



*The Integrity Commission
of the
Commonwealth of Dominica*

SIXTH ANNUAL
REPORT

Year ended August 31, 2014

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Chairman's Letter of Transmittal

iv

1st September, 2014

Hon. Ian Douglas
Minister for Legal Affairs
Ministry of Legal Affairs
Government Headquarters
ROSEAU

Dear Sir,

ANNUAL REPORT OF THE COMMISSION TO PARLIAMENT

In keeping with section 48 of the Integrity in Public Office Act 2003, No. 6 of 2003, I submit the report of the activities of the Commission for the year ended August 31, 2014 to be tabled in the House of Assembly no later than three months after receiving it.

During the past six years the functions and duties imposed on the Commission in the administration of the Act have been performed with efficiency and dispatch as have been detailed in the annual reports to Parliament in the first five years and again in this report.

There has been no shirking of responsibility. The issues falling for consideration however controversial, complicated or sensitive and the decisions concerning all persons in public life have been determined with the highest level of professionalism and diligence and with robust independence and impartiality. The command of Parliament to submit reports for its consideration annually has been obeyed consistently and in good time.

Through bilateral co-operation the Chairman and the members of the Integrity Commission of Montserrat came to Dominica this year to understudy and learn from the Commission's experience and I eagerly consented, pro-bono, to conduct a three day seminar in April on the Integrity in Public Office Act, 2010 for the persons in public life of Montserrat in support of the establishment of the Integrity Commission there. Indeed, the Integrity Commission of the Commonwealth of Dominica has been recognised as a good practice jurisdiction in the management of integrity legislation in the very small states of the Commonwealth.

Notwithstanding this the Commission has been denigrated by sectional interests, groups and individuals for not acting in accordance with their particular judgment and understanding of the ambit of integrity oversight over persons in public life in Dominica particularly in the investigation of allegations of corruption and of non-compliance with the Act made in the public media. The Commission has consistently conducted its functions

assiduously and within the statutory parameters. It has continuously pointed out that it is not empowered under the Act of 2003 to receive, examine or investigate anonymous complaints or complaints made in the mass media or other public fora concerning the conduct of persons in public life.

V

The Commission has repeatedly brought to the notice of the Executive deficiencies in the Act and has made recommendations for improvement. These can be found in the annual reports and papers presented by me at various local, sub-regional and international fora and are published on the Commission's website: www.integritycommission.gov.dm.

But all is not lost. I am pleased to inform Parliament that on the direction of the Law Ministers of Small Commonwealth Jurisdictions (which includes eighteen jurisdictions in the Caribbean) 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 "willful 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 Jurisdiction at Marlborough House, London, September, 2013 and to the Commonwealth Law Ministers Meeting, Botswana, May 2014. A copy of the model Act together with the background notes from the Commonwealth Secretariat is appended herewith.

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) I recommended the establishment of an umbrella organisation of regional integrity commissions with support from the Commonwealth Secretariat. I advised that the organisation 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.

Such an association of anti-corruption bodies – the Association of Anti-Corruption Agencies in Commonwealth Africa – has now been established with the assistance of the Commonwealth Secretariat. 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.

Discussions with the Commonwealth Secretariat and the anti-corruption bodies in the Commonwealth Caribbean will have to be intensified towards the establishment of a Caribbean Association of Integrity Commissions drawing, as appropriate, on the Commonwealth Africa model.

Yours Very Sincerely,

(Signed: Julian N. Johnson)

.....

Julian N. Johnson
Chairman



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.

I. STATUTORY AUTHORITY

1. Integrity in Public Office Act, 2003

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

2. 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.

3. The Integrity Commission (Inquiries) Rules, 2012

Pursuant to 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.

I. THE INTEGRITY COMMISSION

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I. Current Members of the Commission

At the date of this report, the seven-member Commission comprised the following:

Chairman:	Julian N. Johnson
Members:	Alick B. Lazare
	Vanoulst Jno. Charles
	Anthony P. La Ronde
	Indira St. Jean
	Gerald Smith
	Henry G. Dyer

On April 6, 2014, the term of Mr. Davidson Bruney ended. Commissioner Indira St. Jean was appointed by His Excellency the President on the advice of the Leader of the Opposition effective April 7, 2014 as a replacement. Commissioner Dyer was reappointed by His Excellency the President with effect from April 11, 2014 for a second term on the advice of the Dominica Bar Association. Commissioner La Ronde was also reappointed by His Excellency with effect from July 4, 2014 for a second term on the advice of the Leader of the Opposition. Full profiles of Commissioners are appended (Appendix I).

2. Meetings of the Commission

For the year, twenty (20) Commission meetings were held. The attendance of Commissioners at those meetings is shown at Table I.

Table I: Attendance of members at Commission meetings 2013/2014

Commissioners	*Applicable No. of meetings	No. attended	No. absent and excused	*No of meetings during the period of membership
Julian N. Johnson	20	20	-	
Alick B. Lazare	20	20	-	
Vanoulst Jno. Charles	20	14	6	
Davidson Bruney	13	12	1	
Anthony P. La Ronde	20	20	-	
Indira St. Jean	7	4	3	
Gerald Smith	20	20	-	
Henry G. Dyer	20	17	3	

In accordance with section 7(1)(a) of the Act, Commissioners who are unable to be present at three consecutive meetings are to request approval for such absence from the President. During the reporting year, two members sought and received such approval.

3. Committees of the Commission

For the year of operations, the Commission kept its three-committee organization as follows:

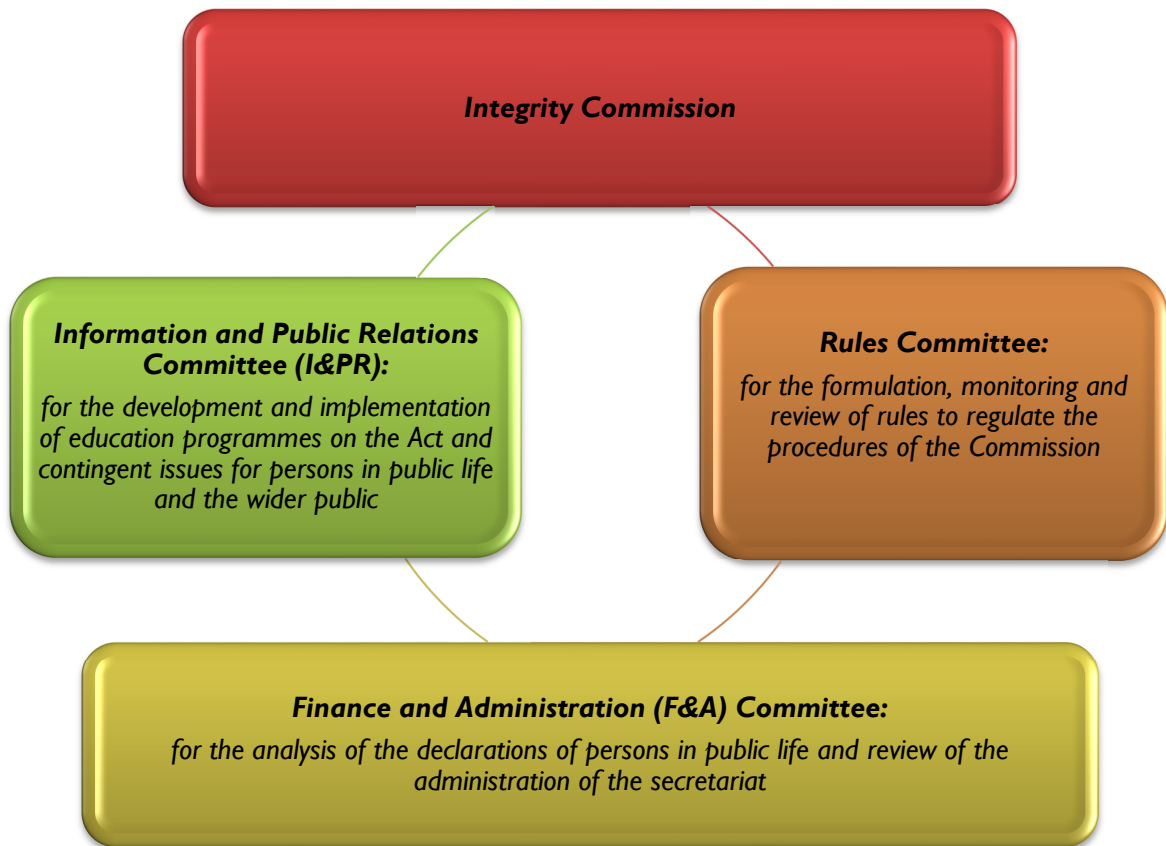


Figure 1: Committees of the Commission and their broad purposes

Membership on the three committees up to August 2014 was as shown on Table 2:

Table 2: Membership of the Committees of the Commission

Committee	Members
F&A:	Gerald Smith – Chairman Davidson Bruney (up to April 6, 2014) Alick B. Lazare Vanoulst Jno. Charles Indira St. Jean (from April 7, 2014) Anthony P. La Ronde
I&PR	Julian N. Johnson – Chairman Alick B. Lazare Vanoulst Jno. Charles Henry G. Dyer Davidson Bruney (up to April 6, 2014)
Rules	Anthony P. La Ronde – Chairman Julian N. Johnson Henry G. Dyer Gerald Smith Indira St. Jean (From April 7, 2014)

4. Committee Meetings

The three committees met as necessary. The number of meetings held and the record of the attendance of members at those meetings are presented in Table 3.

Table 3: Attendance of members at meetings of the various Committees of the Commission

Committees & meetings held	Committee Members	*Applicable no. of meetings	No. of meetings attended
F&A 19	Gerald Smith	19	19
	Davidson Bruney	8	6
	Alick B. Lazare	19	16
	Vanoulst Jno. Charles	19	14
	Indira St. Jean (from April 7, 2014)	9	6
	Anthony P. La Ronde	18	18
I&PR 3	Julian N. Johnson	3	3
	Alick B. Lazare	3	2
	Vanoulst Jno. Charles	3	2
	Henry G. Dyer	3	2
	Davidson Bruney (up to April 6, 2014)	3	2
Rules 4	Anthony P. La Ronde	4	4
	Julian N. Johnson	4	4
	Henry G. Dyer	4	1
	Gerald Smith	4	4

*No of meetings during the period of membership

III. ACTIVITIES AND DECISIONS

1. Functions of the Commission

Section 9 of the Act lists the 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.”*

2. Work Plan

The specific work activities that evolve from the statutory functions of the Commission are detailed in the work plan. They are:

- *maintain an accurate list of persons in public life in accordance with Parts I and II of the First Schedule to the Act;*
- *receive and secure the financial declarations made by persons in public life;*
- *examine such declarations and request further information, explanation and particulars from persons in public life where necessary;*
- *issue 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;*
- *receive and investigate complaints made by persons against persons in public life regarding non-compliance with the provisions of the Act;*
- *inquire into any allegations of bribery or act of corruption under the Act;*
- *prepare and submit an annual report to the Minister on its activities as required by section 48 of the Act;*
- *submit an annual budget to the Minister for Finance by January 31 of each year;*
- *develop and implement a programme of education on the provisions of the Act, for persons in public life on their duties and obligations under the Act;*
- *provide information to the general public on the workings of the Commission.*

3. Persons in Public Life

The total number of persons required to file declarations with the Commission for the calendar year ended December 31, 2013 pursuant to section 14 of the Act was one hundred and fifty-seven (157). The names and offices of these persons are detailed at Appendix 2.

Two (2) names were deleted from the list as the holders had retired or left the offices respecting persons in public life and had filed in two subsequent years since they demitted office in accordance with section 16(2) of the Act. A total of ten (10) new persons were added to the list.

4. Updating the List of Persons in Public Life

The list of persons in public life is constantly updated. In order to maintain the accuracy of the list, the Commission annually requests the assistance of Permanent Secretaries and other heads of department and reviews the Official Gazette for the publication of appointments, resignations and retirements.

By letter dated December 9, 2013 to the Commission to provide current information to update the list of persons in public life in the Ministry of Social Services, Community Development and Gender Affairs, the Permanent Secretary informed the Commission that the 'Director of the Bureau of Gender Affairs' was not an office of a person in public life and that she did not include that office in the updated list submitted to the Commission. The holder of that office had filed as a person in public life since the inception of the Commission in 2008.

In its examination of the matter, the Commission reviewed the letter of appointment to the holder and noted that the proper designation was 'Director of Women's Bureau' as indicated by the letter of appointment and also by the Public Service (Schedules) (Amendment) Order, 2011, SRO No. 23 of 2011 to the Public Service Act 1991, No. 27 of 1991. The Commission applied the definitions of 'person in public life' and 'Chief Technical Officer' as given in section 2(1) of the Act and concluded that the office of Director of Women's Bureau was an office of a person in public life. The Permanent Secretary and the public officer were informed accordingly by letter dated February 19, 2014 that the holder of the office of Director of Women's Bureau was expected to comply with the requirements of the Act, 2003. The letter to the PS is at Appendix 3.

The holder of the office did not file a declaration with the Commission for calendar year ended December 2013, and that fact was published in the Official Gazette of Thursday, August 14, 2014 in accordance with section 22 of the Act.

5. Financial Disclosure

Each year every person in public life is required to file a declaration with the Commission in Form 2 of the Third Schedule to the Act, setting out:- (a) his office or offices, (b) his income, assets and liabilities, (c) the assets of his wife, children or relative acquired through or traceable to his income; and (d) gifts made by him in value exceeding one thousand dollars in accordance with section 14.

One hundred and thirty-six (136) out of a total of one hundred and fifty-seven (157) – eighty-seven percent (87%) - persons in public life complied with the Act and filed financial declarations for calendar year 2013 with the Commission on or before March 31, 2014. Of the twenty-one (21) who did not comply, six (6) filed late and fifteen (15) failed to file. Figure 2 shows how persons in public life filed for 2013.

The list of persons who failed to file in accordance with the Act was published in the Official Gazette of Thursday, August 14, 2014 (Appendix 4). A report of that fact is to be sent to the Director of Public Prosecutions for further action pursuant to section 22 of the Act.

