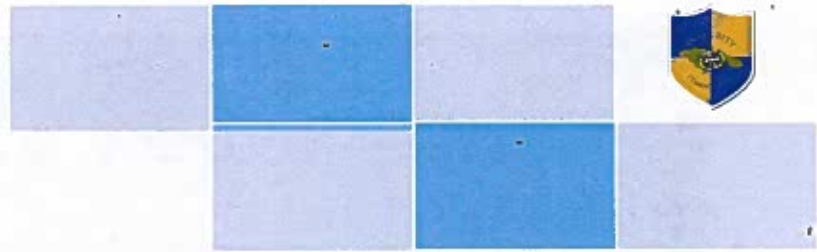




**INVESTIGATION INTO THE
FAILURE OF A MEMBER OF
PARLIAMENT TO FILE
STATUTORY DECLARATIONS
WITH THE COMMISSION**

**INTEGRITY COMMISSION
JANUARY 2022**



This Publication until tabled in Parliament shall be confidential.

Section 55 and 56 of the Integrity Commission Act states:

"(4) Anything said or information supplied or any document or thing produced by any person for the purpose or in the course of any investigation by or proceedings before the Commission under this Act, shall be absolutely privileged in the same manner as if the investigation or proceedings were proceedings in a court of law.

(5) For the purposes of the Defamation Act, any report made by the Commission under this Act and any fair and accurate comment thereon shall be deemed to be privileged.

56.—(1) Subject to section 42(3)(b), every person having an official duty under this Act, or being employed or otherwise concerned in the administration of this Act (hereinafter called a concerned person) shall regard and deal with as secret and confidential, all information, statutory declarations, government contracts, prescribed licences and all other matters relating to any matter before the Commission, except that no disclosure made by the Commission or other concerned person in the proceedings for an offence under this Act or under the Perjury Act, by virtue of section 17(2) of that Act, shall be deemed inconsistent with any duty imposed by this subsection.

(2) The obligation as to secrecy and confidentiality imposed by this section, in relation to any documents, or information obtained under this Act continues to apply to a person despite the person having ceased to have an official duty, be employed or otherwise concerned in the administration of this Act.

(3) Every concerned person who is required under subsection (1) to deal with matters specified therein as secret and confidential who at any time communicates or attempts to communicate any such information, declaration, letter and other document or thing referred to in subsection (1) disclosed to his in the execution of any of the provisions of this Act to any person—

- (a) other than a person to whom he is authorized under this Act to communicate it; or
- (b) otherwise than for the purpose of this Act,

commits an offence and shall be liable on summary conviction in a Parish Court to a fine not exceeding one million dollars or to a term of imprisonment not exceeding one year.

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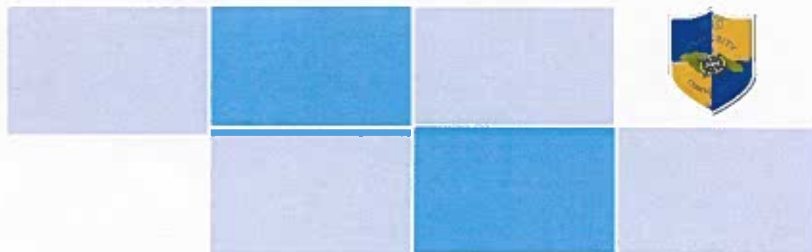
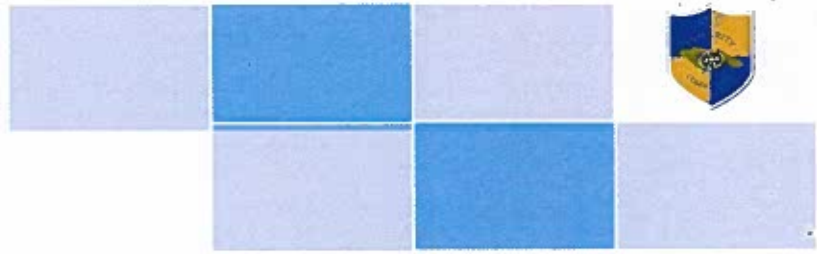


