



*The Integrity Commission
of the
Commonwealth of
Dominica*

Fifth Annual Report

***Year ended
August 31, 2013***

Table of Contents

1 – 2	Chairman's letter of Transmittal
3	Introduction Prayer Vision Mission
4	I. Statutory Authority 1. Integrity in Public Office Act, 2003 2. Integrity in Public Office (Commencement) Order 2008 3. Purpose and Reasons of the Act 4. The Integrity Commission (Inquiries) Rules, 2012 5. Purpose of the Rules
5 – 9	II. The Integrity Commission 1. Constitution of the Commission 2. Current members 3. Functions 4. Meetings of the Commission 5. Committees 6. Committee meetings
10 – 26	III. Activities and Decisions 1. Activities 2. Persons in public life a. List of persons in public life b. Meaning of 'Chief Technical Officer' c. Maintenance of the list of persons in public life 3. Financial disclosure a. Receipt of financial declarations b. Examination of financial declarations c. Publication of the list of persons certified for the calendar year 2011 4. Amendments to the Act and Treaty Obligations of Government 5. Gifts 6. Complaint of breach of the Code of Conduct

	<ul style="list-style-type: none"> a. The Section 33 Inquiry b. The Hearing of January 7, 2013 – Issues raised in letter of December 10, 2012 c. Judicial review of the Commission’s decision to conduct section 33 Inquiry
	7. Challenge to membership on the Commission
	8. Disclosure of the confidential proceedings of the Commission and publication of Information relating to a declaration made by a person in public life
	9. Rules of Procedure of the Commission <ul style="list-style-type: none"> a. Integrity Commission Rules of Procedure, 2011 b. Manual of Procedure
	10. Commonwealth Very Small States Conference in London
27 – 32	IV. Administration and Operations <ul style="list-style-type: none"> 1. Staff of the Commission 2. Budget 3. Training 4. Proposed audit review of the Commission 5. Annual report for year ended August 31, 2012 6. Website 7. Library 8. Regional developments and networking 9. United Nations Convention Against Corruption: follow up mechanism
33	Acknowledgements
34	Signatures
35 – 89	Appendices

Chairman's letter of Transmittal

December 30, 2013

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

Dear Sir,

ANNUAL REPORT OF THE COMMISSION TO PARLIAMENT

I submit to you the report of the activities of the Commission for the year ended August 31, 2013 to be tabled in the House of Assembly in accordance with section 48 of the Integrity in Public Office Act 2003, No. 6 of 2003.

Over the past four years the Commission has made several recommendations for amendments to the Act and the First Schedule thereto and for strengthening its staffing and organisation for the efficient discharge of the prescribed functions under the Act. These recommendations are detailed in the 2009, 2010, 2011 and 2012 Annual Reports to Parliament. No action has been taken by the Executive to place before the Parliament any amendments to the Integrity in Public Office Act, 2003. Repeated requests for discussion/dialogue on these and related matters have not been given due attention.

It is with the greatest diffidence and reluctance that I again urge the Government of Dominica to give due consideration to these recommendations from the Commission and to the issues and concerns raised by me in the Chairman's Letter of Transmittal to the Minister in these Reports.

I attach herewith a copy of the paper entitled ***“Oversight Bodies – Implementation of Integrity Legislation in Very Small Caribbean States”*** which I presented at the **Public Administration in Very Small States Conference, Marlborough House, London, on April 23-24, 2013**, organised by the Commonwealth Secretariat. The paper includes information on the implementation of anti-corruption legislation in OECS Member States, a review of the factors influencing the performance of the Integrity Commission of Dominica and further recommendations for improving integrity governance.

It is my earnest hope that the Government of Dominica will accede to this final appeal for consultation on the deficiencies in the existing legislation and for changes in the anti-corruption regime in order to deal comprehensively with probity, integrity and accountability in public life in the Commonwealth of Dominica.

Yours Very Sincerely,

Julian N Johnson
CHAIRMAN

INTRODUCTION

Integrity

Commission

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. THE INTEGRITY IN PUBLIC OFFICE ACT, 2003

The Integrity Commission derives its authority from the Integrity in Public Office Act 2003, No. 6 of 2003. It began operations on the second day of September 2008.

2. INTEGRITY IN PUBLIC OFFICE (COMMENCEMENT) ORDER 2008

The Act was enacted on the 28th April, 2003 and gazetted on the 5th June 2003. Section 1(2) provides that the Act shall come into operation on such day as the President may by Order published in the Gazette appoint. The President made the Integrity in Public Office (Commencement) Order 2008, SRO No. 24 of 2008 appointing September 1, 2008 as the day the Act shall come into operation. This Order was published in the Gazette on the 14th day of August, 2008.

3. PURPOSE AND REASONS FOR THE ACT

The purpose and reasons for the Act as set out in the long title are to provide for the establishment of an Integrity Commission for the purpose of receiving declarations on the financial affairs of persons holding specific positions in public life, for the purpose of establishing probity, integrity and accountability in public life and for related matters.

4. THE INTEGRITY COMMISSION (INQUIRIES) RULES, 2012

Under section 58 of the Act, the Integrity Commission (Inquiries) Rules 2012, SRO No. 21 of 2012 were made by the Commission on June 7, 2012 and gazetted on July 12, 2012.

5. PURPOSE OF THE RULES

Section 58 authorizes the Commission to make rules of procedure for the conduct of its business. These Rules set out the procedures to be followed by the Commission in conducting inquiries under the Act. The Commission is authorized to conduct inquiries under sections 9, 23, 33, 35(4) and 47(2) of the Act.

II. THE INTEGRITY COMMISSION

1. CONSTITUTION OF THE COMMISSION

The Commission comprises a Chairman and six other members appointed by the President in accordance with section 4 of the Act for a term of three years. The Chairman, who shall be a former Judge or attorney-at-law of fifteen years standing at the Bar or a former Chief Magistrate, is appointed on the advice of the Prime Minister after consultation with the Leader of the Opposition. Four members, who shall be persons of high public standing and reputation for personal integrity, are also appointed - two on the advice of the Prime Minister and two on the advice of the Leader of the Opposition. A chartered or certified accountant is appointed on the recommendation of the Institute of Chartered Accountants of Dominica or like body however described, and an attorney-at-law is appointed on the recommendation of the Dominica Bar Association.

2. CURRENT MEMBERS

At the date of this report, the members of the Commission were:

Chairman:	Julian N. Johnson
Members:	Alick Lazare
	Vanoulst Jno. Charles
	Davidson Bruney
	Anthony P. La Ronde
	Gerald Smith
	Henry Dyer

The Chairman was reappointed on the advice of the Prime Minister after consultation with the Leader of the Opposition in accordance with section 4(1)(a) of the Act to a second term of office, effective September 2, 2011. Commissioners Lazare and Jno. Charles were appointed on the advice of the Prime Minister in accordance with section 4(1)(b) of the Act. Commissioner Lazare was reappointed effective September 2, 2011;

Commissioner Jno. Charles' appointment was effective June 20, 2012. Commissioners Bruney and La Ronde were appointed on the advice of the Leader of the Opposition in accordance with section 4(1)(c) of the Act with effect from April 7, 2011 and July 4, 2011 respectively. Commissioner Smith was reappointed on the recommendation of the Institute of Chartered Accountants of Dominica in accordance with section 4(1)(d) effective September 2, 2011. Commissioner Dyer was appointed on the recommendation of the Dominica Bar Association in accordance with section 4(1)(e) of the Act, with effect from April 11, 2011.

Profiles of the Commissioners are at Appendix 1.

3. FUNCTIONS

The functions of the Commission are specified in section 9 of the Act 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."*

4. MEETINGS OF THE COMMISSION

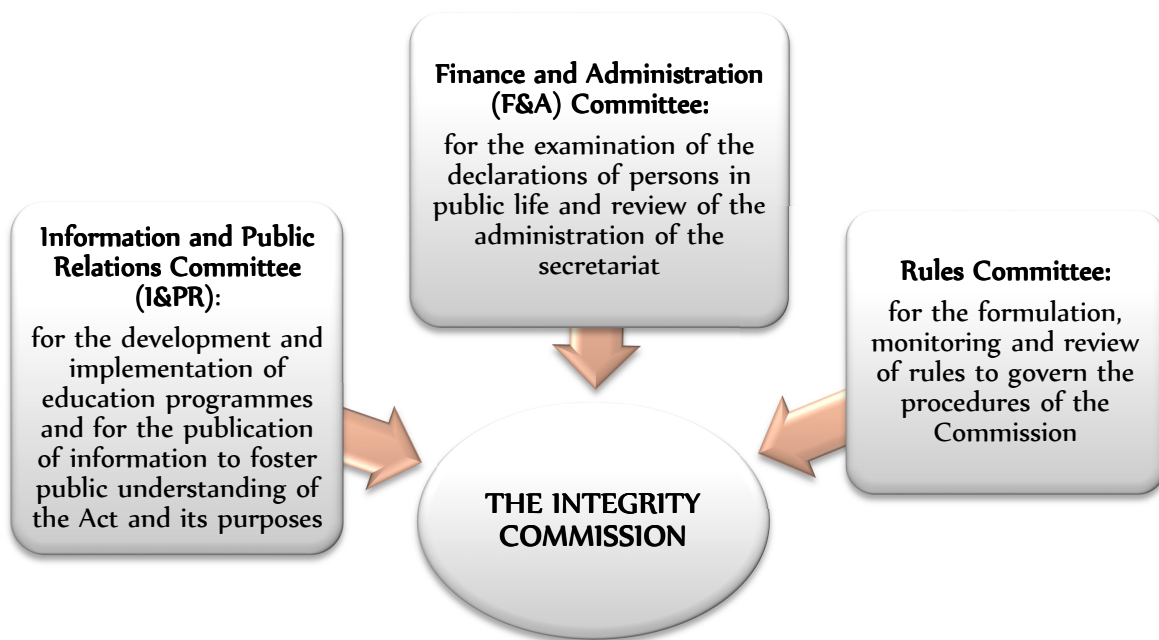
A total of thirty-three (33) meetings were held for the year under review. The attendance of Commissioners at these meetings is shown in Table 1.

Commissioners	Total No. of meetings	No. of meetings attended	No. absent and excused	Reasons for absence
Julian N. Johnson	33	33	-	-
Alick A. Lazare	33	33	-	-
Vanoult Jno. Charles	33	31	2	Out of state; personal
Anthony P. La Ronde	33	31	2	Out of state;
Davidson Bruney	33	31	2	Personal
Gerald Smith	33	31	2	Out of state; personal
Henry G. Dyer	33	31	2	Out of state; personal

Table 1: Attendance at meetings of the Commission 2012/2013

5. COMMITTEES

At the beginning of the year of operations, the Commission reconstituted its working committees as follows: Information & Public Relations Committee; Finance & Administration Committee and Rules Committee.



Finance and Administration	Information and Public Relations	Rules
<ul style="list-style-type: none"> ✦ Chairman: Gerald Smith ✦ Davidson Bruney ✦ Alick Lazare ✦ Vanoulst Jno. Charles ✦ Anthony P. La Ronde 	<ul style="list-style-type: none"> ✦ Chairman: Vanoulst Jno. Charles ✦ Henry Dyer ✦ Davidson Bruney 	<ul style="list-style-type: none"> ✦ Chairman: Anthony P. La Ronde ✦ Julian N. Johnson ✦ Henry Dyer ✦ Gerald Smith

Membership on the three committees for the year was:

Table 2: Membership of Committees of the Commission

6. COMMITTEE MEETINGS

The three committees met as required to ensure the fulfillment of the Commission's statutory mandate. The meetings held by the committees and the record of the attendance of members at those meetings is presented in Table 3.

Committees	Meetings convened	Attendance at the meetings
F&A	23	Gerald Smith.....22 Anthony P. La Ronde.....20 Davidson Bruney21 Alick Lazare.....22 Vanoulst Jno. Charles*15 <i>* Based on the date of his appointment to the F&A Committee, only seventeen (17) meetings apply to Commissioner Jno. Charles</i>
I&PR	7	Vanoulst Jno. Charles.....7 Henry Dyer.....4 Davidson Bruney.....3
Rules	2	Anthony P. La Ronde.....2 Julian N. Johnson.....2 Henry Dyer.....2 Gerald Smith.....2

Table 3: Attendance of members on the various Committees of the Commission

III. ACTIVITIES AND DECISIONS

1. ACTIVITIES

The activities of the Commission for the year were aimed at the effective performance of its functions and are detailed as follows:

- 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;
- 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.

2. PERSONS IN PUBLIC LIFE

a. List of persons in public life

The Act provides for two broad categories of ‘persons in public life’:

“(a) a person holding any office or position set out in Part I of the First Schedule to this Act; or

(b) a person acting continuously for a period of not less than six months in any office set out in Part II of the First Schedule to this Act.”

Part II of the First Schedule contains a list of seven (7) senior public and police offices.

For the year under review, twenty-three (23) names were removed from the list as those persons had demitted office in 2009. Fifteen (15) new persons were added to the list bringing the total number of persons required to file declarations for the calendar year ending December 31, 2012, to one hundred and fifty-five (155). The full list of all persons in public life is contained in Appendix 2.

b. Meaning of ‘Chief Technical Officer’

The Commission, in previous reports, has persistently brought to the notice of the Executive and of Parliament its concerns on the definition of ‘Chief Technical Officer’ in section 2 of the Act. During the year, the Chief Elections Officer sought the Commission’s determination on the application of the Act as it relates to his office being designated ‘Chief Technical Officer’. His office was construed by the Commission to be such an office in 2009. The office of Chief Elections Officer is established by the Constitution. The appointment to the office of Chief Elections Officer is governed by section 87(1) of the Constitution.

Section 2(1) of the Act defines ‘**Chief Technical Officer**’ to include *‘the Chief Physical Planner and any Director or head of department or deputy head of*

department however described in a Government Ministry or Department’. There is no definition of ‘**Director**’, **head of department**’ or ‘**deputy head of department**’ in the Act nor is there any such definition in the Interpretation and General Clauses Act, Chap. 2, Laws of Dominica, 1990 Revised Edition. However, ‘**head of department**’ is defined in section 2 of the Public Service Act, 1991, No. 27 of 1991 as: ‘*a person appointed under section 86 of the Constitution, who is a Permanent Secretary or any of the following officers, that is to say, the Secretary to the Cabinet, Chief Personnel Officer, Financial Secretary, Development Coordinator, Director of Audit and Chief Elections Officer*’.

In deciding on the Chief Elections Officer’s request, the Commission also sought independent legal advice on the question: ‘*whether the constitutional posts of Director of Public Prosecutions, Director of Audit and Chief Elections Officer are offices respecting persons in public life within the meaning of section 2 of the Integrity in Public Office Act 2003*.’

After careful consideration of the matter, the Commission decided that the offices of Chief Elections Officer and Director of Audit were offices of persons in public life within the meaning of ‘Chief Technical Officer’ in section 2 of the Act and both officers were informed accordingly by letters dated February 18, 2013. The Chief Elections Officer filed his declaration by the deadline set by the Act.

By letter dated February 20, 2013, the Director of Audit indicated that he would not file a declaration for the following reasons:

- *‘It is very much evident that your letter makes little sense to the Office of the Director of Audit.*
- *It seems to me that the Commission does not fully understand the independent nature of the Office of Director of Audit as mandated by Section 83 of the Constitution of the Commonwealth of Dominica;*
- *The Constitution at Section 83(2) has provided audit oversight to the Office of Director of Audit over all Authority of the State which include the Integrity Commission; therefore, the Commission as an Authority of the State created by an Act of Parliament, cannot take on its own any*

oversight function over that Creature of the Constitution – The Director of Audit.

- *Section 18(3) of the Audit Act No. 5 of 1994 clearly states that no public officer or public corporation is to have oversight over the Office of the Director of Audit such provision can be extended to the Integrity Commission a creature created by an Act of Parliament.'*

By letter dated 6th March 2013, the Commission replied to the Director of Audit as follows:

1. *'It is difficult to understand what in the Integrity Commission's letter of February 18th 2013 provides "very much evidence [of] little sense" to the Office of the Director of Audit. The letter from the Commission simply and unambiguously informs you that the office of the Director of Audit has been construed to be an office of a person in public life within the meaning of the First Schedule and section 2 of the Integrity in Public Office Act, 2003 read along with section 2 of the Public Service Act, 1991.*
2. *The Commission is fully aware and understands the provisions of the Constitution including section 83 which establishes the office of the Director of Audit.*
3. *The Commission does not seek and cannot lawfully "take on its own any oversight function over the Creature of the Constitution – The Director of Audit" or any other office established by the Constitution or any other law. It seeks only to understand and apply the provisions of the Act respecting the offices of persons in public life. Nothing more.*
4. *Initially the Commission was of the view that the office of the Director of Audit was not an office of a person in public life [see pg. 14 of the Second Annual Report 2010]. However, on the request of a person in public life the Commission was required to review its position on the offices of independent functionaries under the Constitution including the Director of Audit and in that process further examined and construed the provisions of the First Schedule and section 2 of the Act and other applicable laws including section 2 of the Public Service Act 1991. At the conclusion of this review the Commission decided that the office of Director of Audit, among other independent public offices, is an office of*

a person in public life and communicated this decision to you by letter dated 18th February, 2013.