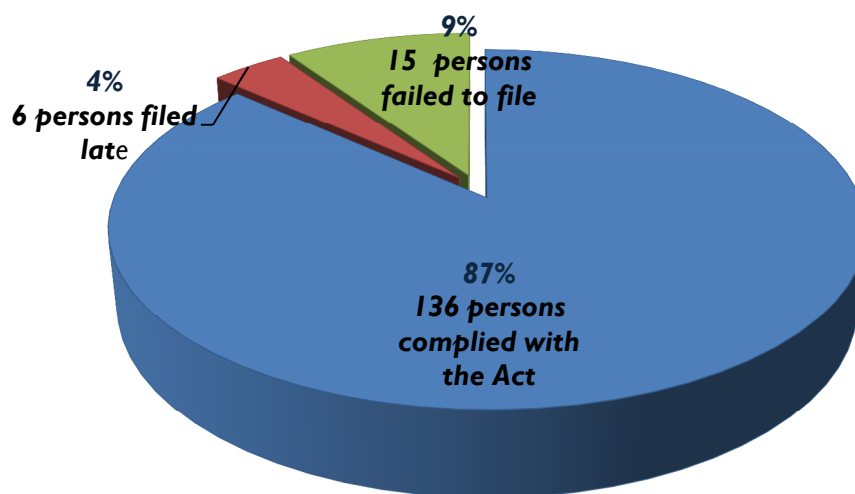


Figure 2: Compliance with the Act by persons in public life for calendar year 2013

6. The Rate of Compliance

A comparison of the compliance rates for the past five years (2009 to 2013) indicates a steady decline from a high point of 96% in 2010 to 87% in 2013. This decline may be attributable to the ineffectiveness of section 27 of the Act in enforcing the obligation under section 16 to file. Section 27 prescribes penalties for offences without specific orders for enforcing the obligation itself. If an offence is not prosecuted, or if a prosecution charge is thrown out-of-court, or if a prescribed penalty is imposed, there is no mechanism to ensure that the defaulting person in public life nevertheless files a declaration as required by section 16 of the Act. The Commission wishes to bring to the attention of Government its recommendation contained in section 5.7 and Appendix 6 of the Third Annual Report:

‘That section 22 of the Act, dealing with the failure to file a declaration, be amended to empower the Commission to make an ex parte application to the High Court for an order directing such person to comply with the Act along the lines of the Trinidad & Tobago Integrity in Public Life Act, 2000.

Section 11 of the Trinidad & Tobago Act provides, materially, as follows:

“(7) The Commission may at any time after the publication referred to in section (6), make an ex parte application to the High Court for an order directing such person to comply with the Act and the Court may in addition to making such an order, impose such conditions as it thinks fit;

(8) A person who fails to comply with the directions of the Court, commits an offence and is liable to conviction to a fine of one hundred and fifty thousand dollars”.

Figure 3 compares compliance rates for the five years 2009 to 2013.

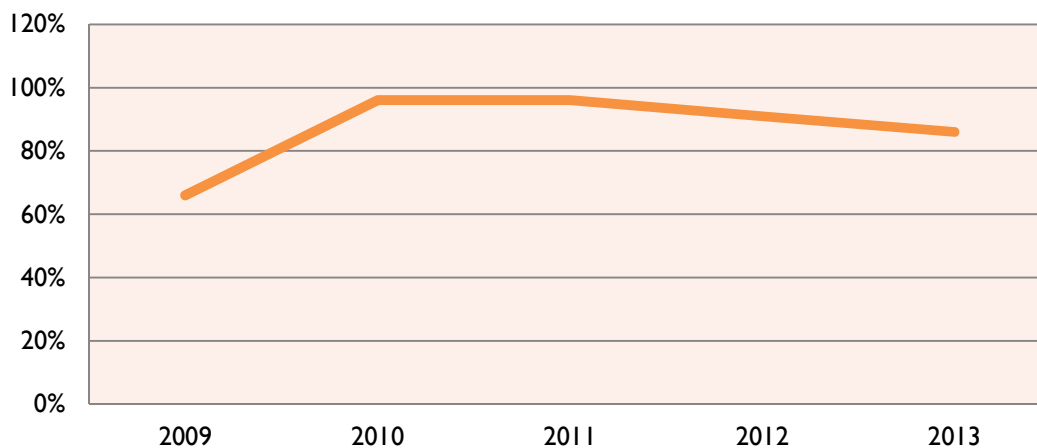


Figure 3: Compliance rates for calendar years 2009 to 2013

7. Application for Declaratory relief on Government's refusal to publish Notice in Gazette under sec. 22 of the Act for failure to file a Declaration by a Minister of Government (Past)

Parliament enacted the Integrity in Public Office Act, 2003 to provide for the establishment of an Integrity Commission to receive declarations of the financial affairs of a class of persons holding specific positions in public life including the office of "Minister of Government" for the express purpose of establishing probity, integrity and accountability in public life in the Commonwealth of Dominica.

Section 4 of the Act established the Commission and charged it with the duty, *inter alia*, of receiving, examining and retaining declarations from these persons in public life and to make enquiries in order to verify or determine the accuracy of the declarations filed by them under the Act. By the financial disclosure regime enacted in Part III of the Act Parliament commanded every person in public life to file a declaration with the Commission in Form 2 of the Third Schedule in accordance with section 14(1) and (2) of the Act.

Under section 16(2) Parliament commanded that "[t]he declaration shall be filed irrespective of the fact that, during the income year in respect of which the declaration is required or in the following two income years, the declarant ceased to be a person in public life, otherwise than by reason of death" Under section 22 of the Act Parliament enacted, materially, that "Where a person who is required to file a declaration under section 16 fails to file the declaration in accordance with this Act ... the Commission shall publish the fact in the Gazette and send a report to the Director of Public Prosecutions for further action". By section 3(2) of the Interpretation and General Clauses Act, Chap 3:01 the word "shall" in any written law must be construed as imperative.

When the Act entered into force on the 1st day of September, 2008 Hon. Charles A. Savarin, as he then was, became a person in public life under section 2 and the First Schedule thereto by virtue of his appointment as a Minister of Government. He demitted the office of Minister of Government on Tuesday, 24th September, 2013 and was obligated to file a declaration with the Commission within three months after the end of the calendar year 2013 in accordance with section 16(1) and (3) of the Act.

On the 28th March 2014, the President's Secretary forwarded to the Commission legal opinions received from the Senior State Attorney dated February 24th 2014 and from the Attorney General dated 24th March 2014 under the heading 'Requirement for President to file Declaration'. By letter dated 9th April 2014 the President's Secretary was informed that the Commission is of the view that the mandatory statutory obligation to file a declaration pursuant to section 16 of the Act continues for two years after the declarant, including a person in public

life who subsequently holds the office of President of the Commonwealth of Dominica, ceases to be a person in public life. This obligation ceases only by reason of the death of the declarant and not otherwise. When a declarant has not filed as required by the law, the Commission has a mandatory statutory duty under section 22 of the Act to publish that fact in the Gazette and report same to the Director of Public Prosecutions. The Commission also advised that such a declaration must be filed for the income year ending 31st December, 2013 in accordance with section 16 of the Act, and that upon failure to so do the Commission must publish that fact in the Gazette and report the same to the Director of Public Prosecutions. The declarant has failed to file such declaration in relation to his former office by 31st March, 2014 or at all as required by section 16 of the Act. The Commission therefore pursuant to section 22 of the Act sought to publish that fact in the Gazette.

By section 13, Parliament has mandated that the Commission, in the exercise of its functions under the Act, shall not be subject to the control or direction of any person or authority.

On the 12th June, 2014 and again on 20th June, 2014 the Commission requested the publication of a notice in the Gazette containing the names of persons in public life who failed to file including the name of Charles A. Savarin, Minister of Government (Past) as required by section 22 of the Act.

By letters dated the 19th and the 30th of June, 2014 the Secretary to the Cabinet after consultation with the Attorney General has refused to do so and has advanced the following arguments for Government's refusal to publish the section 22 notice in the Gazette:

- (i) the inclusion of the name of the President of Dominica in the list of persons who failed to file a declaration is contrary to the provision of section 27 of the Constitution;
- (ii) the requested publication would have the effect of bringing the office of the President, the Head of State, into disrepute;
- (iii) the provisions of section 27 of the Constitution insulate the office of the President "from precisely the type of indignity and disrepute that may attend the application of sections 16(2) and 22 of the Act which the Commission seeks to invoke";
- (iv) since the Constitution of Dominica provides immunity from criminal prosecutions during the currency of his term as President to request a President in office to file a declaration pursuant to the Act is repugnant the Constitution of Dominica, in particular section 27;
- (v) no President (whether Minister of Government (Past) or otherwise) can lawfully be compelled to file a declaration with the Commission whilst he holds the highest office known to the Constitution;

- (vi) “[a]part from the quite obvious affront to the dignity and office of Head of State and all that High Office signifies, it would be an absurdity for a sitting President (whether Minister of Government (Past) or otherwise, effectively, not only to be required to subjugate the highest office in the land to the jurisdiction of the Commission for three years, but (the Commission being a Department of the Office of the President), to be required to file declarations to his/herself” (sic).
- (vii) on a proper interpretation of the Act, having due regard to the supremacy of the Constitution, the Commission cannot legitimately require a sitting President to file a declaration;
- (viii) “it is precisely with a view to protecting the Rule of Law and minimizing the potential anarchy that perhaps, inadvertently, can be occasioned by the improper application of the law, that the course of action being pursued by the Commission is not permissible”;
- (ix) the Integrity in Public Office Act, 2003 must be given a purposive interpretation and not a literal interpretation “as appears to be contended for by the Commission”; and
- (x) the Government Printer is obliged to act only as authorized by the Government; the Gazette is published by order of the Government which retains editorial control and direction over it; the Government Printer has no authority to print or publish the Gazette or the impugned notice upon the direction of the Commission.

The Commission is of the view that on a literal or purposive interpretation of the Integrity in Public Office Act, 2003 it is required to obey the command of Parliament and to publish in the Gazette in compliance with Section 22 of the Act the name of the Minister of Government (Past) for his failure to file and that the publication in the Gazette of that fact, without more, does not constitute “criminal proceedings” within the meaning of section 27 of the Constitution.

The Commission by letters dated 13th June, 2014 and 24th June, 2014 referred the Secretary to the Cabinet to legal opinions which advised that there is no statutory or constitutional provision which absolves or removes the obligation on the holder of the office of President to file a declaration as required by the Act in relation to his former office and therefore he is required to comply with the section 16(2) imperative in that regard. If he does not, the Commission is required to comply with the section 22 imperative. The mandatory statutory obligation to file a declaration for two years after the declarant ceased to be a person in public life ceases only by the death of the declarant and not otherwise. The Director of Public Prosecutions however, on the receipt of the Commission’s report as mandated by section 22 will not be able to institute criminal proceedings against the declarant under section 27 of the Act while he holds the office of President because of the immunity from such proceedings prescribed by section 27 of the Constitution.

Furthermore a fundamental principle of constitutional democracy enshrined in the preamble to the Constitution of Dominica is the Rule of Law which subjects all persons and authorities to the laws of Dominica and excludes the idea of any exemption of officials or others from the duty of obedience to the laws of Dominica, unless so provided for by the Parliament of Dominica. While the courts have been astute to preserve the immunity afforded a Head of State they have never conceded that such an officer is privileged to act in a way that the law does not authorize.

On the 22nd of July 2014 therefore, the Commission instructed its solicitors to seek declaratory relief from the court in this matter in accordance with Part 56 of the Civil Procedure Rules 2000.

The exchange of correspondence between the Commission and the Government of Dominica is included in Appendix 5 of this Report for the information of Parliament.

8. The Examination of Financial Declarations

Every declaration filed with the Commission is examined as prescribed by section 14(3) of the Act. The Commission may issue a query that requires a declarant to furnish further particulars as necessary for the purpose of determining the accuracy of the declaration.

For the year under review, the Commission issued a total of twenty-three (23) queries and conducted an interview with a person in public life. Of the twenty-three queries issued, nineteen were satisfied. By the end of the operational year, August 2014, the Commission had issued Form 3 certificates to one hundred and thirty-six persons in public life indicating that the Commission was satisfied that full disclosure had been made in accordance with the Act. Five declarations are still in the process of being examined.

9. Failure to furnish further particulars

Sections 14(3) and 15 of the Act provide for the Commission to request information or explanation or such further particulars as it considers necessary for the purpose of assisting the examination. The Commission refers to these requests for information as queries. Where a person in public life refuses to satisfy a query of the Commission, that fact is published in the Official Gazette and a report sent to the Director of Public Prosecutions for further action.

During the year, the Commission requested two such publications in the Official Gazette:

- in the Gazette of December 19, 2013 – failure to furnish particulars by one person for calendar year 2012; and

- in the Gazette of June 26, 2014, failure to furnish further particulars by two persons for calendar year 2013.

The Gazette Notices are appended (Appendix 6 and Appendix 7).

10. Request for Appointment of Tribunal to hold Formal Inquiry under section 23

The Commission found it necessary to advise the President to appoint a Tribunal comprising three members of the Commission to conduct an inquiry to verify the contents of declarations filed with the Commission by a person in public life.

11. Gazette Publication of persons in public life certified for calendar year 2012

The examination of the financial declarations submitted by persons in public life for calendar year 2012 was completed during the year under review. One hundred and forty-seven persons were certified in accordance with section 14(4) of the Act. The list of those certified for 2012 was published in the Official Gazette of Thursday, February 13, 2014 (Appendix 8).

12. Certification of persons in public life for calendar year 2013

For calendar year 2013, the Commission examined all the declarations submitted by persons in public life, including those received after March 31, 2013. Of the one hundred and forty-one (141) declarations examined, one hundred and thirty-six (136) were certified in accordance with section 14(4) of the Act. The list of those certified to date is at Appendix 9. The other declarations received are under examination.

13. Gifts

For the year, the Commission received no Form 4 reports from any person in public life indicating that a gift had been made to him in his official capacity.

14. Management Information System

With the assistance of Mr. Robert John of the Information, Technology and Communication (ICT) Unit, the Commission obtained an information system for managing the data associated with persons in public life and the examination of financial declarations. The testing of the system is on-going.

The Commission recognizes the special contribution of Mr. Davidson Bruney in setting up and testing the information system.

15. Alleged breach of the Code of Conduct by a person in public life

The last three annual reports of the Commission reported extensively on the Commission's receipt and examination of an alleged breach of the Code of Conduct by the Prime Minister Roosevelt Skerit, a person in public life. The complainant, Mr. Lennox Linton, alleged that the Prime Minister had breached Rules 1(c) and 1(e) of the Code of Conduct in the Second Schedule to the Act and section 47(1) of the Act.

Following examination of the matter, the Commission ruled as follows:

- i the complaint concerning section 47(1) of the Act was rejected since it was outwith the Code of Conduct and not within the jurisdiction of the Commission;
- ii the complaint concerning Rule 1(c) was unparticularized; and
- iii an inquiry would be held into the complaint of Rule 1(e), that is, that the Prime Minister as Chairman of the Cabinet used his official influence to secure concessions for a business venture in which he allegedly had an ownership interest.

By Notice in the Official Gazette, the Commission indicated that the commencement of the Inquiry was March 1, 2012. The commencement of the hearing was initially set for December 17, 2012. After considering a request from the Prime Minister Roosevelt Skerit's attorneys, the hearing was postponed and a meeting convened for January 7, 2013 to deal with the issues raised. After the meeting was held, the Inquiry was postponed indefinitely in light of the fact that judicial review proceedings were instituted by the Prime Minister. The civil suit is entitled Roosevelt Skerit, the Applicant and The Integrity Commission, the Respondent, DOM HCV 0399 of 2012.

