



Fourth Annual Report Integrity Commission Commonwealth of Dominica

YEAR ENDED AUGUST 31, 2012

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4TH ANNUAL REPORT - INTEGRITY COMMISSION

CHAIRMAN'S LETTER OF TRANSMITTAL

October 31, 2012

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

Dear Sir,

ANNUAL REPORT OF THE COMMISSION TO PARLIAMENT

In keeping with section 48 of the Integrity in Public Office Act 2003, No. 6 of 2003, I submit the report of the activities of the Commission for the year ended August 31, 2012 to be tabled in the House of Assembly.

It is to be regretted that despite constant reminders the Executive has not acted upon the recommendations made for critical amendments to the legislation and for changes to the organization and staffing of the Commission. The Commission continues to hope that Parliament may be sufficiently concerned about the deficiencies identified in its recommendations and underlined in previous Annual Reports to initiate some consultation and debate on them.

Yours very sincerely,

JULIAN N. JOHNSON
CHAIRMAN

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 AND MISSION STATEMENTS

Vision

To foster the development of 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.

1. *INTEGRITY IN PUBLIC OFFICE ACT, 2003*

1.1 **Statutory Authority**

The Integrity Commission is governed by the Integrity in Public Office Act 2003, No. 6 of 2003 which came into operation on September 1, 2008.

1.2 **Purpose of the Act**

The Act of 2003 provides 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, in order to establish probity, integrity and accountability in public life and for related matters.

1.3 **Functions**

The functions of the Commission as specified in section 9 of the Act are as follows:

“The Commission shall -

- (a) receive, examine and retain all declarations filed with it under this Act;*
- (b) make such inquiries 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 allegations of bribery or act of corruption under this Act;*
- (d) receive and investigate complaints regarding non-compliance with any provision of this Act; and*
- (e) perform such other functions as is required under this Act.”*

2. THE INTEGRITY COMMISSION

2.1 CURRENT MEMBERSHIP

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

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

The full profiles of these members of the Commission are at Appendix 1.

2.2 QUALIFICATION FOR MEMBERSHIP

Section 4(1) of the Act specifies that the Commission shall consist of:

- (a) *a Chairman, who shall be a former Judge of the High Court, an attorney-at-law of fifteen years standing at the bar or a former Chief Magistrate, appointed by the President on the advice of the Prime Minister;*
- (b) *two members appointed by the President on the advice of the Prime Minister;*
- (c) *two members appointed by the President on the advice of the Leader of the Opposition;*
- (d) *a chartered accountant appointed by the President on the recommendation of the Institute of Chartered Accountants of Dominica or like body however described;*
- (e) *an attorney-at-law appointed by the President on the recommendation of the Dominica Bar Association.*

Section 4(2) makes provision for the Prime Minister to consult with the Leader of the Opposition with regard to the appointment of the Chairman.

The Act stipulates that persons appointed in accordance with section 4(1) (b) and (c) shall be persons of high standing and reputation for personal integrity.

The Act also specifies that a person shall not be qualified to be appointed as a member of the Commission if that person:

- (a) *is a person in public life or otherwise exercising a public function;*
- (b) *would otherwise be disqualified to be a member of the House of Assembly;*
- (c) *has, at any time during three years immediately preceding the date of appointment, been a public officer; or*

(d) *has, at any time during five years immediately preceding the date of appointment, held office in a political party.*

2.3 CHANGES IN MEMBERSHIP

Chairman Julian Johnson and Commissioners Alick Lazare and Gerald Smith took the oaths of office, allegiance and secrecy and began their second three-year term on September 2, 2011.

The term of office of Commissioner Wendell Lawrence ended on May 17, 2012. Commissioner Lawrence was appointed by His Excellency the President on the advice of the Prime Minister on May 18, 2009.

During his tenure, Commissioner Lawrence served on the Finance and Administration Committee, the Inquiry Management Team and as Chairman of the Education Committee. He assisted on a number of ad hoc committees established by the Commission. In his capacity as Chairman of the Education Committee, Commissioner Lawrence also served as a facilitator at a number of presentations made by the Commission to senior officials of the public and police services, and civil organizations in Dominica.

The Commission thanks Mr. Lawrence for his sterling contribution to the planning, decision-making and development of the programmes and activities of the Commission.

Commissioner Vanoult Jno. Charles was appointed under section 4(1)(b) to replace Mr. Lawrence on the Commission with effect from June 11, 2012.

2.4 CHALLENGES TO APPOINTMENT OF MEMBER

As reported in the Third Annual Report of the Commission, the appointment of Commissioner Davidson Bruney was challenged in the High Court in April 2011 by Civil Suit No. 110 of 2011.

On May 26, 2011, the Court of Appeal of the Eastern Caribbean Supreme Court issued an interlocutory injunction in the matter of Ambrose George v Hector Spags John, the Attorney General and the Integrity Commission (Civil Appeal No. 15 of 2011) restraining the Commission from holding any meetings with Mr. Bruney or from divulging any confidential information whether written or oral to him in respect of any matter involving Ambrose George and any other member of the Cabinet of the Commonwealth of Dominica pending the hearing of the matter.

In compliance with that order Commissioner Bruney did not attend proceedings of the Commission on those matters nor was he given access to any information relating to

Ambrose George and any other member of the Cabinet from that date. Hearing on the substantial matters is still pending before the court.

The Commission is gravely concerned at the 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 sixteen months runs counter to the considerations that Parliament thought necessary in the enactment of the provisions dealing with the composition of the Commission.

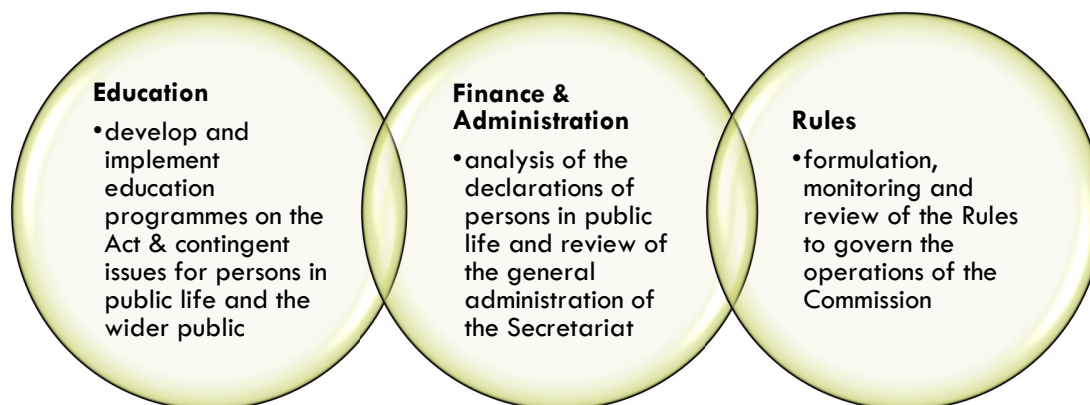
2.5 MEETINGS OF THE COMMISSION

Section 10(1) of the Integrity in Public Office Act provides for the Commission to meet at such times as may be expedient for the carrying out of its functions. A total of thirty-one (31) Commission meetings were held for the year, and the attendance of Commissioners at those meetings is shown in the following table:

| Commissioners | Length of service | Attended | Absence | Reasons |
|------------------------------|--------------------------|----------|---------|-----------------------------------|
| Julian N. Johnson | <i>Full year</i> | 31 | 0 | - |
| Alick Lazare | <i>Full year</i> | 30 | 1 | <i>Illness</i> |
| Vanoulst Jno. Charles | <i>From June 11 '12</i> | 5 | 0 | - |
| Davidson Bruney | <i>Full year</i> | 30 | 1 | <i>Personal</i> |
| Anthony P. La Ronde | <i>Full year</i> | 29 | 2 | <i>Personal; Out of state</i> |
| Gerald Smith | <i>Full year</i> | 31 | 0 | - |
| Henry Dyer | <i>Full year</i> | 29 | 2 | <i>Out of state</i> |
| Wendell Lawrence | <i>Up to May 17, '12</i> | 23 | 0 | - |

2.6 COMMITTEES OF THE COMMISSION

To perform the various functions mandated by section 9 of the Act, the Commission, from its inception organized itself into the three main Committees as shown by the following diagram:



This internal organization was maintained for the year under review, with composition of the three Committees being as shown on the following table, with a change in composition to reflect the end of the term of Mr. Wendell Lawrence.

| Education | Finance & Administration (F&A) | Rules |
|--|---|--|
| <ul style="list-style-type: none"> • Chairman (from July 5, 2012): Henry Dyer • Davidson Bruney • Vanoult Jno. Charles (from June 11, 2012) • Wendell Lawrence Chairman (up to May 17, 2012) | <ul style="list-style-type: none"> • Chairman: Alick Lazare • Gerald Smith • Davidson Bruney • Anthony P. La Ronde • Wendell Lawrence (up to May 17, 2012) | <ul style="list-style-type: none"> • Chairman: Julian N. Johnson • Henry Dyer • Anthony P. La Ronde • Gerald Smith |

In light of a decision of the Commission to conduct an Inquiry into a complaint against a person in public life, the Commission also organized the **Inquiry Management Team**. The Team, as shown on the following table, is responsible for the overall management of the inquiry process.

Inquiry Management Team

(Effective April to June, 2012)

Julian N. Johnson, Chairman

Alick Lazare

Anthony P. La Ronde

(Assisted by Inquiry Solicitor, Attorney at Law, Lisa de Freitas Nesty, Counsel, Attorney at Law, Kevin Williams, and Secretary Catherine Faustin, Deputy Registrar of the Supreme Court)

Ad hoc committees were established from time to time to deal with other Commission matters.

2.7 COMMITTEE MEETINGS

For the period under review, the Committees held meetings as follows: F&A Committee held thirty-four (34); the Education Committee, six (6); the Rules Committee, four (4). The participation of members at these various meetings held by the main Committees is recorded in the following tables.

a. The F&A Committee

Out of a total of 34 meetings:

| | Present | Absent |
|---|----------------|---------------|
| Alick Lazare | 34 | 0 |
| Davidson Bruney | 33 | 1 |
| Anthony P. La Ronde | 30 | 4 |
| Gerald Smith | 32 | 2 |
| Wendell Lawrence (up to May 17, '12) | 23 | 0 |

b. Education Committee**Out of a total of 6 meetings:**

| | Present | Absent |
|--|----------------|---------------|
| Henry Dyer | 6 | 0 |
| Davidson Bruney | 3 | 3 |
| Vanoult Jno. Charles (w.e.f . June 11, '12) | 2 | 0 |
| Wendell Lawrence (up to May 17, '12) | 2 | 0 |

c. Rules Committee**Out of a total of 4 meetings:**

| | Present | Absent |
|---------------------|----------------|---------------|
| Julian N. Johnson | 4 | 0 |
| Henry Dyer | 3 | 1 |
| Anthony P. La Ronde | 4 | 0 |
| Gerald Smith | 3 | 1 |

2.8 FOLLOW UP MECHANISM FOR THE UNCAC

As one of the signatories to the United Nations Convention Against Corruption (UNCAC), Dominica was randomly selected for an evaluation of the mechanisms in place to facilitate the Convention. The self-evaluation is being facilitated by the Financial Intelligence Unit (FIU) and the Commission is currently assisting the FIU in ensuring that all references to the Act and its implementation are properly reported on. The initiative is ongoing.

2.9 COMMISSION'S PAPERS AND LEGAL OPINIONS

One established practice of the Commission is to solicit legal opinions from lawyers on the Commission and from the Commission's legal consultant on issues that fall to be considered

in the performance of its functions. Commissioners also prepare papers for publication in local newspapers on the functions of the Commission and on the Act. Legal opinions were also sourced from the Commission's legal consultant.

For the year, research papers were presented by Commissioners on **Contingent Liability** and legal opinions on the **Non-certification of a person in public life**.

The Commission is currently working on the publication of the following papers: '*Gifts*', '*Bribery and Corruption*' and '*Conflict of Interest*'.

2.10 STAFF OF THE COMMISSION

There were no major changes to the staff structure during the year, notwithstanding a proposal for restructuring submitted to Government in 2011. The Commission continued to operate with a staff complement of five (5) comprising:

| | |
|---------------------|---------------------------|
| Secretary: | Helen Ambo |
| Research Assistant: | Palestrina Rolle George |
| Executive Officer: | Cheryl Roberts (Acting) |
| Junior Clerk: | Alicia Adrien (Temporary) |
| Messenger: | Nigel Joseph (Temporary) |

In September 2011, the Secretary participated at a CARTAC-sponsored workshop on Budgeting in the public service. The Junior Clerk also successfully completed the in-service training programme facilitated by the Establishment Department.

Over the period, February 1 to April 29, 2012, Fisheries Liaison Officer, Lisa Gilbert joined the staff temporarily to replace Mrs. Palestrina Rolle George on medical and maternity leave.

The Commission places on record its appreciation for the competent and mature manner in which Ms. Gilbert addressed her work over the period that she served.

The Commission has been working with the staff to ensure that the duties and responsibilities of the office are allocated among the existing staff in such manner as to realize maximum efficiency.