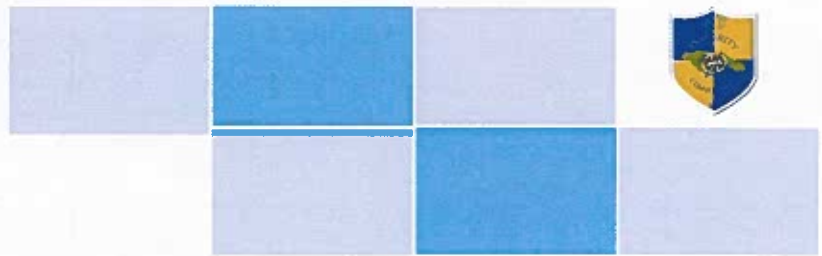
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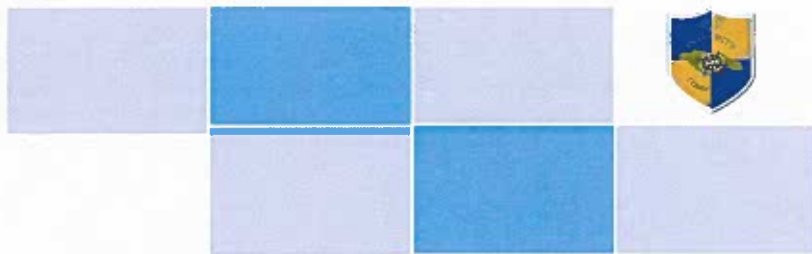


1. Summary of Investigation and Findings

- 1.1 This investigation by the Director of Investigation concerned the allegation that Mr. Horace Dalley (concerned parliamentarian), a former member of Parliament failed to file with the Director of Information and Complaints, statutory declaration for the period ending December 31, 2020 which was due on March 31, 2021.
- 1.2 Under **Sections 39(1), 41(1) and 41(4) of the Integrity Commission Act**, Parliamentarians are required to file a statutory declaration upon election or appointment at certain specified times and thereafter as at the 31st day of December in each year during any part of which he remains a parliamentarian.
- 1.3 The evidence provided by the Houses of Parliament showed that Mr. Horace Dalley was a parliamentarian until the Parliamentary Elections of September 3, 2020 and was therefore required to file a statutory declaration for the period ending December 31, 2020 by March 31, 2021.
- 1.4 The evidence provided by the Reporting and Compliance Officer who has responsibility for the daily receipt of the parliamentarian's statutory declaration at the Commission showed that Mr. Horace Dalley was delinquent in that he failed to file the required statutory declaration for the period ending December 31, 2020.
- 1.5 Mr. Dalley was notified and given time to file the outstanding declaration, he however failed to comply.



- 1.6 The failure to file a statutory declaration is an offence under Section **43(1) of the Integrity Commission Act.**
- 1.7 Mr. Dalley has provided no lawful justification or excuse for his failure to file the required statutory declaration.
- 1.8 The Director of Investigation finds based upon the foregoing, that the concerned parliamentarian is in breach of **Section 43(1)(a) of the Integrity Commission Act** for the period ending December 31, 2020.



2. Chapter 1 – Background

2.1 This chapter sets out the background information concerning the investigation, the jurisdiction and the decision to investigate, the scope of the investigation and provides a profile of the individual pertinent to the investigation.

2.2 How did this investigation come about?

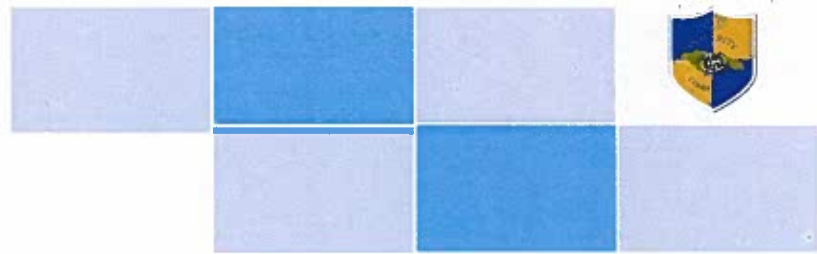
2.2.1 The investigation into the concerned parliamentarian originated from a referral by Director of Information and Complaints. The complaint alleges that the referenced parliamentarian had failed to file the statutory declaration for the period ending December 31, 2020 by March 31, 2021, in compliance with **Sections 39, 41(1) and 41(4) of the Integrity Commission Act.**

2.3 Jurisdiction and decision to investigate

2.3.1 Under **Section 33(1)(a) of the Integrity Commission Act**

The Director of Investigation has a duty to investigate in the manner specified by or under the Integrity Commission Act any allegation relating to non-compliance with the provisions of the Act.