16. Judicial Review of the Commission's decision to hold section 33 Inquiry

As reported in the 5th Annual Report, the Commission chose not to oppose the application for leave to apply for Judicial Review in the matter between Roosevelt Skerit, the Applicant and The Integrity Commission, the Respondent, DOM HCV 0399 of 2012, and preparations began for the court hearings. The Commission's legal representatives in the matter are Mr. Reginald Armour SC of Trinidad and Tobago and Mr. Kevin Williams of Dominica.

Court hearings in the matter were scheduled for November 27 – 29, 2013, but were postponed. By letter dated January 17, 2014, Senior Counsel Armour wrote to the Chief

Registrar of the Eastern Caribbean Supreme Court requesting her intervention and assistance to fix dates for the hearing of the interim applications and the trial of the substantive Judicial Review proceedings.

By letter dated February 18, 2014, Counsel Kevin Williams wrote to the Registrar of the High Court of Dominica expressing his concern over the absence of information from the court and enquiring whether the interlocutory applications listed for hearing could be scheduled sometime in May 2014.

The Registrar of the High Court responded to Mr. Williams by letter dated March 5, 2014 expressing deepest regrets for the absence of information and promising to keep all parties informed of developments regarding the scheduling of the hearings.

To date, the court hearings have not been scheduled, and there has been no further communication from court officials.

17. Unresolved Matter relating to Membership

The Commission has reported previously on the challenge to the membership of former Commissioner Davidson Bruney as in civil suit No. 110 of 2011, that is: Ambrose George v Hector 'Spags' John and The Attorney General (sued as representative of His Excellency the President) and The Integrity Commission. The Eastern Caribbean Court of Appeal after hearing the matter restrained the Commission from holding any meetings with Commissioner Bruney or from divulging any confidential information whether written or oral to him in respect of any matter involving or concerning the appellant, Ambrose George and any other member of the Cabinet of the Commonwealth of Dominica. Further proceedings in this matter are still before the court.

Mr. Bruney's term as a Commissioner expired on April 6, 2014. The Commission considers it most unfortunate that the matter was not heard before the end of Mr. Bruney's term of office.

18. Disclosure of the Confidential Proceedings of the Commission and Publication of Information of a person in public life

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 Q 95 of information related to the financial declaration of the Prime Minister.

The Chief of Police submitted two progress reports on the investigation under cover of letters dated July 29, 2013 and March 14, 2014. The second report informed that the information related to the financial declaration of the Prime Minister was sent under confidential cover to an email address: volney0@gmail.com by Mr. Anthony Astaphan SC. This email contained information from the Prime Minister's 2009 declaration to which he was privy. The report indicated that the email was sent to this address unintentionally and that Mr. Astaphan was tricked into sending the emails to someone purporting to be Mr. Cyril Volney whom he 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 from Mr. Astaphan.

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 of the Commission was the source of the unauthorized disclosure of information related to the 2009 declaration of the Prime Minister. The Commission has written to the Prime 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. Regarding the disclosure of information related to the proceedings of the Commission, the investigation is still on-going.

The police reports are contained at Appendix 10.

19. Education Session for Persons in Public Life

On Wednesday, May 21, 2014, the Commission held an education session for persons in public life at the Windsor Park Sports Stadium Conference Room. While the session was not very well attended, it was highly interactive and informative. The Chief Personnel Officer chaired the session.

In the introductory remarks, the Chairman noted that though education was not an expressly stated statutory function of the Commission, from its inception, the Commission has found it important to educate persons in public life on their statutory obligations under the Act. The questions asked by participants set the environment for a lively and spirited

discussion. These questions and answers will be incorporated in the Frequently Asked Questions Handbook produced by the Commission.

The questions and answers will be incorporated into the Commission's 'Frequently Asked Questions' Handbook and posted on the Commission's Website: <http://www.integritycommission.gov.dm/>

20. Assistance to Integrity Commission of Montserrat

Two of the three members of the Montserrat Integrity Commission, Chairman James A. Hixon and Commissioner Rev. Beatrice Ruth Allen, visited the Dominica Commission over the week of February 16 to 22, 2014 for the purpose of gaining a detailed understanding of the law and the procedures that the Dominica Commission has put in place in order to implement the provisions of the integrity legislation. The third Commissioner Theresa Silcott visited for the same purpose over the week July 27 to August 1, 2014. The Montserrat Commission is in the process of establishing its operations.

The programme of activities for the visiting Commissioners included meetings with the Chairman, the entire Commission and the staff of the Commission's secretariat and working sessions with the Rules, Finance & Administration and the Information & Public Relations Committees of the Commission. Mr. Hixon and Mrs. Allen held discussions with the Minister for Legal Affairs and the Attorney General. All the visiting Commissioners met with the Director of Public Prosecutions and paid courtesy calls on the President His Excellency Charles Savarin.

The Press Release regarding the February visit headed 'The Integrity Commission of Montserrat understudies the Integrity Commission of Dominica' is at Appendix I I.

As further assistance to the Montserrat Commission, the Chairman of the Dominica Commission, Mr. Julian Johnson visited Montserrat at that Commission's invitation over the period 27th to 29th May, 2014 and conducted five training sessions with persons in public life of Montserrat. He also held discussions with the Governor, His Excellency Adrian Davis. The Chairman's presentation is posted on the Commission's Website: <http://www.integritycommission.gov.dm/>

21. Meeting with the Minister for Legal Affairs

On Friday, July 4, 2014, members of the Commission met with the Honourable Minister, the Honourable Attorney General and the Permanent Secretary of the Ministry of Legal Affairs. Two issues were discussed at that meeting:

- i. access to the Conference Room on the first floor of the Commissions' building; and

- ii. amendments to the First Schedule to the Act. The Commission sought the Ministry's intervention for obtaining access to the conference room on the first floor of the new Commission's building and the urgent attention of the Minister to amend the First Schedule to the Act to reduce ambiguity particularly as it pertained to the term 'Chief Technical Officer'.

[Both matters are referred to in greater detail in this Report - sections III.4 and IV.3].

On August 7, 2014, the Permanent Secretary, Legal Affairs was written to requesting follow up action concerning the actions coming from the meeting.

The report of the meeting is at Appendix 12.

22. Further Review of the Integrity Commission Rules of Procedure 2011

In earlier Annual Reports, the Commission reported on the correspondence and discussions between the Secretariat and the office of the Attorney General regarding the publication in the Gazette of the Integrity Commission Rules of Procedure 2011 which were prepared and signed by the Commission in July 2011.

The Commission has since decided to further review these Rules and will make a further submission to the Minister for Legal Affairs.

IV. ADMINISTRATION AND OPERATIONS

I. Staff of the Commission

The Secretariat of the Commission comprises Secretary Ms. Helen Ambo, Research Assistant Mrs. Palestrina Rolle George, Executive Officer Ms. Cheryl Roberts, Junior Clerk Ms. Alicia Adrien and Messenger Mr. Nigel Joseph.

2. Budget

For the financial year July 2013 to June 2014, the budget approved for the Commission was six hundred and sixty-three thousand five hundred and five dollars (EC\$663,505). In October 2013, the Commission requested and received an advance from the Contingencies Fund of sixty thousand dollars (EC\$60,000) to meet the legal costs associated with Civil Suit 0399 of 2012 referred to in section III.15 above.

By the end of the financial year 91% of the budget had been utilized. Due to the postponement of the court hearings in Civil Suit 0399 of 2012, the amount advanced from the Contingencies Fund was not spent. Table 4 presents the allocation and expenditure for the financial year 2013/14.

Table 4: Allocation and Expenditure of the 2013/2014 Budget of the Commission

Head	Allocation	Expenditure
Personal Emoluments	539,634.00	549,654.82
Salaried Allowances	3,000.00	3,000.00
Non-salaried Allowances	38,371.00	38,371.20
Recurrent Expenditure	82,500.00	72,499.02
Contingency Fund Warrant	60,000.00	0
Total:	723,505.00	663,525.04

The approved estimates for the financial year 2014/15 is six hundred and sixty-three thousand, one hundred and five thousand (EC\$663, 105). It is allocated among the major expenditure heads as follows:

Table 5: Approved Estimates for the Commission for Financial Year 2014/2015

Head	Amount
Personal Emoluments	541,502
Salaried Allowances	3,000
Non-salaried Allowances	39,021
Recurrent Expenditure	79,600
Total:	663,123

3. Relocation of the Office of the Commission

The Integrity Commission moved to new offices on Cross Street on April 4th 2014. The Public and Police Services Commissions were allocated offices adjacent to the office of the Integrity Commission. The new premises included a single conference room to serve the three Commissions

During the design and construction stages, the Commission was advised that the single conference room was to be shared by the three Commissions. The Commission wrote to the Chief Elections Officer to whom the Chief Personnel Officer assigned management of the Commission's Building on April 2, 2014, before moving to its new offices, and advised that it would wish to have the use of the conference room for two days every week: Tuesdays and Wednesdays. The letter was copied to the Chief Personnel Officer.

Since April 2014, the Commission has been denied access to the conference room. Electronic locks were installed on the doors and all manual keys are kept exclusively in the possession of the Secretary of the Public and Police Services Commissions. Despite every attempt to get the various authorities at the top public service management and ministerial levels to assist in securing due access to the conference room, the Commission has not received any satisfactory responses. Under the Public Service Act 1991 the functions of the Establishment, Personnel and Training Department are to manage, direct and control the Public Service subject to the provisions of the Constitution.

In the circumstances and in order to perform its statutory functions, the Commission has been forced to use part of its budgetary allocations to rent suitable and secure accommodation for

holding its meetings. Seven such meetings were held at the Fort Young Hotel and one at the Evergreen Hotel.

On July 4, 2014, the Commission met with the Minister for Legal Affairs, the Attorney General and the Permanent Secretary for that ministry and drew attention to government's obligation to provide the resources for the Commission's effective operations including a conference room for holding meetings of the Commission and to the untenable and undignified situation in which the Commission is placed from having to move its meetings from place to place outside the Commission's premises. The report of the meeting is at Appendix 13.

To date the matter remains unresolved.

4. Annual Report for year ended August 31, 2013

In accordance with section 48 of the Act 2003, the Fifth Annual Report of the Commission for the year ending August 31, 2013 was submitted to the Minister for Legal Affairs by letter of transmittal dated December 30, 2014. The Report was tabled in Parliament on March 19, 2014.

5. Library

The Commission maintains a 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 to assist its work. The Library 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.

Research by the Commission is supported by the Law Library of the University of the West Indies, Cavehill Campus. The gratitude of the Commission is extended to the staff of the Law Library for their prompt assistance.

V. ACKNOWLEDGEMENTS

Special recognition and gratitude are extended to all the people who assisted the work of the Commission for the year, including:

- *Staff of the Commission*
- *All persons in public life*
- *The Minister for Finance*
- *The Minister for Legal Affairs*
- *Attorney General*
- *Financial Secretary and Staff of the Ministry of Finance*
- *The Integrity Commission of Trinidad and Tobago*
- *The Integrity Commission of Montserrat*
- *Mr. Reginald Armour S.C of Trinidad and Tobago*
- *Attorney at Law, Kevin Williams*
- *The Secretary to the Cabinet*
- *The Chief Personnel Officer*
- *The Director of Public Prosecutions*
- *The Director of Audit*
- *The Chief Personnel Officer*
- *Permanent Secretary - Ministry of Legal Affairs*
- *The Chief of Police*
- *The staff of the UWI Law Library*
- *The Government Printer*
- *Mrs. Maureen Peter, Stenotypist*
- *The Head and staff of the ICT Unit, Establishment Department*
- *Database Specialist (ICT Unit) Mr. Robert John*

SIGNATURES

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Signed:

(Signed: Julian N. Johnson)

**JULIAN N. JOHNSON
CHAIRMAN**

(Signed: Alick B. Lazare)

**ALICK B. LAZARE
MEMBER**

(Signed: Vanoulst Jno. Charles)

**VANOULST JNO. CHARLES
MEMBER**

(Signed: Indira St. Jean)

**INDIRA ST. JEAN
MEMBER**

(Signed: Anthony P. La Ronde)

**ANTHONY P. LA RONDE
MEMBER**

(Signed: Gerald Smith)

**GERALD SMITH
MEMBER**

(Signed: Henry G. Dyer)

**HENRY G. DYER
MEMBER**

APPENDICES

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Appendices:

No.	Description	Pages
<i>1</i>	<i>Profiles of Commissioners</i>	<i>28 - 32</i>
<i>2</i>	<i>Persons in public life required to file declarations for 2013</i>	<i>33 - 36</i>
<i>3</i>	<i>Letter to the Permanent Secretary re person in public life</i>	<i>37</i>
<i>4</i>	<i>Gazette Notice: Persons in public life who failed to file in accordance with the Act for calendar year 2013</i>	<i>38</i>
<i>5</i>	<i>Exchange of Correspondence between the Commission and the Government (Secretary to the Cabinet) regarding the publication of a Notice in the Official Gazette</i>	<i>39 - 51</i>
<i>6</i>	<i>Gazette Notice: Failure to furnish further particulars for calendar year 2012</i>	<i>52</i>
<i>7</i>	<i>Gazette Notice: Failure to furnish further particulars for calendar year 2013</i>	<i>53</i>
<i>8</i>	<i>Gazette Notice: Persons in public life certified for calendar year 2012</i>	<i>54 - 58</i>
<i>9</i>	<i>List of persons in public life certified to date for calendar year 2013</i>	<i>59 - 62</i>
<i>10</i>	<i>Progress Reports submitted to the Commission by the Chief of Police</i>	<i>63 - 68</i>
<i>11</i>	<i>Press Release regarding the visit of Commissioners of the Montserrat Commission</i>	<i>69</i>
<i>12</i>	<i>Report of Meeting between the Commission and the Minister for Legal Affairs</i>	<i>70 - 72</i>

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 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 appointed Chairman of the Commission for a further three-year term in August 2011.

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) and a Certificate in Legal Education from Hugh Wooding Law School, Trinidad & Tobago(1987).

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, DFID, 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: VANOULST JNO.CHARLES

Vanoulst 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 - DAVIDSON BRUNEY

Davidson A. Bruney is a graduate of the University of the West Indies. He is the holder of a Bachelors Degree in Physics, Mathematics and Computer Science. He has lectured/taught at several institutions in Dominica including the Dominica Grammar School, the Dominica State College, and the Orion Academy. He has also done short stints at the Wesley High School and the St. Mary's Academy.

Mr Bruney is also a Computer Consultant specialising in Application Software including software relating to Computer Aided Design and Draughting, Desktop Publishing, Website Design and e-Learning.

He has been very much involved in media work particularly in publishing. He served as Senior Information Officer with the Government of Dominica for the period 1995 to 1999.



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.

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 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 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.



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 - GERALD SMITH**

Gerald Smith is a practicing accountant. He obtained training in this field from his studies at British technical colleges from 1971 to 1976 and from his employment in the Dominica civil service from 1961 to 1986 when he retired as an accountant and practiced accounting privately from 1986 to present. He is a member of the Institute of Chartered Accountants of the Eastern Caribbean (D/ca Branch) from 2007. He served as a Member on the Income Tax Appeal Commission for five years (1995 to 2000). He is married with two children.