- 5. The Commission can find no provisions in section 18(3) of the Audit Act, 1994, No. 5 of 1994, which “clearly states that no public officer or public corporation is to have oversight over the office of Director of Audit”.*
- 6. The Commission regrets that you have decided not to accede to its request to file a declaration in Form 2 of the Third Schedule as required by section 14 of the Act and urges you to comply with the law and file the said declaration in Form 2 by the 31st of March 2013 as required by section 16 of the Act.*

Please be assured that the Commission will consider any further responses from you in this matter.’

There was no further response from the Director of Audit. The fact that the Director of Audit failed to file in accordance with the Act was published in the Official Gazette of May 09, 2013, and a report of that fact was sent to the Director of Public Prosecutions for further action in accordance with section 22 of the Act.

c. Maintenance of the list of persons in public life

The maintenance of an up-to-date, accurate list of persons in public life is fundamental to the performance of the section 9 functions of the Commission. On the establishment of the Commission in 2008, the Chief Personnel Officer and the Secretary to the Cabinet were helpful in providing information for the compilation of the list of all persons whose offices were those of persons in public life.

To ensure that the list remains current, the Official Gazette is consulted with regard to appointments to the higher public service and statutory boards. Permanent Secretaries are also asked to indicate the current holders of offices and the dates when such offices were demitted. The Commission receives and acts on information provided by the Permanent Secretaries and the Secretary to the Public and Police Service Commissions. In one instance this

year, the information provided contained inaccuracies and as a result, one person was regrettably gazetted for not filing when he was no longer a person in public life.

In the Official Gazette of August 22, 2013, the Commission published an apology to Mr. Anthony LeBlanc, Chairman of the Board of Engineering (past) who had been gazetted on May 9, 2013 for failing to file a declaration by April 02, 2013. This notice of apology is contained at Appendix 3.

The Commission relies on the cooperation of Permanent Secretaries, the Secretary to the Police and Public Service Commissions and heads of departments for the provision of accurate information and for notification in the Official Gazette of all appointments within the public service. The memorandum dated March 8, 2012 from the Chief Personnel Officer to all heads of departments and Permanent Secretaries sought their cooperation in providing such information.

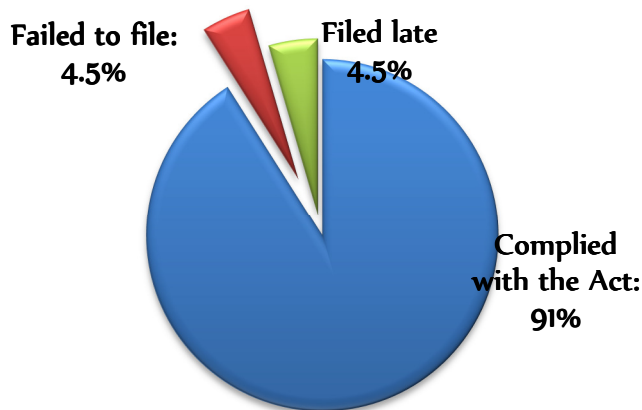
3. FINANCIAL DISCLOSURE

a. Receipt of Financial Declarations

Sections 14 of the Act prescribes that each year every person in public life is 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/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. Section 16 mandates that the declaration must be filed with the Commission within three months after the end of the income, i.e. calendar year.

For the calendar year 2012, one hundred and forty-one persons or 91% of the persons in public life required to file declarations, complied with section 14 of the Act. The diagram below indicates the rate of compliance for 2012.

*Persons in public life –
filing of declarations in
accordance with the Act for
2012*



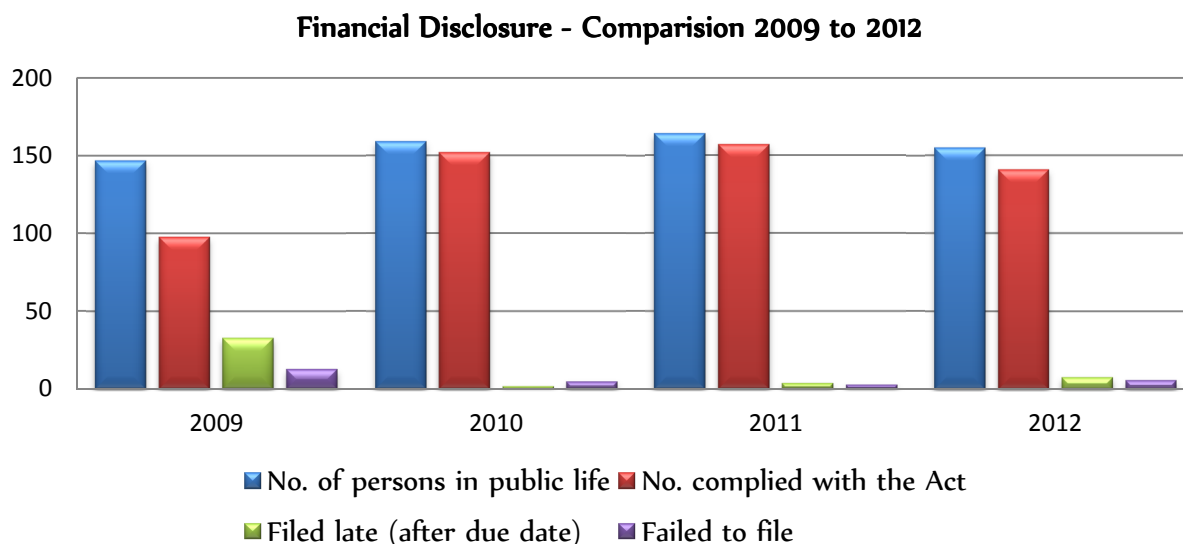
As required by section 22 of the Act, the names of the persons in public life who failed to file in accordance with the Act were published in the Official Gazette of Thursday, May 9, 2013 (Appendix 4). A report of that fact was sent to the Director of Public Prosecutions for further action.

b. Examination of Financial Declarations

Sections 14(3) and 15 of the Act require that the Commission examines every declaration furnished to it and request from declarants any information, explanation or further particulars relevant to the declaration made that would assist its examination.

Pursuant to this, the Commission issued a total of forty (40) queries and conducted interviews with some persons in public life during the year. All but two of the queries were satisfactorily responded to by the declarants.

The following graph indicates the rate of compliance by persons in public life over the period 2009 to 2012.



c. Publication of the list of persons certified for the calendar year 2011

During the year, the Commission completed its examination of financial declarations made for calendar year 2011, and one hundred and fifty-nine persons (159) in public life were certified in accordance with section 14(4) of the Act. The list of those persons certified for 2011 was published in the Official Gazette of November 29, 2012 and is shown at Appendix 5.

4. AMENDMENTS TO THE ACT AND TREATY OBLIGATIONS OF GOVERNMENT

From the commencement of operations in September 2008, the Commission requested that Government amend the Act to remove vagueness and ambiguity and to strengthen its provisions so that the Commission may effectively discharge its functions under the Act. Discussions were held with members of the Executive and recommendations for amendments to the Act and the structure of the Commission and its staff were submitted on a number of occasions. To date no legislative action has been taken.

On the 28th of May 2012, the Government of Dominica acceded to the United Nations Convention Against Corruption (UNCAC). Under Article 5(3) of this

Convention, *'each State Party shall endeavour to periodically evaluate relevant legal instruments and administrative measures with a view to determining their adequacy to prevent and fight corruption'*. Article 65(1) speaks to the implementation of the Convention by member states. It provides: *'Each State Party shall take the necessary measures, including legislative and administrative measures, in accordance with fundamental principles of its domestic law, to ensure the implementation of its obligations under this Convention.'*

By its adhesion to this Convention, the Government of Dominica is therefore required to periodically review the Integrity in Public Office Act, 2003. In any such review, the many recommendations made by the Commission for amendments to the Act and the Schedules would fall to be considered.

5. GIFTS

A person in public life who accepts a gift in the circumstances specified in Part V of the Act is required to make a report of such acceptance in Form 4 of the Third Schedule to the Commission within thirty days of the receipt of the gift. Two (2) persons in public life reported gifts received. The Commission reviewed the reports and decided that the gifts were not intended to be a motive or reward for doing or abstaining from doing anything in the course of the performance of their official functions. The persons in public life were advised that the gifts may be retained.

6. COMPLAINT OF BREACH OF THE CODE OF CONDUCT

a. The Section 33 Inquiry

In its Third and Fourth Annual Reports, the Commission reported extensively on a Code of Conduct complaint made by Mr. Lennox Linton against Prime Minister Roosevelt Skerrett, a person in public life.

In the complaint to the Commission dated November 5th 2010, Mr. Linton alleged that the Prime Minister had breached Rule 1(c) and (e) of the Code of Conduct in the Second Schedule to the Act, and section 47(1) of the Act. By its decision dated July 1, 2011. The Commission ruled:

- i. *the complaint concerning section 47(1) of the Act is rejected since it is outwith the Code of Conduct and not within the Commission's jurisdiction for the reason that section 47(1) is an offence-creating provision that can only be dealt with by the court. It is only where the Director of Public Prosecutions has instituted and successfully undertaken criminal proceedings against a person in public life that he can be said to have been "found to be in possession of property or pecuniary resources" contrary to the section. The system of our jurisprudence when a person is accused of a criminal offence is accusatorial not inquisitorial. And it is the function of a court of competent jurisdiction to find guilt, and not that of the Integrity Commission;*
- ii. *the complaint concerning Rule 1(c) of the Code of Conduct cannot be proceeded with because it is unparticularized, and not supported by the content of the "Evidence Bundle"; and*
- iii. *as regards the complaint that Prime Minister Roosevelt Skerrit as Chairman of the Cabinet used his official influence to secure concessions for a business venture in which he is alleged to have an ownership interest (i.e. Blaircourt Property Development Ltd.) the Commission is of the view that investigation is necessary to ascertain whether Prime Minister Roosevelt Skerrit has committed a breach of the provision of Rule 1(e) of the Code of Conduct and an inquiry shall be held into the matter.'*

In the 2011/2012 operational year, the Commission gave formal Notice of the commencement on March 1, 2012, of an Inquiry into the alleged breach of rule 1(e) of the Code of Conduct. The Commission also developed a procedural plan, appointed a management team for the conduct of the Inquiry and made the *Integrity Commission (Inquiries) Rules, 2012* which was published in the Official Gazette on July 12, 2012.

The Notice of Proceedings (Appendix 6) pursuant to section 33(3) of the Act and Rule 9 of the Integrity Commission (Inquiries) Rules 2012, SRO No. 21 of 2012 was communicated to both parties to the Inquiry on November 30, 2012. The opening hearing of the Inquiry was scheduled for December 17, 2012 at 9:00 a.m. at the Public Service Training Centre.

On December 10, 2012, attorneys for Prime Minister, Roosevelt Skerit wrote to the Commission to request that the proposed hearing should be cancelled because it was unlawful on the grounds of: want of jurisdiction, procedural fairness and bias and predetermination by the Commission, and requested that the Commission should hear the Prime Minister through his attorneys on this matter.

After considering the request, on the 14th December 2012, the Commission decided to postpone the December 17, 2012 commencement of the hearing and to convene a meeting on January 7, 2013 with the parties to deal solely with the issues raised by the attorneys of the Prime Minister in the letter of December 10, 2012.

Legal Proceedings were instituted and on December 19, 2012, the Commission was served In the matter of an application for leave to apply for Judicial Review Between Roosevelt Skerit, the Applicant and The Integrity Commission, the Respondent, DOM HCV 0399 of 2012.

b. The Hearing of January 7, 2013 - Issues raised in the letter of December 10, 2012

In response to a request made by the attorneys for the Prime Minister, a hearing was convened on January 7, 2013 at the Public Service Training Centre from 9:00 a.m.

Present were:

- (a) all the members of the Integrity Commission except Commissioner Bruney who could not attend the hearing in compliance with the decision of the Eastern Caribbean Court of Appeal dated May 26, 2011 – (Appendix 7);
- a. Mr. Alick Lawrence SC and Mr. Lennox Lawrence, Attorneys-at-law for the person in public life,
- (b) Mr. Lennox Linton, the complainant,
- (c) Mr. David Bruney, Attorney-at-law for Mr. Lennox Linton, the complainant,
- (d) Ms. Lisa de Freitas, Solicitor to the Commission,
- (e) Mrs. Maureen Peters, Stenotypist and

(f) Ms. Helen Ambo, Secretary to the Commission.

At the commencement, the Chairman gave a full background to the matter and the reasons for the Commission's decision to convene a hearing to deal with the issues raised by the attorneys for the person in public life. The attorneys for both parties also made submissions.

The Commission considered the submissions and decided as follows:

- (i) *that it has jurisdiction to proceed with the inquiry on the grounds that it has complied with the statutory preconditions for embarking on the statutory requirements to hold an inquiry under section 33 of the Act;*
- (ii) *that there is no statutory requirement that a person in public life must be given a hearing before the Commission forms the view, upon the examination of a complaint under section 32 or otherwise, that an investigation is necessary to ascertain whether the provisions of the Code of Conduct have been breached and to hold an inquiry under section 33 of the Act;*
- (iii) *that the common law does not appear to require that a person in public life be heard at the preliminary stage of the proceedings when the Commission is forming the view, upon the examination of a complaint under section 32 or otherwise, that an investigation is necessary to ascertain whether the provisions of the Code of Conduct have been breached by a person in public life and to hold an inquiry into the matter under section 33 of the Act;*
- (iv) *that the Commission applied its mind properly when the predetermination question was disputed before it in the letter of 6th January, 2010 from attorney-at-law Mr. Alick Lawrence (as he then was) in which he informed that Hon. Roosevelt Skerrit, Prime Minister had "no interest whatsoever as alleged or at all" in the property named in the anonymous email from forumcitizens@yahoo.com and objected to the Commission's questions posed to his client in its letter of 4th December, 2009. The Commission decided and informed Hon. Roosevelt Skerrit, Prime Minister by letter dated 4th March, 2010 "that it would not be treating the communication from forumcitizens@yahoo.com as a complaint which triggers those of the Commission's functions under the*

Act which require a complaint” (emphasis added). Subsequent to this decision the Commission has taken no further proceedings whatsoever on this anonymous communication; and

(v) that there is no real danger of bias by the three members of the Commission being impugned or any of them and that the Commission as presently appointed under section 4 of the Act is able to bring an independent and impartial mind to the proceedings of the inquiry into this matter.’

The Commission’s decision No. 1 of 2013/2014 dated January 24, 2013 is contained at Appendix 7.

In view of the judicial review application, the Commission later reviewed its decision to proceed with the Inquiry on February 25, 2013, and by Notice dated February 20th 2013 informed both parties that the inquiry was postponed indefinitely pending the Court’s determination in the matter. A press statement on this was issued on February 22, 2013.

Both the Notice of Proceedings dated February 20, 2013 and the press statement issued on February 22, 2013 are appended to the report – Appendices 8 and 9.

c. Judicial Review of the Commission’s decision to investigate decision to conduct section 33 Inquiry

On December 19, 2012, the Commission was formally served in the matter of an application for leave to apply for Judicial Review between Roosevelt Skerrit, the Applicant and The Integrity Commission, the Respondent. On the advice of counsel, the Commission decided not to oppose the application for leave to apply for judicial review and preparations began for the court hearing of the matter. The Commission’s legal representatives in the matter are Attorneys at law Mr. Reginald Armour S.C of Trinidad and Tobago and Mr. Kevin Williams of Dominica.

7. CHALLENGE TO MEMBERSHIP ON THE COMMISSION

The membership of Commissioner Davidson Bruney who was appointed by His Excellency the President from April 7, 2011, was challenged 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.

