



INTEGRITY
COMMISSION

ANNUAL REPORT

2021-2022

UNITED AGAINST CORRUPTION



INTEGRITY COMMISSION



INTEGRITY COMMISSION

First Floor, PIOJ Building, 16 Oxford Road, Kingston 5, Jamaica W.I.
Tel: (876)-929-6460, (876)-929-8560, (876)-929-6466
Fax: (876)-929-7335
Website: www.integrity.gov.jm
Email: seymour.panton@integrity.gov.jm

June 29, 2022

The Hon. Marisa Dalrymple-Philibert, CD, MP
Speaker of the House of Representatives
Houses of Parliament
Gordon House
81 Duke Street
Kingston

Senator the Hon. Tom Tavares-Finson, OJ, CD, QC, JP
President of the Senate
Houses of Parliament
Gordon House
81 Duke Street
Kingston


Dear Honourable Speaker and Honourable President:

Section 36(2) of the Integrity Commission Act directs as follows:

"The Commission shall, not later than three months after the end of each financial year, or within such longer period as the Parliament may approve, submit to Parliament an annual report relating generally to the execution of the functions of the Commission during the preceding financial year, which shall contain the information set out in the Second Schedule".

In keeping with this provision, I hereby submit to you three (3) printed copies and an electronic copy of the Fourth Annual Report for the financial year 2021/2022.

Yours Respectfully,

 The Hon. Mr. Justice (Ret'd) Seymour Panton, OJ, CD
Chairman

Copy: Ms. Valrie Curtis, CD, BH(M), JP, Clerk to the Houses of Parliament

Commissioners: The Hon. Mr. Justice (Ret'd) Seymour Panton, OJ, CD (Chairman); Mrs. Pamela Monroe Ellis, FCCA, CA;
The Hon. Mr. Justice (Ret'd) Lloyd Hibbert, CD; Mr. Eric Crawford, CD; Mr. H. Wayne Powell, OD, JP



INTEGRITY COMMISSION

4th ANNUAL REPORT

Contents

Chairman's Remarks	2
Executive Director's Remarks	5
Governance Structure	8
Content Of The Annual Report	12
General Description Of Matters Referred To The Commission	13
General Description Of Matters Investigated	14
Statistical Performance – Matters Investigated	16
Contract, Procurement & Corruption Investigation (CPCI) Unit	16
Declarations And Financial Investigations Unit	18
Recommendations For Legislative Amendments And Best Practices	21
A. Recommendations For Proposed Legislative Amendments To The Integrity Commission Act	21
B. New Recommendations For Amendments To The Integrity Commission Act	27
C. Recommendations For Amendments To Other Legislation	29
Position Statement Of The Integrity Commission Of Jamaica Regarding Section 53(3) of the Integrity Commission Act – The Gag Clause	33
Official Statement Made by the Integrity Commission To The Jamaica Parliament On The Integrity Commission Act – Section 53(3) And 'The Bloomberg Case'	38
Joint Select Committee Submission - Integrity Commission- Submission #1/2022 – Protected Disclosure Act	40
Instrument Of Appointment	43
Execution Of The Provisions Of The Protected Disclosures Act- The Information And Complaints Division	44
Recommendations Arising From Completed Reports Of Investigations	45
The Nature And Extent Of Information Shared With The Security Forces/Public Bodies	50
Number Of Matters Investigated Which Have Resulted In Prosecutions And/Or Disciplinary Action	51
General Description Of Activities In Relation To The Commission's Functions	53
Corruption Prevention	54
Information And Complaints Division	60
Investigation Division	80
Corruption Prosecution Division	108
Convictions, Acquittals And Time Taken To Dispose Of Each Matter Where A Charge Is Laid	111
Performance Of Support Divisions	112
Legal Department	112
Internal Audit Department	117

INTEGRITY COMMISSION



Information Technology And Business Processes Division.....	118
Corporate Services Division.....	121
Finance & Accounts Division.....	131
Audited Financial Statements.....	133

CHAIRMAN'S REMARKS

I wish to place on record my sincere appreciation for the work being done by the staff of the Integrity Commission in our efforts “to promote and enhance standards of ethical conduct for parliamentarians, public officials and other persons”. Like other institutions, the Commission’s activities have been affected by the ongoing pandemic, in that members of staff have fallen ill from time to time and therefore have had to be away from their duties for varying periods. There are, of course, some tasks that cannot be performed virtually. Notwithstanding the difficulties that are being encountered, the Commission continues to perform its tasks at a reasonable pace.

I thank the Commissioners, the Executive Director and the Directors for their cooperation, guidance and leadership.

The Commission has been giving serious attention to the statutory declarations of assets and liabilities of public officials. For the first time, all sitting members of Parliament have filed for the period under review, within the time frame specified by the legislation. The Commission is very pleased with this development as in this regard Parliament is setting a good example for other public officials to follow. The Commission is also pleased that there has been a significant increase in the number of public officials who have been complying with the requirement to file. Those who are delinquent are urged to comply as delinquents can expect prosecution. All declarants are expected to make full and truthful declarations and should take note that the Information and Complaints and Investigation Divisions of the Commission are committed to a careful and probing examination of declarations. The Commission expects full declarations of bank accounts, and declarants are reminded that the law provides for significant fines and imprisonment.

I am very concerned that Parliament has so far not addressed the Commission’s repeated requests for amendments to be made to sections 53 and 56 of the Integrity Commission Act which dictate that the Commission must not communicate to the public even the mere fact that an investigation is or is not taking place. The Commission is firmly of the view that this is a serious impediment to good governance. Given the mandate of the Commission, the right to communicate ought to be concomitant.

It is clearly ridiculous that whereas the police, quite rightly, can say that they are investigating a criminal matter, the Integrity Commission is not allowed to say it is, or is not, investigating a matter that does not involve criminality.

The Commission will therefore continue to impress on Parliament the need to make the necessary amendments. And I wish at the same time to assure the public that every allegation or complaint made to the Commission is treated seriously and dealt with in confidence. I encourage public officials and members of the public to continue to inform the Commission of any act or transaction that they think may indicate corrupt behaviour by a public official, wherever such official may be located, at home or abroad.

It is to be noted that the term “public official” means “any person holding an executive, an administrative or a judicial office, or a parliamentarian, whether appointed or elected, whether permanent or temporary, or whether paid or unpaid; any other person who is employed to a public body; and any member of the Security Forces”.