2.11 PROPOSED ORGANIZATION RESTRUCTURING

By letter dated April 19, 2011, the Commission proposed to Government a comprehensive restructuring of the Commission and the Secretariat for increased efficiencies, enhanced professional competence and additional capabilities to facilitate its mandate. The full text of this restructuring proposal formed part of the Third Annual Report of the Commission.

The main recommendations of the restructuring report 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 to give effect to 1, 2 and 3 above.

The staff organization structure recommended is as represented in Figure 1:

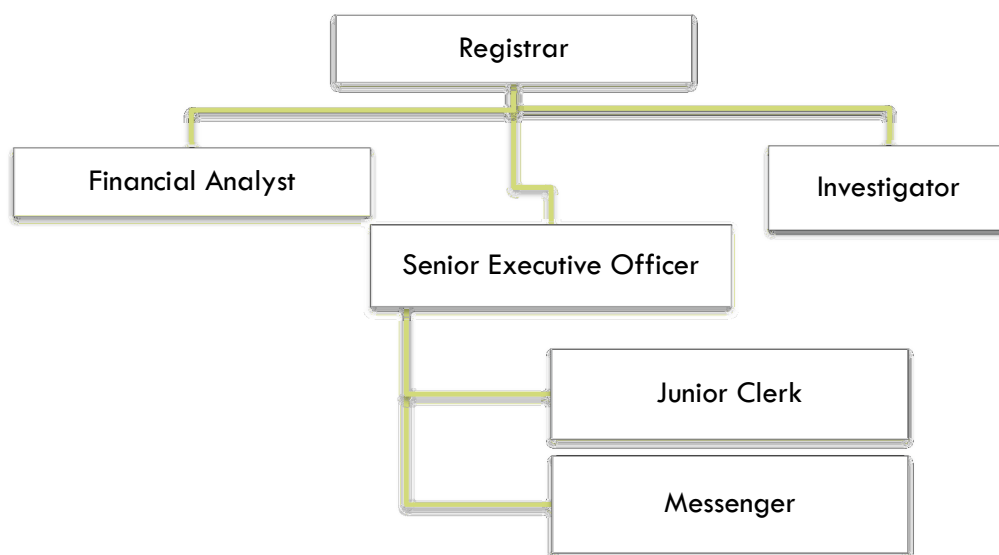


Figure 1: Proposed IC staff organization structure

The receipt of the proposal was acknowledged. In April 2012, the Permanent Secretary of the Ministry of Legal Affairs advised the Commission that the Honourable Minister for Legal Affairs had directed that a White Paper on the proposed restructuring along with proposed recommendations for amendment to the Act be prepared and referred to Cabinet for approval. To date no further word has been received on the initiative.

2.12 MEETING WITH THE PRIME MINISTER/MINISTER FOR FINANCE

The Chairman of the Commission met with the Prime Minister and Minister for Finance on Monday, November 7, 2011 to review applicable laws and procedures impacting the Commission as it related to the use of budgeted funds.

Based on the discussions, the Prime Minister indicated to the Chairman:

- 1) that the consolidated amendments to the Act and other recommendations as presented by the Commission would be considered by Cabinet;
- 2) that a bill would be submitted to Parliament to repeal and replace the Integrity in Public Office Act, 2003;
- 3) that he was in agreement with the Commission's recommendations regarding the proposed new staff structure though he envisaged difficulty filling the post of Registrar; and
- 4) that the Third Annual Report of the Commission (submitted by the Commission to the Minister of Legal Affairs) had been brought to his notice, and that it would be tabled in Parliament at its next sitting.

2.13 MEETING WITH THE DIRECTOR OF PUBLIC PROSECUTIONS

On August 16, 2012, the Commission met and discussed a number of matters with the Director of Public Prosecutions (DPP) including:

- i. how the Commission should present information regarding breaches of the Act to better assist the DPP's office;
- ii. the provisions of s.28 of the Act vis-à-vis the provisions of section 68 of the Magistrate's Code of Procedure Act, Chap. 4:20 of the Laws of Dominica; and
- iii. the wording of charges in cases of breach of the Act.

With regard to the six-month limitation period in the Magistrate's Code of Procedure Act, section 68, the DPP's attention was drawn to the provisions of section 28 of the Integrity in Public Office Act, 2003 which provided for a five-year limitation period concerning the financial disclosure provisions of the Act.

Section 68 of the Magistrate's Code of Procedure Act, Chap. 4:20 of the Laws of Dominica states:

'In all cases where no time is specifically limited for making any charge in the Act or law relating to the particular case, the charge shall be made within six months from the time when the matter of the charge arose.'

Section 28 of the Integrity in Public Office Act states:

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

The DPP undertook to review the matter in the light of authorities referred to by the Commission. Concerning the wording of the charges, the Commission pledged to ensure that all particulars that might assist the DPP's chambers in the prosecution of cases regarding breaches of the Act would be included in the reports to him.

3. ADMINISTRATION AND OPERATIONS

3.1 WORK PLAN

The main activities comprising the Commission's work plan for the year included:

- Maintaining an up to date, accurate list of persons in public life as set out in the First Schedule to the Act (Parts I and II);
- Receiving and securing the financial declarations made by persons in public life;
- Examining declarations made to it under section 14 of the Act for accuracy and fullness;
- Receiving and investigating complaints made against persons in public life in keeping with the provisions of the Act;
- Preparing and submitting an annual report on its activities to the Minister as required by section 48 of the Act;
- Developing and implementing a programme of public education on the provisions of the Act, including the provision of information to persons in public life on their duties/obligations under the Act.
- Provision of information to the general public on the workings of the Commission.

3.2 ACTIVITIES AND DECISIONS

3.2.1 THE LIST OF PERSONS IN PUBLIC LIFE

A 'person in public life', according to the Act is

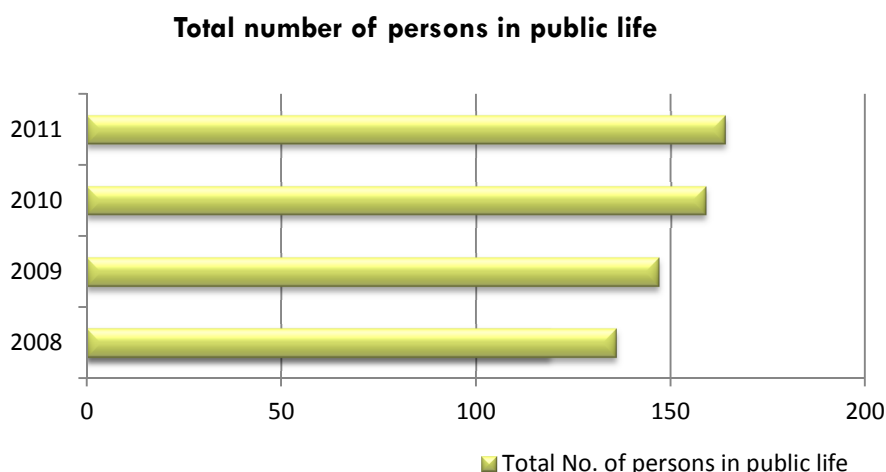
"(a) a person holding any office or position set out in Part I of the First Schedule to the Act; or (b) a person acting continuously for a period of not less than six months in any office set out in Part II of the First Schedule to this Act."

Persons in public life remain thus for two years after demitting their office pursuant to section 16(2) of the Act:

"16(2) The declaration shall be filed irrespective of the fact that, during the income year in which the declaration is required or in the following two income years, the declarant ceased to be a person in public life, otherwise than by reason of death."

The number of persons in public life has increased since the coming to force of the Act in September 1, 2008, from one hundred and nineteen (119) at first filing in September 2008 to one hundred and sixty-four (164) in December 2011.

The following graph depicts the number of persons in public life from December 2008 to December 2011.



In order to ensure and maintain a comprehensive and current list of persons in public life, the Commission continues to recommend the implementation of the following measures by ministries and department heads:

- state the appointing authority and current designation of chief executives of statutory boards;
- confirm the appointments of chairmen of statutory boards;
- confirm departmental lists of persons in public life;
- notify of the appointment of public officials under section 86 of the Constitution.

The failure of a number of ministries and department heads to gazette the information noted above regarding the acting, temporary and permanent appointments within their units makes the management of an up to date list a serious challenge. The matter was drawn to the attention of the Chief Personnel Officer, who solicited the cooperation of all department heads for a return to that practice.

The Commission thanks the Chief Personnel Officer for her collaboration in this regard, and highlights the information in the memorandum of March 8, 2012 (Appendix 2).

The comprehensive list of all persons in public life according to office as at December 31, 2011 is appended (Appendix 3).

The distribution of those persons according to the offices set out in the First Schedule to the Act is shown in the following:

| Offices of Persons in Public life | No. of persons |
|---|----------------|
| Advisor/Assistant to the PM/Minister | 3 |
| Assistant Superintendent of Prisons | 1 |
| Chairman of a public institution | 35 |
| Chief Technical Officer | 34 |
| Chief Fire Officer | 1 |
| Deputy Chief Fire Officer | 1 |
| General Manager of a public institution | 9 |
| Gazetted Police Officer | 15 |
| Managing Director of a public institution | 4 |
| Member of the House of Assembly | 23 |
| Minister of Government | 20 |
| Parliamentary Commissioner | 0 |
| Parliamentary Secretary | 3 |
| Permanent Secretary | 13 |
| Speaker of the House of Assembly | 1 |
| Superintendent of Prisons | 1 |
| | 164 |

The table includes persons who are required to file declarations up to two years after they cease to be persons in public life (section 16(2) of the Act).

The Commission recorded the passing of three persons in public life in 2011: Mr. Ricky Allport – Director of Agriculture, Ambassador Charles Maynard – Advisor to the Prime Minister (Former), Honourable John Fabien – Minister of Government (Former). The Commission extends condolences to their families, ministries and departments on their loss.

One other person in public life was removed from the list of persons since she demitted office in 2008.

The Commission continues to make representation for amendment to the First Schedule to the Act as reported in previous annual reports, particularly to specifically list all the offices that are included under the office of '**Chief Technical Officer**'.

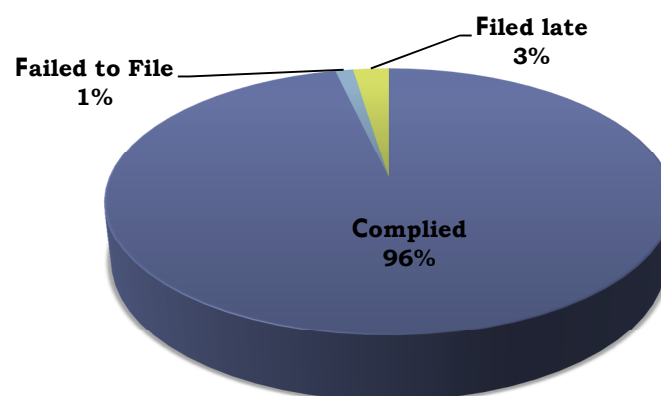
3.2.2 NOTICE TO PERSONS IN PUBLIC LIFE TO FILE DECLARATIONS

Commencing in December of every year, the Commission issues notices to file, accompanied by Form 2 of the Act and Guidelines to assist filing to all persons in public life. Five persons in public life were informed that 2011 was the last year of filing since they had demitted office in 2009.

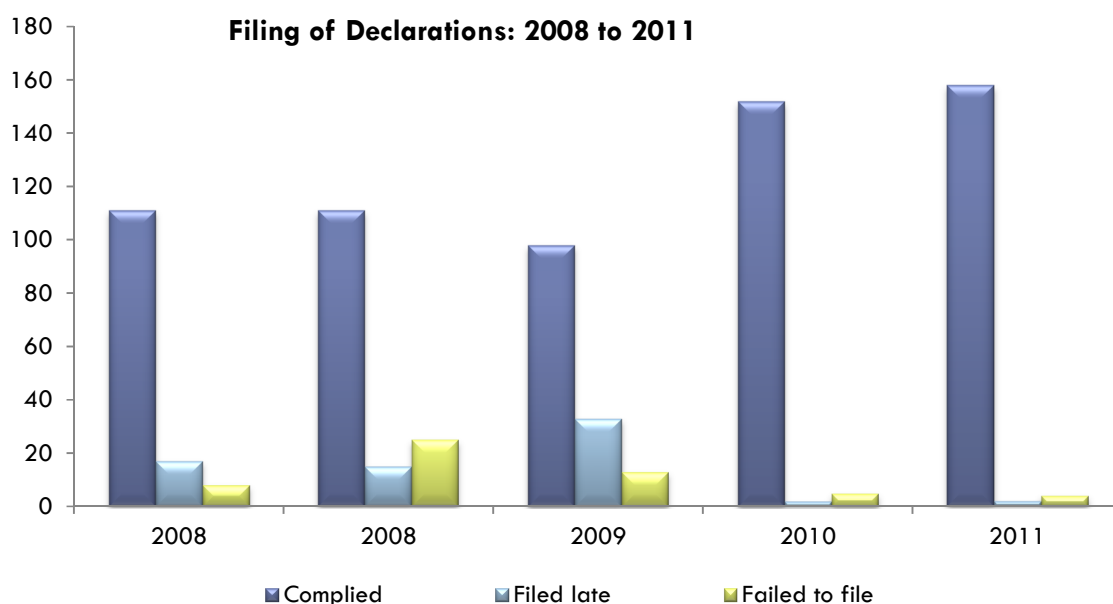
3.2.3 RECEIPT AND EXAMINATION OF DECLARATIONS

On or before the end of March each year, persons in public life are to submit declarations in **Form 2** of the Act with the Commission setting out: - offices, income/assets/liabilities, assets of spouse, children or relative traceable to the income of the person in public life and gifts made exceeding one thousand dollars (EC\$1,000), in accordance with section 14 of the Act.