Upon hearing the appeals in the matter (Civil Suits 14 and 15 of 2011), the Eastern Caribbean Supreme Court, by Order dated May 26, 2011 (see Appendix 10), 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. The Commission is awaiting the decision of the court in this matter.

The Commission is gravely concerned at the inordinate delay in concluding this matter. The inability of Commissioner Bruney to participate in all the statutory functions and proceedings of the Commission for over a period of twenty-eight months runs counter to the considerations that Parliament thought necessary in the enactment of the provisions dealing with the composition of the Commission.

It should be noted that section 8(8) of the Constitution mandates that proceedings for the determination of the civil right or obligations shall be given a fair hearing within a reasonable time. Mr. Bruney's current appointment to the Commission comes to an end in April 2014.

8. DISCLOSURE OF THE CONFIDENTIAL PROCEEDINGS OF THE COMMISSION AND PUBLICATION OF INFORMATION RELATING TO A DECLARATION MADE BY A PERSON IN PUBLIC LIFE

Disclosure of Confidential Proceedings of the Integrity Commission

Section 50 of the Act provides that a member of the Commission, the Secretary or any staff member of the Commission shall not enter upon the duties of his office until he has taken, inter alia, the oath of secrecy specified

in the Fourth Schedule of the Act which binds him not to '*directly or indirectly reveal the business or the proceedings of the Integrity Commission or the nature or any content of any document*'.

Information about the business and proceedings of the Commission at meetings held on December 13 and 14, 2012 was published on December 14, 2012 on Dominica News Online.

The Commission requested the Chief of Police, by letter dated 3 January, 2013 and in accordance with section 53 of the Act, to provide assistance in urgently investigating the matter.

Publication of Information Relating to Declaration

The Commission under section 20 of the Act is required to keep secret and confidential declarations filed with it as well as its records in respect of those declarations. On December 16, 2012 the 'Between You and Me' programme on Q95 Radio published information relating to a declaration filed by Prime Minister Roosevelt Skerrit.

The Commission at its meeting of Thursday, December 20, 2012, placed on record its grave concern about the publication of this information in the press.

The Commission issued a press release dated January 4, 2013 giving assurance to persons in public life and the public, that firm measures continue to be taken that, as far as humanly possible, would ensure that all financial declarations filed with it, and all information relating to these declarations are kept secret and confidential in accordance with the provisions of the Act, including the oath of secrecy taken by the members and the staff of the Commission. (The Press release is appended – Appendix II).

The Commission received letters from the following persons expressing their concerns on the matter:

- from Mr. Lennox Lawrence, one of the attorneys on record for Prime Minister Roosevelt Skerrit, a person in public life, dated December 17, 2012;
- from Mr. Lennox Linton, dated January 5, 2013; and
- from Hon. Ian Douglas, Minister for Tourism and Legal Affairs, dated January 16, 2013.

The Commission responded to the letters indicating that action had already been taken under section 53 of the Act to seek the assistance of the police in conducting an investigation into the matter.

In a progress report dated 31 July, 2013 the Chief of Police advised the Commission that both matters were still being investigated. As at the date of this Annual Report no further report has been received from the Chief of Police.

9. RULES OF PROCEDURE OF THE COMMISSION

a. 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 publication in the Official Gazette. In the previous Annual Report, the Commission reported on the correspondence and discussions between the Secretariat and the office of the Attorney General in an effort to finalize the matter. The Attorney General has not replied to the request of the Commission for dialogue on the matter. The Integrity Commission Rules of Procedure 2011 made by the Commission has therefore not been published.

The Commission has continued to review the Rules and may submit a revised draft to the Minister.

b. Manual of Procedure

In the Manual of Procedure adopted in July 2011, the Commission put together a number of compliance procedures for the step by step receipt,

registering, securing and examining of declarations filed by persons in public life and other matters related thereto. During the year, the procedures were reviewed and amendments made by:

- (a) deleting 'Trust Accounts' as an entry in Form 2; and
- (b) amending the introduction to the notice concerning the failure to file declarations; and
- (c) include sections to improve security and handling of the declarations of persons in public life.

10. COMMONWEALTH VERY SMALL STATES CONFERENCE IN LONDON

At the invitation of the Commonwealth Secretariat, the Chairman of the Commission, Mr. Julian Johnson attended the Very Small States Conference at Marlborough House, London over the period April 22 – 24, 2013 which was held under the theme: '**Public Administration in Very Small States**'. A number of smaller states of the Commonwealth Caribbean and the Pacific were represented at the Conference.

Mr. Johnson chaired the Oversight Bodies workshop and made a presentation entitled: '*Oversight Bodies – Implementation of Integrity Legislation in Very Small Caribbean States*'. In the paper, he examined the recent anti-corruption legislation enacted by governments of the Organization of Eastern Caribbean States (OECS) and the performance of the Integrity Commissions in these states. He highlighted the functioning of the Commission of Dominica during the period 2008 – 2012 and the factors influencing its performance. He made a number of recommendations for improving integrity governance in the OECS including the need to review existing legislation and administrative institutions. The paper is included at Appendix 12 of this report. It can also be obtained on the Commission's Website. The feature address at the conference was delivered by Dr. Ralph Gonsalves, Prime Minister of St. Vincent and the Grenadines.

IV. ADMINISTRATION AND OPERATIONS

1. STAFF OF THE COMMISSION

For the year, the Commission continued to operate with a staff complement of five (5) comprising:

Secretary:	Ms. Helen Ambo
Research Assistant:	Mrs. Palestrina Rolle George
Executive Officer:	Ms. Cheryl Roberts
Junior Clerk:	Ms. Alicia Adrien
Messenger:	Mr. Nigel Joseph

Ms. Cheryl Roberts who acted in that office since 2009 was appointed by the Public Service Commission to the office of Executive Officer with effect from February 1, 2013, and Mr. Joseph to the Public Service as Messenger with effect from May 1, 2013. The Junior Clerk Temporary at the Commission, Ms. Alicia Adrien, who served since 2009, was also appointed to the office of Junior Clerk in the Public Service effective July 1, 2013.

The Commission also made recommendations for the restructuring of the organization. The full text of the restructuring proposal formed part of the Third Annual Report of the Commission. The main recommendations were that:

- 1) membership of the Commission be reduced from seven to five;
- 2) the post of 'Secretary' be abolished and a new post of 'Registrar' be established with the skills and experience to effectively manage the operations of the Commission;
- 3) the post of Research Assistant be abolished and replaced with the two posts of 'Financial Analyst' and 'Investigator';
- 4) the post of 'Executive Officer' be upgraded to 'Senior Executive Officer' and assigned both secretarial and administrative functions; and
- 5) the Integrity in Public Office Act 2003 and other applicable laws be amended as appropriate to give effect to these recommendations.

To date the Commission has not received a response to its recommendations.

2. BUDGET

The authorized budget of the Commission for the financial year July 2012 to June 2013 was six hundred and sixty-seven thousand, eight hundred and sixty-six dollars (EC\$667,866). Ninety-one percent (91%) of the budget was utilized by the end of the financial year.

For financial year July 2013/June 2014, estimates of expenditure were submitted to the Minister for Finance in the sum of eight hundred and forty-one thousand, one hundred and seven dollars (EC\$841,107). This sum represented 26% increase over that of the previous year. The increase was specifically required to meet the legal costs in the judicial review proceedings in the matter of an application for leave to apply for judicial review DOM HCV 2012/0399 between Roosevelt Skerrit, Applicant and The Integrity Commission, Respondent.

The amount approved for the Commission was six hundred and sixty-three thousand, five hundred and five dollars (EC\$663,505) with no provisions for the legal costs of the civil suit against the Commission. The amount is allocated as follows:

Head	Amount
Personal Emoluments	539,634
Salaried Allowances	3,000
Non-salaried Allowances	38,371
Recurrent Expenditure	82,500
Total:	663,505

The approved 2013/2014 budget estimates is insufficient to meet the commitments incurred for the Commission's defense in the judicial review proceedings and for the continuation of the Inquiry. The Commission has requested an advance from the Contingencies Fund to meet the shortfall in accordance with the provisions of the Finance (Administration) Act 1994 and the Integrity in Public Office Act, 2003.

3. TRAINING

Over the period September 11 and 12, 2012, Commissioner Gerald Smith and Research Assistant, Mrs. Palestrina Rolle-George participated at a seminar organized by the Caribbean Institute of Forensic Accounting (CIFA) and facilitated by Edward Nagel on the fundamentals of Fraud and Forensic Auditing. The attendees reported that the knowledge gained and experience acquired would be of tremendous benefit to the Commission.

Commissioner Davidson Bruney and Mrs. Palestrina Rolle-George attended a CIFA facilitated seminar on Contract and Procurement Fraud held in Dominica in September 2013.

4. COMPREHENSIVE AUDIT REVIEW OF THE COMMISSION

The Director of Audit informed the Commission by letter dated February 27, 2013, that in accordance with section 83(2) of the Constitution of Dominica, he had decided to conduct a comprehensive audit review of the Commission in mid March 2013. He stated that the audit review would be for the entire period of the existence of the Commission and would encompass a number of established lines of enquiry. The Director of Audit further informed that the audit team would require: all minutes of the Commission from inception to December 31, 2012; all financial records, all contracts/retainers entered into by the Commission with evidence of procurement procedures, an updated inventory register showing the date of purchase of all the Commission's assets, any operations manual, and any other relevant documents/information for the smooth running of the audit.

The Commission responded to the Director of Audit on March 4, 2013 to inform him that in view of the Commission's preparation for its involvement in a pending high court matter, the date of March 12, 2013 was not convenient for the commencement of the audit.

Following the Court's scheduling of the judicial review hearing for November 27 – 29, 2013, the Commission wrote again to the Director of Audit, on June

6, 2013, to suggest the month of September 2013 as a suitable date for the commencement of the audit.

The Commission has not received any written response from the Director of Audit regarding a suitable date for the conduct of the comprehensive audit.

5. ANNUAL REPORT FOR YEAR ENDED AUGUST 31, 2012

The Fourth Annual Report of the Commission for the year ending 31st August, 2012 was submitted to the Minister for Legal Affairs by letter of transmittal dated October 31, 2012 in accordance with section 48 of the Act of 2003. The Report was laid in Parliament on Wednesday, November 28, 2012.

6. WEBSITE

The Commission's Website, www.integritycommission.gov.dm, was officially launched by public announcement in 2012. The site contains all the annual reports of the Commission to date, copies of the Integrity in Public Office (Commencement) Order SRO No. 24 of 2008, the Integrity Commission (Inquiries) Rules No. 21 of 2012, the full text of the Frequently Asked Questions Handbook (second edition), copies of all the Commission's decisions on complaints received under the Act, the profiles of former and current Commissioners, and addresses and papers by the Chairman to institutions and organizations at home and abroad.

The site is maintained by the Web Developer, Mr. Wayne Zamore of the ICT (Information Communication and Technology) Unit of the Establishment Department. The Commission expresses gratitude to Mr. Zamore for his assistance.

7. LIBRARY

The Commission maintains a library of reference books to assist its work. It contains a collection of books, reports and reference tools such as legal dictionaries, reports, statutes, the digest, the Commonwealth Law Bulletin

and various other publications mainly gifted by the International Law Book Facility.

In August 2013, the Commission received another gift of thirteen boxes of books from the International Law Book Facility (ILBF) of London which have greatly enhanced the collection. The Commission has expressed gratitude to the ILBF for the texts.

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.

8. REGIONAL DEVELOPMENTS AND NETWORKING

The Commission continues to network with the other Integrity Commissions of the region, and notes efforts to operationalize the Commissions in Grenada and Montserrat, and strengthen those in St. Lucia and Antigua. The Integrity Commission of Trinidad and Tobago has provided valuable support and information and has assisted our operations and gratitude is extended for material sent for reference purposes. The Commission notes also the existence of other Integrity Commissions in the Region - in Guyana, the Bahamas, Turks and Caicos Islands and Jamaica.

The Commission is of the view that the establishment of an association of OECS Commissions could provide a number of advantages and/or benefits including:

- (a) the review and implementation of best practices for the sub-region;
- (b) the securing of assistance of regional and international organizations in order to maintain a pool of common service in law, forensic investigation and accounting for members states;
- (d) the drafting of 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.

9. UNITED NATIONS CONVENTION AGAINST CORRUPTION - FOLLOW UP MECHANISM

On Monday, November 19, 2012 representatives of the Commission met with a team of peer reviewers from Chile and Paraguay to participate in a United Nations organized exercise to review the country's level of compliance with the United Nations Convention Against Corruption (UNCAC) which Dominica acceded to on May 28, 2012. The follow-up mechanism which involves self-assessment, evaluation and report generation was developed to determine the level of member countries' compliance with the UNCAC. The peer review exercise was facilitated by the Financial Intelligence Unit. The session discussed the merits and limitations of the Integrity in Public Office Act in giving life to a number of provisions of the UNCAC, focusing primarily on the limitations.

The expected outcome of the exercise is to strengthen the legislative and technical capabilities for the full implementation of the UNCAC. The report of the peer reviewers is to be submitted to the Government of Dominica.

ACKNOWLEDGEMENTS

The Commission recognizes that the effective execution of its functions depends on the assistance and cooperation of a number of institutions and people. We acknowledge with gratitude the contribution all those who have assisted in making this past year of operations a successful one and look forward to stronger partnerships in the coming years. We especially highlight the contributions of the following:

- Staff of the Commission
- All persons in public life
- The Integrity Commission of Trinidad and Tobago
- The Commonwealth Secretariat
- International Law book Facility
- Attorney at Law, Kevin Williams
- Attorney at Law, Lisa de Freitas
- The Secretary to the Cabinet
- The Minister, Financial Secretary and Staff - Ministry of Finance
- The Director of Public Prosecutions
- The Director of Audit
- The Chief Personnel Officer
- The Minister, Permanent Secretary and Staff - Ministry of Legal Affairs
- The Chief of Police
- Mrs. Maureen Peter, Stenotypist
- Staff of the ICT Unit, Establishment Department
- Database Specialist (ICT) Mr. Robert John
- Web Developer (ICT), Mr. Wayne Zamore

SIGNED:

Julian N. Johnson - Chairman

(Commissioner Jno. Charles participated in the preparation of the report but was out of state at the time of signing)

Alick Lazare - Member

Vanoulst Jno. Charles - Member

Davidson Bruney - Member

Anthony P. La Ronde - Member

Gerald Smith - Member

Henry G. Dyer - Member

APPENDICES

1	Profiles of Commissioners	36 – 41
2	List of persons in public life required to file for calendar year 2012	42 – 46
3	Notice of Apology in the Official Gazette	46
4	Notice in the Official Gazette: persons in public life who failed to file in accordance with the Act for 2012	47
5	List of person in public life certified for calendar year 2011	48 – 52
6	Notice of Proceedings re section 33 Inquiry	53 – 54
7	Decision No. 1 of 2013/2014 of the Commission's meeting of January 7, 2013	55 – 63
8	Notice of proceedings dated February 20, 2013	64
9	Press statement: Integrity Commission postpones Inquiry hearing	65
10	Judgment of the Eastern Caribbean Supreme Court dated May 26, 2011	66 – 68
11	Press statement: Assistance of Chief of Police requested re disclosure of secret and confidential information and revelation of the business and proceedings of the Commission	69 – 70
12	Presentation: 'Oversight Bodies – Implementation of Integrity Legislation in Very Small Caribbean States'	71 – 89

1. Profiles of Commissioners

CHAIRMAN - JULIAN N. JOHNSON

Julian N. Johnson, Barrister-at-Law, Solicitor, Mediator of the Eastern Caribbean Supreme Court and Notary Public, has held acting appointments in the office of Registrar General of the Supreme Court in Dominica and in the British Virgin Islands. He was called to the Bar in Dominica and Tortola, British Virgin Islands in 1988. He entered the public service in September 1964, was appointed a Permanent Secretary in 1979 and held the offices of Chief Personnel Officer and of Secretary to the Cabinet and Head of the Public Service for 13 years 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, 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. Brunez 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 Brunez 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 - 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

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.