2.3.2 The Director of Investigation deemed that an investigation was warranted under **Section 47 of the Act.** See **Section 47 of the Integrity Commission Act** at appendix 1.



2.4 The Investigation

2.4.1 During the course of the investigation, Officers of the Investigation Division under the authority of the Director of Investigation pursued the following lines of enquiry:

a) obtained information and witness statements from the responsible officers at:

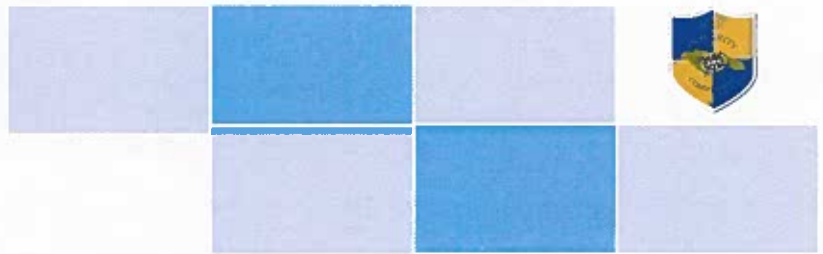
(i) Houses of Parliament; and

(ii) Information and Complaints Division of the Integrity Commission;

b) reviewed the information and statements collected and prepared the case file and report.

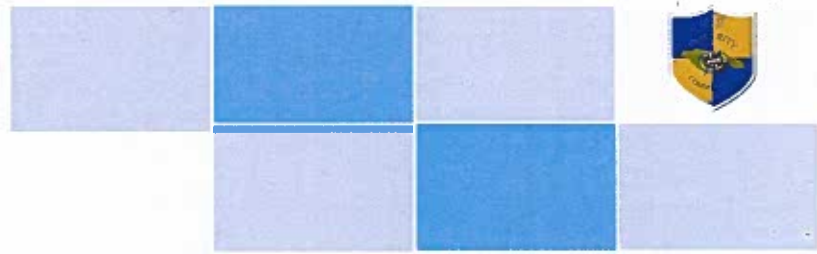
2.5 Who is the Individual Pertinent to the Investigation?

2.5.1 Mr. Horace Dalley was considered pertinent to the investigation. Mr. Dalley was elected as Member of Parliament for Clarendon, Northern on February 25, 2016. He was not re-elected in the Parliamentary Elections of September 3, 2020.



3. Chapter 2 – Terms of Reference

- 3.1 This chapter sets out the scope of the investigation and the issues that were explored.
- 3.2 In conducting the investigation, the Director of Investigation sought to establish whether:
- a) Mr. Dalley is a Parliamentarian as set out under **Section 2 of the Integrity Commission Act**;
 - b) the concerned parliamentarian failed to file the required statutory declaration as prescribed under **Section 39, 41(1) and 41(4) of the Integrity Commission Act**;
 - c) the concerned parliamentarian was notified of his failure and warned of consequences;
 - d) the concerned parliamentarian's failure to file the required statutory declaration constitutes an offence under the Act;
 - e) the concerned parliamentarian has a lawful justification or excuse for his failure to file;
 - f) recommendations ought to be made to the Director of Corruption Prosecution; and
 - g) recommendations ought to be made in respect of any act of corruption and/or anti-corruption initiatives.



4. Chapter 3 – The Law, Evidence and the Discussion of the Findings

4.1 This chapter sets out the relevant law in respect of the investigation, the evidence gathered and the discussion of the findings.

