

COMMONWEALTH OF DOMINICA

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COMMONWEALTH OF DOMINICA

ACT NO. 21 OF 2015.

I assent**CHARLES A. SAVARIN**
*President*18th December, 2015.**AN ACT TO AMEND THE INTEGRITY IN PUBLIC
OFFICE ACT, 2003 (No. 6 of 2003).***(Gazetted December 24, 2015.)*BE IT ENACTED by the Parliament of the Commonwealth of
Dominica as follows:

1. This Act may be cited as the –

Short title.

**INTEGRITY IN PUBLIC OFFICE
(AMENDMENT) ACT, 2015.**

Interpretation.

2. In this Act the Integrity in Public Office Act 2003 is referred to as “the Act”.

Amendment of section 2.

3. Section 2 of the Act is amended –

(a) by deleting ““Minister” means the Minister for Legal Affairs” and substituting “Minister” means the Minister with responsibility for legal affairs”;

(b) in the definition of “person in public life” by deleting the words “Part I of” and “Part II of”.

Repeal and replacement
of section 4 of the Act.

4. Section 4 of the Act is repealed and replaced by the following:

“**4.** (1) There is established an Integrity Commission consisting of –

(a) a Chairman, who shall be an attorney-at-law of at least seven years standing at the Bar, a Chartered Accountant of at least seven years post qualification experience or a person who has held high administrative, managerial or executive office in the public, private or social sector, appointed by the President on the advice of the Prime Minister;

(b) one member appointed by the President on the advice of the Prime Minister;

(c) one member appointed by the President on the advice of the Leader of the Opposition;

(2) The Prime Minister shall consult with the Leader of the Opposition before tendering any advice under subsection (1)(a).

(3) Members appointed under subsection (1) shall be persons of high public standing and reputation for personal integrity.

- 5.** Section 10 of the Act is amended by deleting subsection (2) and substituting the following:

Amendment of section 10 of the Act.

“(2) A quorum of the Commission shall be two members.”

- 6.** Section 11 of the Act is amended -

Amendment of section 11 of the Act.

(a) by renumbering subsection (2) as subsection (3) and subsection (3) as subsection (4);

(b) by inserting the following new subsection (2):

“(2) In exercising the powers and carrying out its duties under this Act the Commission shall not rely on hearsay evidence.”;

(c) in subsection (3) by deleting the figure “17” and substituting the figure “12”.

- 7.** Section 14 of the Act is amended in subsection (4) by deleting the words “the form prescribed as Form 3 in” and substituting the words “Form 3 of”.

Amendment of section 14 of the Act

- 8.** Section 16 of the Act is amended –

Amendment of section 16 of the Act.

(a) in subsection (2) by -

2015

**INTEGRITY IN PUBLIC
OFFICE (AMENDMENT) ACT**

(i) deleting the word “death.” and substituting the word “death,”;

(ii) inserting the words “or having been a person in public life is elected to the office of President of the Commonwealth of Dominica” immediately after the word “death,”;

(b) by inserting the following new subsection (2A) immediately after subsection (2) –

“(2A) Notwithstanding subsection (1), the Commission may, on an application by a person in public life, extend the period within which a declaration may be filed.”;

(c) in subsection (3) by inserting the words “a person” immediately after the words “a person is”;

(d) by deleting subsection (5) and substituting the following:

“(5) Where a person in public life -

(a) dies; or

(b) is elected President of the Commonwealth of Dominica,

the declaration which he would have been required to file had he lived, or not been elected, need not be filed.”.

9. Section 17 of the Act is amended by inserting the following words between the word “declaration” and the full stop:

Amendment of section 17
of the Act.

“but shall not be required to disclose the terms of the trust”.”

10. Section 22 of the Act is repealed and replaced by the following:

Repeal and replacement
of section 22 of the Act.

“Failure to file
declaration.

“**22.** Where –

- (a) a person who is required to file a declaration under section 16 fails to file the declaration in accordance with this Act; or
- (b) a person fails to furnish particulars under sections 14, 15 or 17,

the Commission shall publish the fact in the *Gazette* and send a report to the Director of Public Prosecutions for further action.

(2) The Commission may, at any time after the publication referred to in subsection (1), make an *ex parte* application to the High Court for an order directing such person to comply with the Act and the Court may in addition to making such an order, impose such conditions as it thinks fit.”.

11. Section 23 of the Act is amended –

Amendment of section
23 of the Act.

- (a) in subsection (2) by deleting the words “may, under subsection (3) advise the President to appoint a Tribunal for that purpose” and substituting the words “may conduct an inquiry to verify the contents of a declaration or other statement filed with the Commission”;
- (b) by deleting subsection (3);
- (c) by renumbering subsection (4) as subsection (3),

subsection (5) as subsection (4) and subsection (6) as subsection (5).

(d) in new subsection (3) by deleting –

(i) the word “Tribunal” wherever it appears and substituting the word “Commission”,

(ii) the figure (5) and substituting the figure (4); and

(e) in new subsection (4) by deleting the word “may” and substituting the word “shall”.

Amendment of section 24
of the Act.

12. Section 24 of the Act is amended by deleting the words “a Tribunal” wherever they appear and substituting the words “the Commission”.

Amendment of section 25
of the Act.

13. Section 25 of the Act is amended by deleting the words “a Tribunal” wherever they appear and substituting the word “the Commission”.

Amendment of section
26 of the Act.

14. Section 26 of the Act is amended by deleting the words “a Tribunal” wherever they appear and substituting the words “the Commission”.

Amendment of section 27
of the Act.

15. Section 27 of the Act is amended by deleting the words “a Tribunal” wherever they appear and substituting the words “the Commission”.