2. List of persons in public life required to file for calendar year 2012

Names	Designation (as at period ending 31.12.12)
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
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. Bardouille, Benoit	General Manager of a public institution
11. Bardoille, Larry	Chairman of a public institution
12. Baron-Royer, Francine	Member of the House of Assembly (Past)
13. Bazil, Ezekiel	Member of the House of Assembly
14. Bellot, Claudia	Permanent Secretary
15. Bernard, Alvin	Minister of Government
16. Bethelmie, Wellsworth	Chief Technical Officer (Director of Trade)
17. Birmingham, Marvlyn	Chairman of a public institution
18. Blackmoore, Donille	Chief Technical Officer (President's Secretary)
19. Blackmoore, Lucien	Permanent Secretary
20. Blackmoore, Rayburn	Minister of Government
21. Blanc, Dennis	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, 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 Telecomms - Past)
33. Carbon, Daniel	Gazetted Police Officer (Chief of Police)
34. Carrette, Cyril	Gazetted Police Officer
35. Carrette, Samuel	Permanent Secretary

36. Catin, Raphael	Assistant Superintendent of Prisons (Ag.)
37. Celaire, Rhoda	Permanent Secretary (past)
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, Dr. Martin	Chief Technical Officer (Director Primary Health Care)
43. Dailey, Julius	General Manager of a public institution
44. Darroux, Kelvar	Parliamentary Secretary
45. Darroux, Kenneth	Minister of Government
46. David, John A. C.	Gazetted Police Officer
47. Douglas, Eisenhower	Director of Trade (Past)
48. Douglas, Ian	Minister of Government
49. Drigo, Johnson	Parliamentary Secretary
50. Dublin, Damian	Chairman of a public institution
51. Duncan, Carl	Chairman of a public institution (Past)
52. Dupuis, Josiah	Chief Fire officer
53. Edwards, Annie	Chief Technical Officer (Chief Physical Planner)
54. Edwards, Irma	Permanent Secretary (Chief Personnel Officer)
55. Edwards, Rosemund	Permanent Secretary (Financial Secretary)
56. Ettinoffe, Bernard	General Manager of a public institution
57. Eusebe, Jones	Deputy Chief Fire Officer
58. Ferrol, Eleanor	Chief Technical Officer (Sec. Public & Police Service Commissions)
59. Ferrol, Steve	Permanent Secretary (Secretary to the Cabinet)
60. Fevrier, Willie	Chairman of a public institution
61. Fontaine, John	Local Government Commissioner
62. George, Ambrose	Minister of Government
63. George, Margaret	Chairman of a public institution
64. George, Nicholas	Gazetted Police Officer
65. Graneau, Ashton	Minister of Government
66. Green, Ronald	Member of the House of Assembly
67. Gregoire, Felix	Permanent Secretary (Secretary to the Cabinet – Past)
68. Guiste, Harold	Chief Technical Officer (Chief Fisheries Officer (Ag))
69. Henderson, Edward	Chief Technical Officer (Ministry of Tourism)
70. Henry, Edison	Chairman of a public institution
71. Hyacinth, Steve	Chief Technical Officer (Chief Education Officer)
72. Irish, Ainsworth	Gazetted Police Officer

73. Isidore, Ronald	Member of the House of Assembly
74. James, Edison	Member of the House of Assembly
75. Jean-Jacques, Tammy	Member of the House of Assembly
76. Jean-Jacques-Thomas, Janice	Managing Director of a public institution
77. Jno. Charles, Vanoulst	Chairman of a public institution (Past)
78. Jno. Baptiste, Hobbes	Gazetted Police Officer
79. John, Clem	Chairman of a public institution
80. John, Hector	Member of the House of Assembly
81. John, Steve	Managing Director of a public institution
82. Johnson, Dr. David	Chief Technical Officer (Chief Medical Officer)
83. Johnson, Julian N	Chairman of a public institution
84. Johnson, Kendall	Chief Technical Officer (Ministry of Public Works)
85. Jolly, Aurelius	Chairman of a public institution
86. Jones , Lucia Blaize	Chairman of a public institution
87. Joseph, Anthony	Chairman of a public institution
88. Joseph, Francis	Chairman of a public institution
89. Joseph, Hubert (Mickey)	Chairman of a public institution
90. Lafond, Jennifer	Permanent Secretary
91. Lambert, Edward	Advisor to the Prime Minister
92. Lambert, Eleanor	Chairman of a public institution
93. LaRocque, Stephen	Chief Technical Officer (Chief Elections Officer)
94. Lawrence, Angela	Chairman of a public institution
95. Lawrence, John Bristol	General Manager of a public institution
96. Lawrence, Raymond	Chief Technical Officer (Chief Cultural Officer)
97. Leblanc, Mathew	Chief Technical Officer (Labour Commissioner)
98. Lestrade Marcus	Chief Technical Officer (Director of Surveys)
99. Letang, Davis	Permanent Secretary
100. Joseph , Rhoda	Managing Director of a public institution
101. Laudat, Michael	Gazetted Police Officer
102. Lugay, Daniel	Member of the House of Assembly
103. Magloire, Andrew	Chief Technical Officer (Chief Fisheries Officer)
104. Magloire-Akpa, Sonia	Chief Technical Officer (Director, Political Affairs)
105. Martin, Sam	Member of the House of Assembly
106. McIntyre, Colin	Minister of Government
107. Meade, Brian	General Manager of a public institution
108. Monell, Al	Chief Technical Officer (Director – FSU)
109. Moses, Paul	Chairman of a public institution

110. Munroe, Ian	Chairman of a public institution
111. Nassief, Yvor	Chairman of a public institution
112. Powell, Marcella	Permanent Secretary (Ag)
113. Pemberton, Patrick	Chairman of a public institution (Past)
114. Peter, Levi	Member of the House of Assembly
115. Pierre, Nelson	Chairman of a public institution
116. Piper, Colin	Managing Director of a public institution
117. Prevost, Joan	Chairman of a public institution
118. Prevost, Norris	Member of the House of Assembly
119. Raymond, Vernanda	Chief Technical Officer (Clerk - House of Assembly)
120. Roberts, Claudine	Chief Technical Officer (Local Govt. Comm. (Ag.) - Past)
121. Rolle, Maria	Chief Technical Officer (Clerk House of Assem. (Ag.) - Past)
122. Royer, Bentley	Member of the House of Assembly
123. Royer, Helen	Permanent Secretary (Ag.)
124. Sanford, Claudius	Member of the House of Assembly (Past)
125. Savarin, Charles	Minister of Government
126. Scotland, Anthony	Chief Technical Officer (Chief Environmental Health Officer)
127. Scotland-Andrew, Mayna	Chief Technical Officer (Chief Protocol Officer)
128. Severin, Duke	Gazetted Police Officer
129. Shillingford, Dorian	Chairman of a public institution
130. Shillingford, Gloria	Minister of Government
131. Shillingford, Juliette	Chairman of a public institution (Past)
132. Skerrit, Roosevelt	Minister of Government (Prime Minister)
133. Southwell, Dermott	Chairman of a public institution
134. St. Jean, Petter	Minister of Government
135. Stephenson, Ivor	Parliamentary Secretary
136. Sylvester, Ambrose	Chairman of a public institution
137. Tavenier, Gloria	Chairman of a public institution
138. Thomas, Esther	Permanent Secretary,
139. Thomas, Felix	Chairman of a public institution
140. Thomas, Gregoire	General Manager of a public institution
141. Thomas, Kingsley	General Manager of a public institution (Past)
142. Timothy, Julius	Minister of Government
143. Toulon, Ronald	Member of the House of Assembly
144. Valerie Davidson	Gazetted Police Officer
145. Vigilante, Stafford	Assistant Superintendent of Police Ag.
146. Walter, Matthew	Minister of Government

147. Warrington, Mariette	General Manager of a public institution (Past)
148. Williams, Cuffy	Gazetted Police Officer
149. Williams, Eliud	Chairman of a public institution (Past)
150. Williams Geneta	Hospital Services Coordinator
151. Williams Joseph	Gazetted Police Officer
152. Williams, Merina	Chief Technical Officer (Chief Elections Officer – Past)
153. Williams, Valencia	Chief Technical Officer (Hospital Services Co-ord. – Past)
154. Winston, Curtiss	Chairman of a public institution
155. Xavier, Rupert Boniface	Chief Technical Officer (Chief Environ. Health Officer – Past)

3. Notice of Apology in the Official Gazette

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

APOLOGY RE NOTICE OF FAILURE TO FILE A DECLARATION

The general public is hereby notified that in relation to the notice published in the Official Gazette, Vol. CXXXVI No. 19 dated May 9, 2013 entitled “**Integrity in Public Office Act 2003, No. 6 of 2003 – Failure to File a Declaration**”, the Integrity Commission attests that:

Mr. Anthony LeBlanc, Chairman of a public institution (Past) was not required to file a declaration with the Commission under section 16 of the Act and therefore he did not fail to file a declaration under the Act for the period ending December 31, 2012, as stated in the Integrity Commission’s Notice of May 9, 2013 in the Official Gazette.

The Commission therefore apologizes through this medium to Mr. Anthony LeBlanc, Chairman of a public institution (Past) and deeply regrets any embarrassment and/or inconvenience caused to him by the publication of his name in the Official Gazette, Vol. CXXXVI, No. 19 of May 9, 2013.

A report has been sent to the Director of Public Prosecutions informing him that Mr. Anthony LeBlanc was not required to file a declaration under the Act for the calendar year 2012.

Helen E. Ambo

SECRETARY

Integrity Commission

File: IC. 140-01

Date: August 14, 2013

**4. Notice in the Official Gazette: persons who failed to file in
accordance with the Act for 2012**

**INTEGRITY COMMISSION
NOTICE**

**INTEGRITY IN PUBLIC OFFICE ACT 2003, NO. 6 OF 2003: FAILURE TO FILE A
DECLARATION BY 2nd April 2013**

In keeping with the provisions of section 22 of the Integrity in Public Office Act 2003, it is hereby notified that by 2nd April 2013 the following persons in public life failed to file declarations in accordance with the Act for the period ended 31st December 2012. Under section 22 of the Act a report of that fact shall be sent to the Director of Public Prosecutions for further action and, the names of these persons in public life are published hereunder:

Name		Office
1. Ezekiel Bazil	-	Member of House of Assembly
2. Anthony Burnett-Biscombe	-	Chairman of a Public Institution
3. Sylvester Cadette	-	Chief Technical Officer
4. Cyril Carrette	-	Gazetted Police Officer (Past)
5. Algernon Charter	-	Superintendent of Prisons (Past)
6. Ashton Graneau	-	Minister of Government
7. Harold Guiste	-	Chief Technical Officer (Ag.) (past)
8. Clem John	-	Chairman of a Public Institution
		*
10. Brian Meade	-	General Manager of a Public Institution
11. Claudine Roberts	-	Chief Technical Officer Ag (Past)
12. Juliette Shillingford-Tonge	-	Chairman of a Public Institution
13. Davidson Valerie	-	Gazetted Police Officer
14. Dr. Martin Christmas	-	Chief Technical Officer
15. Clarence Christian	-	Chief Technical Officer

[*See Appendix 3]

5. List of persons certified for calendar year 2011

INTEGRITY IN PUBLIC OFFICE ACT 2003, NO.6 OF 2003 **DECLARATIONS CERTIFIED WITH RESPECT TO** **YEAR ENDED DECEMBER 31, 2011**

The Integrity Commission hereby certifies that it examined the declarations submitted by the following persons in public life with respect to year ended 31st December, 2011, and is satisfied that full disclosure was made by those persons in accordance with the Act. Certificates were issued to them as provided for by section 14(4) of the Act.

	Names	Designation
1	Aird, Gerry	Chairman of a public institution (Past)
2	Albert, Patrickson	Gazetted Police Officer
3	Alexander, Yvonne	Gazetted Police Officer
4	Alleyne, Sir Brian	Chairman of a public institution (Past)
5	Allport, Ruth	Permanent Secretary
6	Andrew, David	Gazetted Police Officer
7	Bannis- Roberts, Loreen	Minister of Government (Past)
8	Bannis, Jacinta	CTO- Director, Drug Abuse Prev. Unit
9	Baptiste, Dayton	Member of the House of Assembly
10	Bardouille, Benoit	General Manager of a public institution
11	Bardouille, Larry	Chairman of a public institution
12	Baron, Urban	Parliamentary Secretary (Past)
13	Baron-Royer, Francine	Attorney General (Past)
14	Bazil, Ezekiel	Member of the House of Assembly
15	Bellot, Claudia	Permanent Secretary
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, Denis	Assistant Superintendent of Prisons
21	Blanc, Ruby	CTO - Hospital Medical Director (Ag)
22	Boyd-Knights, Alix	Speaker of the House of Assembly
23	Browne, Abraham	Member of the House of Assembly (Past)

24	Browne, Rosie	CTO - Director, Women's Bureau
25	Brumant, Heskeith	Chairman of a public institution
26	Brumant, Ricky	CTO - Director of Agriculture (Ag.)
27	Bruno, Nicholas	Permanent Secretary
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	Bynoe, Brian Vernon	CTO - Director of Surveys (Past)
32	Cadette, Sylvester	CTO - Director of Telecommunications
33	Carbon, Daniel	Gazetted Police Officer
34	Carbon, Peter	Member of the House of Assembly (Past)
35	Carrette, Cyril	Gazetted Police Officer
36	Carrette, Samuel	Permanent Secretary (Ag)
37	Catin, Raphael	Assistant Superintendent of Prisons
38	Celaire, Rhoda	Permanent Secretary
39	Charles, Justina	Minister of Government
40	Charles, Norris	Member of the House of Assembly (Past)
41	Charter, Algernon	Superintendent of Prisons
42	Dailey, Julius	General Manager of a public institution (Past)
43	Darroux, Kelter	Parliamentary Secretary
44	Darroux, Kenneth	Minister of Government
45	David, John	Gazetted Police Officer
46	Defoe, Antoine	Gazetted Police Officer (Past)
47	Douglas, Eisenhower	CTO - Director of Trade (Past)
48	Douglas, Ian	Minister of Government
49	Drigo, Johnson	Parliamentary Secretary
50	Dublin, Damian	Chairman of a public institution
51	Duncan, Carl	Chairman of a public institution (Past)
52	Dupuis, Josiah	Chief Fire Officer
53	Edwards, Annie	CTO - Chief Physical Planner (Ag)
54	Edwards, Irma	Permanent Secretary - Chief Personnel Officer
55	Edwards, Rosamund	Permanent Secretary - Financial Secretary
56	Esprit, Nicholls	Member of the House of Assembly (Past)
57	Ettinoffe, Bernard	General Manager of a public institution

58	Eusebe, Jones	Deputy Chief Fire Officer
59	Fabien, John	Minister of Government (Past)
60	Fagan, Mandra	Assistant to the Prime Minister (Past)
61	Ferrol, Eleanor	CTO - Secretary, Public & Police Service Commissions
62	Ferrol, Steve	Permanent Secretary
63	Fevrier, Willie	Chairman of a public institution
64	Fontaine, John	CTO - Local Government Commissioner
65	George, Ambrose	Minister of Government
66	George, Margaret	Chairman of a public institution
67	George, Nicholas	Gazetted Police Officer
68	Graneau, Ashton	Minister of Government
69	Graneau, Kelly	Minister of Government (Past)
70	Green, Ronald	Member of the House of Assembly
71	Gregoire, Felix	Permanent Secretary - Secretary to Cabinet
72	Grell, Gerald	Chairman of a public institution (Past)
73	Guiste, Harold	CTO - Chief Fisheries Officer (Ag.)
74	Henderson, Edward	CTO - Ministry of Tourism
75	Henderson, Vince	Minister of Government (Past)
76	Hyacinth, Steve	CTO - Chief Education Officer
77	Irish, Ainsworth	Gazetted Police Officer
78	Isidore, Ronald	Member of the House of Assembly
79	James, Edison	Member of House of Assembly
80	Jean-Jacques, Tammy	Member of the House of Assembly
81	Jean-Jacques-Thomas, Janice	Managing Director of a public institution
82	Jno. Charles, Vanoulst	Chairman of public institution
83	Jno. Baptiste, Hobbes	Gazetted Police Officer
84	John, Clem	Chairman of a public institution
85	John, Hector	Member of the House of Assembly
86	John, Steve	Managing Director of a public institution
87	Johnson, David	CTO - Chief Medical Officer
88	Johnson, Julian N.	Chairman of a public institution
89	Johnson, Kendall	CTO - Ministry of Public Works
90	Jolly, Aurelius	Chairman of a public institution
91	Joseph, Francis	Chairman of a public institution