Persons in public life continue to maintain a high level of compliance with the Act, and for the income year 2011, 96% (pie-diagram below) submitted declarations by April 2, 2012 in accordance with the Act. The compliance rate remained constant as for income year ended December 31, 2010.



A review of the data from the inception of the Act indicates increasingly improved performance by persons in public life. The following graph compares the filing performance from the first filing in 2008 up to 2011.



In pursuance of sections 14(3) and 15 of the Act, the Commission issued forty-four (44) queries and conducted five (5) interviews with persons in public life regarding declarations filed for the year. The queries which requested further particulars of the persons' financial affairs, were issued using a standard query form, though telephone interviews were used when the information required for completion of the examination was minor. Of the forty-four (44) queries issued for declarations submitted for 2011, thirty-eight (38) were satisfied and six (6) remained outstanding at the end of the operational year, August 31, 2012.

The Commission has noted the difficulties that may be experienced by persons in public life in complying with sections 14 and 16 of the Act and has improved its procedures to allow for the following:

- a) declarations may be submitted electronically;
- b) persons resident abroad may, by properly executed and registered power of attorney, have their declarations submitted on their behalf by a person resident in Dominica;
- c) supporting documents will only be requested where further particulars are required under section 14 or 15 of the Act.

3.2.4 BREACHES IN RESPECT OF FINANCIAL DISCLOSURE

The previous Annual Report recorded that forty-six (46) matters were reported to the Director of Public Prosecutions (DPP) with respect to failure to file declarations in accordance with section 14 of the Act for the income year ended December 31, 2009.

The Act provides for the Commission to (a) publish that fact in the Gazette, and (b) send a report to the Director of Public Prosecutions (DPP) for further action.

Twelve (12) of those matters were still pending for the review period. Of these, ten (10) were discontinued at the discretion of the DPP.

The Act provides for the Commission to

- a) Publish in the Gazette breaches of the Act
- b) Send a report of such breaches to the DPP for further action.

During the year ten of twelve matters still pending from the previous period were discontinued by the DPP. Of the other two, one was dismissed with a reprimand and the other was dismissed for lack of sufficient evidence.

Six reports concerning failure to file declarations for the calendar year 2010 were not pursued by the Office of the DPP.

With respect to calendar year 2011, six persons in public life failed to file declarations in accordance with section 16 of the Act. The following actions were taken:

- a) the names of all the persons were published in Gazette No. 21, Vol. CXXXV, dated 3 May, 2012 (see Appendix 5);
- b) reports of each case were sent to the DPP.

3.2.5 GIFTS

For the year under review two persons in public life declared in Form 4, seven (7) gifts received by them. One person reported five gifts; the other, two gifts. The Commission reviewed these submissions and decided that none of the gifts was intended to be a motive or a reward for doing or abstaining from doing anything in the course of the performance of official functions. Both persons in public life were written to in all instances allowing them to retain the gifts declared in accordance with section 35(4) of the Act.

3.2.6 CODE OF CONDUCT COMPLAINT: INQUIRY INTO COMPLAINT OF BREACH

During the year, the following preliminary actions leading to the conduct of an inquiry into a complaint concerning an alleged breach of the Code of Conduct were taken:

1. The Commission published notice of the inquiry in the Official Gazette of 23 February, 2012 with a commencement date of 1 March, 2012. (See Appendix 6).
2. A procedural plan for the hearing was developed.
3. A management team comprising three members of the Commission, an attorney and a solicitor was appointed.
4. A Secretary and a stenographer were engaged to serve the inquiry.
5. The Integrity Commission (Inquiries) Rules, 2012, Statutory Rules and Orders No. 21 of 2012 to govern the inquiry proceedings was made. (See Appendix 7).

3.3 DATABASE

One ongoing initiative to improve the examination and filing of financial declarations of persons in public life is the development of a database system. The system is currently being developed by the Information and Communication Technology (ICT) Unit and is expected to be fully functional in 2013. The initiative is spear-headed by Mr. Robert John, Database Development and Management Specialist, (ICT Unit), with Commissioner Davidson Bruney serving as liaison between the Commission and the ICT Unit. The Commission extends thanks to Mr. John for dedication to the completion of the task.

3.4 ANNUAL REPORT 2010/2011

The Third Annual Report for the year ending 31st August, 2011 was submitted to the Minister for Legal Affairs by letter of transmittal dated 11th November, 2010 in accordance with section 48 of the Act of 2003. The Third Annual Report was laid in Parliament on February 16, 2012.

The full text of the Press Release to note the tabling of the Report in the House of Assembly is appended (Appendix 8).

Following its tabling in the House of Assembly, the Third Annual Report was placed online - on the official Website of the Government of Dominica at www.dominica.gov.dm, on the Intranet of the Government Service, **GOVNET** and on the Commission's Website, integritycommission.gov.dm - and distributed to a number of interest groups, locally and regionally.

3.5 EDUCATION SESSIONS

For the year, the Commission held education sessions with:

- (a) members of the executive of the Dominica Association of Industry and Commerce on November 10th 2011;
- (b) senior police officers on 21st March 2012; and
- (c) senior public officers on 2nd and 16th May 2012.

The sessions were highly interactive and very well received by participants. Numerous questions were discussed and the Commission is currently updating the Second Edition of the Frequently Asked Questions Handbook to incorporate some of the answers to some of the issues raised.

3.6 RULES OF PROCEDURE

The Integrity Commission Rules of Procedure, 2011 was made by the Commission on July 14, 2011 under section 58 of the Act, and submitted to the Attorney General's Department for publication in the Official Gazette. On September 29, 2011, the Attorney General submitted to the Commission a list of areas of concern together with suggestions of possible adjustments that might be made to improve the Rules. In light of these comments, the Commission conducted a thorough review and resubmitted the Integrity Commission Rules of Procedure to the Attorney General on January 6, 2012.

The office has acknowledged receipt of the resubmitted Rules, but up to the end of the operational year, no further comments have been received, neither have the Rules been published in the Official Gazette.

3.7 COMPLIANCE PROCEDURES: MANUAL OF PROCEDURE

The Commission has compiled 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. The Manual of Procedure is made up of eighteen clauses and was adopted on March 15, 2012. It serves as a guide to the Commission and the staff. The full text of the Manual of Procedure is appended – Appendix 9.

3.8 ADMINISTRATION OF THE ACT

The Commission continues to experience some difficulty in respect of administering certain provisions of the Act. The provisions include section 17 which deals with trust property, the First Schedule which sets out the list of offices comprising persons in public life, and Form 2 of the Third Schedule which contains the format for submitting annual declarations. Requests for consultation with the Executive on these and other recommendations for amendment to the Act have not been acted upon.

3.9 LIBRARY

A library of reference books is maintained by the Commission to assist its work. For the year, three (3) texts were added to the collection of texts, reports and reference tools such as legal dictionaries, reports, statutes, digest and forms and precedents on various subjects of the Law.

As stated in all reports, 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.

3.10 WEBSITE

The Commission is pleased to report that its Website is fully operational. The Website, located at integritycommission.gov.dm was officially launched by public announcement on April 2, 2012. The site is highly informative and contains the annual reports of the Commission to date, the Integrity in Public Office Act, 2003, the full text of the FAQ Handbook (second edition), copies of all the Commission's decisions and the profiles of Commissioners.

The Commission expresses sincere appreciation for the efforts of the ICT (Information Communication and Technology) Unit, particularly those of Mr. Robert John and the Web Developer, Mr. Wayne Zamore in making this initiative a reality.

3.11 REGIONAL DEVELOPMENTS AND NETWORKING

The Commission continues to network with the other Commissions of the Region. In the Third Annual Report, it was noted that there are similar institutions in Antigua and Barbuda, Trinidad and Tobago, Jamaica, St. Lucia and the Bahamas. The Commission notes the establishment of the Integrity Commission of Grenada which is currently in the process of finalizing its operational/administrative arm and establishing a secretariat. The Commission also notes the existence of similar bodies in Guyana and Belize. Ongoing efforts are in place to establish and maintain contact with these similar regional organizations.

Copies of the Commission's Annual Report are made available to all similar oversight institutions within the Region.

Over the period June 24 – 27, Chairman Julian N. Johnson attended a conference in St. Vincent organized by the Commonwealth Secretariat under the theme: '*Governance and Development in the smallest of Small Island States*'. The Chairman addressed the conference and delivered a paper entitled: '*Political Corruption and the Implementation of Integrity Legislation in the OECS with particular reference to Dominica.*'

3.12 BUDGET AND FINANCE

The office of the Commission is administered by funds provided by Government, and in that regard, is subject to the Finance (Administration) Act.

The 2011/12 approved budget was for six hundred and seventy thousand, three hundred and sixty-six dollars (EC\$670,366). Traditionally, the budget allocation does not include allocations for utility and accommodation and communication costs since these are

managed by the Government departments responsible for utilities, and the Ministry of Legal Affairs.

The following table shows budgetary and actual figures for 2011/2012 and approved estimates for 2012/2013.

| Expenditure Heads | Approved Estimates '12/'13 | Approved Estimates '11/'12 | Actual Expenditure '11/'12 |
|---------------------------------------|---|---|---|
| <i>Personal Emoluments</i> | 530,095 | 530,095 | 496,640 |
| <i>Hosting and entertainment</i> | 1,500 | 1,500 | 1,486 |
| <i>Allowances</i> | 41,371 | 41,371 | 47,456 |
| <i>International Travel</i> | 17,500 | 18,000 | 195 |
| <i>Supplies and materials</i> | 17,500 | 18,500 | 14,098 |
| <i>Training</i> | 10,000 | 10,000 | 118 |
| <i>Rewards and incentives</i> | 1,000 | 1,000 | 0 |
| <i>Maintenance and operations</i> | 6,900 | 6,900 | 3,497 |
| <i>Professional & consultancy</i> | 30,000 | 30,000 | 6,650 |
| <i>Insurance</i> | 1,500 | 1,500 | 1,020 |
| <i>Sundry</i> | 7,500 | 9,000 | 7,185 |
| <i>Machinery and equipment</i> | 3,000 | 2,500 | 7,327 |
| | 667,866 | 670,366 | 585,672 |

Over the year, the Commission received approval for the virement of monies across a number of heads for increased operational efficiency.

3.13 NEW ACCOMMODATION

Progress reports on the construction of new offices for the Commission indicate that the project will be completed early within the second half of 2013. An ad hoc consultative committee maintained close liaison with the management of the project during the year.

3.14 CONSTRAINTS

The Commission continues to experience constraints in its capacity to undertake technical/forensic investigations and has sought training and technical assistance to enhance the skills available on its staff. The long-term solution is to restructure the organization as recommended in its submission to government.

4. *ACKNOWLEDGEMENTS*

The Commission acknowledges with gratitude the contribution of a number of persons and institutions that have assisted in its work for the year under review. Thanks are extended to:

- Staff of the Commission
- His Excellency the President
- The Commonwealth Secretariat
- The Honourable Prime Minister and Minister of Finance
- Staff of the Ministry of Finance
- Honourable Attorney General
- Honourable Minister for Legal Affairs
- The Commonwealth Secretariat
- Registrar of Companies
- Director of Public Prosecutions
- Chief Personnel Officer
- Staff of the Information & Communication Technology Unit
- Secretary to the Cabinet
- Commissioner of Police
- Government Printer
- Head of the Financial Intelligence Unit
- Executive of the Dominica Association of Industry and Commerce

SIGNED:

Julian N. Johnson

Alick Lazare

Vanoulst Jno. Charles

Davidson A. Bruney

Anthony P. La Ronde

Gerald Smith

Henry G. Dyer

APPENDICES:

| | |
|----------|---|
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| 2 | Memorandum from the Chief Personnel Officer to all Heads of Department re gazetting of appointment of public officers Pg. 33 |
| 3 | List of Persons in Public Life as at December 2011 Pg. 34 - 38 |
| 4 | Notice in the Official Gazette of June 7, 2012 Pg. 39 |
| 5 | Notice in the Official Gazette of May 3, 2012 Pg. 40 |
| 6 | Notice in the Official Gazette of February 23, 2012: Official Commencement of the section 33 Inquiry Pg. 41 |
| 7 | Integrity Commission (Inquiries) Rules 2012 Pg. 42 - 49 |
| 8 | Press Release: Tabling of the Third Annual Report in the House of Assembly Pg. 50 - 51 |
| 9 | Content of the Integrity Commission's Manual of Procedure Pg. 52 - 74 |

APPENDIX 1: Profiles of Members of the Integrity Commission

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 National 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: VANOUYST JNO.CHARLES

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

MEMBER - DAVIDSON BRUNEY

Davidson A. Brune is a graduate of the University of the West Indies. He is the holder of a Bachelors Degree in Physics, Mathematics and Computer Science. He has lectured/taught at several institutions in Dominica including the Dominica Grammar School, the Dominica State

College, and the Orion Academy. He has also done short stints at the Wesley High School and the St. Mary's Academy.