4.2.1 The Law

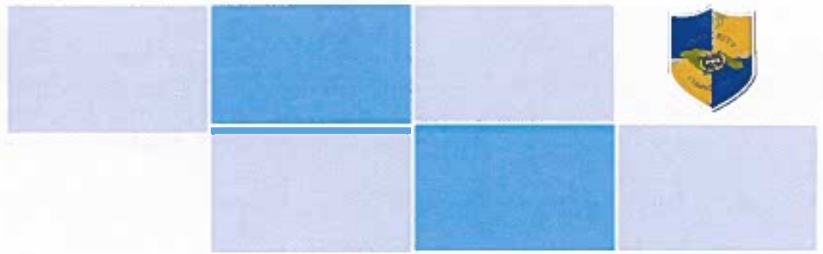
4.2.1 The object of the Commission's investigation was to determine whether there is merit in the allegation that Mr. Horace Dalley failed to file the required statutory declaration. The legal implications of the foregoing are described under **Sections 39(1), 41(1) and 41(4) of the Integrity Commission Act:**

Section 39(1) of the Integrity Commission Act:

Section 39 (1) requires parliamentarians to submit statutory declarations to the Director of Information and Complaints outlining their assets, liabilities and income.

Section 41(1) of the Integrity Commission Act

Section 41(1) requires that parliamentarians after their initial filing submit a declaration as at the 31st December of each year in which they remains in office. This requirement remains so even where the parliamentarian remains in office for only a part of the year in question.



Section 41(4) of the Integrity Commission Act

Under Section 41(4) declarants have three (3) months from the date of the declaration to file their declarations.

Sections 39(1), 41(1) and 41(4) of the Integrity Commission Act are appended hereto at appendix 1.



4.3 The Evidence

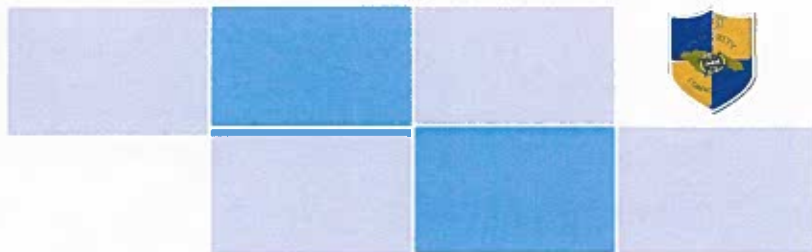
4.3.1 **Is the concerned parliamentarian a parliamentarian as described under Section 2 of the Integrity Commission Act?**

4.3.1.1 The concerned parliamentarian was elected as Member of Parliament for Clarendon, Northern on February 25, 2016. This was established in the evidence provided by the Director, Human Resource Management and Development at the Houses of Parliament. The concerned parliamentarian therefore falls within the definition of a "parliamentarian" under **Section 2 of the Integrity Commission Act**.

4.3.2 **Did the concerned parliamentarian failed to file the required statutory declaration as prescribed under Section 39, 41(1) and 41(4) of the Integrity Commission Act?**

4.3.2.1 The procedure for identifying a parliamentarian who has not filed a statutory declaration begins with the Reporting and Compliance Officer at the information and Complaints Division of the Integrity Commission identifying the parliamentarians required for file the statutory declarations. This includes Members of Parliament and Members of the Senate.

4.3.2.2 When the declarations are filed by mail, in-person or by bearer, they are then processed by the Reporting and Compliance Officer who registers the relevant parliamentarian on the Commission's Electronic Declaration



System (eDS) and an electronic receipt is subsequently emailed to the parliamentarian.

4.3.2.3 In determining delinquency, the Reporting and Compliance Officer compares the list of parliamentarians (which may include former parliamentarians) to the eDS and those who were not registered in the eDS are deemed to be delinquent in respect of the filing of their statutory declarations. Mr. Horace Dalley was identified as delinquent for the period as outlined in table 1 below.

Table 1: Outstanding Declaration

Declaration Period	Declaration Due	Declaration Filed	Outstanding Declaration
December 31, 2020	March 31, 2021	Nil	December 31, 2020

4.3.3 Was the concerned parliamentarian notified of his failure to file the required statutory declaration and warned of consequential penalties?

4.3.3.1 The evidence of the Reporting and Compliance Officer is that a Notice pursuant to Section 41(6) of the Integrity Commission Act was prepared on April 9, 2021 and sent to Mr. Dalley by email. The original notice was sent by registered mail to the home address he provided.



4.3.4 Does the concerned parliamentarian's failure to file the required statutory declaration constitute an offence under the Act?

