

1.0 Purpose of the Ministry Paper

The purpose of the Ministry Paper is to inform Parliament and the public of the report of the Commission for the Prevention of Corruption for the period April 1, 2015 – March 31, 2016.

2.0 The Commission for the Prevention of Corruption

The Commission for the Prevention of Corruption was appointed under the Corruption (Prevention) Act 2000 and became operational on May 1, 2001. Regulations promulgated under the Act came into effect on January 31, 2003.

The Commission consists of five (5) members:

- (a) The Auditor General
- (b) Four (4) other persons appointed by the Governor General after consultation with the Prime Minister and the Leader of Opposition from the following categories of persons:
 - (i) Members of the Privy Council
 - (ii) Retired Judges of Appeal and Retired Judges of the Supreme Court
 - (iii) Persons who, in the opinion of the Governor General, are of high integrity and are able to exercise competence, diligence and sound judgment in fulfilling their responsibilities under the Act.

The members for the period under review were:

- (i) The Honourable Mr. Justice Ferdinand Smith (Retired) C.D. – Chairman
- (ii) The Honourable Mr. Adrian Strachan, O.J., C.D., J.P., F.C.C.A., F.C.A.
- (iii) The Honourable Mr. Justice Howard Cooke (Retired), C.D.
- (iv) The Honourable Mr. Justice Karl Harrison (Retired), C.D.
- (v) Mrs. Pamela Monroe-Ellis – Auditor General, F.C.C.A, F.C.A., C.I.S.A.

The Commission's main objective is to minimise the incidence of Public Sector Corruption through a regime, which requires the timely filing of Statutory Declarations of Assets, Liabilities and Income by Public Servants. Requests are made of all Government Ministries and Departments, Statutory Agencies/ Bodies, Parish Councils, the Jamaica Defence Force (JDF) and the Jamaica Constabulary Force (JCF). Statutory Declarations are required from Public Servants whose total emoluments is Two Million Dollars and above and those categories indicated in parts 1 and 2 of the Regulations issued under the Act.

The Commission had previously made certain recommendations in its Annual Reports some of which were incorporated into the draft *Integrity Commission Act* that was before the Joint Select Committee of the Houses of Parliament. The Commission continues to work with the Office of the Director of Public Prosecutions (ODPP) and the Heads of Agencies in its efforts to enforce compliance with the provisions of the Corruption Prevention Act.

3.0 The Commission's Report

Based on staffing levels and income for the period ending December 31, 2015, the Commission should have received an estimated total of thirty-five thousand four hundred and forty-seven (35,447) Declarations from Public Servants in accordance with their qualification under the provisions of the Act. The Commission received nineteen thousand four hundred and forty-two (19,442) Declarations as at March 31, 2016. This represented a compliance rate of fifty-five percent (55%).

Arising from the continued failure of Public Servants to file Declarations, the Commission in conjunction with the ODPP is actively pursuing delinquents through court proceedings as provided for in the Corruption (Prevention) Act, 2000.

Since the inception of the Commission, one thousand, one hundred and sixty-four (1,164) delinquent Declarants have been reported to the Director of Public Prosecutions

for having failed to furnish the Statutory Declaration of Assets, Liabilities and Income. The ODPP has initiated action against five hundred and sixty-two (562) delinquents. Fines totalling Six Million Seven Hundred and Nine Thousand Five Hundred Dollars (\$6,709,500) have been imposed by the Court on four hundred and fifty-six (456) of those found to have been delinquent to date.

During the year under review, ninety-three (93) Public Servants were reported to the ODPP for failure to submit Declarations within the due date. Of this number, forty-seven (47) had their cases disposed of in the court with fines totalling Eight Hundred and Forty-Five Thousand Dollars (\$845,000) imposed on them. The remaining forty-six (46) matters are being pursued and are at varying stages in the Court system.

During the year under review a sample of thirty-seven (37) cases that were entered into the Commission's database were chosen for analysis based on the Commission's selection criteria. Of this total, thirty-four (34) cases analysed were referred for detailed internal investigation, and three (3) recommended closed as they warranted no further action.

The Commission also referred to the Director of Public Prosecutions, one (1) case involving allegations of serious breaches of The Corruption (Prevention) Act 2000, that is, offences other than the failure to furnish a statutory declaration. Three (3) cases investigated were closed by the Commission, as adequate information and explanations were received for the discrepancies indentified.

The Commission has to date, forwarded twenty-five (25) cases to the ODPP, related to suspected serious breaches of the Corruption Prevention Act involving offences of illicit enrichment and is awaiting rulings on twelve (12) cases. The Commission however, received rulings on one (1) matter previously referred to the ODPP.

For the year in review the Commission met nine (9) times.

Protected Disclosures Act

The Honourable Minister of Justice had previously by order in the Jamaica Gazette named the Commission for the Prevention of Corruption as the Designated Authority for the purposes of the Protected Disclosures Act, 2011 (commonly referred to as the Whistle Blower Legislation). The Commission has developed and published procedural guidelines pursuant to the Act in the Jamaica Gazette dated April 25, 2014.

For the year under review, no matters were referred to the Designated Authority. In the 2014/15 reporting year, there were two (2) cases referred to the Commission as the Designated Authority.

The Designated Authority held meetings with the Cabinet Office, the Permanent Secretaries Board and the Private Sector Organisation of Jamaica (PSOJ) Corporate Governance Committee. These meetings have to date, led to the appointment of Designated Officers in ten (10) Ministries / Agencies to investigate reports from individuals who had made disclosures and provided reports to the Designated Authority in the timelines prescribed under the Protected Disclosures Act.

Audited Financial Statement

The audited Statement of Receipts and Payments for April 2015 to March 2016 have been included in the Annual Report. During the year under review, the Commission received an income of Seventy-Five Million, Five Hundred and Eighty-Six Thousand, Nine Hundred and Eight Dollars (\$75,586,908) (mainly as Subvention from the GOJ). The Commission had a total expenditure of Seventy Million, and Forty-One Thousand, Five Hundred and Sixteen Dollars (\$70,041,516) which consisted of Administrative expenses of Sixty-nine Million, Three Hundred and Seventy-Four Thousand, Two Hundred and Seventy-One Dollars (\$69,374,271) and other expenses of Six Hundred and Sixty-Seven Thousand, Two Hundred and Forty-Five Dollars (\$667,245). At the

end of the year the Commission had a surplus of Five Million, Five Hundred and Eighty-One Thousand, Eight Hundred and Twenty-Three Dollars (\$5,581,823).

A handwritten signature in cursive script that reads "Delroy Chuck".

Delroy Chuck, QC, MP
Minister of Justice
January 25, 2017
File No. EO GA 01/4 CPC