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

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

MEMBER - ANTHONY P. LA RONDE

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

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

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

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

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

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

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

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

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

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

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.

MEMBER - WENDELL ALPHONSUS LAWRENCE

Wendell Alphonsus Lawrence was born at Pottersville, Dominica, in 1936. He was a 1954 Island Scholar and holds a Bachelor's degree in Civil Engineering (1959) from McGill University and a Diploma in Public Administration (1964) from the University of the West Indies. He served as a civil engineer in the Public Works Department from 1959 resigning as its Chief Technical Officer in 1975. He then went to the Caribbean Development Bank in Barbados where he worked from 1975 retiring as its Deputy Director, Productive Sector Division in 1998. He returned to Dominica that same year and became very involved in Church activity and various projects. He was made a member of the Integrity Commission in May 2009 for a three-year period. He was awarded the Order of the British Empire (OBE) in 1973.

APPENDIX 2: Memorandum from the Chief Personnel Officer

Ref: 10/01

MEMORANDUM

FROM: Chief Personnel Officer

TO: Secretary to the Cabinet

Financial Secretary

Permanent Secretary/Tourism and Legal Affairs

/Employment, Trade, Industry and Diaspora Affairs

Foreign Affairs

/Education and Human Resource Development

Culture, Youth and Sports

/Health

/Agriculture and Forestry

Environment, Natural Resources, Physical Planning
and Fisheries

/Public Works, Energy and Ports

/Lands, Housing, Settlements and Water Resource
Management

Information, Telecommunications and Constituency
Empowerment

/Social Services, Community Development and
Gender Affairs

/National Security, Labour and Immigration

/Carib Affairs

President's Secretary

Director of Audit

Chief Elections Officer

Secretary/Public Service Commission

Clerk of the House of Assembly

DATE: March 8, 2012

**SUBJECT: GAZETTING OF TEMPORARY/ACTING/PERMANENT APPOINTMENTS IN
THE PUBLIC SERVICE**

It has been standard practice for all Ministries/Departments to furnish the Government Printery with all acting/temporary/permanent appointments in their departments for publication in the Official Gazette. It has been noted though, that recently, only a few Ministries have been complying.

This information has become particularly relevant to the Integrity Commission in carrying out its mandate of preparing and maintaining accurate records of persons in public life.

Heads of Departments are therefore reminded to ensure that the information required is submitted regularly to the Government Printery as has been done in the past.

I anticipate the cooperation of all in facilitating this process.

Sgd. J. Edwards

IRMA EDWARDS (MISS)
CHIEF PERSONNEL OFFICER

c.c.: Secretary, Integrity Commission

APPENDIX 3: List of persons in public life as at December 2011

| | | |
|----|---------------------------|--|
| 1 | Aird, Gerry | Chairman of a public institution |
| 2 | Albert, Patrickson | Gazetted Police Officer |
| 3 | Alexander, Yvonne | Gazetted Police Officer |
| 4 | Alleyne, Sir Brian | Chairman of a public institution |
| 5 | Allport, Ruth | Permanent Secretary |
| 6 | Andrew, David | Gazetted Police Officer |
| 7 | Austrie, Reginald | Minister of Government |
| 8 | Bannis- Roberts, Loreen | Minister of Government (Past) |
| 9 | Bannis, Jacinta | Chief Technical Officer – Director of the Drug Prevention Unit |
| 10 | Baptiste, Dayton | Member of the House of Assembly |
| 11 | Bardouille, Benoit | General Manager of a public institution |
| 12 | Bardouille, Larry | Chairman of a public institution |
| 13 | Baron, Urban | Member of the House of Assembly (Past) |
| 14 | Baron-Royer, Francine | Member of the House of Assembly (Past) |
| 15 | Bazil, Ezekiel | Member of the House of Assembly |
| 16 | Bellot, Claudia | Permanent Secretary |
| 17 | Bernard, Alvin | Minister of Government |
| 18 | Birmingham, Marvlyn | Chairman of a public institution |
| 19 | Blackmoore, Donille | Chief Technical Officer - President's Secretary |
| 20 | Blackmoore, Lucien | Permanent Secretary |
| 21 | Blackmoore, Rayburn | Minister of Government |
| 22 | Blanc, Dennis | Superintendent of Prisons (Ag.) |
| 23 | Blanc, Dr. Ruby | Chief Technical Officer – Hospital Medical Director |
| 24 | Boyd-Knights, Alix | Speaker of the House of Assembly |
| 25 | Browne, Abraham | Member of the House of Assembly (Past) |
| 26 | Browne, Rosie | Chief Technical Officer –Director of the Women's Bureau |
| 27 | Brumant, Heskeith | Chairman of a public institution |
| 28 | Brumant, Ricky | Chief Technical Officer – Director of Agriculture (Ag.) |
| 29 | Bruno, Nicholas | Permanent Secretary |
| 30 | Burnett-Biscombe, Anthony | Chairman of a public institution |
| 31 | Burton, Gerald | Chairman of a public institution |
| 32 | Burton, Minchinton | Chief Technical Officer – Director of Forestry |
| 33 | Bynoe, Brian Vernon | Chief Technical Officer – Director of Surveys (Past) |
| 34 | Cadette, Sylvester | Chief Technical Officer – Director of Telecommunications |

| | | |
|----|---------------------|--|
| 35 | Carbon, Daniel | Gazetted Police Officer |
| 36 | Carbon, Peter | Member of House of Assembly (Past) |
| 37 | Carrette, Cyril | Gazetted Police Officer |
| 38 | Carrette, Samuel | Permanent Secretary |
| 39 | Catin, Raphael | Assistant Superintendent of Prisons (Ag.) |
| 40 | Celaire, Rhoda | Permanent Secretary |
| 41 | Charles, Justina | Minister of Government |
| 42 | Charles, Norris | Member of the House of Assembly (Past) |
| 43 | Charter, Algernon | Superintendent of Prisons (Past) |
| 44 | Dailey, Julius | General Manager of a public institution (Past) |
| 45 | Darroux, Kelvar | Parliamentary Secretary |
| 46 | Darroux, Kenneth | Minister of Government |
| 47 | David, John A. C. | Gazetted Police Officer |
| 48 | Defoe, Antoine | Gazetted Police Officer (Past) |
| 49 | Douglas, Eisenhower | Permanent Secretary (Past) |
| 50 | Douglas, Ian | Minister of Government |
| 51 | Drigo, Johnson | Parliamentary Secretary |
| 52 | Dublin, Damian | Chairman of a public institution |
| 53 | Duncan, Carl | Chairman of a public institution |
| 54 | Dupuis, Josiah | Chief Fire Officer |
| 55 | Edwards, Annie | Chief Technical Officer – Chief Physical Planner |
| 56 | Edwards, Irma | Permanent Secretary - Chief Personnel Officer |
| 57 | Edwards, Rosamund | Permanent Secretary - Financial Secretary |
| 58 | Esprit, Nicholls | Member of the House of Assembly |
| 59 | Ettinoffe, Bernard | General Manager of a public institution |
| 60 | Eusebe, Jones | Deputy Chief Fire Officer |
| 61 | Fabien, John | Minister of Government |
| 62 | Fagan, Mandra | Advisor to the Prime Minister (Past) |
| 63 | Ferrol, Eleanor | Chief Technical Officer - Secretary, Public/Police Service Commissions |
| 64 | Ferrol, Steve | Permanent Secretary |
| 65 | Fevrier, Willie | Chairman of a public institution |
| 66 | Fontaine, John | Chief Technical Officer - Local Government Commissioner |
| 67 | George, Ambrose | Minister of Government |
| 68 | George, Margaret | Chairman of a public institution |
| 69 | George, Nicholas | Gazetted Police Officer |
| 70 | Graneau, Ashton | Minister of Government |
| 71 | Graneau, Kelly | Minister of Government |
| 72 | Green, Ronald | Member of the House of Assembly (Past) |

| | | |
|------------|-----------------------------|--|
| 73 | Gregoire, Felix | Permanent Secretary - Secretary to Cabinet |
| 74 | Grell, Gerald | Chairman of a public institution (Past) |
| 75 | Guiste, Harold | Chief Technical Officer - Chief Fisheries Officer (Ag) |
| 76 | Henderson, Edward | Chief Technical Officer – Ministry of Tourism |
| 77 | Henderson, Vince | Minister of Government (Past) |
| 78 | Hyacinth, Steve | Chief Technical Officer - Chief Education Officer |
| 79 | Irish, Ainsworth | Gazetted Police Officer |
| 80 | Isidore, Ronald | Member of the House of Assembly |
| 81 | James, Edison | Member of the House of Assembly |
| 82 | Jean-Jacques, Tammy | Member of the House of Assembly |
| 83 | Jean-Jacques-Thomas, Janice | Managing Director of a public institution |
| 84 | Jno. Charles, Vanoulst | Chairman of a public institution |
| 85 | Jno. Baptiste, Hobbes | Gazetted Police Officer |
| 86 | John, Clem | Chairman of a public institution |
| 87 | John, Hector | Member of the House of Assembly |
| 88 | John, Steve | Managing Director of a public institution |
| 89 | Johnson, Dr. David | Chief Technical Officer - Chief Medical Officer |
| 90 | Johnson, Julian N | Chairman of public institution |
| 91 | Johnson, Kendall | Chief Technical Officer – Ministry of Public Works |
| 92 | Jolly, Aurelius | Chairman of a public institution |
| 93 | Joseph, Francis | Chairman of a public institution |
| 94 | Joseph, Hubert (Micky) | Chairman of a public institution |
| 95 | Jules, Deidre | Chief Technical Officer – Clerk House of Assembly (Ag.) (Past) |
| 96 | Lafond, Jennifer | Permanent Secretary |
| 97 | Lambert, Edward | Advisor to the Prime Minister |
| 98 | Lambert, Eleonore | Chairman of a public institution |
| 99 | Lawrence, Angela | Chairman of a public institution |
| 100 | Lawrence, John Bristol | General Manager of a public institution (Ag.) |
| 101 | Lawrence, Raymond | Chief Technical Officer - Chief Cultural Officer |
| 102 | Le Blanc, Anthony | Chairman of a public institution |
| 103 | Leblanc, Matthew | Chief Technical Officer - Labour Commissioner |
| 104 | Lestrade Marcus | Chief Technical Officer - Director of Surveys |
| 105 | Lestrade, Matthias | Gazetted Police Officer – Chief of Police (Past) |
| 106 | Letang, Davis | Permanent Secretary |
| 107 | Letang, Rhoda | Managing Director of a public institution |
| 108 | Lugay, Daniel | Member of the House of Assembly |
| 109 | Magloire, Andrew | Chief Technical Officer - Chief Fisheries Officer |
| 110 | Magloire-Akpa, Sonia | Chief Technical Officer - Director, Political Affairs |
| 111 | Martin, Sam | Member of the House of Assembly |

| | | |
|-----|------------------------------|--|
| 112 | McIntyre, Colin | Minister of Government |
| 113 | Meade, Brian | General Manager of a public institution |
| 114 | Monell, Al | Chief Technical Officer - Director, Financial Services Unit |
| 115 | Munroe, Ian | Chairman of a public institution (Past) |
| 116 | Nassief, Yvor | Chairman of a public institution |
| 117 | Nicholas, Marcel | Member of the House of Assembly (Past) |
| 118 | Pemberton, Patrick | Chairman of a public institution |
| 119 | Peter, Levi | Member of the House of Assembly - Attorney General |
| 120 | Philbert, Vincent | Permanent Secretary (Past) |
| 121 | Pinard, Ian | Parliamentary Secretary (Past) |
| 122 | Piper, Colin | Managing Director of a public institution |
| 123 | Prevost, Joan | Chairman of a public institution |
| 124 | Prevost, Norris | Member of the House of Assembly |
| 125 | Raymond, Vernanda | Chief Technical Officer – Clerk, House of Assembly |
| 126 | Roberts, Claudine | Chief Technical Officer - Local Government Commissioner (Ag.) (Past) |
| 127 | Rolle, Kelvin | Chief Technical Officer - Chief Physical Planner (Past) |
| 128 | Rolle, Maria | Chief Technical Officer – Clerk, House of Assembly (Ag.) (Past) |
| 129 | Royer, Bentley | Member of the House of Assembly |
| 130 | Sanford, Claudius | Member of the House of Assembly |
| 131 | Savarin, Charles | Minister of Government |
| 132 | Scotland, Anthony | General Manager of a public institution |
| 133 | Scotland-Andrew, Mayna | Chief Technical Officer - Chief Protocol Officer |
| 134 | Severin, Duke | Gazetted Police Officer |
| 135 | Shillingford, Dorian | Chairman of a public institution |
| 136 | Shillingford, Gloria | Minister of Government |
| 137 | Shillingford-Tonge, Juliette | Chairman of a public institution |
| 138 | Skerrit, Roosevelt | Minister of Government – Prime Minister |
| 139 | Southwell, Dermott | Chairman of a public institution |
| 140 | St. Jean, Petter | Minister of Government |
| 141 | Stephenson, Ivor | Parliamentary Secretary |
| 142 | Sylvester, Ambrose | Chairman of a public institution |
| 143 | Tavernier, Gloria | Chairman of a public institution |
| 144 | Thomas, Errol | Chairman of a public institution (Past) |
| 145 | Thomas, Esther | Permanent Secretary |
| 146 | Thomas, Felix | Chairman of a public institution |
| 147 | Thomas, Gregoire | General Manager of a public institution |
| 148 | Thomas, Kingsley | General Manager of a public institution |
| 149 | Timothy, Julius | Minister of Government |

| | | |
|------------|-------------------------|--|
| 150 | Toulon, Ronald | Member of the House of Assembly |
| 151 | Valerie, Davidson | Gazetted Police Officer |
| 152 | Walter, Matthew | Minister of Government |
| 153 | Warrington, Mariette | General Manager of a public institution (Past) |
| 154 | Williams, Cuffy | Gazetted Police Officer |
| 155 | Williams, Earl | Member of the House of Assembly (Past) |
| 156 | Williams, Eliud | Chairman of a public institution |
| 157 | Williams Geneta | Chief Technical Officer - Hospital Services Coordinator |
| 158 | Williams Joseph | Gazetted Police Officer |
| 159 | Williams, Merina | Chief Technical Officer - Chief Elections Officer |
| 160 | Williams, Sabina Anna | Member of the House of Assembly (Past) |
| 161 | Williams, Sonia | Minister of Government (Past) |
| 162 | Williams, Valencia | Chief Technical Officer - Hospital Services Coordinator (Ag.) (Past) |
| 163 | Winston, Curtiss | Chairman of a public institution |
| 164 | Xavier, Rupert Boniface | Chief Technical Officer - Chief Environmental Health Officer (Past) |