There is another matter of concern which must be mentioned at this time. In March 2017, that is, more than five years ago, a parliamentarian, Mr. Ian Hayles, filed a suit in respect of the tabling in Parliament of a report of the Contractor-General. He is seeking leave to apply for judicial review with a view to obtaining various orders including an injunction to prevent the tabling of the report. The Contractor-General's report is in respect of an allegation that the then parliamentarian constructed a building in Hanover without the relevant approvals having been obtained. Now, I realize that the matter is before the Supreme Court so I will not comment on the merit or otherwise of the suit. However, I must inform the Parliament and the general public that the claim is not being pursued by the claimant with any urgency.

In 2017, the matter was listed on three occasions for a total of eight Court days – May 11 and 12; July 24, 26 and 27; December 4-6.

In 2020, the matter was listed on two occasions for a total of six Court days in April and July.

In 2022, the matter was listed on May 2, and again on May 9-13.

The matter was not taken on any of these days, and the Commission has been reliably informed that this was due to the claimant not being ready to proceed. On one occasion, May 2, the Commission and the claimant were not ready to proceed.

The matter has now been fixed for hearing on November 2 and 3, 2022 before the Honourable Chief Justice. If the claimant is still not ready to proceed in November, the Commission's attorneys-at-law will be instructed to move immediately for the claim to be struck out. Five and a half years is too long a time for a matter of this nature to be still pending. It is reasonable for the public to have been expecting that the claimant would have been chomping at the bit to have this matter determined by the Court.

In a recent report to Parliament, the Integrity Commission reported that the then Mayor of St Ann's Bay gave certain unlawful instructions to the Chief Executive Officer of the Municipality who carried them out. The Commission recommended that appropriate disciplinary action be taken by the relevant body against the Chief Executive Officer. Subsequently, there was a report in the print media that the Officer had said that he was exonerated by the Services Commission. On seeing this report, the Integrity Commission sought and received a comment on the matter from the Local Government Services Commission. The true position is that the Chief Executive Officer was summoned to a meeting of the Local Government Services Commission. At that meeting it was "strongly recommended to (him) to be prudent and practice proper administration as the Chief Executive Officer and Accountable Officer of the Corporation". I would advise him that he is mistaken to think that he has been exonerated.

I would urge all public officials to approach their duties in a professional manner, committed to honest discharge of duty and shunning all things that are unsavoury and corrupt. The Integrity Commission commends those public officials who have been, and are, setting good examples in this regard. It is our wish that all public officials will follow those examples. No appointed official should think that it is appropriate to obey an unlawful order by an elected official.

In closing, I wish to comment on a matter of great concern to all right-thinking Jamaicans. It is the high level of violent and murderous behaviour by some of our citizens. Illegal guns are playing a significant role in the murders and serious bodily harm that are now commonplace. Our established ports of entry have been identified as venues through which significant numbers of these weapons of death pass – if the police reports are true, and I have no reason to doubt them. It means that there are persons working at

INTEGRITY COMMISSION



some, if not all, of our ports who are facilitating this activity. This is corruption of the highest order. Some of these persons may be public officials. There may also be public officials who do not work at the ports but who have a hand in these matters. I wish to urge persons who have information that can lead to the identification and apprehension of these officials to contact the Integrity Commission. Good citizens cannot afford to turn a blind eye on this situation. The nation is bleeding.

In this the 60th year of our country's existence as an "independent" nation, I am calling on all public officials to commit to fight against all forms of corruption. In our national anthem, we pray to the Eternal Father that justice and truth be ours forever; and we ask that we be kept free from evil powers. These prayers may only be answered if we do not place monetary gain ahead of principles of honesty and truth. All public officials should aim at being able to sleep comfortably, and when they awake to be able to feel genuinely happy and proud when they look in the mirror.

The Hon. Mr. Justice (Ret'd) Seymour Panton, OJ, CD

Chairman

EXECUTIVE DIRECTOR'S REMARKS

An organization's most valuable and indispensable asset is its employees. I must, therefore, begin by recognizing the officers of the Integrity Commission, and thank them for the efforts that they have made to advance the work of the Commission during the past year.

The strong, overarching leadership that our Chairman and Commissioners have brought to the stewardship of the affairs of the Commission, must also be acknowledged. Their deliberate decisions, as well as their considered guidance given to the Commission's leadership team, have augured well for the Commission.

The year that is under review was the year in which three (3) of the Commission's four (4) Statutory Directors, and myself, commenced our 2nd year of service. It was also the year in which the Commission's 4th Statutory Director and its three (3) substantive Support Directors - for Corporate Services, Finance and Accounts, and Information Technology and Business Processes - were appointed into office.

Not unexpectedly, therefore, with the strengthening of its senior management team, significant strides were made by the Commission across all eight (8) of its Operating and Support Divisions. Much of these gains are particularized elsewhere in this report.

The Commission, unsurprisingly, had its fair share of challenges during the financial year.

Not the least of them was the Covid-19 pandemic. However, because of our proactive measures, enforced workplace protective policies and an agile response whenever a staff-member was exposed to, or tested positive for the virus, we were able to substantially limit the pandemic's impact on our operations. Out of an abundance of caution, the Commission intends to maintain its Covid-19 workplace protection protocols into the foreseeable future.

The anticipated completion of the buildout of the Commission's new offices in the Sagikor Sigma building in New Kingston, during the accounting year, was also thwarted partly by the supply chain delays that were occasioned by the pandemic. Despite the delays, we were, however, still able to relocate the Commission's Information and Complaints Division to the 4th floor of the Sagikor building, and terminate our years' long lease over our Barbados Avenue office.

The relocation exercise was executed shortly after the end of the year.

Notwithstanding our office space constraints, the Commission also pulled out all the stops, throughout the year, to advance its staff recruitment drive. Its effort was aided in part by the implementation of a special work-space rotation/work-from-home policy at our Oxford Road office. Once the Commission assumes full possession of its new offices on the Sagikor building, we will complete the on-boarding of the remaining portion of our approved staff complement of 177 officers.

A key governance mechanism for monitoring the functioning of the Commission, and reviewing its reports and recommendations, is the Integrity Commission Parliament Oversight Committee. Unfortunately, however, the Committee met only twice with the Commission during the year.

The two (2) sittings were held on October 14 and November 24, 2021, and were chaired by the Committee's newly appointed Chairman, the Hon. Edmund Bartlett, Leader of Government Business in the House. The Oversight Committee has a critical role to play in the work of the Commission. We are, therefore, hopeful that it will sit more frequently, and regularly, in the new financial year.

I should also note that in December 2021 and January 2022, announcements were made regarding the establishment of two (2) other very important Joint Select Committees of Parliament. One Committee was established to review the provisions of the Integrity Commission Act and the other to examine the Protected Disclosures Act. The Commission is the designated administering authority for the latter.