92	Joseph, Hubert (Mickey)	Chairman of a public institution
93	Joseph, Rhoda	Manager of a public institution
94	Jules, Deidre	CTO - Clerk House of Assembly (Ag) (Past)
95	Lafond, Jennifer	Permanent Secretary
96	Lambert, Edward	Advisor to the Prime Minister
97	Lambert, Eleonore	Chairman of a public institution
98	Lawrence, Angela	Chairman of a public institution
99	Lawrence, John Bristol	General Manager of a public institution (Ag.)
100	Lawrence, Raymond	CTO - Chief Cultural Officer
101	Le Blanc, Anthony	Chairman of a public institution
102	Le Blanc, Mathew	CTO - Labour Commissioner
103	Lestrade, Marcus	CTO - Director of Surveys
104	Lestrade, Mathias	Gazetted Police officer (Past)
105	Letang, Davis	Permanent Secretary
106	Lugay, Daniel	Member of the House of Assembly
107	Magloire, Andrew	CTO - Chief Fisheries Officer
108	Magloire-Akpa, Sonia	CTO - Director of Political Affairs
109	Martin, Sam	Member of the House of Assembly
110	McIntyre, Collin	Minister of Government
111	Meade, Brian	Manager of a public institution
112	Monelle, Al	CTO - Director, Financial Services Unit
113	Munroe, Ian	Chairman of a public institution
114	Nassief, Yvor	Chairman of a public institution
115	Nicholas, Marcel	Member of the House of Assembly (Past)
116	Pemberton, Patrick	Chairman of a public institution
117	Peter, Levi	Attorney General
118	Philbert, Vincent	Permanent Secretary (Past)
119	Pinard, Ian	Member of House of Assembly (Past)
120	Piper, Colin	Managing Director of a public institution
121	Prevost, Joan	Chairman of a public institution
122	Prevost, Norris	Member of the House of Assembly
123	Raymond, Vernanda	CTO - Clerk of the House of Assem. (Ag.)
124	Roberts, Claudine	CTO - Local Government Comm. (Ag.)
125	Rolle, Kelvin	CTO - Chief Physical Planner (Past)

126	Rolle, Maria	CTO - Clerk of the House of Assembly (Ag) (Past)
127	Royer, Julien Bentley	Member of the House of Assembly
128	Sanford, Claudius	Member of the House of Assembly (Past)
129	Savarin, Charles	Minister of Government
130	Saint-Jean, Petter	Minister of Government
131	Scotland, Anthony	CTO - Chief Environ. Health Officer
132	Scotland-Andrew, Mayna	CTO - Chief Protocol Officer
133	Severin, Duke	Gazetted Police Officer
134	Shillingford, Dorian	Chairman of a public institution
135	Shillingford, Gloria	Minister of Government
136	Shillingford, Juliette	Chairman of a public institution
137	Skerrit, Roosevelt	Minister of Government (Prime Minister)
138	Southwell, Dermott	Chairman of a public institution
139	Stephenson, Ivor	Parliamentary Secretary
140	Sylvester, Ambrose	Chairman of a public institution
141	Tavernier, Gloria	Chairman of a public institution (Past)
142	Thomas, Errol	Chairman of a public institution
143	Thomas, Esther	Permanent Secretary
144	Thomas, Felix	Chairman of a public institution
145	Thomas, Gregoire	General Manager of a public institution
146	Thomas, Kingsley	General Manager of a public institution
147	Toulon, Ronald	Member of the House of Assembly
148	Valerie, Davidson	Gazetted Police Officer
149	Walter, Matthew	Minister of Government
150	Warrington, Mariette	General Manager of a public institution (Past)
151	Williams, Cuffy	Gazetted Police Officer
152	Williams, Eliud	Chairman of a public institution
153	Williams, Genetta	CTO – Hospital Services Coord. (Ag.)
154	Williams, Joseph	Gazetted Police Officer
155	Williams, Merina	Chief Technical Officer - Chief Elections Officer
156	Williams, Sonia	Minister of Government (Past)
157	Williams, Valencia	CTO - Hospital Services Co-ordinator
158	Winston, Curtiss	Chairman of a public institution
159	Xavier, Rupert Boniface	CTO - Chief Environ. Health Officer (Past)

6. Notice of Proceedings re Section 33 Inquiry

THE COMMONWEALTH OF DOMINICA
INTEGRITY IN PUBLIC OFFICE ACT 2003, No. 6 OF 2003

NOTICE OF PROCEEDINGS

(pursuant to s. 33(3) of the Integrity in Public Office Act 2003 and
rule 9 of the Integrity Commission (Inquiries) Rules 2012, SRO
No.21 of 2012)

Lennox Linton, Complainant

**Hon. Roosevelt Skerrit, Prime Minister of the Government of
Dominica (the person in public life alleged to be in breach of
the Code of Conduct)**

**TO: Mr. Lennox Linton, Morne Daniel, P.O. Box 2052,
ROSEAU**

WHEREAS complaint has been made before the Integrity Commission by Lennox Linton that Prime Minister Roosevelt Skerrit as Chairman of the Cabinet used his official influence to secure concessions for a business venture in which he is alleged to have an ownership interest (that is, Blaircourt Property Development Limited);

AND WHEREAS after examining the complaint and hearing the complainant the Commission was of the view that investigation is necessary in order to ascertain whether Prime Minister Roosevelt Skerrit, a person in public life, has committed a breach of rule 1 (e) of the Code of Conduct specified in the Second Schedule to the Integrity in Public Office Act 2003 and has decided to inquire into the matter.

AND WHEREAS the opening hearing of the said inquiry is fixed for the 17th day of December 2012.

TAKE NOTICE that the opening hearing of the said inquiry is scheduled for the 17th day of December 2012 at 9 o'clock in the forenoon at the Public Service Training Centre before the Commission.

Dated this 30th day of November, 2012.

.....
**Secretary to the Inquiry
Integrity Commission**



INTEGRITY COMMISSION

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

Corner of Turkey Lane and
Independence Street
Roseau
Commonwealth of
Dominica

Ref. No.: IC

INTEGRITY IN PUBLIC OFFICE ACT 2003, NO. 6 OF 2003
MEETING OF THE COMMISSION WITH HON. ROOSEVELT SKERRIT PRIME MINISTER
OF DOMINICA, A PERSON IN PUBLIC LIFE
AND THE COMPLAINANT, MR. LENNOX LINTON
ON THE ISSUES RAISED
IN THE LETTER OF 10TH DECEMBER 2012 TO THE COMMISSION

DECISION

No.1 of 2013/2014

INTRODUCTION

On the 7th January 2013 the Integrity Commission convened a meeting at the request of Hon. Roosevelt Skerrit, Prime Minister of Dominica, a person in public life who through his attorney-at-law Mr. Lennox Lawrence wrote a letter to the Commission dated 10th December 2012, captioned "The Proposed Hearing of the Integrity Commission on 17th December, 2012", questioning, inter alia, the jurisdiction of the Commission to hold the opening hearing of the proposed inquiry under section 33 of the Act.

1. The members of the Integrity Commission present at the meeting held under the provisions of the Integrity in Public Office Act, 2003 were:

Mr. Julian Johnson	-	Chairman
Mr. Alick Lazare	-	Member
Mr. Vanoulst Jno Charles	-	Member
Mr. Anthony La Ronde	-	Member
Mr. Gerald Smith	-	Member
Mr. Henry Dyer	-	Member

THE PARTIES

Mr. Alick Lawrence	SC	-	Attorneys-at-law for the person in public life,
And			
Mr. Lennox Lawrence			Hon. Roosevelt Skerrit, Prime Minister
Mr. Lennox Linton		-	Complainant
Mr. David Bruney		-	Complainant's - attorney-at-law

3. Also present were the Solicitor to the Commission Miss. Lisa de Freitas, the Secretary to the Commission Ms. Helen Ambo and the Stenotypist Mrs. Maureen Peters.

4. Mr. Davidson A. Bruney, a member of the Commission appointed by the President on the advice of the Leader of the Opposition under section 4(1) (c) and (3) of the Act is taking no part in these proceedings in compliance with the decision of the Court of Appeal of the Eastern Caribbean Supreme Court, dated May 26, 2011 in the matter of Ambrose George v. Hector John, The Attorney General and the Integrity Commission (Civil Appeal No. 15 of 2011). In this matter the Court issued an interlocutory injunction restraining the Commission from holding any meeting with Mr. Davidson Bruney or from divulging any confidential information to him in respect of any matter involving Hon. Ambrose George and any other member of the Cabinet of the Commonwealth of Dominica pending the hearing of the appeals in this matter. In compliance with that order Commissioner Bruney has not attended meetings of the Commission on any matter involving Hon. Ambrose George or any other member of the Cabinet of the Commonwealth of Dominica, including matters relating to the inquiry to be held.

5. In his opening statement the Chairman gave the background and the context of the issues before the meeting.

BACKGROUND

6. On 5th November, 2010, the Commission received a letter from Mr. Linton in which he complained that Hon. Roosevelt Skerit, Prime Minister, a person in public life, had breached section 47(1) of the Integrity in Public Office Act 2003 and the provisions of rules 1(c) and 1(e) of the body of rules known as the Code of Conduct, as contained in the Second Schedule to the Act.

7. After examining the complaint and hearing the complainant as required by section 32 of the Act, the Commission decided:

- a) that the complaint concerning non-compliance with the provision of section 47(1) of the Act must be rejected since it is outwith the Code of Conduct and not within the jurisdiction of the Commission;
- b) that the complaint of breach of the provision of rule 1(c) of the Code of Conduct cannot be proceeded with because it is unparticularized and not supported by the contents of the "Evidence Bundle" submitted by the complainant; and
- c) as regards the complaint that the Prime Minister Roosevelt Skerit as Chairman of the Cabinet used his official influence to secure concessions for a business venture in which he is alleged to have an ownership interest (i.e. Blaircourt Property Development Ltd.) the Commission is of the view that investigation was necessary in order to ascertain whether Prime Minister Roosevelt Skerit has committed a breach of the provision of Rule 1(e) of the Code of Conduct and that an inquiry shall be held into the matter.

8. The decision of the Commission dated July 1st 2011 on the Complaint # 1/2010/2011 was sent to Mr. Lennox Linton, the complainant, and Hon. Roosevelt Skerit, Prime Minister, a person in public life. The document entitled "Evidence Bundle" submitted by Mr.

Linton and referred to in the Commission's decision was also sent to the Hon. Roosevelt Skerrit, Prime Minister.

9. Notice of the inquiry, was published in the Gazette of 23rd February, 2012. The Integrity Commission (Inquiries) Rules 2012, SRO 21 of 2012, was made by the Commission on June 7th, 2012 and gazetted on July 12th, 2012. On the 30th November, 2012 "Notice of Proceedings" of the inquiry fixing the date of the opening hearing for 17th December, 2012 was given to Mr. Lennox Linton, and Hon. Roosevelt Skerrit, Prime Minister.

TERMS OF REFERENCE OF THE INQUIRY

10. The terms of reference of the inquiry, which was communicated to the parties, is as follows:

to inquire into the complaint made by Lennox Linton in his letter to the Commission dated 5th November 2010 that Prime Minister Roosevelt Skerrit as Chairman of the Cabinet used his official influence to secure concessions for a business venture in which he is alleged to have an ownership interest (that is, Blaircourt Property Development Limited) in order to ascertain whether Prime Minister Roosevelt Skerrit, a person in public life, has committed a breach of Rule 1(e) of the Code of Conduct specified in the Second Schedule to the Act, which provides that "*a person in public life shall not use his official influence in support of any scheme or in furtherance of any contract or proposed contract or other matter in regard to which he has an interest*".

REQUEST TO POSTPONE OPENING HEARING

11. In the letter of 10th December 2012 the Prime Minister's attorney-at-law, Mr. Lennox Lawrence stated that the proposed hearing of the Commission set for 17th December 2012 is unlawful. He informed the Commission "that if we do not hear from you by mid-day on Thursday, 13th December, 2012 to the effect that the proposed opening hearing has been cancelled, we shall have no alternative but to apply to the court for leave to apply for judicial review for an order quashing the inquiry and for an injunction restraining the inquiry from proceeding in the meantime" [Pages1-2; para, 4].

12. At page 11, paragraph 3 of the said letter, Mr. Lawrence also informed the Commission as follows: "We require an opportunity to argue, before the opening hearing that there is no jurisdiction to conduct the inquiry; that the procedure to be adopted is unfair and that there is no evidence capable of supporting a valid complaint against the Prime Minister".

13. The Commission discussed the concerns and issues raised by Mr. Lawrence on Hon. Roosevelt Skerrit's behalf at its meeting on the 13th and 14th of December 2012 and by "Notice of Proceedings" dated 14th December, 2012, informed him and Mr. Lennox Linton that the opening hearing was "postponed until further notice "

14. Also, by letter of 14th December, 2012 the parties were informed of the Commission's decision to hold this meeting on the 7th of January 2013 to deal with issues raised by the person in public life and that both the person in public life (Hon. Roosevelt Skerrit) and the Complainant (Mr. Lennox Linton) will be given an opportunity to make representation at this hearing.

15. On the 19th. December, 2012 the Commission was served with a copy of the Notice of Application for Leave to apply for judicial review (DOMHCV 2012/0399) which was filed at the High Court on 14th. December 2012 at 2.45 pm and amended on 31st. December, 2012 seeking orders, declarations and interim relief in relation to the proposed inquiry and the constitution of the Commission with Messrs. Henry Dyer, Anthony La Ronde and Gerald Smith thereon.

ISSUES BEFORE THE MEETING

16. The issues that have been raised by the person in public life in the letter of 10th December 2012 were:

- I. Jurisdiction – The statutory preconditions for an inquiry have not been met and therefore the Commission has no jurisdiction to enter upon the Section 33 inquiry.
 - II. Procedural Fairness - The Prime Minister has not been offered any opportunity to make representation or comment prior to the Commission's decision to hold the Section 33 inquiry in breach of the rules of procedural fairness.
 - III. Predetermination and Bias
 - a) That the Commission's letter of 4th December 2009 to Prime Minister Roosevelt Skerrit shows predetermination by the Commission.
 - b) That Mr. Henry Dyer, Mr. Anthony La Ronde, and Mr. Gerald Smith should not sit on any investigation and inquiry into this matter on the ground of apparent bias and/or lack of impartiality.
17. In concluding his opening statement the Chairman requested of the person in public life and the complainant to respect the fact that the meeting of the Commission was being held in private. He then called upon Mr. Alick Lawrence S.C to address the Commission.

Submission by attorney-at-law of person in public life

18. The submission by Mr. Alick Lawrence S.C, is reproduced hereunder:-

“Mr. Chairman and members of the Commission, as the Chairman has correctly indicated, the Prime Minister in various correspondence to the Commission has raised a number of very serious, very significant issues which have been mentioned by the Chairman. They include –

- *Apparent bias by some of the Commissioners;*
- *The absence of written complaint as required by Section 31;*
- *Failure to give Mr. Skerret an opportunity to be heard prior to the decision to inquire;*
- *Unauthorized disclosure of confidential information;*
- *Absence of particulars of the alleged acts of influence or the alleged ownership interest of the Prime Minister in Blaircourt;*
- *Absence of particulars of what has transpired in the Commission since the inquiry began on 1st March.*

There is also the issue of predetermination, as the Chairman referred to, and the purported commencement of the Inquiry since the 1st March without the involvement of the complainee as the Regulations refer to the person in public life.

You will understand, Mr. Chairman, I believe, that as a result of these very significant matters the complainee finds it impossible to participate in the Inquiry until these matters have been resolved. Having failed to receive a satisfactory response from the Commission the matter has been moved to the High Court and we are awaiting a date for the hearing of the application for leave to apply for judicial review. That is where the matter stands and that is the position of the complainee.”

19. The Chairman asked Mr. Lawrence to repeat his client’s position and he responded as follows:

“Having failed to receive a satisfactory response from the Commission to these issues, the complainee has moved to the court for leave to apply for judicial review; the documents have been served on the Commission. The date for the hearing of that application is pending and until these issues, the very substantial issues are resolved, the complainee finds it impossible to participate in the tribunal hearing.”

20. Responding to Mr. Lawrence’s conclusion, the Chairman noted that that was so notwithstanding the fact that the particular meeting was scheduled at the complainee’s specific request as contained in his letter of December 10, 2012. However, Mr. Lawrence said that the application to the court had been filed before receipt of the Commission’s letter of 14th December 2012 indicating that the hearing would be convened today. He said further that in any event one of the issues raised by the complainee in the letter was ‘apparent bias’ and unless that bias issue, even if the Commission were minded to address the other issues, was resolved they could

not make any submissions to the Commission on any of the other issues which had been raised.