APPENDIX 4: Notice in the Official Gazette of June 7, 2012

INTEGRITY COMMISSION

NOTICE

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

FAILURE TO FILE DECLARATIONS

In keeping with the provision of section 22 of the Integrity in Public Office Act 2003, it is hereby notified that the following persons in public life failed to provide further particulars of financial affairs for the period ending 31st December 2010 in accordance with Section 15 of the Act:

NAME

Alvin Bernard

OFFICE OR POSITION

Minister of Government

(Signed: P. Rolle-George)

.....

PALESTRINA ROLLE GEORGE (Mrs.)

SECRETARY (Ag.)

INTEGRITY COMMISSION

FILE NO. 530-03

DATE: June 1, 2012

APPENDIX 5: Notice in the Official Gazette of May 3, 2012

INTEGRITY COMMISSION

NOTICE

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

FAILURE TO FILE DECLARATIONS

In keeping with the provision of section 22 of the Integrity in Public Office Act 2003, it is hereby notified that the following persons in public life failed to file declarations for the period ending 31st December 2011 in accordance with Section 16 (1) of the Act:

NAME

OFFICE OR POSITION

Alvin Bernard

Minister of Government

Anthony Burnett Biscombe

Chairman of a public institution/Bureau of Standards

Jones Eusebe

Deputy Chief Fire Officer

Sylvester Cadette

Chief Technical Officer/ Director of Telecommunications

Earl Williams

Member of the House of Assembly (Former)

Sabina Williams

Member of the House of Assembly (Former)

(Signed: H. Ambo)

.....

Helen Ambo (Ms.)

SECRETARY

INTEGRITY COMMISSION

FILE NO. 530-03

DATE: April 30, 2012

APPENDIX 6: Notice in the Official Gazette of February 23, 2012

NOTICE

**Integrity in Public Office Act, 2003, No. 6 of 2003:
Investigation of Breach of Code of Conduct**

It is hereby notified that the Integrity Commission will be conducting an inquiry pursuant to section 33 of the Integrity in Public Office Act 2003, No. 6 of 2003 into a complaint by Mr. Lennox Linton that the Hon. Prime Minister Roosevelt Skerrit has breached rule 1(e) of the Code of Conduct specified in the Second Schedule to the Act. In accordance with section 33(2) the sittings of the Commission to take evidence to hear arguments shall be held in private.

The inquiry will commence on the 1st day of **March**, 2012.

Dated this 16th day of **February**, 2012.

(Signed: J. Johnson)

JULIAN N. JOHNSON
CHAIRMAN

**2012 INTEGRITY IN PUBLIC OFFICE S.R.O. 21
COMMONWEALTH OF DOMINICA**

ARRANGEMENT OF RULES

**PART I
PRELIMINARY**

1. Short title and commencement.
2. Interpretation.
3. Rules of evidence.
4. Secretary to the inquiry.

**PART II
MANNER OF PROCEEDINGS ETC.**

5. Sittings in private.
6. Requests for evidence in writing.
7. Document to be filed with affidavit.
8. Examination of documents and witness statements.
9. Opening and closing statements.
10. Oral evidence.
11. Examinations and cross-examinations.

**PART III
MISCELLANEOUS PROVISIONS**

12. Receipt of documents and statements.
13. Service.
14. Confidentiality.
15. Use of experts.
16. General authority of Commission.

**COMMONWEALTH OF DOMINICA
STATUTORY RULES AND ORDERS NO. 21 of 2012**

RULES

MADE by the Integrity Commission under section 58 of the Integrity in Public Office Act, 2003,
(Act No. 6 of 2003).

(Gazetted July 12, 2012.)

PART I PRELIMINARY

1. (1) These Rules may be cited as the— INTEGRITY COMMISSION (INQUIRIES) RULES 2012.

(2) These Rules shall be deemed to have come into force on the 1st day of March, 2012.

2. (1) In these Rules—

“the Act” means the Integrity in Public Office Act, 2003;

“complainee” means the person in public life who is the subject of the complaint giving rise to an inquiry under the Act;

“attorney- at- law” includes a barrister or solicitor;

“counsel to the Commission” means an attorney-at-law, who is retained by the Commission to act as counsel for an inquiry;

“deponent” means a person giving a written statement or an affidavit for use in an inquiry;

“designated email address” means—

(a) in the case of the Commission, an email address notified to a witness (and the witness’s attorney-at-law, if any) by the secretary to the inquiry, in whatever manner the secretary sees fit, for the purpose of sending or receiving documents relating to the inquiry by email; and

(b) in the case of a witness, an email address notified in writing by the witness or the attorney-at-law of the witness to the secretary to the inquiry, for the purpose of sending or receiving documents relating to the inquiry by email;

“designated fax number” means—

(a) in the case of the Commission, a facsimile number notified to a witness (and the witness’s attorney-at-law, if any) by the secretary to the inquiry, in whatever manner the secretary sees fit, for the purpose of communication by facsimile transmission; and

(b) in the case of any witness, a facsimile number notified in writing by the witness or the attorney-at-law of the witness to the secretary to the inquiry for the purpose of communication by facsimile transmission;

“designated postal address” means—

(a) in the case of the Commission, an address notified to a witness (and the witness’s attorney-at-law, if any) by the secretary to the inquiry, in whatever manner the secretary sees fit, for the purposes of sending documents by post or leaving documents; and

(b) in the case of a witness, an address notified in writing by the witness or the attorney-at-law of the witness to the secretary to the inquiry for the purposes of sending documents by post or leaving documents;

“inquiry” means an inquiry which the Commission holds under the Act;

“inquiry hearing” means an oral hearing of sittings of the Commission in the course of any inquiry under the Act.

“rule” means a rule of procedure;

“secretary to the inquiry” means a person designated by the Commission to give administrative support and assist in the management of an inquiry;

“solicitor to the Commission” means an attorney-at-law, if any, who is retained by the Commission to act as solicitor for an inquiry;

“witness” includes any person from whom the Commission proposes to take written or oral evidence;

“witness statement” includes the written statements made or presented to the Commission by the complainant and the complaine in respect of an inquiry to which these Rules apply.

(2) In these Rules, references to things to be published or written shall be construed to include references to the things to be published or written by electronic means or in electronic form.

Rules of Evidence

3. (1) The Commission in determining the admissibility of evidence shall have regard to the principles of natural justice and equity.

(2) Original or certified copies of registered documents may be admitted without requiring formal proof of their execution.

Secretary to the inquiry

4. (1) For the purposes of an inquiry, the Commission shall designate a person to act as secretary to the inquiry.

(2) The secretary to the inquiry shall provide administrative support to the Commission.

(3) Without prejudice to the generality of sub-rule (2) the secretary to the inquiry is responsible for—

- (a) giving notice of sittings of the Commission;
- (b) receiving documents in respect of an inquiry on behalf of the Commission;
- (c) recording the proceedings of the Commission in respect of an inquiry;
- (d) providing to members copies of the records of the proceedings of the Commission in respect of an inquiry;
- (e) preparing the correspondence and reports of the Commission; and
- (f) carrying out such other tasks as are assigned to the secretary to the inquiry by the Solicitor to the Commission and the Commission.

PART II MANNER OF PROCEEDINGS ETC.

Sittings in private

5. The Commission shall—

- (a) hold its sittings in private; and
- (b) sit as often as may be necessary to perform its duties and exercise its powers in an expeditious manner.

Requests for evidence in writing

6. (1) The Commission may—

- (a) require evidence or arguments to be presented in writing;
- (b) decide the matters upon which it will hear oral evidence or arguments;
- (c) make a written request for further evidence, being either a written statement or oral evidence; and
- (d) subject to sub-rule (2), send a written request to any person for a written statement of evidence.

(2) The Commission must send a written request to any person that the Commission wishes to produce any document or other thing.

(3) Any written request sent or made under this rule must include the date or time by which the statement, document, other thing or further evidence must be provided to the Commission.

Document to be filed with affidavit

7. (1) A person filing any statement or affidavit in respect of an inquiry under these Rules shall—

- (a) file one copy of the statement or the affidavit;
- (b) file, along with the statement or affidavit, a list of the documents on which the person intends to rely; and
- (c) where the person intends to examine witness, file along with the statement or affidavit—
 - (i) a list of witness with their full particulars and addresses whom the person would like to examine in support of his statement or affidavit, and
 - (ii) a summary of facts which the witness are likely to depose.

(2) Where a statement or affidavit is filed in any language other than English, the statement or affidavit must be accompanied by a certified translation of its contents in the English language.

(3) Where a complainant or deponent relies on any document, the complainant or deponent must file, along with the statement or affidavit, the original document or duly certified copy of that document.

(4) Where a document referred to in sub-rule (3)—

- (a) is not in the possession or control of the complainant or deponent, the complainant or, as the case may be, the deponent shall disclose the particulars of the person in whose custody the document is available along with the particulars of the document; or
- (b) is an official record, the complainant or, as the case may be, the deponent shall specify the department or the officer of the department having custody or control of the document.

(5) Where—

- (a) information contained in the statement is derived from any document or records, the complainant or deponent, as the case may be, shall indicate or disclose—
 - (i) the particulars and nature of such document or records,

- (ii) the particulars of the person in custody or control of such document or records, and
 - (iii) the source of such information; and
- (b) any part of the statement is based on information received by the complainant or deponent, the complainant or deponent, as the case may be, shall disclose the source of such information.

- (6) For the purposes of sub-rule (1)(c), the person filing the statement or affidavit shall—
- (a) against the name of each witness, indicate briefly the fact which the witness is expected to prove in his examination; and
 - (b) give reasons, why the examination of the witness on affidavit will not suffice.

Examination of documents and witness statements

8. (1) All witness statements and documents in respect of every inquiry shall be submitted to the Commission.

(2) Upon receipt of the witness statements and documents submitted to the Commission, the Commission—

- (a) shall adduce what it considers material; and
- (b) may, at its discretion, take up all the allegations at once, in convenient groups or seriatim.

(3) The Commission may, on its own cognizance or on an application made by any witness, delete or expunge any matter from any complaint, affidavit or other document which, in the opinion of the Commission, is irrelevant or needlessly offensive, scurrilous or scandalous.

(4) The Commission may reject any statement which—

- (a) is not accompanied by an affidavit; or
- (b) in the opinion of the Commission, is irrelevant or needlessly offensive, scurrilous or scandalous.

(5) The Commission may at any stage of the proceedings require any person, who in its opinion may have relevant information relating to a matter which is the subject of the inquiry—

- (a) to file a statement of facts by way of affidavit; and
- (b) to produce any materials or records in the possession of the person.

(6) After reviewing a witness statement or an affidavit, the Commission may request a witness or the deponent to produce, by way of affidavit, further particulars with respect to the facts that the witness or deponent has disclosed.

(7) On examination of all statements submitted under this rule, the Commission may, if it considers necessary in the interest of justice, call upon any person filing a statement accompanied by an affidavit to give oral evidence and submit himself to cross-examination.

(8) The statement supported by an affidavit filed by a person shall be treated as part of the Examination-in-Chief of the person.

Opening and closing statements

9. (1) An inquiry hearing shall open with an opening statement by the Chairman of the Commission and the Counsel to the Commission.

- (2) The complainee or his attorney-at-law and the complainant or his attorney at law may
- (a) make an opening statement to the Commission at the commencement of an inquiry hearing; and
 - (b) make a closing statement to the Commission.

(3) Unless the Commission determines otherwise, the order of precedence as regards opening and closing statements and presentation to the Commission is as follows—

- (a) the Commission or counsel to the Commission;
- (b) the complainant or attorney- at- law of the complainant; and
- (c) the complainee or attorney- at- law of the complainee.