In response to the Committees' requests, formal written recommendations were submitted, in February 2022, by the Commission, to the respective Committee Clerks. We have, however, received no further word from either Committee and we continue to await the commencement of their public proceedings. Transcripts of the Commission's recommendations, made to the two (2) Committees, are reproduced in this Report.

Before I close, I would like to record my and the Commission's gratitude to a number of state authorities whose assistance and support, throughout the year, have been invaluable to us.

Firstly, I wish to call attention to the 7-member bi-partisan Committee of Parliament which was established pursuant to Section 35 of the Integrity Commission Act. The Committee, which is chaired by the Hon. Speaker of the House, is responsible for approving the remuneration and terms of employment of the staff of the Commission. The Committee has been positive in its responses to the Commission and for that we are appreciative.

The Ministry of Finance and the Public Service, through the good offices of the Financial Secretary, her Deputies and other senior officials, have also facilitated the Commission in its budgetary and staffing requirements. We are grateful to them, the portfolio Minister and the Government.

I would also like to mention the cooperation that we have received from the Hon. Cabinet Secretary and the country's Permanent Secretaries as a whole. The Permanent Secretary in the Office of the Prime Minister has been particularly unfailing in her assistance to the Commission. The Commission wishes to register its thanks to the entire group.

Separate and apart from the assistance that the Commission has received from Jamaica state authorities, it would be remiss of me if I did not use this opportunity, as well, to formally convey the Commission's appreciation to the UK Foreign Commonwealth Development Office (FCDO) for its capacity building support of the Commission under its Serious Organized Crime and Anti-Corruption Programme (SOCAP) for Jamaica. The FCDO's budgetary support to the Commission has been substantial and we have provided details regarding same elsewhere in this report.

I will now make my final comment by addressing the perceived state of corruption in Jamaica.

The specter of corruption continues to cast its long and ominous shadow over our land. The work that lies ahead for the Commission is, therefore, formidable and we must make no mistake about this, lest we underestimate the efforts that are required of us.

In Transparency International's (TI's) 2021 Corruption Perception Index (CPI), Jamaica slipped one spot in the country rankings. It moved from position #69 out of 180 countries in 2020, to position #70 out of 180 countries in 2021.

Jamaica's 2020 CPI score of 44 out of 100, where 0 means 'Highly Corrupt', and 100 'Very Clean', remained unchanged for 2021. This was not good. In the 20 years that TI has been ranking Jamaica, the country has averaged a CPI of only 37.8 out of 100.

A CPI score of below 50 means that a country has a serious corruption problem. A persistently low CPI, such as Jamaica's, signals prevalent bribery, lack of punishment for corruption, and public institutions that do not respond to citizens' needs.

Instructively, TI, in its January 2022 Report, said this about Jamaica:

"Jamaica has been struggling for several years. It has made some progress." However, this has "come alongside significant resistance to (anti-corruption) reforms from many politicians in the country."

The statement, coming from the world's leading and most respected anti-corruption watchdog, is concerning. It should command and detain the attention of all well-thinking Jamaicans.

I have said before that the fight against corruption begins with a country's executive leadership and lawmakers. They are the only ones who can ensure that the state's anti-corruption legislative framework is strong and effective. And they are the only ones who can ensure that international best practice concepts, in anti-corruption and anti-bribery, will find their way into the statute books.

Let's, therefore, accept our reality. If a country's anti-corruption laws are weak, it stands to reason that its anti-corruption agency will never be strong, nor will it ever be truly effective.

However, and despite Jamaica's anti-corruption legislative shortcomings, the Integrity Commission is committed, and will remain committed, in the noble fight against corruption for and on behalf of Jamaica and all Jamaicans.

Greg Christie
Executive Director

GOVERNANCE STRUCTURE

The Integrity Commission is headed by duly appointed Commissioners who are responsible for the governance and oversight of the Integrity Commission pursuant to the requirements of the Act.

Section 5(4) of the Integrity Commission Act, 2017, provides as follows:

“The Commission shall –

- (a) subject to sections 34(3) and 36(4), be ultimately responsible and accountable to Parliament for all matters relating to the functions of the Commission[sic]; and*
- (b) monitor and report to Parliament on the operation and effectiveness of the provisions of this Act.”*

Section 8(1) of the Integrity Commission Act, 2017, which is detailed hereunder, provides particulars of the constitution of the Commission and the persons who may be appointed to hold such an appointment, as a Commissioner.

8. - (1) Pursuant to section 5 and subject to subsection (3), the Commission shall consist of the following persons appointed as Commissioners —

- (a) the Auditor-General;*
- (b) four other persons (hereinafter referred to as “appointed Commissioners”) appointed by the Governor-General, by instrument in writing, after consultation with the Prime Minister and the Leader of the Opposition, from any of the following categories of persons—*
 - i. retired Judges of the Court of Appeal or retired Judges of the Supreme Court, from which two persons shall be appointed;*
 - ii. senior retired public officials with knowledge and expertise in the area of finance, accounting or public administration;*
 - iii. persons who represent non-governmental organizations that appear to be well established.*

In this regard, the Commission is currently comprised of the following members:

1. The Hon. Mr. Justice (Ret'd) Seymour Panton, OJ, CD (Chairman)
2. Mrs. Pamela Monroe Ellis, FCCA, CA
3. The Hon. Mr. Justice (Ret'd) Lloyd Hibbert, CD., Q.C.
4. Mr. Eric Crawford, CD, FCA, FCCA
5. Mr. H. Wayne Powell, O.D., J.P.

In the performance of its functions under the Act, the Commission, pursuant to Section 25 of the Act, has established several Committees through which oversight is provided. Detailed below are particulars of each Committee, inclusive of membership and the number of meetings convened.