MEMBER - HENRY DYER

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Henry George Dyer, L.L.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 L.L.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: Persons in Public Life required to file declarations for 2013

No.	Names	Offices respecting persons in public life
1.	Aird, Jennifer	Chairman of a public institution
2.	Albert, Patrickson	Gazetted Police Officer
3.	Alexander, Yvonne	Gazetted Police Officer
4.	Allport, Ruth	Permanent Secretary
5.	Andre, Lennard	Chairman of a public institution
6.	Andrew, David	Gazetted Police Officer
7.	Austrie, Reginald	Minister of Government
8.	Bannis, Jacinta	Chief Technical Officer - Director, Drug Prevention Unit
9.	Baptiste, Dayton	Member of the House of Assembly
10.	Bardoiulle, Larry	Chairman of a public institution
11.	Bardouille, Benoit	General Manager of a public institution
12.	Bazil, Ezekiel	Member of the House of Assembly
13.	Bellot, Claudia	Permanent Secretary
14.	Bernard, Alvin	Minister of Government
15.	Bethelmie, Wellsworth	Chief Technical Officer - Director of Trade
16.	Birmingham, Marvlyn	Chairman of a public institution
17.	Blackmoore, Donille	Chief Technical Officer - President's Secretary
18.	Blackmoore, Lucien	Chief Technical Officer - M, Housing
19.	Blackmoore, Rayburn	Minister OF Government
20.	Blaize Jones, Lucia	Chairman of a Public Institution
21.	Blanc, Denis	Superintendent of Prisons (Ag.)
22.	Blanc, Dr. Ruby	Chief Technical Officer - Hospital Medical Director (Ag.)
23.	Boyd-Knights, Alix	Speaker of the House of Assembly
24.	Browne, Rosie	Chief Technical Officer – Director of Women's Bureau
25.	Brumant, Heskeith	Chairman of a public institution
26.	Brumant, Ricky	Chief Technical Officer - Director of Agriculture (Ag.)
27.	Bruno, Nicholas	Permanent Secretary
28.	Bully, Collin	Chairman of a public institution
29.	Burnett-Biscombe, Anthony	Chairman of a public institution
30.	Burton, Gerald	Chairman of a public institution
31.	Burton, Minchinton	Chief Technical Officer - Director of Forestry
32.	Cadette, Sylvester	Chief Technical Officer - Director of Telecommunications
33.	Carbon, Daniel	Gazetted Police Officer – Chief of Police
34.	Carrette, Cyril	Gazetted Police Officer – Chief of Police (Past)
35.	Carrette, Samuel	Permanent Secretary
36.	Catin, Raphael	Assistant Superintendent of Prisons (Ag.)
37.	Celaire, Rhoda	Permanent Secretary

38.	Charles, Justina	Minister of Government
39.	Charles, Martin	Chairman of a public institution
40.	Charter, Algernon	Superintendent of Prisons (Past)
41.	Christian, Clarence	Chief Technical Officer - Director of Audit
42.	Christmas, Martin Dr.	Chief Technical Officer - Director Primary Health Care (Ag.)
43.	Clarendon, Hannah	Chairman of a public institution
44.	Corbette, Julius	General Manager of a public institution
45.	Cuffy, Matthew	Gazetted Police Officer
46.	Dailey, Julius	General Manager of a public institution (Past)
47.	Darroux, Kelvar	Parliamentary Secretary
48.	Darroux, Kenneth	Minister of Government
49.	David, John A. C.	Gazetted Police Officer
50.	Douglas, Eisenhower	Permanent Secretary
51.	Douglas, Ian	Minister of Government
52.	Drigo, Johnson	Parliamentary Secretary
53.	Dublin, Damian	Chairman of a public institution
54.	Dupuis, Josiah	Chief Fire officer
55.	Edwards, Annie	Chief Technical Officer - Chief Physical Planner (Ag.)(Past)
56.	Edwards, Irma	Permanent Secretary - Chief Personnel Officer
57.	Edwards, Rosemund	Permanent Secretary - Financial Secretary
58.	Ettingoff, Bernard	General Manager of a public institution
59.	Eusebe, Jones	Deputy Chief Fire Officer
60.	Ferrol, Eleanor	Chief Technical Officer – Sec’y. Publ./Police Service Comm.
61.	Ferrol, Steve	Permanent Secretary – Secretary to the Cabinet
62.	Fevrier, Willie	Chairman of a public institution
63.	Fontaine, John	Chief Technical Officer - Local Government Commissioner
64.	Fontaine, Melena	Chief Technical Officer - Chief Education Officer Ag,
65.	George, Ambrose	Minister of Government
66.	George, Margaret	Chairman of a public institution (Past)
67.	George, Nicholas	Gazetted Police Officer
68.	Graneau, Ashton	Minister of Government
69.	Green, Ronald	Member of the House of Assembly (Past)
70.	Gregoire, Felix	Chief Technical Officer - Secretary to Cabinet (Past)
71.	Guiste, Harold	Chief Fisheries Officer (Ag)
72.	Henderson, Edward	Chief Technical Officer – Ministry of Tourism
73.	Henry, Edison	General Manager of a public Institution (Past)
74.	Hyacinth, Steve	Permanent Secretary (Ag.)
75.	Irish, Ainsworth	Gazetted Police Officer
76.	Isidore, Ronald	Member of House of Assembly
77.	James, Edison	Member of House of Assembly

78.	Jean-Jacques, Tammy	Member of House of Assembly
79.	Jean-Jacques-Thomas, Janice	Managing Director of a public institution
80.	Jno. Charles, Vanoulst	Chairman of a public institution (Past)
81.	Jno.Baptiste, Hobbes	Gazetted Police Officer
82.	John, Clem	Chairman of a public institution
83.	John, Hector	Member of the House of Assembly
84.	John, Steve	Managing Director of a public institution
85.	Johnson, Dr. David	Chief Technical Officer - Chief Medical Officer
86.	Johnson, Julian N	Chairman of a public institution - Integrity Commission
87.	Johnson, Kendall	Chief Technical Officer – Ministry of Public Works
88.	Jolly, Aurelius	Chairman of a public institution
89.	Joseph, Anthony	Chairman of a public institution
90.	Joseph, Francis	Chairman of a public institution
91.	Joseph, Hubert (Mickey)	Chairman of a public institution
92.	Joseph, Rhoda	Manager of a public institution
93.	Lafond, Jennifer	Permanent Secretary (Past)
94.	Lambert, Bernandette	Chairman of a public institution
95.	Lambert, Edward	Advisor to the Prime Minister
96.	Lambert, Eleanor	Chairman of a public institution
97.	LaRocque, Steven	Chief Technical Officer - Chief Elections Officer
98.	Laudat, Michael	Gazetted Police Officer
99.	Lawrence, Angela	Chairman of a public institution
100.	Lawrence, John Bristol	General Manager of a public institution
101.	Lawrence, Raymond	Chief Technical Officer - Chief Cultural Officer (Past)
102.	Leblanc, Matthew	Chief Technical Officer - Labour Commissioner
103.	Lestrade Marcus	Chief Technical Officer - Director of Surveys
104.	Letang, Davis	Permanent Secretary
105.	Lugay, Daniel	Member of the House of Assembly
106.	Magloire, Andrew	Chief Technical Officer - Chief Fisheries Officer
107.	Magloire-Akpa, Sonia	Chief Technical Officer - Director, Political Affairs
108.	Martin, Sam	Member of the House of Assembly
109.	McIntyre, Colin	Minister of Government
110.	Meade, Brian	Manager of a public institution
111.	Monell, Al	Chief Technical Officer - Director, Financial Services Unit
112.	Moses, Paul	Chairman of a public institution
113.	Munroe, Ian	Chairman of a public institution
114.	Nassief, Yvor	Chairman of a public institution (Past)
115.	Pemberton, Patrick	Chairman of a public institution (Past)
116.	Peter, Levi	Member of the House of Assembly
117.	Pierre, Nelson	Chairman of a public institution

118.	Piper, Colin	<i>Managing Director of a public institution</i>
119.	Powell, Marcella	<i>Permanent Secretary (Ag)</i>
120.	Prevost, Careen	<i>Permanent Secretary</i>
121.	Prevost, Joan	<i>Chairman of a public institution</i>
122.	Prevost, Norris	<i>Member of the House of Assembly</i>
123.	Raymond, Vernanda	<i>Chief Technical Officer - Clerk House of Assembly</i>
124.	Roberts, Claudine	<i>Chief Technical Officer Local Gov't Commissioner (Ag.) (Past)</i>
125.	Rolle, Kelvin	<i>Chief Technical Officer - Chief Physical Planner Ag,</i>
126.	Royer, Bentley	<i>Member of the House of Assembly</i>
127.	Royer, Helen	<i>Permanent Secretary</i>
128.	Sanford, Claudius	<i>Member of the House of Assembly</i>
129.	Savarin, Charles	<i>Minister of Government (Past)</i>
130.	Scotland, Anthony	<i>General Manager of a public institution</i>
131.	Scotland-Andrew, Mayna	<i>Chief Technical Officer - Chief Protocol Officer</i>
132.	Severin, Duke	<i>Gazetted Police Officer</i>
133.	Shillingford, Dorian	<i>Chairman of a public institution</i>
134.	Shillingford, Gloria	<i>Minister of Government</i>
135.	Shillingford-Tonge, Juliette	<i>Chairman of a public institution</i>
136.	Skerrit, Roosevelt	<i>Minister of Government - Prime Minister</i>
137.	Southwell, Dermott	<i>Chairman of a public institution</i>
138.	St. Jean, Petter	<i>Minister of Government</i>
139.	Stephenson, Ivor	<i>Parliamentary Secretary</i>
140.	Sylvester, Ambrose	<i>Chairman of a public institution</i>
141.	Thomas, Bennette	<i>Chief Technical Officer - Director of Telecommunications</i>
142.	Thomas, Esther	<i>Permanent Secretary</i>
143.	Thomas, Felix	<i>Chairman of a public institution</i>
144.	Thomas, Gregoire	<i>General Manager of a public institution</i>
145.	Thomas, Kingsley	<i>General Manager of a public institution</i>
146.	Timothy, Julius	<i>Minister of Government</i>
147.	Toulon, Ronald	<i>Member of the House of Assembly</i>
148.	Valerie Davidson	<i>Gazetted Police Officer</i>
149.	Vigilante, Stafford	<i>Gazetted Police Officer</i>
150.	Walter, Matthew	<i>Minister of Government</i>
151.	Williams Geneta	<i>Chief Technical Officer - Hospital Services Coordinator</i>
152.	Williams Joseph	<i>Gazetted Police Officer</i>
153.	Williams, Anthony	<i>Deputy Chief Fire Officer Ag,</i>
154.	Williams, Cuffy	<i>Gazetted Police Officer</i>
155.	Williams, Eliud	<i>Chairman of a public institution (Past)</i>
156.	Williams, Merina	<i>Chief Technical Officer - Chief Elections Officer (Past)</i>
157.	Winston, Curtiss	<i>Chairman of a public institution</i>

Appendix 3: Letter to the Permanent Secretary regarding
the office of a person in public life

37

Ref. IC.140-01/01

February 19, 2014

Mrs. Esther Thomas
Permanent Secretary
Ministry of Social Services
Government Headquarters
Kennedy Avenue, Roseau

Dear Mrs. Thomas,

INTEGRITY IN PUBLIC OFFICE ACT, 2003:
UPDATING THE LIST OF PERSONS IN PUBLIC LIFE

Thank you for providing, by letter of February 10, 2014, copy of the letter of appointment of the Director of Women's Bureau as requested by letter of February 5, 2014.

I am directed by the Commission to draw your attention to section 2(1) of the Act which explains the term '**Chief Technical Officer**' thus: 'includes the Chief Physical Planner and any Director or head of department or deputy head of department however described in a Government Ministry or Department'. '**Chief Technical Officer**' is listed in Part I of the First Schedule to the Act as one of the offices respecting persons in public life. I am further directed to inform, in light of the foregoing, that the office of Director of Women's Bureau (as Chief Technical Officer) is that of an office respecting persons in public life and any holder is to comply with the requirements of the IPO Act, 2003.

Sincerely,

(Signed: H. Ambo)

.....
Helen E. Ambo (Ms.)
SECRETARY

cc Director/Women's Bureau

INTEGRITY COMMISSION - NOTICE

INTEGRITY IN PUBLIC OFFICE ACT 2003, NO. 6 OF 2003:
FAILURE TO FILE A DECLARATION BY 31st March 2014

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, 2013 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:

<u>Name</u>	<u>Office</u>
Andre, Lennard	Chairman of a public institution
Blaize-Jones, Lucia	Chairman of a public institution
Bethelmie, Wellsworth,	Chief Technical Officer – Director of Trade (Past)
Browne, Rosie	Chief Technical Officer – Director of Women’s Bureau
Cadette, Sylvester	Chief Technical Officer –
	Director of Telecommunications (Past)
Carrette, Cyril	Gazetted Police Officer (Past)
Christmas, Dr. Martin	Chief Technical Officer –
	Director – Primary Health Care Services (Ag.)
Christian, Clarence	Chief Technical Officer – Director of Audit
Charles, Martin	Chairman of a public institution
Eusebe, Jones	Deputy Chief Fire Officer (Past)
Fontaine, Melena	Chief Technical Officer – Chief Education Officer (Ag.)
Lambert, Bernadette	Chairman of a public institution
Meade, Brian	General Manager of a public institution
Monell, Al	Chief Technical Officer – Director – Financial
	Services Unit (Past)
Peter, Levi	Member of the House of Assembly
Roberts, Claudine	Chief Technical Officer –
	Local Government Commissioner (Ag.) (Past)
Shillingford-Tonge, Juliette	Chairman of a public institution
Thomas, Bennett	Chief Technical Officer – Director of Telecommunications
Thomas, Kingsley	General Manager of a public institution (Past)
Williams, Anthony	Deputy Chief Fire Officer (Ag.)

(Signed: Helen Ambo)

SECRETARY

File: IC.530-03

Date: June 20, 2014

Appendix 5: Exchange of Correspondence between the Commission and the
Government regarding publication of a Notice

39

REF.IC.530-03

June 12, 2014

Mr. Steve Ferrol
Secretary to the Cabinet
Cabinet Secretariat
Financial Centre – Floor 6
Kennedy Avenue
Roseau

Dear Mr. Ferrol,

INTEGRITY IN PUBLIC OFFICE ACT, 2003:
NOTICE FOR PUBLICATION IN THE OFFICIAL GAZETTE

The attached notice entitled: **‘Integrity in Public Office Act 2003, No. 6 of 2003: Failure to File a Declaration by 31st March, 2014’** is submitted for publication in the Official Gazette of Thursday, June 19, 2014.

Thank you for your attention to this matter.

Sincerely,

(Signed: Helen E. Ambo)
Helen E. Ambo (Ms.)
SECRETARY

cc. Government Printer

Att’d...