Oral evidence

10. (1) The Commission may—

- (a) in its discretion, refuse to call a complainee or witness for oral examination or cross examination;
- (b) allow the person to be examined on affidavit through interrogatories delivered to him, or
- (c) issue a commission for the person to be examined on interrogatories, or otherwise; or
- (d) refuse to summon any witness whose evidence, in its opinion—
 - (i) is frivolous or vexatious,
 - (ii) may tend to prejudice, embarrass or delay the proceedings, or
 - (iii) is otherwise an abuse of process.

(2) Where the Commission decides to hear oral evidence or arguments on or in a matter, the Commission -

- (a) may determine the periods that are reasonably necessary for the fair and adequate presentation of the matter by the relevant parties and witness; and
- (b) may require the matter to be presented within the respective periods so determined.

(3) Where the Commission so directs, oral evidence may be given at an inquiry hearing by a live television link or other such arrangement by which the witness is able to be seen and heard in the proceedings and is able to see and hear the proceedings while at a place outside the room where the hearing is held.

Examinations and cross-examinations

11. (1) Where a person is giving oral evidence at an inquiry hearing-

- (a) members of the Commission;
- (b) counsel to the Commission;
- (c) the complainee or his attorney-at-law and the complainant or his attorney-at-law may examine or cross-examine that person

PART III MISCELLANEOUS PROVISIONS

Receipt of documents and statements

12. The secretary to the inquiry may receive any document on behalf of the Commission.

Service

13. (1) Any requirement under these Rules that a document is to be given or sent, to the Commission or to any other person, is satisfied by that document being—

- (a) delivered in person;
- (b) left at a designated postal address;
- (c) sent to a designated postal address by registered mail;
- (d) sent by facsimile transmission to a designated facsimile number; or
- (e) sent to a designated electronic mail address.

(2) Proof of service of a document by—

- (a) the means referred to in sub-rule (1)(d) may be proved by a facsimile transmission verification report; and
- (b) the means referred to in sub-rule (1)(e) may be proved by an electronic mail return receipt.

Confidentiality

14. (1) Save and except as directed by the Commission—

- (a) no person other than an authorised person shall make a record of the oral evidence, or part of the oral evidence, given during any sitting of the Commission; and
- (b) no person shall publish any evidence given during any sitting of the Commission.

(2) For the purposes of sub-rule (1)(a), “authorized person” means—

- (a) a member of the Commission;
- (b) the counsel to the Commission;
- (c) the solicitor to the Commission;
- (d) the secretary to the inquiry;
- (e) the complainant, and the complainee; or
- (f) the attorney-at-law of the complainant or the complainee.

Use of experts

15. The Commission may, in respect of any inquiry to which these rules apply, elicit the views of persons having expertise in the field relating to matters pertaining to that inquiry.

General authority of Commission

16. The Commission has the power and authority to regulate the conduct of an inquiry to which these Rules apply in all matters not provided for in these Rules.

Made this 7th day of June, 2012.

Julian N. Johnson

Chairman of the Integrity Commission

Alick B. Lazare

Member of the Integrity Commission

Davidson A. Bruney

Member of the Integrity Commission

Anthony P. La Ronde

Member of the Integrity Commission

Gerald Smith

Member of the Integrity Commission

Henry G. Dyer

Member of the Integrity Commission

*APPENDIX 8: Press Release: Tabling of the Third Annual Report
in the House of Assembly*

Press Statement:

**THE THIRD ANNUAL REPORT OF THE INTEGRITY COMMISSION
IS TABLED IN PARLIAMENT**

The Third Annual Report of the Integrity Commission for the year September 1, 2010 to August 31, 2011 was tabled in Parliament by the Minister for Legal Affairs on Thursday, February 16, 2012. The report deals with the activities of the Commission for that year. It highlights the achievements and challenges faced by the Commission as it sought to fulfill its mandate under the Integrity in Public Office Act, 2003, No. 6 of 2003.

The report shows that of the one hundred and fifty-nine (159) persons in public life listed for the year, one hundred and fifty-two (152) persons filed financial declarations with the Commission by March 31, 2011 – a compliance rate of 96%. This represents a remarkable improvement over the previous year's performance of 66%.

During the year, the Commission began investigation into a complaint of breach of the Act brought by Mr. Lennox Linton against Prime Minister Roosevelt Skerrit. Mr. Linton complained that Prime Minister Skerrit had breached the following provisions of the Act and Schedule:

- (i) section 47(1) of the Act because he owned eight ocean front villas at Savanne Paille that could not be explained by his legitimate income;
- (ii) Rule (c) of the Code of Conduct since he had accepted bribes, gifts and advantages to finance his ownership of the villas; and
- (iii) Rule (e) of the Code of Conduct since he had used his official influence as Chairman of Cabinet to secure concessions for a business concern in which he is alleged to hold ownership interest.

The Commission rejected the first two elements of the complaint; (i) for want of jurisdiction, and (ii) because it was not supported by evidence. The investigation into item (iii) of the complaint is ongoing.

During the year the Commission also facilitated a number of education sessions with senior public officers and members of civil society, including the executives of the Waterfront and Allied Workers Union (WAWU), Dominica Association of Industry and Commerce (DAIC), Dominica Association of Teachers (DAT) and the Dominica Employers Federation (DEF). The Commission also published the second edition of its Handbook of Frequently asked Questions.

In its current form, the Act continues to pose some challenges to effective administration and, as was done in previous years, the Commission has recommended to Government a number of amendments. One of these recommendations is for amendment to the First Schedule to the Act to remove ambiguity as to who is a person in public life.

The Commission also made recommendation for restructuring the organization for the prompt and efficient discharge of its functions under the Act. It also made the Integrity Commission Rules of Procedure 2011 to regulate its procedures under section 58 of the Act. The Rules are before the Minister for Legal Affairs for publication in the Official Gazette. The Commission is concerned that delay in gazetting these Rules could adversely affect the performance of its functions.

Membership of the Commission changed during the year with the resignation of some of its members. At the end of the term, the Commission comprised: Chairman: Mr. Julian Johnson, and members: Alick Lazare, Wendell Lawrence, Davidson Bruney, Anthony La Ronde, Gerald Smith and Henry Dyer.

IN HIS TRANSMITTAL LETTER TO THE MINISTER FOR LEGAL AFFAIRS, THE CHAIRMAN NOTED THAT NOTWITHSTANDING THE STRIDENT, UNREASONABLE AND UNRELENTING CRITICISMS LEVELED AT THE ORGANIZATION, THE DEFICIENCIES OF THE ACT AND SERIOUS STAFF CONSTRAINTS, THE COMMISSION REMAINED FIRM AND EVENHANDED IN ITS ADMINISTRATION OF THE PROVISIONS OF THE ACT. HE NOTED ALSO THAT THE COMMISSION COMPARES FAVOURABLY WITH THE BEST OVERSIGHT INSTITUTIONS IN THE COMMONWEALTH CARIBBEAN.

(SIGNED: H. AMBO)
SECRETARY

Ref. IC.530-02

COMMONWEALTH OF DOMINICA

INTEGRITY COMMISSION

MANUAL OF PROCEDURE

FILING AND PROCESSING OF DECLARATIONS

F&A Committee

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INTEGRITY COMMISSION

MANUAL OF PROCEDURES FOR RECEIPT AND EXAMINATION OF DECLARATIONS

1.0 INTRODUCTION

- 1.1 The Integrity Commission is established under section 4 of the Integrity in Public Office Act 2003, No. 6 of 2003. The Act applies to all persons *holding the offices listed in the First Schedule of the Act.*
- 1.2 The duties assigned to the Commission under section 9 of the Act include:
 - a) To receive, examine and retain all declarations filed with it under the Act;
 - b) To make such enquiries as it considers necessary in order to verify or determine the accuracy of any declarations filed under the Act;
 - c) Without prejudice to the provisions of any other enactment, to enquire into any allegation of bribery or act of corruption under the Act;
 - d) To receive and investigate complaints regarding non-compliance with any provisions of the Act; and
 - e) To perform such other functions as is required under the Act.
- 1.3 Under section 11 of the Act, the Commission has powers, rights and privileges of the Supreme Court at a trial in respect of:
 - a) Enforcing the attendance of witnesses and examining them on oath, affirmation or otherwise;
 - b) Compelling the production of documents; and
 - c) The issue of a commission or request to witnesses abroad.

Section 17 of the Commission of Inquiry Act shall apply mutatis mutandis to the above proceedings.

- 1.4 Section 12 of the Act provides for a Secretary to the Commission who is charged with the following duties:
 - a) To attend meetings of the Commission;
 - b) To record the minutes of each meeting in proper form; and
 - c) Generally to perform duties connected with the work of the Commission.

The Commission must examine every declaration furnished to it and may request from the declarant any information or explanation relevant to a declaration made, which in its opinion, would assist it in its examination. Only the Commission or its staff so authorized may request such information or explanation. (See section 14(3)).

The Commission may invoke the authority given to it under section 11 of the Act to obtain any information from any institution in order to verify the completeness or accuracy of information contained in a declaration.

Where the Commission is satisfied that a declaration has been fully made, it must publish a certificate in the form prescribed at Form 3 in the Third Schedule.

2.0 REGISTER OF PERSONS IN PUBLIC LIFE

On an annual basis, each department of government or statutory body or public corporation or any other agency of the state shall, upon the request of the Commission, identify each official who is required by law to file a declaration.

The Secretary must maintain a register of the names of all persons in public life by:

- Identifying and registering all persons holding the offices set out in the First Schedule;
- On an annual basis, requesting each department of government, statutory body, public corporation or any other agency of the State to report to the Commission each official within the department who is required by law to file a declaration;
- Scrutinizing the Official Gazette for publication of all new appointments and notices of any resignations, retirements or other removal, to or from the offices set out in the First Schedule, and making changes thereto;
- Requesting periodic updates from public corporations and statutory bodies or any other agency of the state concerning changes in the holders of offices registered as persons in public life;
- Removing names of persons who are no longer required to file.

3.0 NOTICE TO PERSONS IN PUBLIC LIFE

The Secretary, as soon as possible after the end of each income year, will dispatch to each person in public life Form 2 with guidelines for aiding its completion. A copy of the Guidelines is shown at Appendix IV.

The Commission will publish in the Official Gazette and any other medium a notice to persons in public life of the deadline for filing declarations.

4.0 FILING DECLARATIONS

4.1 Persons in Public Life

Every person in public life must, in accordance with section 14 of the Act, in respect of each income year (i.e. calendar year) file a declaration with the Commission within three months after the end of the income year setting out:

- a) His office or offices
- b) His income, assets and liabilities;

- c) The assets of his wife, children or relative acquired through or traceable to his income; and
- d) Gifts made to him in value exceeding one thousand dollars.

Every declaration must be made in Form 2 of the Third Schedule of the Act.

A person in public life who demits an office included in the First Schedule of the Act must, in accordance with section 16(2) of the Act, file declarations for the two income years following the date of his demitting office.

4.2 Persons who newly became persons in public life

A person who newly becomes a person in public life must, in accordance with section 16(4) of the Act, file a declaration not later than three months from the date of his becoming a person in public life.

A person who is appointed to act in an office included in Part II of the First Schedule for a period of not less than six months becomes a person in public life after the period of six months has elapsed and must file a declaration within three months of his having become a person in public life.

In both such cases, assets and liabilities must be as at the date the person became a person in public life, and income must be for the period twelve months preceding the date on which the person became a person in public life.

5.0 RECEIPT OF DECLARATIONS

Except as otherwise provided, all declarations must be received at the office of the Commission in sealed envelopes clearly marked "PRIVATE AND CONFIDENTIAL" and addressed to the Secretary of the Commission. The Secretary must, on receipt of each declaration so marked, issue a letter of acknowledgement of the receipt of the declaration in the form as follows:

Received from (Name of person in public life) on (Date received) at (time received) sealed envelope containing declaration in respect of the period ended

Declarations received by mail must be similarly acknowledged giving the date on which and the time at which mail was delivered to the Commission's office.

If a declaration received is not so marked, the receptionist receiving such declaration must immediately bring it to the Secretary who will, in her letter of acknowledgement, draw the omission to the attention of the declarant.

Declarations received by e-mail must be addressed directly to the Secretary of the Commission and may be acknowledged by the same medium in the form prescribed.

6.0 ROUTING OF DECLARATIONS

Sealed envelopes marked “PRIVATE AND CONFIDENTIAL” must be passed immediately to the Secretary who shall open each envelope to authenticate its contents.

The Secretary must ensure that every declaration received is registered with the date and time at which it was received, and filed in the file of each declarant.

7.0 DECLARATIONS BY PROXY

A person may appoint by registered power of attorney a proxy to file a declaration on his behalf.

8.0 SECURITY OF FILES

The Secretary must ensure that the file of each declarant is properly secured and must not be removed except for examination by the Commission or on the authority of the Commission.

9.0 DECLARATIONS NOT RECEIVED

The Secretary must, from the register of persons in public life, *ensure* all persons in public life who have not filed a declaration by the date prescribed in section 16 of the Act are identified, and must compile a list of such persons for submission to the Commission.

10.0 PUBLICATION IN OFFICIAL GAZETTE

The Commission must, for publication in the Official Gazette, prepare a notice giving the names of all persons in public life who have not filed or have filed after the date prescribed *at* section 16 of the Act. The form of the notice should be as shown in Appendix I

In the case of persons newly appointed to offices falling within the meaning of persons in public life, similar publication must be made for infringements against subsection (4) of section 16 with the dates adjusted as appropriate.