4.3.4.1 The failure to file a statutory declaration is an offence under **Section 43(1)(a) of the Integrity Commission Act.**

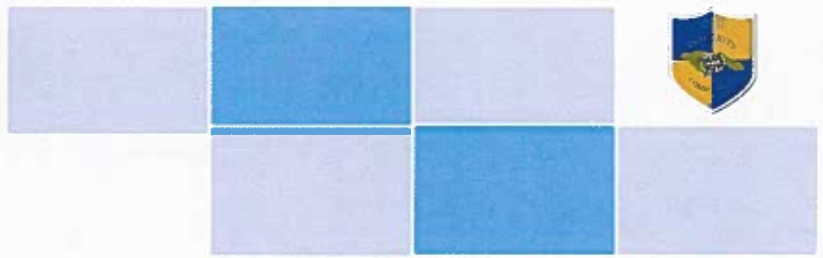
4.3.5 Did the concerned parliamentarian have a lawful explanation or excuse for his failure to file the statutory declaration?

4.3.5.1 The evidence of the Reporting and Compliance Officer also indicated that as at the date of the Notice, April 9, 2021 no related correspondence was received with respect to Mr. Dalley's obligation to file a statutory declaration.

4.4 Discussion of the Findings

4.4.1 During the course of the investigation into the allegations against the concerned parliamentarian, the Director of Investigation followed all reasonable lines of enquiry, gathered evidential material and collected/recorded the statements of witnesses deemed relevant. Upon analyzing the evidential materials collected, the Director of investigation is satisfied that there is evidence to support the allegation that the concerned parliamentarian failed to file the required statutory declaration with the Commission.

4.4.2 Based upon the evidence set out in this chapter, the Director of Investigation finds reasonable grounds to believe that the following have been established:



- a) Mr. Dalley was a parliamentarian as described under **Section 2 of the Integrity Commission Act**;
- b) Mr. Dalley failed to file the required statutory declaration;
- c) Mr. Dalley was notified of his failure to file the required statutory declarations and warned of the consequences should he fail to file the said statutory declaration;
- d) Mr. Dalley's failure to file the required statutory declaration constitutes an offence under **Section 43(1)(a) of the Integrity Commission Act**; and
- e) Mr. Dalley has provided no lawful justification or excuse for his failure to file the required statutory declaration.



5. Chapter 4 – Conclusion and Recommendations

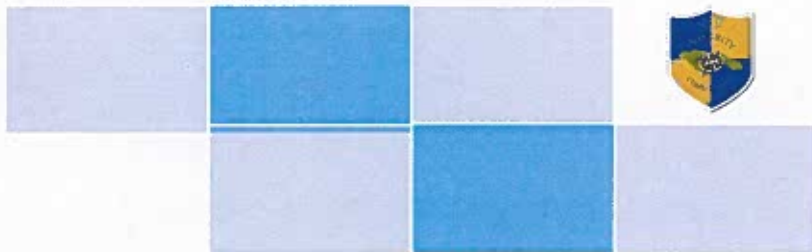
5.1 This chapter sets out the conclusions drawn from the investigation and the recommendations made to improve compliance with the law.

5.2 Conclusion

5.2.1 The evidence provided by Reporting and Compliance Officer who has responsibility for the daily receipt of the parliamentarian's statutory declaration at the Commission showed that Mr. Horace Dalley was delinquent in that he failed to file the required statutory declaration for the period ending December 31, 2020. The evidence also showed that he failed to make the required submissions, even after being notified of his failure to file and given time to comply.

5.2.2 Based upon the foregoing, the Director of Investigation concludes that Mr. Dalley failed to file his statutory declaration under **Sections 39, 41(1) and 41(4) of the Integrity Commission Act** for the periods specified in table 1 of this report.

5.2.3 The Director of Investigation concludes that Horace Dalley's failure to file a statutory declaration constitutes a breach of **Section 43(1)(a) of the Integrity Commission Act**.



5.2.4 The Director of Investigation further concludes that the concerned parliamentarian herein has provided no lawful justification or excuse for his failure to file the required statutory declaration.

5.3 Recommendations

5.3.2 The Director of Investigation recommends that this report be referred to the Director of Corruption Prosecution for consideration.