21. The Chairman asked if the resolution of the bias issue were to leave the Commission without a quorum, whether there were any doctrines that could be applied to allow the Commission to be properly constituted in order to proceed with the hearing.
22. Mr. Lawrence in response asked that if, for example, all the members of the Commission were members of a secret group committed to the removal of Prime Minister Skeritt from office (that not being the case), whether there would be a doctrine that would allow those members to sit on the matter. He said that if the result of the allegation of bias is that certain members were not permitted to sit and the further result was that there was no quorum to conduct the inquiry then the Commission could not proceed.
23. The Chairman replied that the purposes of the Act would be frustrated in that situation.
24. Mr. Lawrence said that a tribunal which was infected or affected by bias could not sit if there were no quorum of those members who were not tainted by bias. If every member of the tribunal were tainted by bias then how could they sit.

[Mr. David Bruney came in at this point]

Submission by attorney-at-law of complainant

25. The Chairman briefed Mr. Bruney on what had transpired and then suspended the meeting to allow Mr. David Bruney an opportunity to read through his opening statement.

26. On resumption, Mr. Bruney made the following submission:

"Mr. Henry Dyer, Mr. Gerald Smith and Mr. Anthony La Ronde are being impugned for bias but if the Commission finds today that you don't have the authority to proceed the question is, how does this Commission survive. Because from the outset the other side was aware of the existence of these three men on the panel; no objection was raised at the time of their appointment by anybody. They have served happily for two years; as the investigation starts they have become hamstrung, if you like, by their bias.

The Commission does not have the power to impose criminal sanctions on the person in private life. The Commission simply conducts the investigation. The question I would like to ask the other side is this, what responsibility do the Prime Minister have to answer legitimate questions about his financial affairs? If we start ducking and diving and treating the thing like a murder inquiry that has the death penalty sentence where are we going? I see this as a simple inquiry, a simple question and answer session to determine the validity of the allegations of Mr. Linton.

Again, I apologise because I am not really prepared for this, coming today without any knowledge of anything. I am just speaking as a concerned citizen, if you like. What we have is simple allegations and I would have thought the Prime Minister, given all the controversy, would be happy to come and sit and answer simple questions. I feel for Mr. La Ronde, Mr. Smith and Mr. Dyer today and I think his colleagues on the panel should feel extreme sympathy because I know two of the gentlemen, I don't know Mr. Gerald Smith. Mr. Henry Dyer is my representative as a member of the Bar Association and to hear two lawyers impugning one of their colleagues, it is a little difficult for me to brainstorm. Mr. La Ronde is a member of the Bar, a highly educated man, intelligent man, a bright man and I would have thought that if the Commission does not move forward today I would ask that you be disbanded; forget about the Commission because I think that anybody appointed by the other side, UWP or the Bar Association or the Accountants Association would be open to be accused. We are setting a very dangerous standard there.

We have an effective Commission; we want an Integrity Commission; we agreed that integrity in public life is important but when it comes down to the nitty-gritty, when you are asked to do your job, and the most dangerous part of this in a democratic society is that every Minister of Government, every person uses the precedent for not answering questions of the Commission.

So, gentlemen, today you have an important role to play in the future of our country. Every civilized democratic State has an Integrity Commission. If you today decide that you are going to follow the whims of the Prime Minister you are really saying that you have no place in our society and it would be an indictment on our society that none of us would really want. So you have a pivotal role to play in our future, in the preservation of our democracy, in the principle of accountability."

27. The Chairman reminded Mr. Bruney that he had been given a copy of the opening statement which gave the background and the purpose of the meeting and asked that he focus on it rather than making broadsides. He said that the issue which also needs to be focused on is the position taken by the lawyer for the person in public life at this meeting.

28. Mr. Bruney responded as follows:

"The issues before the meeting were procedural fairness, bias on the part of three members on the panel. Isn't that the crux of the matter? The other side is saying, look, we do not believe the Prime Minister will get a fair share with these three men on the panel. If that is the point why digress beyond that? Are these men fit to serve on the IPO? If they are not that is what you have to decide today. If you can move forward because there is no court order preventing you so to do, what you have is a matter before the court. You have a wide discretion to be able to make a decision today. You can move forward and if you don't move forward you will be agreeing that you are not in a position, procedurally, to

be able to deal with this matter. It is a matter for you and your consciences. Thank you."

CONCLUSION:

29. The opening hearing set for the 17th December, 2012 was postponed indefinitely and this meeting was held at the request of the person in public life made by his attorney-at-law. Mr. Alick Lawrence SC, for the reasons he stated at paras 18 – 24 (supra), did not address the meeting on the other issues raised in the letter to the Commission dated 10th December, 2012.

30. The Commission, however, is of the view that it must necessarily give its decision on the jurisdictional question and the other issues raised by the person in public life. The Commission has therefore decided as follows:

- (vi) that it has jurisdiction to proceed with the inquiry on the grounds that it has complied with the statutory preconditions for embarking on the statutory requirements to hold an inquiry under section 33 of the Act;
- (vii) that there is no statutory requirement that a person in public life must be given a hearing before the Commission forms the view, upon the examination of a complaint under section 32 or otherwise, that an investigation is necessary to ascertain whether the provisions of the Code of Conduct have been breached and to hold an inquiry under section 33 of the Act;
- (viii) that the common law does not appear to require that a person in public life be heard at the preliminary stage of the proceedings when the Commission is forming the view, upon the examination of a complaint under section 32 or otherwise, that an investigation is necessary to ascertain whether the provisions of the Code of Conduct have been breached by a person in public life and to hold an inquiry into the matter under section 33 of the Act;
- (ix) that the Commission applied its mind properly when the predetermination question was disputed before it in the letter of 6th January, 2010 from attorney-at-law Mr Alick Lawrence (as he then was) in which he informed that Hon. Roosevelt Skerrit, Prime Minister had "no interest whatsoever as alleged or at all" in the property named in the anonymous email from forumcitizens@yahoo.com and objected to the Commission's questions posed to his client in its letter of 4th December, 2009. The Commission decided and informed Hon Roosevelt Skerrit, Prime Minister by letter dated 4th March, 2010 "that it would not be treating the communication from forumcitizens@yahoo.com as a complaint which triggers those of the Commission's functions under the Act which require a complaint"

(emphasis added). Subsequent to this decision the Commission has taken no further proceedings whatsoever on this anonymous communication; and

- (x) that there is no real danger of bias by the three members of the Commission being impugned or any of them and that the Commission as presently appointed under section 4 of the Act is able to bring an independent and impartial mind to the proceedings of the inquiry into this matter.

31. In the premises, the Commission has further decided that the opening hearing of the inquiry which was postponed indefinitely shall now be fixed for Monday 25th February, 2013 at 9.00am at the Public Service Training Centre.

32. The Commission wishes to thank counsels for both parties for their submissions at the meeting held on the 7th January, 2013.

Dated this 24th day of January, 2013

(Signed: Julian Johnson)

.....

Julian N. Johnson, Chairman

(Signed: Alick Lazare)

.....

Alick Lazare, Member

(Signed: Anthony La Ronde)

.....

Anthony La Ronde, Member

(Signed: Gerald Smith)

.....

Gerald Smith, Member

.....

Vanoulst Jno Charles, Member*

(Signed: Henry Dyer)

.....

Henry Dyer, Member

**Member was ill at the time of the signing of the decision*

8. Notice of Proceedings dated February 20, 2013

THE COMMONWEALTH OF DOMINICA

INTEGRITY IN PUBLIC OFFICE ACT 2003, NO. 6 OF 2003

NOTICE OF PROCEEDINGS

(pursuant to s.33(3) of the Integrity in Public Office Act 2003 and Rule 9 of the Integrity Commission (Inquiries) Rules 2012, SRO No. 21 of 2012)


Lennox Linton, Complainant

Hon. Roosevelt Skerrit, Prime Minister of the Government of Dominica (the person in public life alleged to be in breach of the Code of Conduct)

TO: Mr. Lennox Linton, Morne Daniel, P. O. Box 2052, Roseau

TAKE NOTICE in light of the legal challenge to the decisions of the Commission, including Decision No. 1 of 2013/2014 the opening hearing of the said inquiry which was scheduled for the 25th day of February 2013 at 9 o'clock in the forenoon at the Waterfront Room of the Fort Young Hotel before the Commission is postponed until further notice.

Dated this 20th day of February, 2013


.....
Secretary to the Inquiry
Integrity Commission

9. Press Statement: Integrity Commission postpones Inquiry Hearing

Document	Press Release for immediate release
Attention	All media houses
Authorized by	Integrity Commission through the Secretary
Date	February 22, 2013

Press Release:

INTEGRITY COMMISSION POSTPONES INQUIRY HEARING

The Integrity Commission has postponed the opening hearing of the inquiry into the complaint by Mr. Lennox Linton (the complainant) of breach of rule 1 (e) of the Code of Conduct specified in the Second Schedule to the Integrity in Public Office Act 2003 by Hon. Roosevelt Skerrit (a person in public life) which opening hearing was scheduled to take place on Monday 25th February, 2013 at 9:00 am.

The Commission held a meeting on the 7th January, 2013 at the request of the person in public life and issued its decision on the 24th January 2013 (No. 1 of 2013/2014) in the matter.

By Civil Suit DOM HCV 2012/0399 In The Matter BETWEEN Roosevelt Skerrit, Applicant and The Integrity Commission Respondent, the applicant has challenged, in the High Court, the decisions of the Commission including Decision No. 1 of 2013/2014, in which the Commission held, inter alia,

- (i) that it had jurisdiction to proceed with the inquiry;
- (ii) that the Commission had not breached the rules of procedural fairness in deciding to conduct the investigation into the complaint made by Lennox Linton; and
- (iii) that the opening hearing of the inquiry will be held on the 25th February, 2013.

By Notice dated 20th February, 2013 the Commission has informed both the complainant and the person in public life, that in view of the High Court proceedings the opening hearing of the inquiry is postponed pending the courts determination in the matter.

The Commission is represented in this matter by Mr. Douglas Mendes S.C. and Mr. Kevin Williams.

(Signed: Helen E. Ambo)
SECRETARY

10. Judgment of the Eastern Caribbean Supreme Court dated May 26, 2011

The Eastern Caribbean Supreme Court

Commonwealth of Dominica

In the Court of Appeal

High Court

Civil Appeal No. 15 of 2011

Ambrose George

Appellant

and

1. Hector Spags John

Sued in his capacity as the Leader of the Opposition

2. The Attorney General

Sued as the representative of His Excellency the President

3. The Integrity Commission

Joined solely in relation to the interim or injunctive relief

Respondents

CORRECTED ORDER

VIA TELECONFERENCE:

BEFORE HER LADYSHIP, THE HON. MDE. JANICE M. PEREIRA, JUSTICE OF APPEAL on the 26th day of May, 2011:

UPON READING the notice of appeal and the High Court Judgment attached thereto, filed on 20th April 2011;

AND UPON HEARING Mr. Alick Lawrence for the Appellant, Mr. Gildon Richards for the 1st Respondent, the Hon. Attorney General, Mr. Levi Peters for the 2nd Respondent;

ON the grant of interim injunctive relief pending the hearing of the appeals, I am mindful of the fact that the Learned Trial Judge considered that an arguable case for Judicial Review has been made out in respect of whether Mr. Bruney would be disqualified from membership of the Third respondent, namely the Integrity Commission, under Section 5(d) of the Integrity in Public Office Act, which, were the Court to find at trial that Mr. Bruney was so disqualified, would mean that Mr. Bruney meantime would have had access to confidential information, which he was unauthorized to have. There is no doubt that this would be prejudicial to those persons who are required to furnish such information. On the other hand, were it to be determined that he is not so disqualified, whether on this ground, or any other, then the information, could always be readily available, and no prejudice would have been suffered by the Commission which is able to continue with its functions. In my view, the balance of convenience clearly lies in the restraint, of access to such information, pending the appeal:

IT IS HEREBY ORDERED AND DIRECTED THAT:

1. The appeal Nos. 14 and 15 of 2011 are to be consolidated and are deemed to be urgent.
2. That the time for the prosecution and hearing of the appeals be abridged.
3. The records of appeal are to be filed and served no later than Thursday, 2nd June, 2011 and transmitted to the Headquarters of the Court of Appeal in Saint Lucia.
4. The appellant is to file and serve his written submissions and authorities within 21 days of the date of this order.
5. The respondents are to file submissions and authorities, if any, within 21 days of the service of the appellant's submissions and authorities.
6. The appellant shall file, if necessary, submissions in reply within 7 days of receipt of the respondent's submissions.
7. The appeals be set down for hearing by the Court of Appeal at the first available opportunity, the said hearing to be by video conference, unless otherwise directed by the Chief Registrar.

8. The appellant, by his counsel undertaking to abide by any order as to damages which the Third respondent may suffer by reason of the grant of this order, which the appellant, has to pay the Third respondent is hereby restrained from holding any meetings with Mr. Davidson A. Bruney or from divulging any confidential information whether written or oral to Mr. Davidson A. Bruney in respect of any matter involving or concerning the appellant and any other member of the Cabinet of the Commonwealth of Dominica pending the hearing of the appeals.

Dated the 26th day of May, 2011

BY THE COURT


DEP. CHIEF REGISTRAR



11. Press Statement: Assistance of Chief of Police requested re disclosure of secret and confidential information and revelation of the business and proceedings of the Commission

Document	Press Release for immediate release
Attention	All media houses
Authorized by	Integrity Commission through the Secretary
Date	January 4, 2013

Press Release:

FOR IMMEDIATE RELEASE

ASSISTANCE OF CHIEF OF POLICE REQUESTED TO INVESTIGATE DISCLOSURE OF SECRET AND CONFIDENTIAL INFORMATION AND REVELATION OF THE BUSINESS AND PROCEEDINGS OF THE COMMISSION

1. The Integrity Commission has listened to a broadcast and read the transcript of the "Between you and Me" programme of Sunday 16th December 2012 on Q95FM radio in which information relating to the declaration of a person in public life filed with the Commission i.e. Prime Minister Roosevelt Skerrit, was published by Mr. Lennox Linton on that programme.
2. Under section 20 of the Integrity in Public Office Act, 2003, No.6 of 2003, the Commission is required to keep secret and confidential the declarations of the financial affairs of persons in public life filed with it and also the records of the Commission in respect of those declarations. These shall not be made public except as required in court proceedings or enquiry in respect of a declaration under the Act. Any breach, therefore, of this provision is unlawful.
3. Section 21 has enacted that all declarations of persons in public life and information relating to such declarations shall be treated as secret and confidential and shall not be disclosed or communicated to any unauthorized person or allow any such unauthorized person to have access to any such declaration or information or to publish any such information which comes to his knowledge.
4. The total confidentiality of declarations and information relating thereto is a vital requirement in the management by the Commission of the Integrity and accountability infrastructure created by the Act. The Act makes substantial invasion

into the privacy of a person in public life and Parliament has criminalized any breach of that confidentiality.

5. Additionally, at 2:41 p.m. in the afternoon of December 14, 2012, Dominica News Online (DNO) published an article entitled '*IPO pushes back hearings on PM matter*' which revealed information concerning the business and proceedings of the Commission held that morning.
6. The Commission has therefore requested the assistance of the Chief of Police in conducting a thorough investigation into these matters.
7. The Commission gives the assurance to persons in public life, and, indeed the public of Dominica, that firm measures continue to be taken to ensure that, as far as is humanly possible, the financial declarations filed with it, and all information relating to those declarations are kept secret and confidential in accordance with the provisions of the Act, including the oath of secrecy taken by the members and the staff of the Commission.

(Signed: H. Ambo)

SECRETARY

IC. Press Release: 1/2013

FILE- IC. 530-02

12. Presentation by the Chairman of the Commission

OVERSIGHT BODIES – IMPLEMENTATION OF INTEGRITY LEGISLATION IN VERY SMALL CARIBBEAN STATES

1. INTRODUCTION

I have been invited to write a “practitioner’s paper” relating to the work of the integrity commission as an oversight body in the member states of the OECS. This requires an examination of the recent anti-corruption statutes passed by the OECS governments and the performance of the integrity commissions in these states. In focusing on the activities of the Integrity Commission of the Commonwealth of Dominica, I shall be drawing on my experience as Chairman thereof over the past four years.