INTEGRITY COMMISSION



INTEGRITY COMMISSION COMMITTEES AND MEMBERS

COMMISSION MEETINGS

Standing Members:

The Hon. Mr. Justice (Ret'd) Seymour Panton, OJ, CD (Chairman)
The Hon. Mr. Justice (Ret'd) Lloyd Hibbert, CD (Commissioner)
Mrs. Pamela Monroe-Ellis, FCCA, CA (Commissioner)
Mr. Eric Crawford, CD (Commissioner)
Mr. H. Wayne Powell, OD, JP (Commissioner)

Executive Director

Meeting Schedule	The 1 st Monday of every month or as required.
No. of Meetings convened for the Reporting Period	12

AUDIT, FINANCE & TECHNOLOGY COMMITTEE

Standing Members:

Mr. Eric Crawford, CD (Committee Chair)
Mrs. Pamela Monroe-Ellis, FCCA, CA
Mr. H. Wayne Powell, OD, JP

Executive Director
Director of Finance & Accounts
Director of Information Technology & Business Processes
Director of Corporate Services
Chief Audit Executive

Meeting Schedule	The 3 rd Thursday of every month or as required.
No. of Meetings convened for the Reporting Period	11

CORRUPTION PREVENTION, STAKEHOLDER ENGAGEMENT & ANTI-CORRUPTION STRATEGY COMMITTEE

Standing Members:

The Hon. Mr. Justice (Ret'd) Seymour Panton, OJ, CD (Committee Chair)

The Hon. Mr. Justice (Ret'd) Lloyd Hibbert, CD

Mr. H. Wayne Powell, OD, JP

Mr. Greg Christie, Executive Director

Director of Corruption Prevention, Stakeholder Engagement & Anti-corruption Strategy

Meeting Schedule	The 3 rd Monday of every other month or as required.
-------------------------	---

No. of Meetings convened for the Reporting Period	5
--	---

HUMAN RESOURCE & CORPORATE GOVERNANCE COMMITTEE

Standing Members:

Mrs. Pamela Monroe-Ellis, FCCA, CA (Committee Chair, Human Resource Component)

Mr. H. Wayne Powell, OD, JP (Committee Chair, Corporate Governance Component)

The Hon. Mr. Justice (Ret'd) Lloyd Hibbert, CD

Executive Director

Director of Corporate Services

Meeting Schedule	The 4 th Friday of every month or as required.
-------------------------	---

No. of Meetings convened for the Reporting Period	7
--	---



INFORMATION & COMPLAINTS COMMITTEE

Standing Members:

Mrs. Pamela Monroe-Ellis, FCCA, CA (Committee Chair)
The Hon. Mr. Justice (Ret'd) Seymour Panton, OJ, CD
Mr. Eric Crawford, CD

Director of Information & Complaints

Meeting Schedule	The 3 rd Wednesday and the 4 th Thursday of every month.
No. of Meetings convened for the Reporting Period	20

INVESTIGATION & CORRUPTION PROSECUTION COMMITTEE

Standing Members:

The Hon. Mr. Justice (Ret'd) Lloyd Hibbert, CD (Committee Chair)
The Hon. Mr. Justice (Ret'd) Seymour Panton, OJ, CD
Mr. Eric Crawford, CD

Director of Investigation
Director of Corruption Prosecution

Meeting Schedule	The 2 nd Friday of every month or as required.
No. of Meetings convened for the Reporting Period	11

CONTENT OF THE ANNUAL REPORT

The Integrity Commission, in the preparation and publication of its Annual Report is bound by the requirements of the law regarding its content and the information which can be made available in the referenced Report. Specifically, Section 36 (2) of the Integrity Commission Act, 2017, provides as follows:

“The Commission shall, not later than three months after the end of each financial year, or within such longer period as the Parliament may approve, submit to Parliament an annual report relating generally to the execution of the functions of the Commission during the preceding financial year, which shall contain the information set out in the Second Schedule.”

Detailed below is the verbatim content of the Second Schedule of the Integrity Commission Act and to which the structure and content of the Commission’s Annual Report is aligned.

SECOND SCHEDULE (Section 36(2))

Contents of Annual Report of Commission

- 1. A general description of the matters that were referred to the Commission.*
- 2. Subject to section 53(3), a general description of the matters investigated by the Commission.*
- 3. The following details with respect to matters investigated by the Commission—*
 - a. the number of investigations commenced but not finally dealt with during the financial year in question;*
 - b. the average time taken to deal with complaints and the actual time taken to investigate any*
matter in respect of which a report is made.
- 4. Any recommendations for changes in the laws of Jamaica, or for administrative action, that the Commission considers should be made as a result of the exercise of its functions.*
- 5. The general nature and extent of any information submitted under this Act by the Commission during the year to the Security Forces or any other public body.*
- 6. The number of matters investigated by the Commission which have resulted in prosecutions or disciplinary action in that year.*
- 7. A description of its activities during that year in relation to any of its functions.*
- 8. The number of convictions and acquittals, and where a charge is laid the time taken to dispose of each matter.*
- 9. Such other information as the Commission thinks relevant; however, no details shall be provided by the Commission in relation to any matter under investigation by the Director of Investigation or for which criminal proceedings have been instituted by the Director of Corruption Prosecution.*
- 10. The audited financial statements of the Commission for the financial year.*

GENERAL DESCRIPTION OF MATTERS REFERRED TO THE COMMISSION

The Integrity Commission, pursuant to the discharge of its statutory mandate under Section 6 of the Integrity Commission Act, 2017, had numerous matters referred to it during the course of the 2021/2022 Financial Year, ended March 31, 2022.

The matters related to, *inter alia*, (a) allegations of impropriety in the award of GOJ contracts; allegations of irregularities including breach of tender procedures by a Government Ministry; and (c) allegations of conflict of interest.

Additionally, the Commission, which is charged with the receipt of complaints, the monitoring of government contracts, the divestment of government lands and assets, and other acts of corruption, also had matters referred to it, which related to, *inter alia*;

1. Unethical procurement and hiring practices;
2. Untenable working conditions;
3. Irregularity in the award/revocation of licences;
4. Election malpractice;
5. Poor/sub-standard public works;
6. Fraud;
7. Misuse of Public Funds;

8. Government Waiver;
9. Accountability of Public Bodies;
10. Unfair Government Policies;
11. Corruption in Jamaica's Justice System;
12. Unfair treatment at public facilities;
13. Unethical practices;
14. Mismanagement of public funds; and
15. Complaints related to court administration and unresolved legal disputes.

Some of the matters which were referred informed the monitoring, enquiry and investigative processes which were undertaken by the Commission during the current reporting period.

“If corruption is a disease, transparency is a central part of its treatment.”

Kofi Annan, 7th United Nations Secretary General and 2001 Nobel Peace Prize Laureate

GENERAL DESCRIPTION OF MATTERS INVESTIGATED

The Integrity Commission, pursuant to Sections 6 and 33 of the Integrity Commission Act, 2017, has a statutory mandate to, amongst other things:

1. Investigate alleged or suspected acts of corruption and instances of non-compliance with the provisions of this Act; and
2. Monitor and, where necessary, investigate the award, implementation and termination of government contracts.

