments to the Integrity in Public Office Act 2003 and the First Schedule to the Act

2. Administrative Structure of the Commission and Staff of the Commission
3. Use of Conference Room at new building by the Integrity Commission
4. Laying of the Sixth Annual Report of the Integrity Commission 2014 at the next Meeting of Parliament
5. Commonwealth Caribbean Association of Integrity Commissions and Anti-Corruption Bodies Meeting in Grenada 21st to 27th June 2015

1. Amendments to the IPO Act and the First Schedule

With regard to the proposed amendments to the Act, Hon. Blackmoore said that soon after assuming the office of Minister for Justice the matter had been discussed and a draft Cabinet Paper was prepared. Consideration was given to the inclusion of the following offices on the list of Persons in Public Life in the First Schedule to the Act:

- Registrar
- Deputy Registrar
- Technical Officer
- Officers responsible for the granting of visas and work permits
- Chief Physical Planner
- Deputy Chief Physical Planner
- Commissioners of the Integrity Commission

With regard to the Commission's recommendation for a reduction in the number of Commissioners on the Integrity Commission from seven to five, Hon. Blackmoore informed that Government had agreed that the number would be reduced to three - the Chairman and two Commissioners. Consequently, the quorum for holding meetings would then be two instead of four. The Chairman will be appointed by the President on the advice of the Prime Minister after consultation with the Leader of the Opposition, one member will be appointed on the advice of the Prime Minister and the other member will be appointed on the advice of the Leader of the Opposition. All members of the Commission will be required to file declarations.

It was noted that section 22 of the Act which deals with publication in the official Gazette would also be amended.

The Commission will be empowered to extend the period within which a declaration may be filled with the Commission.

[Mr. Davis Letang returned to the Meeting]

Mr. Letang stated that the Draft Cabinet Paper was not exhaustive and that the proposed amendments to the Act were being considered incrementally.

Mr. Johnson pointed out that amendments to the First Schedule could be done by Regulations made by the Minister subject to negative resolution. In that regard, he drew attention to section 59(b) of the Act.

It was indicated that the amendments to the First Schedule would be done together with the amendments to the Act.

2. *Administrative Structure and Staff of the Commission*

Mr. Johnson emphasized the need for high-level professional staff at the Commission **and the provisions of the Act in that regard**. He referred to the Third Annual Report of the Integrity Commission 2011, Appendix VI, which contained the recommendations made to Government on the staff needed for the efficient administration of the Commission and especially to section 49(1) which mandates that the Commission "shall be provided with a staff adequate for the prompt and efficient discharge of its functions under the Act." This is in addition to the post of Secretary to perform the duties under section 12(2). He drew attention to the staff structure of the Integrity Commission of Grenada which is headed by "an Office Manager/Facilitator" and includes "Compliance Officers", "Investigating Officer" and "Administrative Assistant". He also drew attention to section 7 of the Belize Prevention of Corruption Act 2007 which provides for a Secretariat headed by an "Executive Director" and included an "Administrative Secretary" a "Special Forensic Investigator" and an "In-house Legal Advisor". He referred to his tour of duty as Chairman of the NTRC of Dominica when the Secretariat was restructured to include the appointment of an "Executive Director" to head the NTRC instead of a "Secretary". He handed a copy of his paper on "Oversight Bodies..." which contained the Belize Staff provisions to the Minister.

Mr. Johnson was of the view that the office of Secretary, described in the Act, was not the functionary needed to head the organisation. He said that in Trinidad the Integrity Commission was headed by a Registrar. The question was also raised as to whether Senior Staff members of the Commission should be included on the list of Persons in Public Life. Mr. Johnson stated that the span of control and the statutory duties that adhere to these offices would not require the level of scrutiny imposed by the Act.