5.3.2 The Director of Investigation recommends that the Honourable Speaker of the House of Representatives should, as far as she's able, use her good office to assist in ensuring compliance by Members of the House of Representatives with the requirements of the **Integrity Commission Act** generally and more particularly with the requirement for the said Members to file their statutory declarations with the Commission pursuant to **Section 39 of the Integrity Commission Act**.

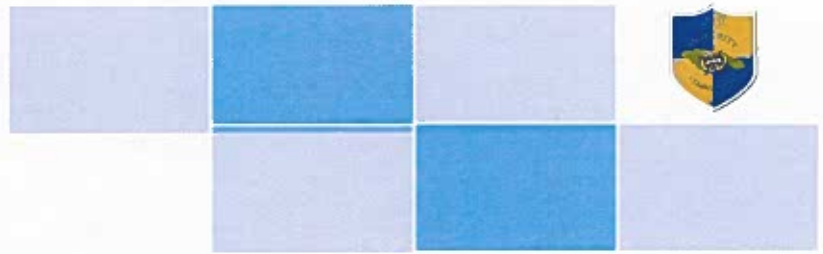
Kevon A. Stephenson, J.P.
Director of Investigation

January 27, 2022

Date



APPENDICES



Appendix 1: Sections 39, 41(1), 41(4), 43 & 47 of the Integrity Commission Act

Section 39 of the Integrity Commission Act

"39.—(1) Subject to the provisions of this Act, every person who, on or after the appointed day, is a parliamentarian or public official, shall submit to the Director of Information and Complaints, a statutory declaration of his assets and liabilities and his income in the form set out in the Third Schedule."

Section 41(1) of the Integrity Commission Act

"41.—(1) Subject to subsection (2), a statutory declaration required to be submitted pursuant to this Part shall be made—

- (a) in the case of a person elected or appointed as a parliamentarian, as at the date of such election or appointment, and thereafter—
 - (i) where the election or appointment was at any time after the 30th day of June in any year, as at the 31st day of December in the year next following, and thereafter as at the 31st day of December in each year during any part of which he remains a parliamentarian; or
 - (ii) in any case where the election or appointment is at any time in a calendar year other than that referred to in paragraph (i), as at the 31st day of



- December in that year and thereafter as at the 31st day of December in each year during any part of which he remains a parliamentarian;
- (iii) as at the end of twelve months from the date on which he ceases to be a parliamentarian;"

Section 41(4) of the Integrity Commission Act

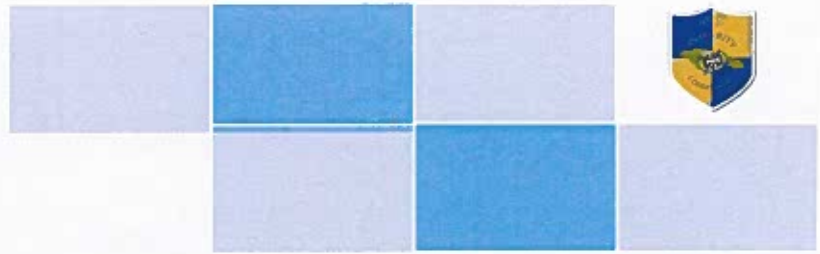
"(4) A statutory declaration required to be made as at a particular date shall be submitted to the Director of Information and Complaints on or before the last day of the third calendar month following that date."

Section 43 of the Integrity Commission Act

"43.—(1) A person who—

- (a) *fails, without reasonable cause, to submit a statutory declaration which he is required to submit in accordance with the provisions of this Part;*

commits an offence, and is liable on summary conviction in a Parish Court to a fine not exceeding five hundred thousand dollars, or to a term of imprisonment not exceeding six months and the Court may make an order mandating the person to comply with the requirement in respect of which the offence was committed."



Section 47 of the Act:

47.—(1) *The Director of Investigation, shall upon receipt of a matter pursuant to section 46, examine the matter in order to determine whether or not an investigation in relation to the matter is warranted.*

(2) *The Director of Investigation shall, in determining whether to investigate a matter that has been referred to him, consider—*

(a) the seriousness of the conduct to which the matter relates;

(b) whether or not the matter is frivolous or vexatious;

whether or not the conduct to which the matter relates is or has been the subject of an investigation or other action by any other authority under any other enactment.

whether or not the conduct to which the matter relates is or has been the subject of an investigation or other action by any other authority under any other enactment."