INTEGRITY COMMISSION

40

NOTICE

INTEGRITY IN PUBLIC OFFICE ACT 2003, NO. 6 OF 2003: FAILURE TO FILE A DECLARATION BY 31st March 2014

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, 2013 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:

Name	Office
Andre, Lennard	Chairman of a public institution
Blaize-Jones Lucia	Chairman of a public institution
Wellsworth, Bethelmie	Chief Technical Officer
Browne, Rosie	Chief Technical Officer
Cadette, Sylvester	Chief Technical Officer (Past)
Carrette, Cyril	Gazetted Police Officer (Past)
Christmas, Dr. Martin	Chief Technical Officer
Christian, Clarence	Chief Technical Officer
Charles, Martin	Chairman of a public institution
Eusebe, Jones	Deputy Chief Fire Officer (Past)
Fontaine, Melena	Chief Technical Officer (Ag.)
Lambert, Bernadette	Chairman of a public institution
Meade, Brian	General Manager of a public institution
Monell, Al	Chief Technical Officer (Past)
Peter, Levi	Member of the House of Assembly
Roberts, Claudine	Chief Technical Officer
Savarin, Charles	Minister of Government (Past)
Shillingford-Tonge, Juliette	Chairman of a public institution
Thomas, Bennett	Chief Technical Officer
Thomas, Kingsley	General Manager of a public institution (Past)
Williams, Anthony	Deputy Chief Fire Officer (Ag.)

(Signed: H. Ambo)
SECRETARY



COMMONWEALTH OF DOMINICA
OFFICE OF THE PRIME MINISTER
CABINET SECRETARIAT

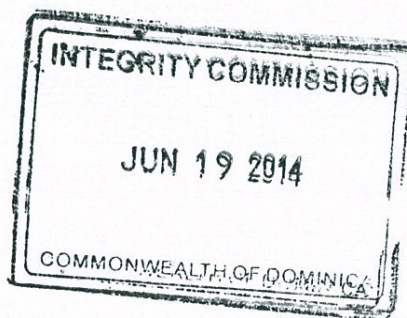
URGENT

Tel: (767) 266 3300/ 266 3279
Fax: (767) 448 5200/ 448 8960
E-mail: opm@dominica.gov.dm
Website: www.dominica.gov.dm

6th Floor, Financial Centre
Kennedy Ave.,
Roseau
Commonwealth Of Dominica

June 19, 2014

Ms. Helen Ambo
Secretary
Integrity Commission
Commission's Building
Cross Street
ROSEAU



Dear Ms. Ambo

**INTEGRITY IN PUBLIC OFFICE ACT, 2003
NOTICE FOR PUBLICATION IN THE OFFICIAL GAZETTE**

I refer to your letter dated June 13, 2014 requesting that an attached list be published in the Official Gazette.

Please be advised that having consulted with the Attorney General, the Secretary to the Cabinet is unable to approve the publication of the said list in its current form. Not only is the inclusion of the name of His Excellency the President of the Commonwealth of Dominica in this list contrary to provisions of the Constitution of the Commonwealth of Dominica, in particular Section 27 thereof, but the requested publication would have the effect of bringing the Office of the President of the Commonwealth of Dominica, the Head of State, into disrepute.

Consistent with this position the list submitted for publication is hereby returned for your further consideration.

Sincerely,

(Signed: Steve Ferrol)
SECRETARY TO THE CABINET



INTEGRITY COMMISSION

Tel. No. 1-767-266-3436/1-767-440-6803
Fax No. 1-767-440-6802
Email: integritycommission@dominica.gov.dm

Cross Street
Commissions' Building
Roseau
Commonwealth of Dominica

Ref. No.: IC 140-01

June 24, 2014

Mr. Steve Ferrol
Secretary to the Cabinet
Cabinet Secretariat
Financial Centre
Kennedy Avenue, Roseau

Dear Sir,

INTEGRITY IN PUBLIC OFFICE ACT 2003:
NOTICE FOR PUBLICATION IN THE OFFICIAL GAZETTE OF LIST OF PERSONS IN
PUBLIC LIFE WHO FAILED TO FILE DECLARATIONS

I have been directed by the Integrity Commission to acknowledge receipt of your letter dated 19th June, 2014 and to reply as follows:

Under section 16(2) of the Integrity in Public Office Act, 2003 a person in public life is required to file a declaration with the Commission irrespective of the fact that, during the income year in respect of which the declaration is required or in the following two income years, the declarant ceased to be a person in public life, otherwise than by reason of death.

Under section 22 of the Act where a person who is required to file a declaration under section 16 fails to file the declaration in accordance with the Act, the Commission shall publish that fact in the Gazette and send a report to the Director of Public Prosecutions for further action.

The Commission can find no provisions in the Constitution of Dominica including section 27 thereof which prohibit the publication in the Official Gazette of the name of a person in public life, a Minister of Government (Past), who is required to file a declaration under section 16 of the Act and who has failed to file such a declaration in accordance with the Act because that person now holds the office of President of Dominica.

The Attorney General of Dominica was so advised by the Senior State Attorney in the Ministry of Tourism and Legal Affairs in a Memorandum to him dated 24th February, 2014. In that Memorandum, after examining the provisions of section 27 of the Constitution, the Senior State Attorney advised as follows:

“...Hence, whilst there is no provision which removes the obligation on the holder of the Office of President to file the requisite declaration under section 16 of the Integrity in Public Office Act in relation

to his former office, the sanction for such a failure cannot be enforced against the President while he holds the office of President. [Emphasis added].

The immunity however ceases when the President leaves office. And by virtue of section 27(2) of the Constitution, the period during which the President held office shall not be taken into account in calculating the period within which proceedings must be brought. When the President ceases to hold office, he will consequently still be faced with the disclosure requirement and such requirement will then be enforceable. [Emphasis added].

CONCLUSION

While there is no provision which absolves the holder of the office of President of the requirement to file declarations under section 16 of the Integrity in Public Life Act (sic) in relation to his former office, the immunity from suit which he enjoys protects him from any attempt to enforce such requirement. The immunity however ceases when the President leaves office. [Emphasis added].

Sgd Tameka Hyacinth
Senior State Attorney”

I enclose herewith a copy of this Memorandum which was sent to the Commission by the President’s Secretary on 27th March, 2014.

I also enclose herewith a legal opinion dated 4th April, 2014 which was requested by the Commission from Kevin Williams Chambers on the nature and extent of the immunity with which the President of Dominica is clothed under section 27 of the Constitution.

Furthermore, a fundamental principle of constitutional democracy enshrined in the preamble of the Constitution of Dominica 1978 is the Rule of Law which subjects all persons and authorities to the laws of Dominica and excludes the idea of any exemption of officials or others from the duty of obedience to the laws of Dominica, unless so provided for by the Parliament of Dominica.

In the premises, the Commission has therefore decided that the notice “**INTEGRITY IN PUBLIC OFFICE ACT, 2003: FAILURE TO FILE A DECLARATION BY 31ST OF MARCH 2014**” shall now be forwarded directly to the Government Printer with the request that this notice be published in the Official Gazette of Thursday 3rd July, 2014.

The Government Printer has the statutory responsibility to print the Official Gazette and to publish this notice in the Gazette in accordance with section 22 of the Integrity in Public Office Act, 2003.

Sincerely,

(Sgn’d: Helen Ambo)
Helen Ambo (Ms.)
SECRETARY

cc: Government Printer

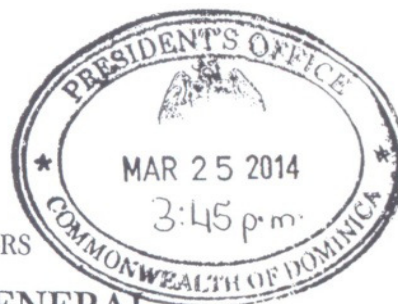
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COMMONWEALTH OF DOMINICA

MINISTRY OF TOURISM AND LEGAL AFFAIRS

CHAMBERS OF THE ATTORNEY GENERAL

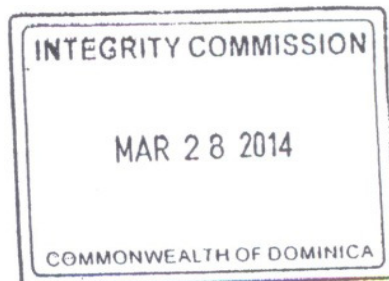


Tel: (767) 266 3006 / 3378
 Fax: (767) 448 6200 / 3022
 E-mail: minsectourism@dominica.gov.dm
 attorneygeneral@dominica.gov.dm
 Website: www.dominica.gov.dm

3rd Floor,
 Government Headquarters
 Kennedy Avenue
 Roseau
 Commonwealth of Dominica

MEMORANDUM

FROM: Hon. Attorney General
 TO: President's Secretary
 DATE: 24th March 2014



SUBJECT: REQUIREMENT FOR PRESIDENT TO FILE IPO DECLARATION

I refer to your memorandum of 19th March 2014 and apologise for the delay in replying to your earlier correspondence. It would appear that this was due to an administrative mishap. Please convey my sincere apologies to His Excellency.

Attached is a Memorandum Advice dated 24th February 2014, by Senior State Attorney, Tameka Hyacinth. I concur with the opinion expressed in Ms. Hyacinth's Memorandum and confirm that there is no requirement for His Excellency, or any President whilst holding office, to file a Declaration pursuant to section 16 of the Integrity in Public Office Act, No. 6 of 2003 ("the Act"). Section 27 of the Constitution of the Commonwealth of Dominica ("the Constitution") makes clear that no criminal proceedings can be brought against the President whilst holding office, and section 117 of the Constitution makes clear that the Constitution is the supreme law of Dominica. It follows that sections 22 and 27 of the Act must be read subject to sections 27 and 117 of the Constitution.

(Signed: Hon. Levi A. Peter)
 ATTORNEY GENERAL



COMMONWEALTH OF DOMINICA

COPY

MINISTRY OF TOURISM AND LEGAL AFFAIRS

45

CHAMBERS OF THE ATTORNEY GENERAL

Tel: (767) 266 3006
Fax: (767) 448 6200
E-mail: attorneygeneral@dominica.gov.dm
Website: www.dominica.gov.dm

3rd Floor, Government Headquarters
Kennedy Avenue
Roseau
Commonwealth of Dominica

Ref: T&LA

MEMORANDUM

TO: Hon. Attorney General
FROM: Tameka Hyacinth, Senior State Attorney
DATE: February 24, 2014
SUBJECT: RE: PRESIDENT FILING IPOA DECLARATION



I am asked to proffer advice on the following: "Is the President of Dominica, whilst holding that office, required pursuant to the Constitution of Dominica and the IPOA, in particular section 16(2), to file a declaration with the Integrity Commission?"

Integrity in Public Office Act, No. 6 of 2003.

Section 16 provides

(1) A person in public life shall, in respect of each income year, file a declaration required under this Act within three months after the end of that income year.

(2) The declaration shall be filed irrespective of the fact that, during the income year in respect of which the declaration is required or in the following two income years, the declarant ceased to be a person in public life, otherwise than by reason of death.

By virtue of section 2, Minister of Government is included in the definition of a person in public life.

Professionalism and productivity... Requisites for the Journey to Excellence

According to section 22

Where a person who is required to file a declaration under section 16 fails to file the declaration in accordance with this Act or fails to furnish particulars under section 15 or section 17, the Commission shall publish the fact in the Gazette and send a report to the Director of Public Prosecutions for further action.

Section 27 also makes it an offence where a person fails, without reasonable cause, to furnish to the Commission a declaration or further particulars thereof which he is required to furnish in accordance with the Act. Such a person is liable on summary conviction to a fine of \$20,000.00 or imprisonment for a term of two years or both fine and imprisonment.

Section 28 provides

No prosecution for an offence under this Part, other than an offence under section 15 may be instituted after five years from the date when the person, in respect of whose declaration or financial affairs the alleged offence was committed, ceased to be a person in public life.

On the other hand, the Constitution of the Commonwealth of Dominica provides immunity for the holder of the office of President. Section 27 of the Constitution states

(1) Whilst any person hold office or is acting as President no criminal proceedings shall be instituted or continued against him in respect of anything done or omitted to be done by him either in his official capacity or in his private capacity and no civil proceedings shall be instituted or continued in respect of which relief is claimed against him in respect of anything done or omitted to be done in his private capacity.

(2) Where provisions is made by law limiting the time within which proceedings of any description may be brought against any person, the period during which any person has held office or acted as President shall not be taken into account in calculating any period of time described by that law which determines whether any such proceedings as are mentioned in subsection (1) of this section may be brought against that person.

ANALYSIS

From an analysis of the above legal provisions, the President of the Commonwealth of Dominica has complete immunity from criminal and civil proceedings while he holds the office of President. Therefore, no proceedings can be brought against the holder of the office of President under the Integrity in Public Office Act.

Hence, while there is no provision which removes the obligation on the holder of the office of President to file the requisite declaration under section 16 of the Integrity in Public Office Act in relation to his former office, the sanction for such failure cannot be enforced against the President while he holds the office of President.

The immunity however ceases when the President leaves office. And by virtue of section 27(2) of the Constitution, the period during which the President held office shall not be taken into account in calculating the period within which proceedings must be brought. When the President ceases to hold office, he will consequently still be faced with the disclosure requirement and such requirement will then be enforceable.

CONCLUSION

While there is no provision which absolves the holder of the office of President of the requirement to file declarations under section 16 of the Integrity in Public Life Act in relation to his former office, the immunity from suit which he enjoys protects him from any attempt to enforce such requirement. The immunity however ceases when the President leaves office.

(Signed: T. Hyacinth)
SENIOR STATE ATTORNEY

KEVIN WILLIAMS CHAMBERS

Attorneys-at-law



Kevin Williams LL.B (Hons) L.E.C. LL.M (Lond)
Singoalla Blomqvist-Williams LLB(Hons) LLM(Lond)

Cnr of Church & Old Streets
P.O. Box 1671
Roseau
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West Indies
Tel: (767)448-2808 449-8331
Fax: (767) 448-0949
E-mail: prevostandwilliams@cwdom.dm
Kevinwilliams@cwdom.dm

Barristers, Solicitors, Notary Public
Patent & Trademark Agent

April 4, 2014

Julian Johnson
Chairman
Integrity Commissioner
Turkey Lane
Roseau
Dominica



Confidential

Dear Mr. Chairman

On the issue as to "whether a person in public life who subsequently holds the office of President is required to file a declaration in the following two income years after he has ceased to be a person in public life" I advise as follows:-

The mandatory statutory obligation to file a declaration pursuant to Section 16 of the Act continues for two years after the Declarant ceases to be a person in public life and this obligation ceases only in death of the Declarant and not otherwise. Section 16 so provides.

Where a declaration has not been filed as required by law. The commission has a mandatory statutory duty to publish that fact in the Gazette and report the matter in writing to the Director of Public Prosecution for further action. Section 22 so provides.