The matter was discussed at length and Mr. Johnson promised to make a copy of the recommendations which were included in the Commission's 2008 Annual Report and other relevant material to Mr. Letang. He stated that the Report could also be viewed on the Commission's website www.integritycommission.gov.dm He also promised to provide another copy of the Commonwealth Model Act prepared by the Commonwealth Secretariat and considered by the Commonwealth Ministers of Legal Affairs and Attorney Generals, to the Minister.

It was agreed that the staff structure would be reviewed together with the amendments to the Act.

3. Use of Conference Room at the new building by the Integrity Commission

The question of the use of the Conference Room in the building which housed the Public and Police Services Commissions and the Integrity Commission was discussed at length.

Mr. Johnson stated that since occupying the new building the Integrity Commission had not had the use of the Conference Room and as a result had to hold its meetings at the Fort Young Hotel or at the Evergreen Hotel. By that arrangement the Commission was able to conduct its business since April last year when it was shut out of the Conference Room but this was at a cost to Government. He said that the Commission had indicated that it required the use of the Conference Room on Mondays and Tuesdays every week.

Mr. Letang informed that having discussed the matter of the use of the Conference Room with both parties concerned, he was of the view that the difficulty was a question of who was in control and who wanted to be in control. He suggested that that only one body should be responsible for the Conference Room, i.e., the Public Service Commission.

Mr. Johnson suggested that in as much as the Public Service Commission apparently wanted exclusive use of the room then an arrangement could be made whereby the Integrity Commission could use the Electoral Commission's Conference Room when not in use.

The matter was discussed at length. The Minister was firm in his view that the Conference Room at the new building should be used by the Public Service Commission and the Integrity Commission since that Conference Room did not belong to the Public Service Commission.

It was decided that Mr. Letang would schedule a meeting with the three functionaries with a view to resolving the matter urgently.

4. 6th Annual Report of the Integrity Commission 2014 to Parliament

Following discussion on the above matter –

- The Minister decided that the Report would be laid on the Table at the next Meeting of the House of Assembly scheduled to be held before the Annual Budget Meeting; and
- Mr. Julian Johnson informed that two copies of the Report had already been sent to Hon. Ian Douglas, Minister for Legal Affairs in September 2014 and agreed to provide two additional copies of the Report to Hon. Blackmoore.

5. *Commonwealth Caribbean Association of Integrity Commission and Anti-Corruption Bodies*

Mr. Johnson informed that the Integrity Commission of Dominica had been invited to attend a meeting scheduled by the Commonwealth Secretariat to be held in Grenada from 21st to 27th June 2015 to discuss the establishment of the Commonwealth Caribbean Association of Integrity Commissions and Anti-Corruption Bodies. Such an Association was established in Commonwealth Africa in 2013 with the assistance of the Commonwealth Secretariat.

The Meeting came to a close at 12:20 p.m.

Summary of Decisions

- 1. Amendments to the Act and the First Schedule to be done in the current year.**
- 2. Adequate staffing and Administrative structure of the Commission to be reviewed in keeping with the provisions of the Act.**
- 3. Permanent Secretary, Mr. Davis Letang, to schedule a meeting with the Secretary of the Public Service Commission, the Secretary of the Integrity Commission and the Chief Elections Officer to settle the matter of the use of the Conference Room by the Integrity Commission on Mondays and Tuesdays every week and other related matters.**
- 4. The 6th Annual Report of the Integrity Commission to be laid on the table at the next Meeting of the House of Assembly.**
- 5. Mr. Julian Johnson to provide two additional copies of the 6th Annual Report of the Integrity Commission to Mr. Davis Letang.**
- 6. Paper on "Oversight Bodies – Implementation of Integrity Legislation in very Small Caribbean States" presented by Mr. Julian Johnson at the Marlborough House Conference in 2013 to be made available to Mr. Davis Letang.**
- 7. A copy of the Commonwealth Model Act which came out of the Commonwealth Ministers of Legal Affairs and Attorney Generals Meeting held in Botswana in 2014 to be made available to Mr. Davis Letang.**