In the discharge of the above referenced statutory mandate, the Integrity Commission, through its Investigation Division, has been involved in the investigation of the following types of matters:

1. Allegations regarding the breach of Government of Jamaica (GoJ) Procurement Rules and Guidelines;
2. Alleged acts of corruption involving public bodies and private citizens;
3. Allegations of cronyism and corruption in the award of GOJ contracts;
4. The divestment of Government of Jamaica owned assets;
5. Allegations of conflict of interest and nepotism in the award and implementation of (GoJ) contracts;
6. Allegations of irregularity and impropriety in the award, implementation and administration of GoJ contracts;

7. Alleged breaches of the Public Bodies Management and Accountability Act and the Financial Administration and Audit Act and other financial irregularities in the implementation and administration of GoJ contracts by Public Bodies;

8. Allegations of conflicts of interest, and corruption involving GoJ Board Directors;

9. Allegations of corruption in the award of GoJ contracts, and impropriety in the management and governance of Public Bodies;

10. Alleged breaches of the Corruption Prevention Act (CPA) and the Integrity Commission Act, 2017. Offences typically investigated include:

- (i) The failure, without reasonable cause, to furnish statutory declarations — Section 43(1)(a) of the integrity Commission Act;

“Corruption harms all, but the poor and vulnerable suffer most.

We need to unite against it; tackling corruption is tackling poverty itself.”

UN Secretary-General, António Guterres; Dec 8/17

INTEGRITY COMMISSION



- (ii) The failure, without reasonable cause, to provide any information as the Director of Information and Complaints may require - Section 43(1)(b) of the Integrity Commission Act;
 - (iii) The failure without reasonable cause to attend an inquiry being conducted by the Director of Investigation - Section 43(1)(c) of the Integrity Commission Act;
 - (iv) Knowingly making a false statement in a statutory declaration - Section 43(2)(a) of the Integrity Commission Act;
 - (v) Knowingly giving false information at an inquiry being conducted by the Director of Investigation - Section 43(2)(b) of the Integrity Commission Act;
 - (vi) Illicit Enrichment - Section 14(5) of the Corruption Prevention Act.
 - (vii) An act of corruption pursuant to Sections 14 (1),(2), and (3) of the Corruption Prevention Act.
- Detailed particulars of the nature and extent of the respective portfolios and matters investigated is contained in the Divisional and Unit Reports contained herein.

STATISTICAL PERFORMANCE – MATTERS INVESTIGATED

Contract, Procurement & Corruption Investigation (CPCI) Unit

During the 2021/2022 financial year, investigations were initiated into forty-one (41) matters. The matters related to, *inter alia*, (a) allegations of impropriety and irregularity in the award of GOJ contracts, (b) allegations of abuse and misuse of public funds, (c) allegations of conflict of interest and nepotism in the award and implementation of Government of Jamaica (GoJ) contracts, (d) allegations of corruption and breaches of the Corruption Prevention Act, (e) breaches of the GoJ procurement procedure, the Public Bodies Management and Accountability Act and the Financial Administration and Audit Act and other financial irregularities in the implementation and administration of GOJ contracts by Public

Bodies; (f) allegations of conflicts of interest, and corruption involving GOJ Board Directors; (g) allegations of corruption in the award of GOJ contracts, and impropriety in the management and governance of public bodies.

The investigations were launched by the Director of Investigation, pursuant to Section 33 of the Integrity Commission Act, 2017. All forty-one (41) investigations which commenced during the reporting period are on-going and are at varying stages of the investigative process.

At the end of the 2021/2022 financial year, a total of twenty-eight (28) matters were closed. The following table below depicts the breakdown of the closed matters for the period:

Completed/Closed Matters Over the Period	
Matters Tabled in Parliament	14
Matters Directly Referred to Public Bodies	2
Matters Referred to the Director of Corruption Prosecution	3
Matters Terminated for the Period	8
Matters Referred to Competent Agencies	1
Total Completed Matters Over the Period	28

INTEGRITY COMMISSION



The following Chart indicates the breakdown of investigations which were completed and tabled in the Houses of Parliament during the reporting period:

No.	Investigation	Commencement Date	Date of Completion ¹
1	Special Report of Investigation Conducted into the Registration of Intelcan Technosystems Inc. with the National Contracts Commission (NCC) and the Implementation of the Contracts for the Design and Construction of Air Traffic Control Towers at the Norman Manley Airport (NMIA) and the Sangster International Airport (SIA)	January 28, 2014	April 13, 2021
2	Special Report of Investigation Concerning Allegations of Irregularity in the use of the required material in the Construction of Dry Wall Partitions and Ceiling Boards for the Renovation and Expansion of the Physiotherapy Department, University Hospital of the West Indies (UHWI)	July 21, 2015	May 25, 2021
3	Special Report of Investigation Concerning the Circumstances Surrounding the Grant and Use of Prescribed Licences and Permits issued in relation to the Construction and Renovation of the Blue Diamond Hotel Group's "Royalton Negril" Resort	May 13, 2016	June 8, 2021
4	Special Report of Investigation Conducted into the Circumstances which Led to the Award and Implementation of a Contract by TurboPay Limited in Relation to the Upgrade of a Payroll Software System at the Jamaica Fire Brigade (JFB).	July 21, 2015	January 21, 2022
5	Special Report of Investigation Concerning Allegations of Impropiety and Irregularity in the Installation of a Car Charging Facility at the St. Ann Municipal Corporation	June 25, 2020	January 21, 2022
6	Special Report of Investigation Concerning the Circumstances which Led to the Approval and Issuance of Prescribed Licences and Permits by the Ministry of Labour & Social Security, for the Construction, Renovation and Operation of the Moon Palace Jamaica Grande Hotel.	March 16, 2015	January 28, 2022
7	Special Report of Investigation Concerning Allegations of Illegal and/or Unregulated Sand Mining Activities in the Vicinity of the JAMALCO 'Mud Lake' in Hayes, Clarendon and Corrupt Practices in the Issuance of Mining Licences by Certain Public Officers/Officials in the Ministry of Mining and Energy.	August 1, 2015	January 28, 2022
8	Report of Investigation- Conducted into Allegations of Non-performance of a Contract Awarded to GM Challenger, by the Jamaica Defence Force (JDF) for the Supply of a '2014 Model Year Ambulance'.	June 9, 2015	March 25, 2022
9	Special Investigation Concerning Alleged Breaches of Prescribed Licenses for the Scrap Metal Industry – Exportation of Scrap Metal in Violation of two (2) Ministerial Prohibition Orders.	November 4, 2011	March 25, 2022
10	Special Investigation Conducted into Allegations of Fraudulent Soil and Material Laboratory Test result Reports with respect to the Award of Certain Government Contracts	January 10, 2014	March 25, 2022

¹ Reflects the date on which the report was tabled in the Houses of Parliament.