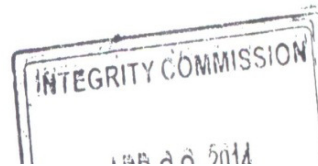
The further action contemplated by the section refers to the institution of Criminal proceedings against the Declarant as Section 27 makes it a criminal offence punishable on summary conviction, to fail to file a declaration under the Act without reasonable excuse.

As such it is clear that the President must file his declaration and upon failure to do so the Commission must publish that fact and report the same to the Director of Public Prosecutions.

The Director of Public Prosecution on receipt of the commission's report will not be able to prosecute the President until he demits office as the constitution by Section 27 grants a sitting President immunity from proceedings.

Please be advised accordingly.

Yours faithfully



(Signed: Kevin Williams)
SOLICITOR



COMMONWEALTH OF DOMINICA
**OFFICE OF THE PRIME MINISTER
CABINET SECRETARIAT**

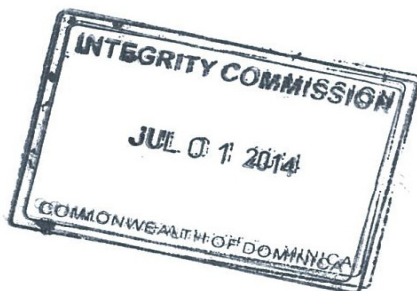
Tel: (767) 266 3279
Fax: (767) 448 8960
E-mail: opm@dominica.gov.dm
Website: www.dominica.gov.dm

6th Floor, Financial Centre
Kennedy Avenue
Roseau
Commonwealth Of Dominica

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June 30, 2014

Ms Helen E Ambo
Secretary
Integrity Commission
Commission's Building
Cross Street
ROSEAU



Dear Ms Ambo

**INTEGRITY IN PUBLIC OFFICE ACT, 2003
NOTICE FOR PUBLICATION IN THE OFFICIAL GAZETTE**

I acknowledge receipt of your response to my letter of June 19, 2014. After further consultation with the Attorney General of the Commonwealth of Dominica, I wish to reaffirm the position expressed and advise as follows;

Contrary to the implication by the Commission, the fundamental principle of constitutional democracy, the Rule of Law, is not being challenged. Indeed, it is precisely with a view to protecting the Rule of Law and minimising the potential anarchy that perhaps inadvertently, can be occasioned by the improper application of the law, that the course of action being pursued by the Commission is not permissible. As previously stated, section 27 of the Constitution is a wholly unambiguous provision expressly insulating the office of the President from precisely the type of indignity and disrepute that may attend the application of sections 16(2) and 22 of the Integrity in Public Office Act 2003, which the Commission seeks to invoke. It is noteworthy that the prohibition provided for in section 27 is not confined to matters pertaining to or arising during the term of office of the President, but as is evident from the use of the words "or continued" includes matters and/ or liabilities arising prior to the office holder assuming the office of President.

The wording of sections 16(2) and 22 of the Integrity in Public Office Act 2003, is not in dispute. The issue is, what is the proper interpretation to be applied to those sections in order to give effect to the reasonable intent and purpose of the Act. Is the Act to be given a literal interpretation as appears to be contended for by the Commission, or should it be given a purposive interpretation, which in the opinion of this office, it must.

The requirement for the name of a person who fails to file a declaration pursuant to section 16(2) of the Act (a "defaulter"), to be published in the Official Gazette, is a prerequisite to the referral of the name of the defaulter by the Commission to the Director of Public Prosecutions and the institution of criminal proceedings against the named person. Since the Constitution of Dominica unambiguously provides that no President may during the currency of his term of office be subject to criminal proceedings, it is axiomatic that to request a President in office to file a declaration pursuant to the Integrity in Public Office Act is repugnant the Constitution of Dominica, in particular section 27. No President (whether Minister of Government (Past) or otherwise) can lawfully be compelled to file a declaration with the Commission whilst he holds the highest office known to the Constitution. Apart from the quite obvious affront to the dignity and office of Head of State and all that High Office signifies, it would be an absurdity for a sitting President, the Head of

.../2/

State (whether Minister of Government (Past) or otherwise), effectively, not only to be required to subjugate the highest office in the land to the jurisdiction of the Commission for three years, but (the Commission being a Department of the Office of the President), to be required to file declarations to his/herself.

For the purposes of the filing of a declaration pursuant to the Act, as with all other matters relevant to the Office of President of the Commonwealth of Dominica, from the moment a President takes office, the former existence of the President is held in abeyance until he/she demits office.

On a proper interpretation of the Act, having due regard to the supremacy of the Constitution, the Commission cannot legitimately require a sitting President to file a declaration. The proper approach to this situation is for the Commission to hold in abeyance the requirement for a declaration to be filed in respect to the relevant period until His Excellency the President demits office and returns to his former status. Thereupon, the Commission may require him to file a declaration in that status for the relevant period, and subsequently, for the two years thereafter.

As regards the assertion that the "Government Printer has a statutory responsibility to publish this notice in the Gazette in accordance with section 22 of the Integrity in Public Office Act, 2003", I can find no provision in the Act, including section 22 thereof, which empowers the Commission to give directions to the Government Printer.

To the contrary, the Interpretation and General Clauses Act, Chapter 3:01 of the Revised Laws of Dominica 1990, provides as follows:

"Gazette" means the Gazette published by order of the Government and includes supplements thereto and any Extraordinary Gazette so published" [own emphasis] and

"Government Printer" means the Government Printer of Dominica and includes any other printer authorised by or on behalf of the Government to print any written law or any other document of the Government" [own emphasis].

From the foregoing it is apparent that the Government Printer, as the name implies, is just that, and is obligated to act only as authorised by the Government. Similarly, the Gazette is published by order of the Government which necessarily implies that the Government retains editorial control and direction over it. In both instances, the Government's function is essentially exercised through the Cabinet Secretariat and more specifically through the Secretary to the Cabinet. The Government Printer has no authority to print or publish the Gazette or the impugned notice upon the direction of the Commission.

Consequently, the listing submitted directly to the printer with a directive from the Commission to print, despite the issues raised and communicated to the Commission by the Secretary to the Cabinet, is herewith returned for the reconsideration of the Commission.

Yours sincerely

(Signed: Steve Ferrol)
SECRETARY TO THE CABINET

cc. Government Printer

**Appendix 6: Gazette Notice – Failure to furnish further particulars
for calendar year 2012**

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INTEGRITY COMMISSION

INTEGRITY IN PUBLIC OFFICE ACT 2003, No. 6 of 2003

NOTICE UNDER SECTION 22

In keeping with the provision of section 22 of the Integrity in Public Office Act 2003, it is hereby notified that the following person in public life failed to furnish particulars relating to his financial affairs as the Commission considers necessary for the conduct of its examination of his declaration made in Form 2 of the Third Schedule to the Integrity in Public Office Act, 2003, No. 6 of 2003 for the period ending 31st December 2012 in accordance with sections 15 of the Act:

NAME

Dayton Baptiste

OFFICE OR POSITION

Member of the House of Assembly/Senator

(Signed: Helen Ambo)

**SECRETARY
INTEGRITY COMMISSION**

File No. PIPL/PF

Date: December 05, 2013

GAZETTE NOTICE

INTEGRITY IN PUBLIC OFFICE ACT 2003, NO. 6 OF 2003:
FAILURE TO FURNISH FURTHER PARTICULARS

The following persons in public life have failed to furnish to the Integrity Commission such further particulars as it considered necessary in order to verify or determine the accuracy of their declarations filed for the year ended 31st December 2013, under sections 14(3) and 15 of the Integrity in Public Office Act 2003:

<i>Gloria Shillingford</i>	<i>-</i>	<i>Minister of Government</i>
<i>Julius Corbette</i>	<i>-</i>	<i>Managing Director of a public institution</i>

This fact is published pursuant to section 22 of the Act.

(Signed: Helen Ambo)

.....
Helen Ambo (Ms.)
SECRETARY
INTEGRITY COMMISSION

File: IC 140/02
Date: 18th June 2014

Appendix 8: Gazette Notice: Persons in public life certified for 2012

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GAZETTE NOTICE **INTEGRITY IN PUBLIC OFFICE ACT 2003, NO.6 OF 2003** **DECLARATIONS CERTIFIED WITH RESPECT TO** **CALENDAR YEAR ENDED DECEMBER 31, 2012**

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, 2012**, 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, Gerry	Chairman of a public institution
2.	Aird, Jennifer	Chairman of a public institution
3.	Albert, Patrickson	Gazetted Police Officer
4.	Alexander, Yvonne	Gazetted Police Officer
5.	Allport, Ruth	Permanent Secretary (Past)
6.	Andrew, David	Gazetted Police Officer
7.	Austrie, Reginald	Minister of Government
8.	Bannis, Jacinta	CTO ¹ - Director, Drug Prevention Unit
9.	Bardouille, Benoit	General Manager of a public institution
10.	Bardouille, Larry	Chairman of a public institution
11.	Baron-Royer, Francine	Member of the House of Assembly – AG (Past)
12.	Bazil, Ezekiel	Member of the House of Assembly
13.	Bellot, Claudia	Permanent Secretary (Past)
14.	Bernard, Alvin	Minister of Government
15.	Bethelmie, Wellsworth	CTO - Director of Trade (Ag.)
16.	Birmingham, Marvlyn	Chairman of a public institution
17.	Blackmoore, Donille	CTO - President's Secretary
18.	Blackmoore, Lucien	Permanent Secretary
19.	Blackmoore, Rayburn	Minister of Government
20.	Blanc, Dennis	Superintendent of Prisons (Ag.)
21.	Blanc, Dr. Ruby	CTO - Hospital Medical Director (Ag.)
22.	Boyd-Knights, Alix	Speaker of the House of Assembly

¹ CTO – Chief Technical Officer

23.	Browne, Rosie	CTO - Director of Women's Bureau
24.	Brumant, Heskeith	Chairman of a public institution
25.	Brumant, Ricky	CTO - Director of Agriculture (Ag.)
26.	Bruno, Nicholas	Permanent Secretary
27.	Bully, Collin	Chairman of a public institution
28.	Burnett-Biscombe, Anthony	Chairman of a public institution
29.	Burton, Gerald	Chairman of a public institution
30.	Burton, Minchinton	CTO - Director of Forestry
31.	Carbon, Daniel	Gazetted Police Officer
32.	Carrette, Samuel	Permanent Secretary (Ag.)
33.	Catin, Raphael	Assistant Superintendent of Prisons (Ag.)
34.	Celaire, Rhoda	Permanent Secretary (Past)
35.	Charles, Justina	Minister of Government
36.	Charles, Martin	Chairman of a public institution
37.	Charter, Algernon	Superintendent of Prisons (Past)
38.	Dailey, Julius	General Manager of a public institution (Past)
39.	Darroux, Kelvar	Parliamentary Secretary
40.	Darroux, Kenneth	Minister of Government
41.	David, John A. C.	Gazetted Police Officer
42.	Douglas, Eisenhower	Permanent Secretary (Ag.)
43.	Douglas, Ian	Minister of Government
44.	Drigo, Johnson	Parliamentary Secretary
45.	Dublin, Damian	Chairman of a public institution
46.	Duncan, Carl	Chairman of a public institution
47.	Dupuis, Josiah	Chief Fire Officer
48.	Edwards, Annie	CTO - Chief Physical Planner (Ag.)
49.	Edwards, Irma	Permanent Secretary – CPO
50.	Edwards, Rosemund	Permanent Secretary - Financial Secretary
51.	Ettinoffe, Bernard	General Manager of a public institution
52.	Eusebe, Jones	Deputy Chief Fire Officer
53.	Ferrol, Eleanor	CTO – Sec. Public & Police Service Commissions

54.	Ferrol, Steve	Permanent Secretary – Secretary to the Cabinet
55.	Fevrier, Willie	Chairman of public institution
56.	Fontaine, John	CTO - Local Government Commissioner
57.	George, Ambrose	Minister of Government
58.	George, Margaret	Chairman of a public institution (Past)
59.	George, Nicholas	Gazetted Police Officer
60.	Graneau, Ashton	Minister of Government
61.	Green, Ronald	Member of the House of Assembly
62.	Gregoire, Felix	Permanent Secretary - Secretary to Cabinet (Past)
63.	Guiste, Harold	CTO - Chief Fisheries Officer (Ag.) (Past)
64.	Henderson, Edward	CTO - Ministry of Tourism
65.	Henry, Edison	Chairman of a public institution
66.	Hyacinth, Steve	CTO - Chief Education Officer
67.	Irish, Ainsworth	Gazetted Police Officer
68.	Isidore, Ronald	Member of the House of Assembly
69.	James, Edison	Member of the House of Assembly
70.	Jean-Jacques, Tammy	Member of the House of Assembly
71.	Jean-Jacques-Thomas, Janice	Managing Director of a public institution
72.	Jno. Charles, Vanoulst	Chairman of a public institution (Past)
73.	Jno. Baptiste, Hobbes	Gazetted Police Officer
74.	John, Clem	Chairman of a public institution
75.	John, Hector	Member of the House of Assembly
76.	John, Steve	Managing Director of a public institution
77.	Johnson, Dr. David	CTO – Chief Medical Officer
78.	Johnson, Julian N	Chairman of a public institution
79.	Johnson, Kendall	CTO - Public Works
80.	Jolly, Aurelius	Chairman of a public institution
81.	Jones, Lucia Blaize	Chairman of a public institution
82.	Joseph, Anthony	Chairman of a public institution
83.	Joseph, Francis	Chairman of a public institution
84.	Joseph, Hubert (Micky)	Chairman of a public institution

85.	Lafond, Jennifer	<i>Permanent Secretary</i>
86.	Lambert, Edward	<i>Advisor to the Prime Minister</i>
87.	Lambert, Eleanor	<i>Chairman of a public institution</i>
88.	La Rocque, Stephen	<i>CTO - Chief Elections Officer</i>
89.	Laudat, Michael	<i>Gazetted Police Officer</i>
90.	Lawrence, Angela	<i>Chairman of a public institution</i>
91.	Lawrence, John Bristol	<i>General Manager of a public institution</i>
92.	Lawrence, Raymond	<i>CTO - Chief Cultural Officer</i>
93.	Leblanc, Mathew	<i>CTO - Labour Commissioner</i>
94.	Lestrade Marcus	<i>CTO - Director of Surveys</i>
95.	Letang, Davis	<i>Permanent Secretary</i>
96.	Letang, Rhoda	<i>Managing Director of a public institution</i>
97.	Lugay, Daniel	<i>Member of the House of Assembly</i>
98.	Magloire-Akpa, Sonia	<i>CTO -Director, Political Affairs</i>
99.	Martin, Sam	<i>Member of the House of Assembly</i>
100.	McIntyre, Colin	<i>Minister of Government</i>
101.	Monell, Al	<i>CTO – Director FSU</i>
102.	Moses, Paul	<i>Chairman of a public institution</i>
103.	Munroe, Ian	<i>Chairman of a public institution</i>
104.	Nassief, Yvor	<i>Chairman of a public institution (Past)</i>
105.	Pemberton, Patrick	<i>Chairman of a public institution</i>
106.	Peter, Levi	<i>Member of the House of Assembly</i>
107.	Pierre, Nelson	<i>Chairman of a public institution</i>
108.	Piper, Colin	<i>Managing Director of a public institution</i>
109.	Powell, Marcella	<i>Permanent Secretary (Ag.)</i>
110.	Prevost, Joan	<i>Chairman of a public institution</i>
111.	Prevost, Norris	<i>Member of the House of Assembly</i>
112.	Raymond, Vernanda	<i>CTO – Clerk House of Assembly (Ag.)</i>
113.	Rolle, Maria	<i>CTO - Clerk House of Assembly (Ag.) (Past)</i>
114.	Royer, Helen	<i>Permanent Secretary (Ag.)</i>
115.	Royer, Bentley	<i>Member of the House of Assembly</i>