11.0 REPORT TO DIRECTOR OF PUBLIC PROSECUTIONS

The Commission must send a report to the Director of Public Prosecutions in respect of all persons in public life who failed to file a declaration by the date prescribed in section 16 of the Act. The form of the report should be as shown in Appendix II

Similar submissions must be made for infringements against subsection (4) of section 16 with the dates adjusted as appropriate.

In reporting on persons in public life, if a person no longer holds the office or position that qualified him to be a person in public life, that fact should be noted by inserting the bracketed word “(Past)” against his office or position wherever it appears.

Every report sent to the Director of Public Prosecutions must be signed by the Secretary and must be dispatched under SECRET cover.

Since offences under Part III are of a summary nature, reports to the Director of Public Prosecutions must allow sufficient time for him to comply with the requirements of the Magistrate’s Code of Procedure with respect to the filing of cases within six months of the commitment of an offence. For this reason reports with respect to regular annual filing of declarations under section 16(1) must be sent to the Director of Public Prosecutions before 31 August in each year. Other reports under section 16(4) must similarly be sent within six months of an offence having been committed.

12.0 SUPPLEMENTARY REPORT TO DIRECTOR OF PUBLIC PROSECUTIONS

In the case of persons in public life who did not file by the prescribed date but whose declaration was received in the office of the Commission after the prescribed date, the declaration must be retained and kept on file for examination by the Commission. A supplementary report must be prepared for submission to the Director of Public Prosecutions in the form prescribed at Appendix III.

Where the non-compliant person in public life has offered explanation for his failure to file on time, or where there may be extenuating circumstances or reasonable cause that may have prevented such person to file on time, this fact should be noted at 4 or 8 of the supplementary report form.

13.0 PROCESSING OF DECLARATIONS

13.1 Preliminary Checking

As soon as possible after a declaration has been received, the Secretary will pass such declaration to the Research Assistant for preliminary checking and recording.

The Research Assistant must check each declaration to ensure that the declaration form has been completed in accordance with the Guidelines for Filling Form 2. A copy of the Guidelines is at Appendix IV.

The Research Assistant will maintain a computerized record in respect of each person in public life in which shall be recorded on an annual basis the data declared in Form 2.

The Research Assistant will ensure that each declaration:

- a) has been fully made; or
- b) deficiencies have been corrected and corrections dated and initialed by the declarant.

13.2 Changes to Declarations

A declarant may make changes to a declaration appropriately dated and initialed by him. Examples of such changes include:

- a) corrections to dates;
- b) insertion of signature;
- c) insertion of missing information.

The Commission may request a declarant to resubmit a declaration where numerous changes are required.

On no account should staff overwrite a declaration or make changes on behalf of the declarant. Staff notes must be made on a separate minute paper.

13.3 Financial Analysis

The Research Assistant will prepare a "Changes in Financial Position Statement" in respect of each person in public life in the form shown at Appendix V.

Each declaration must be checked against the previous declaration to ensure consistency and to identify changes in:

- a) income – amounts and sources;
- b) assets – description and value;
- c) cash in bank;
- d) life insurance policies;
- e) shareholdings in companies and share of interest in partnerships and joint ventures;
- f) directorships and partnerships;
- g) other assets, including vehicles, boats, government bonds and other assets not declared as real property;
- h) liabilities, including mortgages, hire purchase agreements and judgment debts.

If a liability other than a debt for the acquisition of assets or the refinancing of a mortgage or other debt is reported, the purpose of the liability must be stated.

Contingent liabilities should be taken in as memorandum items and the values should be stated as a note and the amount "shown short" and not as

part of the financial analysis since they do not represent an inflow or outflow of moneys belonging to the declarant.

13.4 EXAMINATION

13.4.1

As soon as possible after preliminary checking of a declaration has been completed, the Research Assistant must submit that declaration for examination by the Finance and Administration Committee appointed for that purpose together with the declarant's file containing:

- a) The computerized record of the data reported on Form 2 for a series containing any previous reporting periods;
- b) The report of the Research Assistant on his preliminary checking;
- c) The Changes in Financial Position Statement;
- d) Any supporting statement or documentation that formed part of the declaration.

13.4.2

If evidence of deficiencies has been discovered, the Finance and Administration Committee must instruct the Secretary to send out to the person in public life a Query Form in the form shown at Appendix VI. [On receipt of the declarant's response]:

- a) If it is found that a declaration has been fully made, the Finance and Administration Committee must recommend to the Commission that a certificate in the form prescribed at Form 3 of the Third Schedule should be issued and published.
- b) If it is found that the fullness or accuracy of a declaration cannot be established, the Finance and Administration Committee may instruct the Research Assistant to search for evidence of such lack of fullness or of such inaccuracy and to report to the Commission on his findings.

13.4.3

As soon as possible after each examination, the Finance and Administration Committee shall report to the Commission:

- a) The results of its examination of the declaration of all persons in public life;
- b) Declarations recommended for certification;
- c) Any matter requiring proceedings under sections 22 and 23 of the Act;
- d) Declarations filed by parliamentarians must be directly examined by the Commission

13.5 Technique for financial Analysis

In order to properly examine declarations filed by persons in public life, a financial analysis of the data contained in each declaration must be prepared to ensure that property and pecuniary resources declared are not disproportionate to legitimate sources of income.

The technique for completing the financial analysis involves evaluating all sources of financing against outlays by the declarant. For purposes of financial analysis:

13.5.1 Sources of financing include:

- a) Salaries, wages, allowances, rents, dividends and other income
- b) Reduction or sale of assets
- c) Increase in borrowings
- d) Reduction in cash balances

13.5.2 Outlays include:

- a) Increase in assets (land, buildings, and investments)
- b) New purchase of vehicles
- c) Reduction in borrowing
- d) Increase in cash balances

13.5.3 The steps to be followed are set out below:

- 1) Add all sources of financing
- 2) Add all outlays
- 3) If outlays exceed sources of financing there is evidence of non-disclosure or disproportionality
- 4) If sources of financing exceed outlays only marginally, or in an amount disproportionate to normal living expenses, further examination is required
- 5) If sources of financing exceed outlays by more than normal living expenses, further examination is required.

13.6 CERTIFICATION

The Commission may, on the recommendation of the Finance and Administration Committee, approve the certification of any declaration.

Where the Commission approves certification, a certificate as prescribed in Form 3 of the Third Schedule must be signed by Chairman and published in the Official Gazette.

13.7 UNACCOUNTED PROPERTY

The Finance and Administration Committee must examine the Changes in Financial Position Statement in respect of each person in public life for evidence of unaccounted property.

Unaccounted property may occur if the value of the increase in assets is more than the financing indicated. Assets should be taken as land, buildings, investments and new vehicles or vessels. If assets increase, they should be fully financed from:

- (i) income (less a reasonable amount for living expenses and the repayment of debt interest);
- (ii) increase in liabilities;
- (iii) drawdown of cash balances.

Unaccounted property may also occur:

- a) If assets decrease and there is no change in liabilities, and cash balances have not increased.
- b) If liabilities decrease to an extent larger than annual income (less a reasonable amount for living expenses and the repayment of debt interest), reduced assets and reduced cash balances.
- c) If liabilities increase and there is no increase in assets and cash balances.
- d) If income, assets and liabilities remain unchanged and there is a decrease or increase in cash balances.

14.0 REQUEST FOR INFORMATION CONCERNING DECLARATIONS

Except for the purposes of section 20, copies of a declaration or information contained therein may not be released unless on a direct request from the declarant and must be given directly to the declarant himself.

15.0 INVESTIGATION

The Commission must investigate every case reported where:

- a) the fullness or accuracy of a declaration has not been established;
- b) there is suspicion of unaccounted property.

In such cases the Commission should summon the person in public life for an examination in order to establish whether a prima facie case exists for the setting up of a Tribunal.

If after examination of the person in public life it is found that the fullness or accuracy of a declaration is no longer in question or that the suspicion of unaccounted property is unwarranted, then the declaration should be accepted and a certificate should be issued on Form 3 of the Third Schedule.

16.0 TRIBUNAL

Once a prima facie case can be established that the fullness or accuracy of a declaration is in question and the Commission considers it necessary or expedient

to enquire into the matter, the Commission must advise the President to appoint a Tribunal for this purpose.

No such inquiry can be commenced after five years from the date where the person in respect of whose declaration the inquiry is being conducted ceased to be a person in public life.

16.1 The Tribunal may request in writing that the declarant or any other person who it reasonably believes has knowledge of the matters to be enquired into –

- a) attends before the Tribunal to give such information as it may require to satisfy itself that it is in possession of all material facts;
- b) furnish such information or documents as would assist the Tribunal in verifying the declaration.

16.2 The Tribunal shall have and exercise the powers of a Commission of Inquiry, under the Commissions of Inquiry Act, except that –

- a) the proceedings shall be held in private; and
- b) the form of summons for the attendance of witnesses or other persons or production of documents must be in the form shown at Form 1 of the Third Schedule.

If the Tribunal finds that the declarant had in fact made full disclosure in his declaration, it must, if the declarant so requests, publish a statement to that effect in the Gazette and in a newspaper.

In such case the declarant is entitled to full indemnity and should be reimbursed for all expenses which he reasonably incurred.

If the Commission has reasonable cause to believe that a breach has been committed, it must refer the matter to the Director of Public Prosecutions for further action.

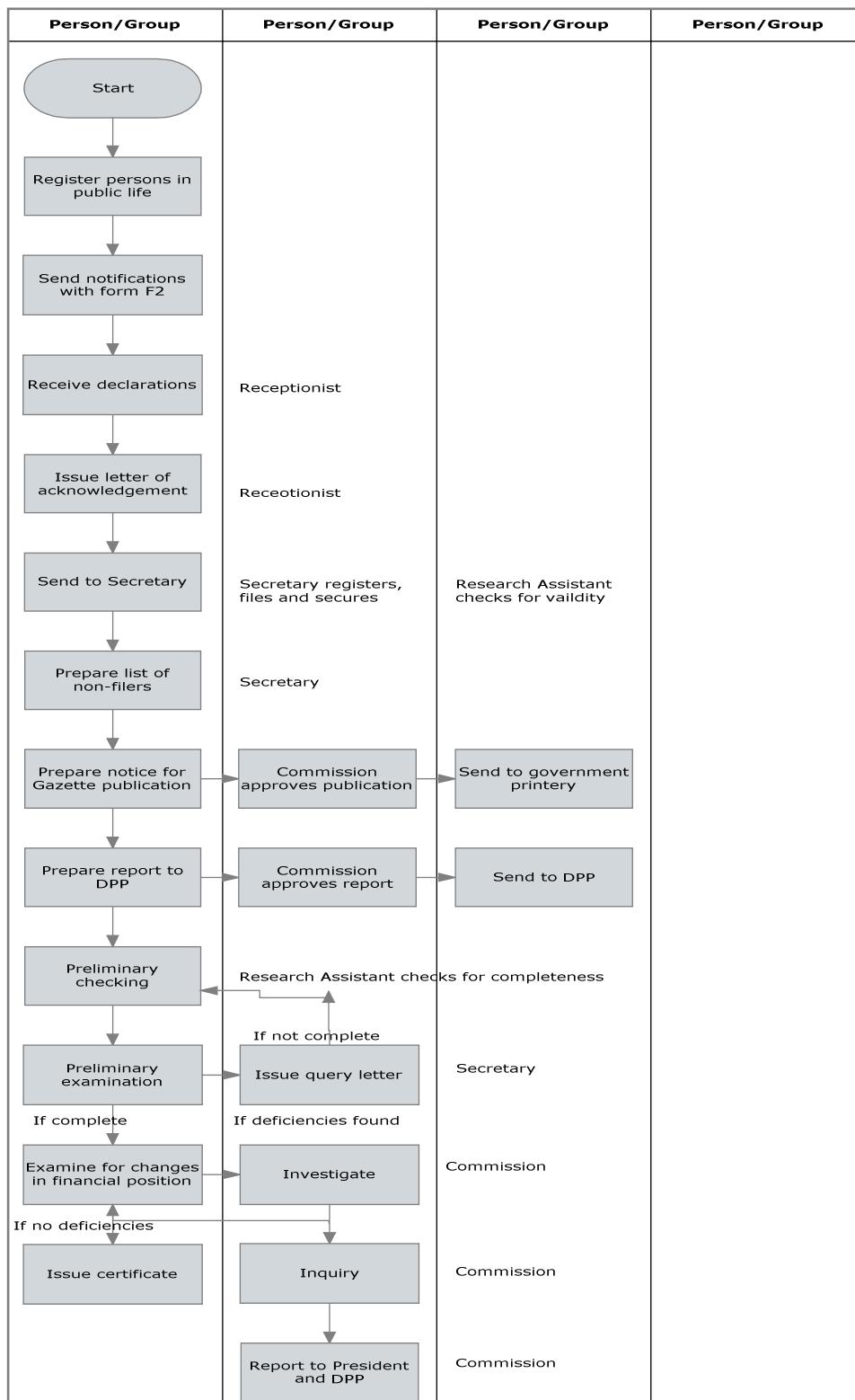
17.0 INQUIRY

If upon examination, the Commission is satisfied that a prima facie case exists for suspicion that the declarant is in possession of property or pecuniary resource disproportionate to his legitimate source of income, the Commission must conduct an inquiry into the source of income of the declarant.