2. THE ANTI-CORRUPTION STATUTES IN THE ORGANIZATION OF EASTERN CARIBBEAN STATES (OECS) of – Antigua and Barbuda, Dominica, Grenada, Montserrat and St Lucia are:

- (i) Antigua and Barbuda (ANU):
 - (a) Prevention of Corruption Act, 2004 No. 21 of 2004
 - (b) Integrity in Public Life Act, 2004, No. 24 of 2004;
- (ii) Dominica (DOM): Integrity in Public Office Act, 2003, No. 6 of 2003;
- (iii) Grenada (GDN):
 - (a) Integrity in Public Life Act, 2007, No. 14 of 2007
 - (b) Prevention of Corruption Act, 2007, No. 15 of 2007;
- (iv) Montserrat (MONT): Integrity in Public Office Act, 2010, No. 2 of 2010;
- (v) St. Lucia (SLU): Integrity in Public Life Act, 2004, No. 6 of 2004.

3. REASON AND PURPOSE FOR INTEGRITY LEGISLATION:

To provide for the establishment of an Integrity Commission for the purpose of receiving declarations of the financial affairs of persons holding specific positions in public life, for the purpose of establishing probity, integrity and accountability in public life and for related matters.

4. OFFICES OF PERSONS IN PUBLIC LIFE

The Acts regulate a class of persons called ‘persons in public life’ who are listed in the First Schedules. These include members of Parliament, Ministers of Government, senior public and police officers, “Chief Technical Officers” and

Managing Directors and General Managers and Chairman of public bodies. Grenada's list of such persons, however, also includes "all police officers", "legal officers employed by the state,.

" "members of Boards or governing bodies of statutory bodies", and "all public officers including non-established officers receiving a salary in excess of \$2,000 per month". (ANU – s.2(c); DOM – s.2 (i); GDN – s.2(i); MONT – s.2; SLU – s.2)

5. THE FUNCTIONS OF THE COMMISSIONS

The Commissions are required to perform, inter alia, the following functions:

Examine, Verify and Certify Declarations of Financial Affairs

- to receive, examine, and retain all declarations filed by persons in public life;
- to make such inquiries as they consider necessary in order to verify or determine the accuracy of the declarations, including the conduct of tribunals appointed for that purpose.

Investigation and Inquiries into Allegations and Complaints of Non Compliance with the Act

- to inquire into any allegations of bribery or act of corruption under the Act (or under the Prevention of Corruption Acts of Antigua and Barbuda and Grenada);
- to receive and investigate complaints regarding non- compliance with or breach of the Act (or under the Prevention of Corruption Acts of Antigua and Barbuda and Grenada);

Unaccounted Property/Unexplained Property

- to hold inquiry into the source of income of the person in public life where the Commission suspects him or any other person on his behalf to be in possession of property or pecuniary resources disproportionate to his legitimate sources of income (DOM – s.47(2); MONT – s.47; SLU – s.30, ANU – POC Act, 2004 – s.7); and

Code of Conduct Breach

- to investigate and hold inquiry into complaint made by a person against a person in public life where the Commission is of the view that investigation is necessary to ascertain whether any person in public life has committed a breach of any provision of the Act including the Code of Conduct, and submit a report to the Director of Public Prosecutions. (ANU – s.24; DOM – s.33 & 34; GDN – s.45; MONT – s.33 (report to the Attorney General); SLU – s.35).

In conducting any such inquiry the Commissions are vested with the powers, rights and privileges of a Supreme Court at a trial or of a commission of inquiry under the Commissions of Inquiry Act for enforcing the attendance of witnesses and examining them on oath, affirmation or otherwise, compelling the production of documents; and

issuing a commission or request to witnesses abroad. (ANU – s.13; DOM – ss.11 & 24; GDN – s.37; MONT – s.13; SLU – s.22).

Perform such other functions as are required under the Act, including:

- the submission of an annual report to the Minister for tabling in Parliament on the activities of the Commission for the preceding year (ANU – s.29; DOM – s.48; GDN – s.26; MONT – s.48; (to the Governor); SLU – s.37);
- the power to make rules to regulate the procedures of the Commission (ANU – s.34; DOM – s.58; MONT – s.59; SLU – s.47); and
- keep proper accounts of receipts, payments, assets and liabilities to be audited by the Director of Audit or an auditor appointed by the Head of State (ANU – s.28; DOM – s.52; GDN – s.23-24; MONT – s.52).

Gifts

- To inquire into gifts accepted by persons in public life reported to the Commission (ANU – s.26; DOM – s.35; GDA – s.47; MONT – s.35; SLU – s.28).

6. INDEPENDENCE OF THE COMMISSIONS (AND MINISTERIAL RESPONSIBILITY)

Independence, that is, ‘freedom from control, by, or subordination to’, connotes a status or relationship to others that rests on objective conditions or guarantees. In determining whether oversight bodies can be considered independent regard must be had, inter alia, to:

- (a) their security of tenure;
- (b) their financial security;
- (c) their institutional relationship with respect to matters of administration to the executive branch of government bearing directly on their statutory functions; and
- (d) whether they may be reasonably perceived as independent . (See *Valente v. R* [1985] 2 SCR 673 at 674, and *The Report of the Rt. Hon. Mr Justice P.T. Georges on the Independence of the Judiciary*, February 16th 2000, in Carib LB. 28.)

The Acts expressly provide that the Commissions are not subject to the direction or control of any person or authority in their exercise of these statutory functions. (ANU – s. 12(2); DOM – s.13; GDN – s. 12(2) (a); MONT – s.13; SLU – s.8). The Commissions, therefore, in the exercise of their obligations, duties and powers are required to act independent of the Executive and the parties to any matter before them. They are independent of ministerial direction or control in the performance of these autonomous functions. Though they are not

“departments of government” they are, however, statutory authorities exercising state power and are part of the “business of Government” within the meaning of the Constitution so that the relevant Minister may be assigned portfolio responsibility for the Commission subject to the necessary reservation in respect of their exclusive and protected functions. (See, e.g., Dominica Constitution s. 61 with s.68, AG of Fiji v. DPP of Fiji [1983] 2 A.C. 672 and Mossell (Jamaica) Ltd. (t/a Digicel) v. Office of Utilities Regulations and Ors (Jamaica) [2010] UKPC (21st January, 2010)).

Their independence is also safeguarded by the provisions which require that the expenses incurred by the Commissions for the purposes of the Act are to be a charge on the Consolidated Fund and are not therefore subject to annual appropriation. (ANU – s.31; DOM – s.52; MONT – s.52; SLU – s.39). There are similar provisions in their Constitutions and in the Eastern Caribbean Supreme Court Order (S.I. 1967 No. 223 (U.K.)) concerning the salaries and allowances of the Head of State, the judges of the Eastern Caribbean Supreme Court, the Director of Public Prosecutions, the Chief Elections Officer, the Director of Audit and payment of the public debt. (Grenada, however, provides a different procedure. Section 22 of the Grenada Integrity in Public Life Act provides that “the funds of the Commission shall consist of funds as may be appropriated to the Commission by Parliament”).

This provision has very definite legal effect and purpose. It provides the necessary authority for the release of funds (approved by the Executive/Minister for Finance) for the specific purpose from the Consolidated Fund. The Constitutions provide that estimates of expenditure charged upon the Consolidated Fund by the Constitution or by any other law enacted by Parliament do not require to be approved by Parliament by an appropriation bill. (See for example, Dominica Constitution s.78 (2)). This together with the finance and audit laws and the budget approval procedure and processes provide an effective system of financial control and accountability that safeguards the public funds allocated to the Commissions.

Their independence is further reinforced by security of tenure for the fixed term of their appointments and the provision that a member of the Commission may be removed from office only for inability or misbehaviour and only on the determination of an independent tribunal appointed for that purpose and not by the Executive. (ANU – s.9; DOM – s.7 (3) – (7); GDN – s.9; MONT – s.7 (2) – (6). But see SLU section 5(a) which provides that a vacancy in membership may occur by “the revocation of the appointment of a member” by the Governor General, without more).

7. STAFF OF THE COMMISSIONS

The Acts provide for the appointment of a Secretary to perform the following duties:

- to attend meetings of the Commission;
- to record the minutes of each meeting in proper form; and
- generally to perform duties connected with the work of the Commission.

(See Robert's Rules of Order, 10th Ed. By General Henry M. Robert, Perseus Pub., p. 442 – 443.)

It is also enacted that the Commissions shall be provided with staff “adequate for the prompt and efficient discharge” of their functions under the Act who shall be public officers appointed by the Public Service Commission (ANU- s.30; DOM – s.49; GDN – s. 19; MONT – s.12 and 49; SLU – s. 38).

8. IMPLEMENTATION OF THE INTEGRITY LEGISLATION IN THE OTHER OECS COUNTRIES

ANTIGUA

The three-member Commission met several times during the period 2006 – 2012. In August 2009 it published in the Official Gazette of Antigua a list of three hundred and twenty six (326) persons in public life who had failed to file declarations of income, assets and liabilities for the year 2006. This list included: Five (5) Members of Parliament; Twelve (12) Permanent Secretaries and Principal Assistant Secretaries; other very senior public and police officers and Heads of Department; a former Ombudsman and member of the Industrial Court; the President of the Industrial Court; Chairman and members of the Constitutional Commissions; and the Chief and the Senior Magistrates.

In March 2010, the Commission however published a “Notice of Apology” in the Official Gazette to six (6) of these persons because the “Commission received credible information” that their names should not have been published since declarations had been submitted by them for the year 2006 “prior to the appearance of their names in the Gazette,” and to Six (6) others since “they had not yet qualified to submit declarations for the year 2006” or were not required to file declarations since they were not persons in public life.

The Commission's staff consists of one Secretary. Funds have not been allocated to the Commission as required by section 27 of the Integrity in Public Life Act. The Commission has not yet submitted Annual Reports to Parliament as required by section 29 of the Act.

GRENADA

Addressing the ceremonial opening of the Grenada Parliament on Wednesday 27th March 2013, the Governor General said that the government would move to implement the Integrity in Public Life Act 2007 which came into force on July 01, 2008. He said:-

“Regrettably, almost five years later, the Integrity Commission has not yet commenced operations. My Government will move swiftly to activate the Integrity Commission as a first step, all members of my government will declare their assets, liabilities and income. My government fully expects all other members of Parliament to follow this example.”

The Governor General also stated that in order to minimize further delays in its functioning, the government will invite the Integrity Commission to consider a phased approach to its operations such that having addressed members of government and Parliament, it would move to address senior managers in the public service, revenue collection agencies and chairmen and members of statutory bodies before addressing other persons in public life listed in the legislation. ([www.antiguaobserver.com/grenada - to stage-referendum-on-ccj](http://www.antiguaobserver.com/grenada-to-stage-referendum-on-ccj). paras 6-8; Thursday March 28th 2013; accessed 4th April 2013).

MONTSERRAT

The Act came into operation in February 2010. The Commission was appointed in June 2012 but it is not yet operational. It may be contacted via email through the Ministry of Legal Affairs. No staff appointment has been made to the Commission and there is no separate budget of expenditure as required by section 52 of the Act.

ST LUCIA

The Act came into force on June 14th 2004. The office is staffed by one person, the Secretary. All financial matters are dealt with through the office of the Prime Minister. The Commission receives numerous anonymous complaints against persons in public life signed by “Concerned Citizens.” Four annual reports prepared by the Secretary have been presented to Parliament. The Commission is not provided with its own funds as required by section 39 of the Act.

9. DOMINICA: IMPLEMENTATION OF THE INTEGRITY IN PUBLIC OFFICE ACT 2003

(a) Examination of Declaration of Financial Affairs

Under section 14 every person in public life is required to file with the Commission in every calendar year a declaration of his income, assets and liabilities in Form 2 of the Third Schedule.

The receipt, examination, investigation and formal inquiry into this declaration is therefore at the heart of the probity, integrity and accountability in public life regime imposed by Parliament. Failure by a person in public life, without reasonable cause, to file such a declaration in accordance with the Act is visited with criminal sanctions. (Section 27).

The information on the Commission's performance of its duties under these provisions is summarized in Fig. 1 below.

2008 -2012 ANNUAL STATISTICS ON DECLARATIONS OF FINANCIAL AFFAIRS

Year	No. of Persons in Public Life	No. of Persons who filed	No. of Persons who failed to file	Compliance in percentage (%)	No. of Queries sent	No. of Declarations Certified	No. of Persons Gazetted/ Reported to DPP	No. of Cases charged by DPP	No. of cases prosecuted by DPP
Dec. 1 2008	119	102	17	86	78	107	17	0	
Dec. 31, 2008	136	111	25	82	58	94	25	2	
Dec. 31 2009	147	134	13	91	33	126	13	26	3
Dec. 31, 2010	159	152	7	96		151	7	0	0
Dec 31, 2011	164	158	6	96	69		6	0	0
Dec 31, 2012	156	147	9	94	34	113	15		

Fig. 1

(b) Effectiveness of Financial Disclosure?

Bertrand de Speville, Deputy Chairman of Transparency International, in an address to Trinidad and Tobago Transparency Institute on 8th March 2013, on the subject "The Case for an Anti-Corruption Agency", stated: *"The Integrity Commission is wasting its energy and resources receiving declaration of public officers' assets and liabilities. What it really needs is the power to arrest, search and seize, to intercept communications and investigate bank accounts."* He added that the Integrity Act of Trinidad and Tobago does not have the features of an anti-corruption body.

The Commission has not supplanted the criminal justice jurisdiction of the police or the Director of Public Prosecutions. The Commission is empowered under sections 11, 23 & 24 of the Act to summon the production of documents including bank records of a declarant. But the proper foundation for the request has to be established. In the Bahamian case of Sir William Douglas v Sir Lynden Oscar Pindling ((1996) 48 WIR 1) the Privy Council laid down the test to be applied by an inquiry tribunal in deciding to issue such summons in the light of the banking legislation dealing with the customer's rights to non-disclosure without consent. The Board held (i) that if there was material before the commission of inquiry which induced its members to believe bona fide that a banker's record might cast light on matters falling within the Commission's terms of reference, it was the duty of the Commission to issue a summons seeking access to the banker's book; and (ii) that a balance has to be made between the promotion of the work of the commission of inquiry and the customer's personal interest and that if the public interest appeared on good grounds to require the disclosure of a customer's banking records, the customer's rights to non-disclosure without consent must yield to the public interest. (See Banker's Books (Evidence) Act, Chap. 5:04; (1990 Rev. Ed.) ss. 3-7)

(c) Confidentiality and Secrecy of Declarations and of Commission's Meetings and Proceedings – Breach and Leak?

Because of the sensitivity of the declaration of financial affairs, the Commission is under a statutory duty not to disclose the confidential information received from persons in public life or its business or proceedings. This duty engenders a correlative statutory right in favour of persons in public life with respect of non-disclosure.

Section 21 of the Act provides that every member and every person performing any function in the service or as an employee of the Commission shall:

- a) treat all declarations filed with the Commission or information relating to such declarations as secret and confidential;
- b) not disclose or communicate to any unauthorised person or allow any such person to have access to any such declaration or information; and
- c) be liable to penal sanction for contravention of these provisions.

Also, pursuant to section 50 the members, the Secretary and the staff of the Commission are required to take the oath of secrecy specified in the Fourth Schedule to the Act. Under this oath, sworn to before the President of the Commonwealth of Dominica, these officers solemnly promise that they shall not "directly or indirectly reveal the business or proceedings of the Integrity Commission".

From its inception on the 2nd September, 2008 the Commission has taken very seriously and has strictly complied with these statutory imperatives.

However, in December, 2012 information concerning the declaration of a person in public life and of the confidential proceedings of the Commission were disclosed in the public media. This caused great concern and anxiety at the Commission as the preservation of the secrecy and confidentiality of the declarations and the business and proceedings of the Commission is a fundamental obligation imposed by Parliament on the Commission. The Commission acting under section 53 of the Act has requested the assistance of the Chief of Police in conducting a thorough investigation into the matter. The investigation is still on going.

(Under section 9 (1) and (5) of Antigua's Integrity in Public Life Act, 2004 the communicating of confidential information to any unauthorised person also constitutes "misbehaviour" for which a member of the Commission may be removed from office).

(d) Complaints of Non-Compliance with the Act – Anonymous Complaints and Allegations of Corruption

Under section 9(c) and (d) with Parts IV and VI the Commission is mandated to:

- i. inquire into any allegation of bribery or act of corruption under the Act; and
- ii. receive and investigate complaints regarding non- compliance with any provisions of the Act including the Code of Conduct specified in the Second Schedule.