116.	Sanford, Claudius	<i>Member of the House of Assembly (Past)</i>
117.	Savarin, Charles	<i>Minister of Government</i>
118.	Scotland, Anthony	<i>General Manager of a public institution</i>
119.	Scotland-Andrew, Mayna	<i>CTO - Chief Protocol Officer</i>
120.	Severin, Duke	<i>Gazetted Police Officer</i>
121.	Shillingford, Dorian	<i>Chairman of a public institution</i>
122.	Shillingford, Gloria	<i>Minister of Government</i>
123.	Shillingford, Juliette	<i>Chairman of a public institution</i>
124.	Skerrit, Roosevelt	<i>Minister of Government – Prime Minister</i>
125.	Southwell, Dermott	<i>Chairman of a public institution</i>
126.	St. Jean, Petter	<i>Minister of Government</i>
127.	Stephenson, Ivor	<i>Parliamentary Secretary</i>
128.	Sylvester, Ambrose	<i>Chairman of a public institution</i>
129.	Tavenier, Gloria	<i>Chairman of a public institution (Past)</i>
130.	Thomas, Esther	<i>Permanent Secretary</i>
131.	Thomas, Felix	<i>Chairman of a public institution</i>
132.	Thomas, Gregoire	<i>General Manager of a public institution</i>
133.	Thomas, Kingsley	<i>General Manager of a public institution (Past)</i>
134.	Timothy, Julius	<i>Minister of Government</i>
135.	Toulon, Ronald	<i>Member of the House of Assembly</i>
136.	Vigilante, Stafford	<i>Gazetted Police Officer</i>
137.	Valerie Davidson	<i>Gazetted Police Officer</i>
138.	Walter, Matthew	<i>Minister of Government</i>
139.	Warrington, Mariette	<i>General Manager of a public institution (Past)</i>
140.	Williams, Cuffy	<i>Gazetted Police Officer</i>
141.	Williams, Eliud	<i>Chairman of a public institution (Past)</i>
142.	Williams, Geneta	<i>CTO - Hospital Services Coordinator</i>
143.	Williams, Joseph	<i>Gazetted Police Officer</i>
144.	Williams, Merina	<i>CTO - Chief Elections Officer (Past)</i>
145.	Williams, Valencia	<i>CTO – Hospital Services Coordinator</i>
146.	Winston, Curtiss	<i>Chairman of a public institution</i>

Appendix 9: List of persons in public life certified to date for calendar year 2013

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No.	Name	Office of person in public life	Date certified
1.	Jean-Jacques, Tammy	Member of House of Assembly	January 30, 2014
2.	Lawrence, Raymond	CTO - Chief Cultural Officer (Past)	January 30, 2014
3.	Vigilante, Stafford	Gazetted Police Officer	January 30, 2014
4.	David, John A. C.	Gazetted Police Officer	January 30, 2014
5.	Alexander, Yvonne	Gazetted Police Officer	April 1, 2014
6.	Andrew, David	Gazetted Police Officer	April 1, 2014
7.	Brumant, Heskeith	Chairman of a public institution	April 1, 2014
8.	Celaire, Rhoda	Permanent Secretary	April 1, 2014
9.	Charles, Justina	Minister of Government	April 1, 2014
10.	Cuffy, Matthew	Gazetted Police Officer	April 1, 2014
11.	Darroux, Kelvar	Parliamentary Secretary	April 1, 2014
12.	Dupuis, Josiah	Chief Fire officer	April 1, 2014
13.	Edwards, Rosemund	Permanent Secretary - Financial Secretary	April 1, 2014
14.	Fontaine, John	CTO - Local Government Commissioner	April 1, 2014
15.	Hyacinth, Stephenson	Permanent Secretary (Ag.)	April 1, 2014
16.	Irish, Ainsworth	Gazetted Police Officer	April 1, 2014
17.	Jno.Baptiste, Hobbes	Gazetted Police Officer	April 1, 2014
18.	John, Clem	Chairman of a public institution	April 1, 2014
19.	John, Steve	Managing Director of a public institution	April 1, 2014
20.	Joseph, Francis	Chairman of a public institution	April 1, 2014
21.	Joseph, Hubert (Mickey)	Chairman of a public institution	April 1, 2014
22.	Lafond, Jennifer	Permanent Secretary (Past)	April 1, 2014
23.	LaRocque, Steven	CTO - Chief Elections Officer	April 1, 2014
24.	Lawrence, Angela	Chairman of a public institution	April 1, 2014
25.	Lawrence, John Bristol	General Manager of a public institution	April 1, 2014
26.	Munro, Ian	Chairman of a public institution	April 1, 2014
27.	Pemberton, Patrick	Chairman of a public institution (Past)	April 1, 2014
28.	Scotland-Andrew, Mayna	CTO - Chief Protocol Officer	April 1, 2014
29.	Severin, Duke	Gazetted Police Officer	April 1, 2014
30.	St. Jean, Petter	Minister of Government	April 1, 2014
31.	Valerie Davidson	Gazetted Police Officer	April 1, 2014
32.	Williams Geneta	CTO - Hospital Services Coordinator	April 1, 2014
33.	Williams Joseph	Gazetted Police Officer	April 1, 2014
34.	Williams, Eliud	Chairman of a public institution (Past)	April 1, 2014
35.	Aird, Jennifer	Chairman of a public institution	June 11, 2014

36.	Albert, Patrickson	Gazetted Police Officer	June 11, 2014
37.	Allport, Ruth	Permanent Secretary	June 11, 2014
38.	Austrie, Reginald	Minister of Government	June 11, 2014
39.	Bannis, Jacinta	CTO - Director, Drug Prevention Unit	June 11, 2014
40.	Bardoille, Larry	Chairman of a public institution	June 11, 2014
41.	Bardouille, Benoit	General Manager of a public institution	June 11, 2014
42.	Bazil, Ezekiel	Member of the House of Assembly	June 11, 2014
43.	Bellot, Claudia	Permanent Secretary	June 11, 2014
44.	Bernard, Alvin	Minister of Government	June 11, 2014
45.	Blackmoore, Donille	CTO - President's Secretary	June 11, 2014
46.	Blackmoore, Lucien	CTO – Min. of Housing	June 11, 2014
47.	Blackmoore, Rayburn	Minister OF Government	June 11, 2014
48.	Blaize Jones, Lucia	Chairman of a Public Institution	June 11, 2014
49.	Blanc, Denis	Superintendent of Prisons (Ag.)	June 11, 2014
50.	Blanc, Dr. Ruby	CTO - Hospital Medical Director (Ag.)	June 11, 2014
51.	Brumant, Ricky	CTO - Director of Agriculture (Ag.)	June 11, 2014
52.	Bruno, Nicholas	Permanent Secretary	June 11, 2014
53.	Bully, Collin	Chairman of a public institution	June 11, 2014
54.	Burton, Minchinton	CTO - Director of Forestry	June 11, 2014
55.	Carbon, Daniel	Gazetted Police Officer – Chief of Police	June 11, 2014
56.	Carrette, Samuel	Permanent Secretary	June 11, 2014
57.	Catin, Raphael	Assistant Superintendent of Prisons (Ag.)	June 11, 2014
58.	Charter, Algernon	Superintendent of Prisons (Past)	June 11, 2014
59.	Clarendon, Hannah	Chairman of a public institution	June 11, 2014
60.	Darroux, Kenneth	Minister of Government	June 11, 2014
61.	Douglas, Eisenhower	Permanent Secretary	June 11, 2014
62.	Douglas, Ian	Minister of Government	June 11, 2014
63.	Drigo, Johnson	Parliamentary Secretary	June 11, 2014
64.	Edwards, Annie	CTO - Chief Physical Planner (Ag.)(Past)	June 11, 2014
65.	Edwards, Irma	Permanent Secretary - Chief Personnel Officer	June 11, 2014
66.	Ettinoffe, Bernard	General Manager of a public institution	June 11, 2014
67.	Ferrol, Eleanor	CTO – Sec. Pub & Police Serv Comm.	June 11, 2014
68.	Ferrol, Steve	Permanent Secretary – Secretary to the Cabinet	June 11, 2014
69.	Fevrier, Willie	Chairman of a public institution	June 11, 2014
70.	George, Ambrose	Minister of Government	June 11, 2014
71.	George, Margaret	Chairman of a public institution (Past)	June 11, 2014
72.	George, Nicholas	Gazetted Police Officer	June 11, 2014
73.	Graneau, Ashton	Minister of Government	June 11, 2014

74.	Green, Ronald	<i>Member of the House of Assembly (Past)</i>	<i>June 11, 2014</i>
75.	Gregoire, Felix	<i>CTO - Secretary to Cabinet (Past)</i>	<i>June 11, 2014</i>
76.	Guiste, Harold	<i>Chief Fisheries Officer (Ag)</i>	<i>June 11, 2014</i>
77.	Henderson, Edward	<i>CTO – Ministry of Tourism</i>	<i>June 11, 2014</i>
78.	Henry, Edison	<i>General Manager of a public Institution (Past)</i>	<i>June 11, 2014</i>
79.	Isidore, Ronald	<i>Member of House of Assembly</i>	<i>June 11, 2014</i>
80.	James, Edison	<i>Member of House of Assembly</i>	<i>June 11, 2014</i>
81.	Jean-Jacques-Thomas, Janice	<i>Managing Director of a public institution</i>	<i>June 11, 2014</i>
82.	Jno. Charles, Vanoulst	<i>Chairman of a public institution (Past)</i>	<i>June 11, 2014</i>
83.	John, Hector	<i>Member of the House of Assembly</i>	<i>June 11, 2014</i>
84.	Johnson, Dr. David	<i>CTO - Chief Medical Officer</i>	<i>June 11, 2014</i>
85.	Johnson, Julian N	<i>Chairman of a public institution</i>	<i>June 11, 2014</i>
86.	Johnson, Kendall	<i>CTO – Ministry of Public Works</i>	<i>June 11, 2014</i>
87.	Jolly, Aurelius	<i>Chairman of a public institution</i>	<i>June 11, 2014</i>
88.	Joseph, Anthony	<i>Chairman of a public institution</i>	<i>June 11, 2014</i>
89.	Joseph, Rhoda	<i>Manager of a public institution</i>	<i>June 11, 2014</i>
90.	Lambert, Bernandette	<i>Chairman of a public institution</i>	<i>June 11, 2014</i>
91.	Lambert, Edward	<i>Advisor to the Prime Minister</i>	<i>June 11, 2014</i>
92.	Lambert, Eleanor	<i>Chairman of a public institution</i>	<i>June 11, 2014</i>
93.	Laudat, Michael	<i>Gazetted Police Officer</i>	<i>June 11, 2014</i>
94.	Leblanc, Matthew	<i>CTO - Labour Commissioner</i>	<i>June 11, 2014</i>
95.	Lestrade Marcus	<i>CTO - Director of Surveys</i>	<i>June 11, 2014</i>
96.	Letang, Davis	<i>Permanent Secretary</i>	<i>June 11, 2014</i>
97.	Lugay, Daniel	<i>Member of the House of Assembly</i>	<i>June 11, 2014</i>
98.	Magloire-Akpa, Sonia	<i>CTO - Director, Political Affairs</i>	<i>June 11, 2014</i>
99.	Martin, Sam	<i>Member of the House of Assembly</i>	<i>June 11, 2014</i>
100.	McIntyre, Colin	<i>Minister of Government</i>	<i>June 11, 2014</i>
101.	Monell, Al	<i>CTO - Director, Financial Services Unit</i>	<i>June 11, 2014</i>
102.	Moses, Paul	<i>Chairman of a public institution</i>	<i>June 11, 2014</i>
103.	Nassief, Yvor	<i>Chairman of a public institution (Past)</i>	<i>June 11, 2014</i>
104.	Peter, Levi	<i>Member of the House of Assembly</i>	<i>June 11, 2014</i>
105.	Pierre, Nelson	<i>Chairman of a public institution</i>	<i>June 11, 2014</i>
106.	Piper, Colin	<i>Managing Director of a public institution</i>	<i>June 11, 2014</i>
107.	Powell, Marcella	<i>Permanent Secretary (Ag)</i>	<i>June 11, 2014</i>
108.	Prevost, Careen	<i>Permanent Secretary</i>	<i>June 11, 2014</i>
109.	Prevost, Norris	<i>Member of the House of Assembly</i>	<i>June 11, 2014</i>
110.	Raymond, Vernanda	<i>CTO - Clerk House of Assembly</i>	<i>June 11, 2014</i>
111.	Rolle, Kelvin	<i>CTO - Chief Physical Planner Ag,</i>	<i>June 11, 2014</i>

112.	Royer, Bentley	<i>Member of the House of Assembly</i>	<i>June 11, 2014</i>
113.	Royer, Helen	<i>Permanent Secretary</i>	<i>June 11, 2014</i>
114.	Scotland, Anthony	<i>General Manager of a public institution</i>	<i>June 11, 2014</i>
115.	Shillingford, Dorian	<i>Chairman of a public institution</i>	<i>June 11, 2014</i>
116.	Skerrit, Roosevelt	<i>Minister of Government - Prime Minister</i>	<i>June 11, 2014</i>
117.	Southwell, Dermott	<i>Chairman of a public institution</i>	<i>June 11, 2014</i>
118.	Stephenson, Ivor	<i>Parliamentary Secretary</i>	<i>June 11, 2014</i>
119.	Sylvester, Ambrose	<i>Chairman of a public institution</i>	<i>June 11, 2014</i>
120.	Thomas, Esther	<i>Permanent Secretary</i>	<i>June 11, 2014</i>
121.	Thomas, Gregoire	<i>General Manager of a public institution</i>	<i>June 11, 2014</i>
122.	Timothy, Julius	<i>Minister of Government</i>	<i>June 11, 2014</i>
123.	Walter, Matthew	<i>Minister of Government</i>	<i>June 11, 2014</i>
124.	Williams, Cuffy	<i>Gazetted Police Officer</i>	<i>June 11, 2014</i>
125.	Williams, Merina	<i>CTO - Chief Elections Officer (Past)</i>	<i>June 11, 2014</i>
126.	Winston, Curtiss	<i>Chairman of a public institution</i>	<i>June 11, 2014</i>
127.	Dailey, Julius	<i>General Manager of a public institution (Past)</i>	<i>July 3, 2014</i>
128.	Sanford, Claudius	<i>Member of the House of Assembly</i>	<i>July 3, 2014</i>
129.	Burnett-Biscombe, Anthony	<i>Chairman of a public institution</i>	<i>July 24, 2014</i>
130.	Dublin, Damian	<i>Chairman of a public institution</i>	<i>July 24, 2014</i>
131.	Shillingford Juliette	<i>Chairman of a public institution</i>	<i>July 24, 2014</i>
132.	Thomas, Felix	<i>Chairman of a public institution</i>	<i>July 24, 2014</i>
133.	Birmingham, Marvlyn	<i>Chairman of a public institution</i>	<i>August 12, 2014</i>
134.	Boyd-Knights, Alix	<i>Speaker of the House of Assembly</i>	<i>August 12, 2014</i>
135.	Burton, Gerald	<i>Chairman of a public institution</i>	<i>August 12, 2014</i>
136.	Prevost, Joan	<i>Chairman of a public institution</i>	<i>August 12, 2014</i>