INTEGRITY COMMISSION



No.	Investigation	Commencement Date	Date of Completion ¹
11	Special Report of Investigation Concerning Allegations of Acts of Impropropriety, Irregularity and Corruption in the Issuance of Firearm User Licenses to Persons of 'Questionable Character'.	November 3, 2016	March 25, 2022
12	Report of Investigation Concerning Allegations of Fraud in relation to the Registration and Issuance of a Notification of an "Approved Supplier of Goods and Services to the Government of Jamaica" Letter to Elegant Weddings, Event Planning and Catering Limited".	July 6, 2018	March 25, 2022
13	Report of Investigation Concerning Allegations of the Conflict of Interest in the Award of Contract for Artistic Direction of the 2016 Independence Grand Gala Celebration by the Jamaica Cultural Development Commission (JCDC).	May 9, 2017	March 25, 2022
14	Report of Investigation - Conducted into Allegations of Impropropriety, Irregularities and Conflict of Interest in the Award of Contract for the Execution of Painting Works at the Office of Disaster Preparedness and Emergency Management.	December 16, 2020	March 25, 2022

A total of three (3) contract, procurement and corruption investigation matters were referred to the Director of Corruption Prosecution by the Director of Investigation, pursuant to Section 54(3) (b) of the Integrity Commission Act.

In addition, a total of two (2) contract, procurement and corruption investigation matters were directly referred to the relevant Public Bodies for appropriate action, pursuant to Section 54(3) (a) of the Integrity Commission Act.

Declarations And Financial Investigations Unit

The Declarations and Financial Investigations Unit conducts Financial and Non-Compliance Investigations, pursuant to Section 43 of the Integrity Commission Act and Section 14 of the Corruption Prevention Act, into Statutory Declarations. False Statements and Illicit Enrichment allegations are categorized as Financial Investigations, while Failure to File Statutory Declarations or Failure to Comply with a Request for Information is designated as Non-Compliance Investigations.

Financial Investigations

During the period under review, the Unit commenced nine (9) new investigations. A total of three hundred and fifty-five (355) cases from the legacy Commission for the Prevention of Corruption (CPC) were reviewed and approved for closure. At the end of the 2021/2022 financial year, there were seventeen (17) investigations in progress.

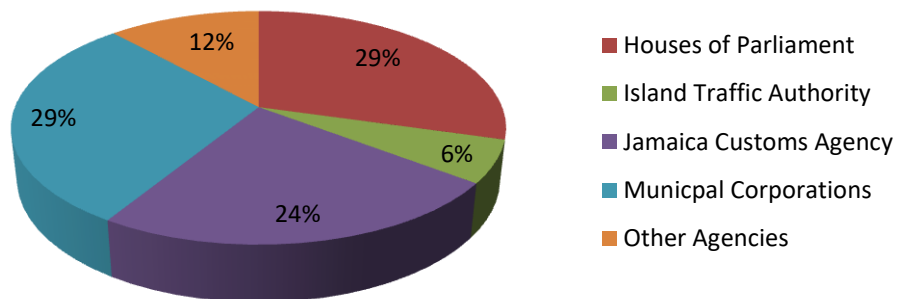
The table and chart below portrays the particulars of the financial investigations portfolio over the period:

INTEGRITY COMMISSION



Employer	New Financial Investigation Cases 2021/2022	Cases Closed 2021/2022	Investigations in Progress 2021/22
Houses of Parliament	4		5
Island Traffic Authority	1		1
Jamaica Constabulary Force		1	
Jamaica Customs Agency	2	3	4
Jamaica Defence Force		1	
Municipal Corporation		2	5
Other Agencies	2	2	2
CPC Legacy Cases		355	
Total	9	364	17

Investigations in Progress 2021/2022



INTEGRITY COMMISSION



Non-Compliance Investigations

Section 33 of the Integrity Commission Act, mandates the Director of Investigation to, among other things, investigate “*any allegation relating to non-compliance with the provisions of this Act.*” During the year under review, Sixty-six (66) new cases involving non-compliant declarants

were referred for investigation. Ten (10) investigations were completed and referred to the Director of Corruption Prosecution. A total of Four Hundred and Ninety two (492) cases from the legacy Commission for the Prevention of Corruption were reviewed and approved for closure as illustrated in the Table below:

Employer	New Non-Compliant Declarants investigations 2021/2022	Non-Compliance Investigations Completed 2021/2022	Non-compliant Declarants Referred to Director of Corruption Prosecution 2021/2022	Non-Compliant Declarant Investigation Cases Closed 2021/2022
South East Regional Health Authority		10	10	
Transport Authority	59			
Houses of Parliament	1			
Petrojam Limited	5			
Jamaica Customs Agency	1			
CPC Legacy Cases				492
Total	66	10	10	492

RECOMMENDATIONS FOR LEGISLATIVE AMENDMENTS AND BEST PRACTICES

Pursuant to Section 60(2), and Section 4 of the Second Schedule, of the Integrity Commission Act, 2017, the Integrity Commission makes the following recommendations for amendments to Legislation and Best Practices.

The Integrity Commission, by way of letters dated December 22, 2021 and January 4, 2022, was advised by the Houses of Parliament of the appointment of two Joint Select Committees of Parliament to “review and report” on the following pieces of legislation, respectively:

- a) The Integrity Commission Act, 2017 ; and
- b) The Protected Disclosures Act, 2011

The referenced correspondence requested that the Integrity Commission provide written submissions in relation to the aforementioned Acts. The Commission, in keeping with the request, provided its written submissions to the Houses of Parliament on February 10, 2022.

Detailed, hereunder, are the particulars of the submissions which were made to the Houses of Parliament as well as such other recommendations in keeping with the Integrity Commission Act.