Here the jurisdiction of the Commission is limited to the investigation of complaints received of non-compliance with the Act or allegations of bribery or act of corruption under the Act brought to the attention of the Commission from identifiable persons, natural or legal. Under these provisions read along with section 55(1), the Commission is not empowered to act on its own volition or on anonymous complaints or complaints made through the press or other public forum. (Republic v First Track High Court, Accra, ex p. Commission on Human Rights and Administrative Justice [2009] 1 LRC 44).

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

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

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

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

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

The Minister has since instituted judicial review proceedings against the Commission’s decision and the matter is presently before the Court.

(e) Education Programme

The Commission has conducted education programmes directed at sensitizing persons in public life about their obligations under the Act as well as the process for filing declarations as required by Section 14 of the Act. A total of 110 persons attended the first education sessions, including members of the House of Assembly, Ministers of Government, senior government officials, gazetted police officers and chairmen and managers of public institutions.

The Commission has developed a public education programme aimed at informing the public on the following matters:

- (i) integrity, probity and accountability in public life and the purpose and reasons for integrity legislation;
- (ii) the functions of oversight institutions under the Constitution and other legislation;
- (iii) the powers, functions/duties of the Integrity Commission under the Act;
- (iv) public, “democratic oversight” – the mass media; and
- (v) duty to observe the rules of natural justice in the Commission’s decision-making and to keep within the four-corners of the Act.

10. FACTORS INFLUENCING THE PERFORMANCE OF THE INTEGRITY COMMISSION OF DOMINICA

- (i) **The intense political controversy and vocal media criticisms of the five-year hibernation of the Act**

Though enacted in May 2003 the Act was only brought into operation in September 2008 following great public controversy and incessant demands for its implementation. The appointing authorities in the exercise of their powers and

the Commission in undertaking its statutory responsibilities were, undoubtedly, cognisant of that environment and the heightened public expectation in which the Act was being brought into force.

(ii) Adequate Financial Provisions by the Executive

Under section 52 the Minister for Finance is authorized to approve the estimates of expenditure of the Commission for the purposes of the Act. Such expenses are a charge on the Consolidated Fund. There was prompt approval by the Minister of the estimates of expenditure as submitted by the Commission, and the Minister for Legal Affairs provided adequate office accommodation and facilities. Under the Finance (Administration) Act 1994, No. 4 of 1994, the Secretary was appointed an Accounting Officer responsible for accounting for the expenditure of the Commission and answerable to the Public Accounts Committee of the House of Assembly for the efficient management of the public funds entrusted to the Commission.

The Commission felt constrained, however, to disregard certain administrative rules and practices intended for public officers and departments of government which were being extended to it and which would be prejudicial to its independence contrary to the intention of section 13 of the Act. In that regard, the matter of Executive approval of travel by members on the business of the Commission from funds allocated for official travel in the Commission's approved estimates of expenditure remains unresolved. (See Second Annual Report 2010, Appendix 6.)

(iii) The Composition of the Commission

Under section 4 of the Act the Commission is appointed by the President and is comprised of the following:

- (a) a Chairman, a lawyer of fifteen years standing, on the advice of the Prime Minister given after consultation with the Leader of the Opposition;
- (b) two members of high public standing and reputation for personal integrity, on the advice of the Prime Minister;
- (c) two members of high public standing and reputation for personal integrity, on the advice of the Leader of the Opposition;
- (d) a chartered or certified accountant, on the recommendation of the Institute of Chartered Accountants of Dominica or like body; and
- (e) an attorney-at-law, on the recommendation of the Dominica Bar Association.

Though five members are appointed on the advice of elected politicians the Commission is required to perform its functions under the Act with

independence and impartiality. (Section 13 and Constituency Boundaries Commission and AG of Dominica v. Urban Baron [1999] E.C.L.R. 114).

The appointing authorities got it right by the assiduity with which they undertook their responsibilities under section 4 of the Act when the Commission was being set up in September 2008. The membership included, a public finance and management consultant and former Financial Secretary spanning three administrations; a retired senior UNCTAD officer/regional adviser and former High Commissioner and Ambassador of Dominica spanning two administrations; a former Court of Appeal Judge who acted Chief Justice for three years; a Roman Catholic Archbishop Emeritus; a former Deputy Director at the Caribbean Development Bank; a retired public service accountant and member of the Institute of Chartered Accountants of the Eastern Caribbean; an attorney-at-law of over fifteen years standing and former Secretary to the Cabinet and Head of the Public Service spanning five administrations, in succession and a retired banker.

The Commission was able to maintain appropriate “arm’s length” relationship with the government and to confine ministerial responsibility within its proper limits and away from its day to day administration.

(iv) Top level Commitment: The establishment of Committees of the Commission

The Commission, during its first years of operation, was without a substantive appointment in the office of Secretary for fourteen months! The Commission’s recommendation for contractual engagement of a suitable candidate did not find approval by the Executive. The Commission’s leadership was committed to “making this thing work”, and, through its Committees, worked hard and long hours to accomplish its tasks.

At the very first meeting held on the same day of its appointment the Commission organized its members into three committees for the purpose of expediting the performance of its functions. These are:

▪ Finance and Administration (F&A)

The Finance and Administration (F&A) Committee has responsibility to conduct preliminary examination of all declarations filed and to make recommendations to the Commission, and to oversee the administration of the Commission including the interview of senior staff and the management of the annual budget.

▪ Rules Committee

The Rules Committee has responsibility to keep under review the legal framework within which the Commission is mandated to operate, and to develop rules and procedures for performing its functions.

▪ Education Committee

The Education Committee has responsibility for organizing education programmes for persons in public life on the provisions and purposes of the Act and their obligations thereunder; and also to educate the public on matters relating to the work of the Commission, the importance of integrity and probity in public life, and the role that civil society must play in this regard.

(v) Firm and even-handed management

At the outset, the Commission's approach to the implementation of the Act was influenced by the policy position that *every person in public life was required* to comply with the law including the deadlines set therein. The Commission has no discretionary power to waive or extend the time for compliance with any provisions of the Act. (This may be contrasted with the provisions of section 28(2) of the Grenada Integrity in Public Life Act 2007 and section 11(2) of the Trinidad and Tobago Integrity in Public Life Act 2000 which empower the Commission to, for good cause, extend the time for filing declarations.)

Therefore, there was zero tolerance to non-compliance with the Act in respect of the filing of declarations of financial affairs in accordance with section 22 of the Act. Also, the Commission conscientiously addressed and expeditiously dealt with the complaints of non-compliance received by it in accordance with the provisions of the Act. The Commission always gave full reasons for its decisions. These are published in the Appendices of the Annual Reports of 2009 and 2011.

(vi) Accountability: Obedience to Parliament – Annual Reports

Section 48 of the Act mandates that the Commission shall not later than two months after the end of each year make annual reports to the Minister to be tabled in Parliament.

The Commission strictly complied with this duty and made comprehensive annual reports of its activities to the Minister for Legal Affairs to be tabled in the House of Assembly within the prescribed deadline in every year from 2009 - 2012.

II.RECOMMENDATIONS FOR IMPROVING INTEGRITY GOVERNANCE

The Integrity Commission of Dominica has provided advice and made several recommendations on legislative amendments to ensure that the Commission has the

legal and organizational framework and the staffing structure to carry out its mandate and to strengthen probity, integrity and accountability in public life in Dominica. (See Annual Reports 2009 to 2011, passim.)

- (a) **Parliamentary Oversight.** The Integrity Commissions in the performance of their important, albeit intrusive, statutory functions require a supportive political environment. The Parliaments of the OECS must continue to demonstrate that they are important stakeholders in enhancing the integrity and corruption prevention regime that have been enacted and the administrative structure that they have established.

In the Chairman's transmittal letter to the Third Annual Report to Parliament (October 24th, 2011) he felt constrained to state:

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

In order to strengthen Parliament's oversight role I recommend the following:

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

Under Article 5 of the United Nations Convention against Corruption (UNCAC) a State Party “shall endeavour to periodically evaluate relevant legal instruments and administrative measures with a view to determining their adequacy to prevent and fight corruption”. Each State Party is therefore required “to review its existing legislative, institutional and procedural provisions to strengthen what is in place and introduce what is required in order to develop a coherent and co-ordinated anti-corruption strategy”. (Commonwealth Strategies to Combat Corruption: The Commonwealth Updated Legislative and Technical Guide, Commonwealth Secretariat pub., November 2011, p.23.)

Dominica acceded to UNCAC on May 28, 2010 which constitutes a positive statement by the Government that it will act in accordance with the undertakings entered into under the Convention. (And, for the developing Commonwealth Caribbean jurisprudence on the possible effect of the doctrine of legitimate expectations on ratified but unincorporated treaties on domestic law, see the *obiter* in the leading joint judgement of President de La Bastide and Justice Saunders in Attorney General of Barbados v. Joseph & Boyce [2006] CCJ1(A J)).

The Jamaica Corruption (Prevention) Act 2001 provides for such a review of the statute by a Committee of Parliament. Section 16A enacts:

“(1) This Act shall be reviewed from time to time by a committee of both Houses of Parliament appointed for that purpose.

(2) The first such review shall be conducted not later than three years after the 1st of May, 2001.”

- (b) **Constitution and Functions of the Commission’s Secretariat** - The Executive in the OECS has generally failed to comply with the statutory requirement to provide the Commissions “with staff adequate for the prompt and efficient discharge” of their statutory functions. A fundamental pillar for an efficient and effective anti-corruption body is the possession of high level professional staff with loyalty to the Commission and its mandate. The statutory description of the administrative functions to be performed by the Secretariat of the Commission under the current statutes is clearly inadequate. So too is the role of the Commission in the selection of and the exercise of disciplinary control over staff. It is critical that the Commission be staffed by high level professional staff with legal, accounting and auditing background. It is therefore recommended that the minimum staff complement and accountability to the Commission should be included in the enabling Acts. The Commission after a comprehensive review of the organization in 2010/2011 has made recommendations which included that:

- i. membership of the Commission be reduced to five including the Chairman;
- ii. the posts of Secretary be abolished and a new post of Registrar be established to advise the Commission and manage its operations;
- iii. the post of Research Assistant be abolished and replaced with two new posts of Financial Analyst and Investigator;
- iv. the post of Executive Officer be upgraded to Senior Executive Officer and assigned both secretarial and administrative functions; and
- v. the Integrity in Public Office Act and other applicable laws be amended to give effect to (i) - (iii) above.

An appropriate provision can be found in the Belize Prevention of Corruption Act 2007, No. 21 of 2007 which in section 7 enacts:-

“7. (1) There is established, for the purposes of this Act, a Secretariat to the Commission which shall consist of the following persons

- (a) an Executive Director;*
- (b) an Administrative Secretary;*
- (c) a Senior Clerk;*
- (d) an in-house legal Advisor;*
- (e) a Special (forensic) Investigator who is highly skilled and experienced to conduct investigations relating to financial crimes; and*
- (f) any other personnel reasonably necessary to carry out the Functions of the Commission.*

(2) The Executive Director is accountable and answerable to the Commission and he shall carry out all directions given to him by the Commission in pursuance of its functions.

(3) The Office of the Secretariat is charged with the administrative responsibilities of the Commission and shall perform any duties reasonably incidental to the office of the Commission, and which are assigned to it by the Commission.”

(c) Urgent Amendments to the First Schedule to the Act

Uncertainty in Meaning of Persons in Public Life:

- (a) “Chief Technical Officer”
The office of “Chief Technical Officer” has created considerable difficulties for the Commission and should be deleted from the First Schedule and replaced with specific offices of heads and deputy heads of department since a comprehensive determination of the offices which fall within its meaning

requires the construction of section 2(1) of the Integrity in Public Office Act 2003, section 86 of the Constitution and section 2 of the Public Service Act 1991, No. 27 of 1991! It is thought that Parliament ought not to legislate in a manner that is, *prima facie*, incomprehensible to the persons in public life who fall to be regulated by the statute! (See also MONT - s.2 with First Schedule.)

- (b) The list of persons in public life should only include those offices whose roles, functions and authority require the level of scrutiny imposed by the Act.

The Schedules to the Act may be amended by Regulations made by the Minister for Legal Affairs subject to negative resolution of the House of Assembly. (Section 59(b); and see Appendix 6 to the Third Annual Report 2011.)

(d) Complaints: No own volition investigation powers

Dominica and some of the other OECS can only initiate investigations of complaints of non-compliance or allegations of bribery and corruption made to them by a person, natural or legal. They have no own volition powers in that regard. (Contrast with Jamaica – The Corruption (Prevention) Act 2001, s. 5(e), Trinidad and Tobago Integrity in Public Life Act 2000 s. 5(1) (f) and 2(c)). There is, however, common law observation, *obiter*, that on a liberal and purposive interpretation to realise the purpose of these statutes a wide definition should be given to the word “complaint” to include informal complaints brought to the attention of the oversight body “through any credible means, including through public media and other public fora” and would therefore empower such bodies to initiate investigations based on such persistent media reports of breach of the legislation. (See dissenting judgement of Date – Bah JSC in Republic Case [2009] 1 LRC, 44, *supra*. But see the section 55(1) statutory requirement and R v. Davis [2008] UKHL 36 concerning the strong common law presumption that a person accused is entitled to confront those who testify against him.)

(e) Establishment of an Umbrella Organization for Regional Integrity Commissions – This recommendation was made at a conference of the Integrity Commissions of Dominica, St Lucia, Antigua & Barbuda and Trinidad & Tobago held in St. Lucia on June 8th, 2011 and repeated at the Regional Preparatory Consultation on Governance and Development in the Small Island States in the Caribbean held in St Vincent and the Grenadines in June 25 – 26, 2012. The organisation would be charged with the review and implementation of 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. Technical support from the Commonwealth Secretariat should be considered. The Secretariat has supported the institutional development of anti-corruption Commissions in member states of the Commonwealth. For example, it has provided special prosecutorial expert assistance including a digest on substantive and procedural laws to a member-state. (Commonwealth Governance Handbook, 2012/2013, Commonwealth Secretariat pub. 2012, p.73)

CONCLUSIONS:

[1] What Works?

- Education for persons in public life helps foster understanding of the functions of the Commissions and increases compliance.
- The compliance rate also increases to the extent that persons in public life know that mandatory statutory provisions will be enforced.
- Careful selection of Commission members from professional and experienced persons of high public standing and reputation for integrity and who are not known to have strong and active political affiliations.
- Effective organization, including design of procedures and the establishment of working committees, provides a sense of purpose and commitment to commissioners and staff.
- Transparency in the processes followed and in reporting on performance strengthens public confidence and support.
- Communication/collaboration with other Commissions and oversight bodies strengthens capacity to undertake difficult tasks, especially actions of a highly sensitive political nature.
- Access to high level expertise, e.g. legal and forensic, improves capacity to deal with complex cases.
- Maintaining independent and even handed administration insulates the institution from unnecessary public controversy.
- The giving of full reasons for the Commission's decisions should make the decisions acceptable to the parties and to members of the public and also satisfy the requirement of transparency in its decision making process.

[II] What Does Not Work?

- Requirement that complaints must be formal and written by an identified person. Having regard to the fact that in our societies there is a very weak, almost non-existent tradition of private persons initiating 'litigation'

of any kind against influential public officials the requirement of written complaints concerning the conduct of persons in public life is a severe limitation. Very few persons have put forth the kind of effort or personal initiative that a written complaint requires under the Act. Perhaps, the Ghana alternative of oral complaints may be considered. Section 12(1) & (3) of Ghana's Commission on Human Rights and Administrative Justice Act

1993 provides for the making of complaints orally to the office of the Commission which shall be reduced into writing by the staff and signed or thumb printed by the complainant. Regulations under the Act provide procedural rules for giving effect to this provision.

- Lack of whistle blower provisions
- Presence of persons with strong and active political affiliations and the risk of disclosure of confidential information to unauthorized persons including the press.
- Staff with close political ties: political patronage and institutional loyalty issues.
- Administrative restrictions on operations, for example, procurement of services and official travel on the business of the Commission.
- Dependence on the executive for legislative improvements and the making of Regulations. Parliament should greatly limit the extent of discretionary powers in the hands of the Executive by making comprehensive arrangements in the enabling Act concerning all imperatives including provisions to give effect to the legislation. (Recently, Dominica's Parliament in the Public Procurement and Contract Administration Act 2012, No. 11 of 2012, found it necessary to provide that if the Minister has not appointed a day for the entry into force of the Act within two years after the day of assent the Act shall automatically come into force on the next day, s.2 (2) & (3)).

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April 24th, 2013

Revised 24th June, 2013