**Appendix 10: Progress Reports submitted to the Commission
by the Chief of Police**

**Copy of the First Progress Report dated July 25, 2013 as submitted by the
Investigating Officer to the Chief of Police**

To: Chief of Police

SUBJECT: PROGRESS REPORT

Sir,

With reference to a letter dated December 17th 2012 from Mr. Lennox Lawrence, attorney acting on behalf of the Honourable Prime Minister, you assigned me to carry out investigations into:

- *The unauthorised disclosure of confidential information of the Integrity Commission, pertaining to the disclosure of the Honourable Prime Minister for the financial year 2009 by Mr Lennox Linton on his weekly radio programme "**BETWEEN YOU AND ME**" which was aired on December 17th 2012 .*
- *The unauthorised leak and disclosure of the business and proceedings of the Integrity Commission of a meeting which was held on December 12th and 13th 2013 by Mr. Lennox Linton on his weekly radio programme "**BETWEEN YOU AND ME**" which was aired on December 17th 2012.*

In essence, Mr. Lawrence in his letter stated that the information revealed by Mr. Lennox Linton originated from an Officer or Member of the Integrity Commission contrary to section 20 and 21 of Act #6 of 2003 of the Integrity in Public Office. The section quoted refers to

Secrecy, confidentiality and Information not to be communicated to unauthorised persons. Mr Linton not being a member of the Commission or its staff is an unauthorised person.

On the 16th January 2013, I applied for and obtained a Search Warrant to search the home of Mr. Lennox Linton at Morne Daniel. That same day along with members of the Criminal investigation Department which I headed at the time, carried out a search at Mr. Linton's home. During the search he was very cordial and he handed over to me:

- An email with the subject *"ABSOLUTELY AND COMPLETELY SECRET AND CONFIDENTIAL"* dated August 25th 2011 purporting to come from one Anthony Astaphan at the email address astaphana@gmail.com to one Cyril Volney at email address Volney0@gmail.com with a PDF attachment under the name **RE IC EXCHANGE OF CORRESPONDENCE RE HOUSE AT VC.PDF**. Mr Astaphan is not an authorised person according to the act.

The above stated document was already handed over to me at the start of my investigations. It originated from the Integrity Commission with an attached letter dated January 11th 2013

The first of the two letters contained in that email was a letter from the Commission to the Honourable Prime Minister dated June 28th 2010 which requested information/explanation and further particulars of his financial affairs. The second was a letter from the Prime Minister dated 13th August 2010 in response to the Commission's request of June 28th 2010.

Nothing liable of seizure that could advance my investigation was found at the home of Mr Linton or elsewhere.

I also rerecorded statements from the majority of the Commission members and staff and from the Honourable Prime Minister. The statement that i have recorded so far and the interviews i have conducted, does not implicate anyone in the breaches of section 20 and 21 of Act # 6 of 2003.

During my investigations I confirmed that the Gmail address in the name of Mr. Anthony Astaphan is indeed authentic however the one in the name of Mr. Cyril Volney is suspicious and it appears that the information originating from Mr. Astaphan Gmail address was being sent to the "Cyril Volney" address unknowing to the sender. I believe that the Volney account was created by someone who is well versed in computer technology, whose intention was to commit mischief and to deceive and obtain confidential information from Mr. Astaphan. I am pursuing a suspect in this case.

Following the search at Mr. Linton's house, I also interviewed and recorded a statement from him at Police Head Quarters. During the interview, he pointed out to me that the letter from the Prime Ministers to the Commission was stamped "COPY" and the letter from the Commission to him was not stamped.

This investigation is still very active. However, in order to come to a conclusion, I need to interview Mr. Anthony Astaphan who lives out of State and visits unannounced for short periods of time. The entire investigation hinges on him and the other individual to whom he was sending these emails. That individual also lives out of State.

It is premature at this stage, to make any recommendations or to come to any conclusion with regards to the ongoing investigations unless the recipient and sender of the confidential emails are interviewed.

Copy of the Second Progress Report dated July 25, 2013 as submitted by the Investigating Officer to the Chief of Police

SUBJECT: INTEGRITY IN PUBLIC OFFICE ACT2003,#.6 OF 2003: RE REQUEST FOR ASSISTANCE UNDER SECTION 53

Sir,

Reference to a correspondence from the Integrity Commission requesting a follow up to an investigation that that I am conducting into two alleged unauthorized breaches of the Integrity in Public Office Act #6 of 2003. I am here by submitting this report for your information.

On the 25th of July 2013 I submitted to your office a progress report in which I stated the difficulty I was encountering in obtaining a witness statement from Mr. Anthony Astaphan who lives out of state, from whom an email address **astaphana@gmail.com**. Subject: "ABSOLUTELY AND COMPLETELY SECRET AND CONFIDENTIAL" was sent to a Cyril Volney at email address **volney0@gmail.com**. That email contained a Pdf attachment with the confidential information obtained from the declaration of the Honorable Prime Minister's 2009 declaration to the Integrity Commission.

On the 24th of January 2014 I recorded a statement from Mr. Astaphan regarding that email and any other information that he may have regarding my investigations. Based on what he told me and I later verified with the Honorable Prime Minister, I am convinced that Mr. Astaphan had the blessings of the Prime Minister to send an email to Mr. Cyril Volney which contained information from his 2009 declaration. Mr. Astaphan was privy to the Prime Ministers declaration to the Commission while advising him on various matters. Any information from

Mr. Astaphan to the email address purporting to be that of Mr. Cyril Volney was unintentional and unfortunate.

I am still of the view that Mr. Astaphan was tricked into sending emails to someone purporting to be Mr. Cyril Volney whom he considers to be his friend. It appears that an email address was created by an individual who is well versed in computer technology as I stated in my first report. The purpose for creating that fictitious email address was to deceive and to receive confidential information from Mr. Astaphan. I am still in pursuit of that individual whom I know to be Dominican and lives in Trinidad and Tobago.

Regarding the unauthorized leak of the outcome of a meeting of the Commission, of December 12th and 13th 2012, I have recorded statements from members and senior staff of the Commission. None of the members or senior staff seems to have knowledge of the apparent leak. I am of a different view. I firmly believe that the breach originated from member/members or maybe staff for obvious reasons. I think it would be premature at this stage to make any recommendations with respect to the investigation, however taking into consideration the responsibilities and functions that is expected of every member of that esteemed body, good conscience should have caused members to make the honorable decision and resign immediately after the public broadcast of the outcome of their meeting which was supposed to be private and confidential according to the oaths taken by every member upon taking up office. The broadcast of that confidential information was on the 17th of December 2012, a mere three days after that meeting was held with all the members save for Mr. Davidson Bruney who is injuncted from sitting at meetings where matters involving members of cabinet are being discussed.

With the diverse views of the members, I form the opinion that this distinguished body of gentlemen is not working in tandem especially when it comes to matters of a political nature and matters having to do with members of Cabinet. It will not be too long before reports of a similar nature appear again for investigations.

This investigation is still very active. I cannot come to a conclusion or make any further recommendations before the suspect in Trinidad and Tobago is

questioned thoroughly. It must be understood that senior public servants and persons in public life entrust the Commission with their confidential information and that trust should never be betrayed or compromised.

I am therefore forwarding this report for your information and directives.



INTEGRITY COMMISSION

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Document	<i>Press Statement for immediate release</i>
Attention	<i>All media houses</i>
Authorized by	<i>Integrity Commission of Dominica through the Secretary</i>
Date	<i>February 20, 2014</i>

The Integrity Commission of Montserrat understudies the Integrity Commission of Dominica

Chairman James A. Hixon and Commissioner Rev. Beatrice Ruth Allen from the Integrity Commission of Montserrat are on a one-week visit to the Integrity Commission of Dominica from 16th to the 22nd of February, 2014. The purpose of the visit is to gain a detailed understanding of the law and the procedures that the Commission of Dominica has put in place in order to implement the provisions of the integrity legislation. The programme of activities for the visiting Commissioners include: meetings with the Chairman, the entire Commission and the staff of the Commission's secretariat. Working sessions were held with the Rules, Finance & Administration and the Information & Public Relations Committees of the Commission. The Integrity in Public Office Act 2010 of Montserrat contains a number of provisions which are similar to those of the Integrity in Public Office Act 2003 of Dominica. The Montserrat IPO Act was passed in 2010 and entered into force on April 12, 2010.

Commissioners Hixon and Allen have also held discussions with the Minister for Legal Affairs, the Attorney General and the Director of Public Prosecutions. The visiting Commissioners met with the President His Excellency Charles Savarin on Thursday morning.

In his words of welcome to the visiting Commissioners, Chairman of the Dominica Commission, Mr. Julian Johnson expressed satisfaction that the Dominica Commission had conducted business in a manner that established 'best practice' in the field of integrity governance in the sub-region. The Commission was grateful to have employed practices and established procedures that could be emulated by similar organizations. Chairman James Hixon thanked the Commission for hosting him and his colleague and promised that the week would be fruitful and productive.

(Signed) Helen E. Ambo
SECRETARY

Ref. IC.530-02

Appendix 12: Report of Meeting held between the Commission and the Minister for Legal Affairs

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REPORT OF MEETING OF THE INTEGRITY COMMISSION WITH THE MINISTER FOR LEGAL AFFAIRS HELD ON FRIDAY, JULY 04, 2014 AT THE CONFERENCE ROOM OF THE MINISTRY OF HEALTH

The meeting commenced at 10.15 a.m.

Present

Integrity Commission

Mr. Julian Johnson - Chairman
Mr. Alick Lazare - Member
Mr. Gerald Smith - Member
Ms. Indira St Jean - Member
Ms. Helen Ambo - Secretary (Integrity Commission)

Ministry of Legal Affairs

Hon. Ian Douglas - Minister
Hon. Levi Peter - Attorney General
Mr. Stephenson Hyacinth - Permanent Sec'ty

I. Introduction

Hon. Douglas welcomed all to the meeting and invited the Commission to make its presentation.

The Chairman of the Commission introduced the members of the Commission and apologized for those absent.

II. Matters raised by the Commission

(i) **The use of the Conference Room on the first floor of the Commissions' Building**
Citing page 81 of the Fifth Annual Report of the Integrity Commission the Chairman of the Commission stated that the Integrity Commission was facilitated in the performance of its statutory functions since its establishment because the Minister for Finance had complied promptly with section 52 of the Integrity in Public Office Act, 2003 and approved the expenses of the Commission and the Minister referred to in sections 2, 48 and 59 of the Act had provided adequate office facilities at the inception in 2008. With the relocation to the new premises on Cross Street, the situation regarding facilities had changed as regards the Conference Room for holding of meetings of the Commission. The Commission had changed its regular meeting day and delayed its move to the new office to facilitate the putting into place of proper arrangements for the shared use of this facility. However, access to the Conference room at the new premises had been denied by the Public Service Commission, the other user of the first floor, to the extent that there had been a brawl between the Secretary of the Integrity Commission and the Secretariat of the Public/Police Services Commission. In seeking his intervention, on 14th April, 2014 the Commission had written to Minister Douglas who has the responsibility to Parliament for these administrative matters, but there has been no response to that letter or information on any action he had taken to resolve the impasse.

The Chairman added that to date, the Commission has had to convene its meetings at the Fort Young Hotel and the Evergreen Hotel at additional cost to the public purse. If it is the wish of the Executive that this matter remains unresolved and that these arrangements should prevail, then the Commission should be informed accordingly so that appropriate budget arrangements may be made.

(ii) Amendments to the First Schedule to the Act

The Chairman of the Commission stated that this concern had been raised by the Commission in 2008 upon the beginning of operations. The Commission had pointed out, *inter alia*, that the office 'Chief Technical Officer' listed in the First Schedule and section 2 was ambiguous. It was not right that such an important office should be left to the construction and interpretation of the Commission. The Commission had repeated the request for amendment to the First Schedule in all its Annual Reports. The current Attorney General, then an Attorney in private practice representing a public officer, had challenged (letter dated April 26, 2010) the Commission on its determination that a Senior Administrative Officer was a person in public life within the meaning of "Chief Technical Officer". The Schedule amendments that the Commission was proposing did not require the prior approval of Parliament. It was a duty falling to be performed by the Minister under section 59 of the Act, 2003, subject to negative resolution.

The Chairman added that the matter required the urgent attention of the Minister. The 5th Annual Report of the Commission reported on communication between the Commission and the Director of Audit regarding its determination that his office was that of a person in public life. To arrive at that decision, the Commission had sought legal advice both internally and from its retained Counsel, and to refer to the definition of 'chief technical officer' in section 2 of the Act along with section 86 of the Constitution and the definition of 'head of department' in the Public Service Act 1991.

III. Response (Minister for Legal Affairs)

In responding to the two issues raised by the Chairman, Minister Douglas stated as follows:

Re (i): The use of the Conference room is an administrative matter that would be discussed with the Chief Personnel Officer (CPO) and the Secretary to the Cabinet (Sec/Cab). The Permanent Secretary had already discussed it with the CPO.

Re (ii): A Cabinet Paper had been prepared and discussed by the Cabinet regarding the amendments to the First Schedule to the Act. In discussions there were varying views within the Cabinet regarding the posts to be removed or added to the list of persons in public life. The Cabinet paper needs to be reviewed and returned for the consideration of Cabinet.

VI. Expected Outcomes

As a result of this meeting, the following outcomes may be expected:

- I. The Permanent Secretary of Legal Affairs will meet with the Ms Irma Edwards (CPO) and Mr.

Steve Ferrol (Sec/Cab) to finalize the matter of the Commission's use of the Conference room;
and

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2. *The Ministry – Legal Affairs will redraft the cabinet paper on amendments to the First Schedule to the Act and resubmit it for the consideration of Cabinet.*

Confirmed this day of , 2014.