A. RECOMMENDATIONS FOR PROPOSED LEGISLATIVE AMENDMENTS TO THE INTEGRITY COMMISSION ACT, 2017

FEBRUARY 2022

NO.	RECOMMENDATION AND SUPPORTING NARRATIVES	PUBLICATION PERIOD	STATUS
1	<p><u>Staggering and Transitional Arrangements of Board Membership</u></p> <p>Section 10 of the Integrity Commission Act provides that “an appointed Commissioner shall”, subject to the provisions of the Act, hold office for a period not exceeding seven years and may be eligible for reappointment. However, if, for any reason, there is no reappointment of the persons who served as “appointed Commissioners” during the previous term, the Commission will be constituted by entirely new “appointed Commissioners”. The clear disadvantage inherent in a continuation in force of the prevailing arrangement is a lack of continuity in the work of a Commission comprised of new members not having had the advantage of direct knowledge or experience in the operation of the Commission. If a mechanism to stagger the term of appointment of the “appointed Commissioners” were to be adopted this would ensure a smooth</p>	<p>2018/2019 Annual Report</p> <p>Pg. 7</p>	

INTEGRITY COMMISSION



	transition at all times and the maintenance and preservation of the institutional memory of the Commission.		
<u>2</u>	<p><u>Termination of the Appointment of a Commissioner</u></p> <p>Section 15 provides for the termination of appointment of a Commissioner and gives the Governor General the power to terminate the appointment of an “<i>appointed Commissioner</i>” for reasons set out in <u>Section 15(1)</u>. Subsection (2) states, however, “<i>if the Governor General decides that the question of termination of the appointment of an appointed Commissioner ought to be investigated</i>”, then the procedure is set out thereafter how this should be done. It is the view of the Commission that section 15(1) should provide without reference to the Governor General, that an “<i>appointed Commissioner</i>” may be removed from office only for inability to discharge the functions of his office (whether arising from infirmity of body or mind or any other cause) or for misbehaviour, and shall not be so removed except in accordance with the provisions of <u>Subsections (2)(3)(4) and (5)</u> of this section.</p>	<p>2018/2019 Annual Report</p> <p>Pg. 7</p>	
<u>3</u>	<p><u>Examination and Completeness of Statutory Declarations</u></p> <p>Section 32(1)(a) requires the Director of Information and Complaints to receive, keep on record and examine all statutory declarations filed with the Commission.</p> <p>Further, <u>Sections 42(1) and (3)</u>, requires that the Director of Information and Complaints cause every statutory declaration to be examined and where he “<i>...is satisfied that the statutory declaration has been duly completed</i>”, to issue, in writing thereafter, confirmation to the declarant that his declaration was duly completed.</p> <p>Given the statutory obligations ascribed to the Director of Information and Complaints when coupled with the approximately 31,000 declarations that are received by the Commission annually, due consideration should be given to defining or clarifying the words “examine”, “duly completed” and “compliant”. The referenced clarification would remove any ambiguity on the part of the Commission and/or its stakeholders regarding the declarations being “complete”.</p> <p>Additionally, in relation to the publication of the summary of the statutory declarations of the Prime Minister and the Leader of the Opposition, the form “Part B”, should be amended to remove the requirement of the Chairman to certify that “<i>a full declaration has been made...</i>” to stipulating instead, that “a declaration has been made...”</p> <p>The terminology “full” would connote that the Chairman is confident that all assets, liabilities and income have been declared by the respective parties, all</p>	<p>2019/2020 Annual Report</p> <p>Recommendation # 1</p> <p>Pg. 21-22</p> <p>&</p> <p>2018/2019 Annual Report</p> <p>Recommendation</p> <p>Pg. # 7</p>	

INTEGRITY COMMISSION



	elements of the Statutory Declarations have been thoroughly interrogated and that no matter requiring investigation or further action on the part of the Commission will arise. In the alternative, it is not prudent to have a third party attest to a “full” declaration submitted by a Public Official, having had no bearing or input into the preparation of the referenced declarations.		
4	<p><u>Disclosure of Registrable Interests</u></p> <p>Given the complex nature of corruption-related investigations, the use of corporate vehicles and other illicit schemes, the Commission is of the considered opinion that due consideration should be given to amending <u>Section 39 of the ICA</u>, to require declarations from Parliamentarians in relation to:</p> <ul style="list-style-type: none"> a. Membership in Political, Trade or Professional Organisations; b. Contracts with the Government; c. Directorship/Beneficial Interest in Corporate Bodies and Government Boards; d. Beneficial Interest in Land; e. Trustee or Beneficiary of a Trust; and f. Any other substantial interest that may result in a potential conflict of interest. <p>This recommendation will assist in the Commission’s efforts to detect and investigate matters relating to actual, potential or perceived conflicts of interest and nepotism and other corruption enabling acts.</p> <p>Consequently, the amendment and/or addition of a “<i>Part A(2)</i>” of the Statutory Declaration Form, to require declarations in relation to registrable interest, which may present a conflict of interest with duties as a Public Official/Officer should be given priority consideration.</p> <p>The aforementioned amendment would assist analysts in the review of assets, liabilities and relationships of declarants and greatly assist the Commission in attaining one of the principal objects of the Act, which is to “<i>further encourage and promote propriety and integrity among persons exercising public functions in Jamaica.</i>”</p>	<p>2019/2020 Annual Report</p> <p>Recommendation #</p> <p>Pg. 22-23</p> <p style="text-align: center;">&</p> <p>2018/2019 Annual Report</p> <p>Pg. 8</p>	<p>Please refer to Special Report to Parliament on the Status of Statutory Declarations- November 22, 2021, Pg. 6</p>

INTEGRITY COMMISSION



5	<p><u>Gifts to Parliamentarians/Public Officials from Relatives</u></p> <p>Section 40 (3) and (4) of the Integrity Commission Act, provides as follows:</p> <p><i>“(3) Subject to subsection (4), any parliamentarian or public official who receives a gift which exceeds in value, the amount of one hundred thousand dollars or such other amount prescribed by the Minister by order, shall declare the gift in the Item specified as Item 14 in the Third Schedule.</i></p> <p><i>(4) Subsection (3) does not include such gift as may be prescribed, or any personal gift that is received by a parliamentarian or public official from a relative of that parliamentarian or public official.”</i></p> <p>It is recommended that <u>Section 40(4) of the Integrity Commission Act</u> be deleted. On the face of it, this sub-section can create a loop-hole, and is a potential corruption enabler. It is conceivable that a relative of a Parliamentarian or a Public Official could be used as a conduit for the exchange of an illicit benefit, designed to confer a benefit or an advantage to himself or another person.</p>	<p>2020/2021 Annual Report</p> <p>Pg. 17</p> <p>&</p> <p>2019/2020 Annual Report Recommendation # 3.</p> <p>Pg.23</p>	<p>Discussed at the proceedings of the Integrity Commission Parliament Oversight Committee of October 14, 2021</p>
6	<p><u>Offence For Misleading, Obstructing Or Non-Compliance With Request From The Director Of Investigation</u></p> <p>The Integrity Commission Act has repealed <u>Section 29 of the Contractor-General Act</u> and no subsequent and equal provision has been provided.</p> <p><u>Section 51 of the Integrity Commission Act</u> empowers the Director of Investigation to be advised of matters relating to government contracts and prescribed licences. In doing so, the Director is entitled to be advised of, among other things, (i) the award, variation and termination of government contracts, (ii) to have access to documents and (iii) to have access to premises where work on a government contract has been, is being or is to be carried out.</p> <p>Despite these vast powers, the Commission notes that unlike <u>Section 43(1)(b)</u> which creates an offence for failure to provide information required by the Director of Information and Complaints, there is no similar provision in law or sanction in relation to the Director of Investigation upon which he can rely in the execution of the functions under Section 51 of the Integrity Commission Act, 2017. The absence of such a provision restricts the dissuasive and timely remedies that should be available to the Director of Investigation having regard to the entitlements stated in the Integrity Commission Act, 2017.</p> <p>It is, therefore, recommended that due consideration be given to the inclusion of an offence in circumstances where the work of the Director of Investigation, in accordance with <u>Section 51</u>, is (i) obstructed or hindered, (ii) where a person fails to comply with the Director's lawful requirement, and (iii) where a person willfully makes a false statement to mislead or misleads or attempts to mislead the Director of Investigation or any other person in the execution of his function under the Integrity Commission Act, 2017.</p>	<p>2020/2021 Annual Report</p> <p>Recommendation # 2</p> <p>Pg. 17</p> <p>&</p> <p>2019/2020 Annual Report Recommendation #4</p> <p>Pg.23</p>	