The Commission must submit a report on its inquiry to the President and the Director of Public Prosecutions.

18.0 FLOW CHART

The procedures described above are graphically set out in flow chart at Table I.

**Table 1 - FLOW CHART**

APPENDIX I

INTEGRITY COMMISSION

NOTICE

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

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

(List names with offices or positions to be published)

APPENDIX II

INTEGRITY COMMISSION

REPORT TO DIRECTOR OF PUBLIC PROSECUTIONS INTEGRITY IN PUBLIC OFFICE ACT 2003, NO. 6 OF 2003 FAILURE TO FILE DECLARATIONS IN ACCORDANCE WITH SECTION 16 OF THE ACT

Section 22 of the Integrity in Public Office Act provides as follows:

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

The following persons in public life failed to file a declaration in accordance with the Act. Section 16(1) of the Act requires that those persons file a declaration within three months after the end of the income year which ended on 31 December, They were, therefore, required to file a declaration by 31 March, They did not do so. Having failed to file a declaration by the due date in respect of the income year, this fact was published in the Official Gazette of, Volume, No.

I forward herewith a report on each of the under-mentioned persons in public life for action in accordance with section 22 of the Act:

(List persons in public life and their offices or positions)

APPENDIX III

**INTEGRITY COMMISSION
REPORT TO DIRECTOR OF PUBLIC PROSECUTIONS
INTEGRITY IN PUBLIC OFFICE ACT 2003, NO. 6 OF 2003
FAILURE TO FILE DECLARATIONS IN ACCORDANCE WITH
SECTION 16 OF THE ACT**

1. NAME
2. OFFICE HELD
3. REASON FOR REPORT:
4. EXPLANATION OFFERED TO THE COMMISSION
5. SECTION OF THE ACT VIOLATED:
6. ACTION TAKEN BY THE COMMISSION:
7. DATE OF PUBLICATION IN THE GAZETTE
8. ADDITIONAL INFORMATION:

.....
Secretary, Integrity Commission

File No.

Date:

Appendix IV

The Integrity in Public Office Act 2003, No 6 of 2003 GUIDELINES For Filling Out Form 2: Declaration of Income, Assets and Liabilities

STATUTORY REQUIREMENTS

Every person in public life is required by section 14 of the Act to file a declaration with the Integrity Commission in Form 2 of the Third Schedule setting out his or her office or offices; income, assets and liabilities; assets of his or her spouse, children or relative acquired through or traceable to his or her income; gifts made by him or her in value exceeding one thousand dollars, and money or other property held in trust.

A declaration must be filed within three months after the end of each income year, i.e. by 31 March in each year.

A person who becomes a person in public life in the course of a filing period must, within three months of becoming a person in public life, file a declaration setting out his or her assets and liabilities at the date on which he or she became a person in public life, and his or her income for the period twelve months immediately prior to the date of his or her becoming a person in public life.

A person who acts continuously in an office included in Part II of the First Schedule of the Act for a period not less than six months becomes a person in public life and must, within a period of three months from the date on which he or she became a person in public life, file a declaration setting out his assets and liabilities at the date on which he or she became a person in public life, and his or her income for the period twelve months immediately prior to the date of his or her becoming a person in public life.

A person who was a person in public life is required to file a declaration up to two years after he ceased to be a person in public life.

GENERAL FILING INSTRUCTIONS:

All fields in Form 2 must be completed.

Where information required is not applicable, declarant must so indicate by entering *n.a.* in the appropriate section.

Declarant must enter his or her name in full, the office or offices that he or she holds or has held and his or her usual address. Contact information including cellular, home and work telephone numbers, email address and fax number (if any) should be included.

The declarant must also enter the name and regular address of his or her spouse (if any), and the name and address of each child (if any).

Where supporting documents are provided, it should be so indicated in the appropriate section of Form 2. Where entries in a particular section are voluminous they may be summarized for entry on the form and details provided in an attachment.

Fields requiring monetary values must be completed. Where there are no monetary values, enter nil.

SPECIFIC INSTRUCTIONS

1. INCOME

Enter separately the amount and source of each income received or receivable during the year. Income includes:

- a) Salary
- b) Fees as director or consultant
- c) Commission
- d) Bonus
- e) Dividends
- f) Provisional fees
- g) Rent (state whether from house or land)
- h) Gifts in kind or cash
- i) Other receipts or transfers. (This also includes interest from savings and investments).

2. ASSETS

- a) *Real Property*
 - i. Enter a brief description of the real property (e.g. land, land and house, apartment or apartment building, hotel or guesthouse, entertainment center etc.)
 - ii. (a) Enter the value of each real property (value includes value in the opinion of the declarant, latest valuation, purchase price or other consideration for its acquisition).
(b) The value to be entered for properties under construction must be the total construction cost to date.

- (c) Where property is owned as tenants in common the declarant's interest in the property should be declared.
- (d) Where property is owned as joint tenants, the full value of the property must be declared.
- iii. Enter location of each real property.

b) *Cash in Bank*

Show separately each bank account and the amount held in each.

c) *Life Insurance Policies*

- i. Identify each company separately
- ii. State annual premiums for each policy
- iii. State surrender value and date of maturity for each policy.

d) *Shareholding in companies and holdings in partnerships and joint ventures*

- i. List each company or enterprise separately
- ii. State the nature of the business of each company or enterprise
- iii. State the number of shares held in each company or enterprise, or the percentage or value of the declarant's interest in each partnership.

e) *Directorships and partnerships*

- i. Identify each company or enterprise
- ii. State the nature of its business
- iii. Give date of appointment as director.

f) *Other assets*

Give brief description and value of each of other assets held, including:

- Motor vehicles
- Boats
- Government bonds
- Other

A person in public life must declare the assets of his spouse, children or relative acquired through or traceable to his income

3. TRUST PROPERTY

A person in public life who holds money or other property in trust for another person shall so state in his declaration.

4. GIFTS MADE

List gifts exceeding \$1,000 made during the year, giving names of recipients.

5. LIABILITIES

a) Mortgages

List each mortgage, giving name of bank or other financial institution and balance of mortgage as at 31 December. Supporting bank statements should be provided.

b) Judgment Debts

Enter separately each judgment debt, giving name of creditor and value of judgment debt.

c) Other Debts

Enter separately all other debts, giving names of creditors and value of debts. (Where assets are acquired by hire purchase, the total debt owed must be declared and a copy of the hire-purchase agreement submitted as well as annual statement of balances outstanding).

6. DATE OF DECLARATION

The declaration at the bottom of Form 2 must be filled out, signed and dated by the declarant.

The relevant date (referred to at the bottom of Form 2) to be entered is the date of the end of the reporting period (which could be the end of an income year or, in the case of a person who newly becomes a person in public life, the date on which he became a person in public life).

APPENDIX V

CHANGE IN FINANCIAL POSITION

Integrity Commission:

Declaration Worksheet Analysis

Finance and Administration Committee

Change in financial position (cash flow)

YEAR: 2011

NAME AND POST OF DECLARANT

John Public

Permanent Secretary

1(a)

INCOME DETAILS

Salaries

| PREVIOUS YEAR | CURRENT YEAR | INCOME/ OUTLAY DESCR |
|------------------|-----------------|----------------------------|
| 36,000 | 38,000 | |
| - | - | |
| - | - | |

Total Income
1(b)

Outlay Details

Gifts made
Other outlays
Total Outlays

2
ASSETS DETAILS

Total Assets

3
LIABILITIES DETAILS

Total Liabilities

4
INCOME & VARIANCE NET FOR
YEAR

5
CASH IN BANK BALANCES

Total Cash in Bank Balances

6
NET RESULT OF FUNDS
MOVEMENT

| 36,000 | 38,000 | Inflow | |
|------------------|-----------------|----------|--------------------|
| | | | |
| (1,000) | (500) | | |
| (15,000) | (18,000) | | |
| (16,000) | (18,500) | Outflow | |
| | | | |
| PREVIOUS YEAR | CURRENT YEAR | VARIANCE | VARIANCE DESCR. |
| 30,000 | 45,000 | (15,000) | |
| - | - | - | |
| - | - | - | |
| 30,000 | 45,000 | (15,000) | Outflow |
| | | | |
| PREVIOUS YEAR | CURRENT YEAR | VARIANCE | VARIANCE DESCR. |
| 5,000 | 2,000 | (3,000) | |
| - | - | - | |
| - | - | - | |
| 5,000 | 2,000 | (3,000) | Inflow |
| | | | |
| | | 1,500 | inflow |
| | | | |
| PREVIOUS YEAR | CURRENT YEAR | VARIANCE | VARIANCE DESCR. |
| 12,000 | 36,000 | 24,000 | |
| - | - | - | |
| - | - | - | |
| 12,000 | 36,000 | 24,000 | Outflow |
| | | | |
| | | 22,500 | Inflow |

The financial data in this statement are for illustrative purposes only. The formulas must not be changed. Simply input the required data and the computation is effected automatically.

ADDITIONAL GUIDELINES TO PREPARING AND INTERPRETING THE DATA OF THE CASH FLOW (CHANGE IN FINANCIAL POSITION)

The purpose of the statement is to capture, measure and assist in interpreting the data presented in the declarations of a person in public life over a period of time, generally two years. The interpretation will not be 100% accurate, since all the information about inflows and outflows of funds may not be available. The Commission can only work with financial and other data supplied according to the Act. The format of the statement above is not prescriptive and can be amended and/ or improved upon as is necessary.

INCOME AND OTHER RECEIPTS AND OUTLAYS

The amounts supplied by a declarant and finally accepted by the Commission should be entered in logical sequence in the period for which the data is required. Figures for the previous year are for information purposes only and cannot affect the computation of the results of the cash flow statement. Gifts in kind and other gifts forbidden by the Act must be excluded from the statement. Non-cash incomes like receivables and provisional fees will be balanced by contra entries in the assets section.

All amounts in this section are for a year or the required period of the declaration.

Outlay Details

The only accurate information in this section is gifts made, since this is a requirement of the Act. Other outlays are assumptions made and may include amounts for domestic expenditures of the declarant, insurance and income tax payments, amounts to maintain an asset or service a liability. It should not include amounts to increase the value of an asset or write down the value of a liability.

ASSETS DETAILS

These are items and their respective values at the relevant date of the declaration, according to Form 2, No. 2 and Section 2 (2) (b) of the Act. No. 2 (a) and (f) of Form 2 are relevant

LIABILITIES DETAILS

These are items and their respective values at the relevant date of the declaration, according to Form 2, No. 3 and Section 2 (2) (C) of the Act. No. 3 (a) (b) and (c) of Form 2 are relevant

CASH IN BANK BALANCES

Data for this section are according to section 2 (b) of Form 2

INCOME & VARIANCE NET FOR YEAR

This balance is the net movement of cash resources from parts 1 to 3 of the worksheet

NET RESULT OF FUNDS MOVEMENT

The difference between cash in bank balances and Income and variance net for year

APPENDIX VI



INTEGRITY COMMISSION

Tel. No. 1-767-266-3436/1-767-440-6803
Fax No. 1767-440-6802
Email: integritycommission@dominica.gov.dm

Turkey Lane
Roseau
Commonwealth of Dominica

Dear Sir/Madam

INTEGRITY IN PUBLIC OFFICE ACT, 2003: **REQUEST FOR INFORMATION/EXPLANATION** **AND FURTHER PARTICULARS OF FINANCIAL AFFAIRS**

The Commission has examined your declaration submitted on day of
in accordance with section 14 of the Integrity in Public Office Act, 2003.

The Commission requires you to furnish further particulars relating to your financial affairs in
accordance with sections 14 (3), 15 and 22 of the Act as follows:

- ☐ Form 2 incomplete
- ☐ Cash in Bank: (a) Bank not identified
 (b) Amount not stated
- ☐ Value of real property not stated
- ☐ Mortgages declared but no values shown
- ☐ Life Insurance Policy: information incomplete in respect of
- ☐ Shareholdings/Partnerships/Joint Ventures: information incomplete in respect of
- ☐ Directorships/Partnerships: information incomplete in respect of
- Other Assets:
- ☐ (1) Motor Vehicles: No value given
- ☐

(2) Motor Vehicle: Not declared

☐

(3) Boat : No value given

☐

(4) Government Bonds: No value given

☐

(5) Other Investments

☐

Liabilities not itemized

☐

Liabilities: Business loan declared, but no business income or asset declared

☐

Real property valuation outdated

☐

Purchase price or other consideration for acquisition of real property not stated

☐

Income not declared/not fully declared

☐

Income: Name and address of source not stated

☐

Liability shown for building repairs, but no building declared

☐

Other

In order to complete the processing of your declaration under the Act, it would be appreciated if you furnish the information/explanation required or visit the office of the Commission by [date]

Please be advised that section 22 of the Act provides:

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

Office hours of the Commission are 8:00 a.m. to 5:00 p.m. on Mondays and 8:00 a.m. to 4:00 p.m. Tuesdays to Fridays.

Yours faithfully

.....
SECRETARY