Amendment of section 31
of the Act.

16. Section 31 of the Act is amended –

(a) by inserting the figure “(1)” after the figure “31.”;

(b) in subsection (2) by deleting the word “Integrity”

appearing after the words “Chairman of the”;

- (c) by inserting the following new subsections (3) and (4) after subsection (2) –

“(3) When a complaint is made to the Commission the Commission shall promptly notify, in writing, the person in public life whose conduct or action is the subject of the complaint.

- (4) A notice under subsection (3) shall –

- (a) identify the complainant;
- (b) state the complaint and the particulars provided in support thereof;
- (c) specify any other information that the Commission considers appropriate and necessary for inclusion in the notice.”.

17. Section 33 of the Act is amended –

Amendment of section 33
of the Act.

- (a) in subsection (1) by deleting the word -

- (i) “Where” and substituting the words
“Subject to this section, where”; and
- (ii) “commits” and substituting the words
“has committed”;

- (b) by inserting the following new subsections (1A), (1B), and (1C) after subsection (1):

“(1A) The Commission shall give a person in public life against whom a complaint is made under section 31 an opportunity to make representations

prior to the Commission making a decision whether to hold an inquiry under subsection (1).

(1B) Where the Commission decides to hold an inquiry under subsection (1), the Commission shall notify the person who made the complaint and the person against whom the complaint is made of its decision.

(1C) The Commission shall not proceed on an inquiry otherwise than in relation to an alleged breach as particularised in the original complaint.”.

Amendment of section 34
of the Act.

18. Section 34 of the Act is amended by deleting the marginal note associated with subsection (3).”.

Amendment of section 35
of the Act.

19. Section 35(2) of the Act is amended –

(a) in paragraph (c) by deleting the word “occasion,” and substituting the word “occasion; and”;

(b) by inserting the following new paragraph (d):

“(d) another person which in value does not exceed one thousand dollars.”.

Amendment of section 37
of the Act.

20. Section 37 of the Act is amended in paragraph (e) of subsection (1) by deleting the words “exercise of forbearance” and substituting the words “exercise or forbearance”.

Amendment of section 43
of the Act.

21. Section 43 of the Act is amended in paragraph (b) by inserting the word “of ” immediately after the words “to a fine”.

Amendment of section 48
of the Act.

22. Section 48 of the Act is amended -

(a) in subsection (3) by deleting the word “Parliament”

and substituting the word “Minister”;

(b) by inserting the following new subparagraph (4):

“(4) If the Minister fails to lay a report before the House in accordance with subsection (3) the Commission shall transmit copies of that report to the Speaker of the House of Assembly who shall, as soon as practicable, present them to the House of Assembly.”.

23. Section 55 of the Act is amended -

Amendment of section
55 of the Act.

(a) in subsection (2) by inserting the word “shall” between the words “conviction” and “be”;

(b) in subsection (3) by deleting the word “maliciously provides” and substituting the words “maliciouly provides”.

24. Section 56 of the Act is amended by deleting the words “the offence under section 11” and substituting the words “an offence under section 21”.

Amendment of section 56
of the Act.

25. Section 58 is amended by -

Amendment of section 58
of the Act.

(a) renumbering section 58 to section 58(1);

(b) inserting the following new subsection (2) :

“(2) Rules made under subsection (1) shall be subject to the approval of the Attorney General.”.

26. Section 59 of the Act is amended in subparagraph (a) by deleting the figure “30” and substituting the figure “31”.

Amendment of section 59
of the Act.

Repeal and replacement
of the First Schedule.

27. The First Schedule of the Act is repealed and replaced by the First Schedule in the Appendix to this Act.

Dissolution of
Commission
established prior
to this Act.

28. (1) In this section and section 25, the Commission as constituted and established on the day immediately prior to the commencement of this Act is referred to as the “former Commission”;

(2) The former Commission is dissolved from the date of commencement of this Act.

Savings.

29. The Commission may hear any complaint which on the day immediately prior to the coming into effect of this Act was before the former Commission and, such matters shall be dealt with in accordance with the provisions of this Act.

APPENDIX

“FIRST SCHEDULE

OFFICES RESPECTING PERSONS IN PUBLIC LIFE

1. Accountant General;
2. Adviser or Assistant to the Prime Minister and other Ministers;
3. Assistant Registrar of the High Court;
4. Assistant Superintendent of Prisons;
5. Chairperson of a public institution;
6. Chief Fire Officer;
7. Chief Physical Planner;

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8. Chief Personnel Officer;
 9. Chief of Police;
 10. Chief Technical Officer;
 11. Comptroller of Customs;
 12. Comptroller of Inland Revenue;
 13. Deputy Chief Fire Officer;
 14. Deputy Chief Physical Planner;
 15. Deputy Chief of Police;
 16. Deputy Comptroller of Customs;
 17. Deputy Comptroller of Inland Revenue;
 18. Deputy Labour Commissioner;
 19. Financial Secretary
 20. Gazetted Police Officer;
 21. General Manager of a public institution;
 22. Labour Commissioner;
 23. Managing Director of a public institution;
 24. Member of the House of Assembly;
 25. Minister of Government;
 26. Parliamentary Commissioner;

27. Parliamentary Secretary;
28. Permanent Secretary;
29. Chief Personnel Officer;
30. Registrar of the High Court;
31. Secretary to the Cabinet;
32. Speaker of the House of Assembly;
33. Superintendent of Prisons.

Passed in the House of Assembly this 15th day of December, 2015.

HETHLINE BAPTISTE (MS.)

Clerk of the House of Assembly

DOMINICA

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