• • •

Pg. 24

25 | Page

INTEGRITY COMMISSION



9	<p><u>Regulations to the Integrity Commission Act</u></p> <p><u>Section 60 (1)</u> provides that the Commission may make Regulations subject to affirmative resolution in both Houses of Parliament. It is the considered view of the Commission that Regulations ought to have been prepared before the Act came into operation. The Commission is of the view that these Regulations should be made subject to negative rather than by affirmative resolution. The process by way of negative resolution will take a shorter period for them to be passed in Parliament. One ought to bear in mind that Regulations are essential for the smooth operation of proceedings to be carried out under the Act. They codify operational processes, practices and procedures in respect of matters such as the filing of Statutory Declaration of Assets and Liabilities for parliamentarians and public officials and the day to day operation of the Commission.</p>	2018/2019 AR Pg. 8	
---	--	---------------------------	--

B. NEW RECOMMENDATIONS FOR AMENDMENTS TO THE INTEGRITY COMMISSION ACT

NO.	RECOMMENDATION AND SUPPORTING NARRATIVES	PUBLICATION PERIOD	STATUS
10	<p><u>Review of Obligation To Keep Certain Matters, Documentation and Information Secret and Confidential</u></p> <p>The Integrity Commission references Section 56(1) of the Integrity Commission Act, which provides, amongst other things, that “...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...”</p> <p>The Integrity Commission, having reviewed the referenced Section of the Act, is of the opinion that due consideration should be given to amending Section 56(1) of the Act with a view to achieving a proportionate balance between matters which are deemed “secret and confidential”, and should rightfully be treated as such, and the broader objectives of openness and transparency which are crucial to anti-corruption efforts and are deemed to be international best practices.</p> <p>In giving consideration to this recommendation, due regard must also be given to the broad anti-corruption and public education mandate given to the Integrity Commission viz-a-viz the role of transparency in key areas of its work and the international thrust towards open-government initiatives, amongst other practical anti-corruption principles.</p> <p>The continued <i>carte blanche</i> inclusion of Section 56 within the Act is antithetical to the principles which are espoused by anti-corruption authorities inclusive of the principles of being able to:</p> <p>“...communicate and engage with the public regularly in order to ensure and secure public confidence.” (Jakarta Principle # 16); and</p> <p>The participation of Society in the fight against corruption, which incidentally, is strengthened through “...enhancing transparency and promoting public participation, ensuring the public has adequate and effective access to information; the undertaking of public information activities and initiatives...” (Article 13 – UNCAC)</p> <p>The intention of the recommendation is to allow the Commission sufficient latitude to execute its mandate whilst also responsibly facilitating transparency in key operational areas which will complement the work of the Commission and build overall public confidence in the anti-corruption efforts.</p> <p>In the alternate the current provision could be deleted.</p>		

11	<p><u>Duty Of Public Officials To Report Act Of Corruption</u></p> <p>It is recommended that consideration be given to adopting legislation similar to the Turks and Caicos Islands Integrity Commission Ordinance, Sections 79(1) and (2). In this regard, it is suggested that the Integrity Commission Act be amended to include a provision which requires a public official who knows or suspects that another person has been, is or is likely to be engaged in an act of corruption, to report his knowledge or suspicion to the Commission. A public official who fails to report his knowledge or suspicion as required commits an offence and is liable on summary conviction to a fine or to imprisonment for six months, or to both.</p> <p>The provisions of Section 79 (1) and (2) of the Turks and Caicos Ordinance is reproduced verbatim hereunder:</p> <p><i>“Duty of public officials to report act of corruption</i></p> <p><i>79. (1) A public official who knows or suspects that another person has been, is or is likely to be engaged in an act of corruption shall report his knowledge or suspicion to the Commission.</i></p> <p><i>(2) A public official who fails to report his knowledge or suspicion as required by subsection (1) commits an offence and is liable on summary conviction to a fine of \$5,000 or to imprisonment for six months, or to both.”</i></p>		
----	---	--	--

OBSERVED TYPOGRAPHICAL ERRORS IN THE INTEGRITY COMMISSION ACT

The Commission, in its review of the Integrity Commission Act, has also noted a number of typographical errors, to include references to other provisions of the Act which are inaccurate and require correction. Such inaccuracies, by way of example, include:

- Section 5(4)(a) of the Act – A reference is made to “Commissioner” rather than “Commission”;
- Page 68 – Amendment Standing Order 73D (e) – the section referenced should be “54” and not “34” as stated in the Act.

The Commission anticipates that similar typographical corrections will be effected during the course of the current review of the legislation being undertaken.

C. RECOMMENDATIONS FOR AMENDMENTS TO OTHER LEGISLATION

NO.	RECOMMENDATION AND SUPPORTING NARRATIVES	PUBLICATION PERIOD	STATUS
12	<p><u>The Public Procurement Act</u></p> <p>The Public Procurement Act be amended to explicitly require decertification, debarment/suspension and cross-debarment of government contractors who engage in, and/or are convicted of fraudulent practices or who consistently fail to perform their contracts to the required standard.</p>	<p>2020/2021 Annual Report</p> <p>Recommendation #5</p> <p>Pg. 18</p> <p>2019/2020 Annual Report</p> <p>Recommendation # 11</p> <p>Pg.25</p>	
13	<p><u>The Public Procurement Act</u></p> <p>The Public Procurement Act 2015, as amended, was brought into force April 1, 2019. The Commission recognizes that the Act which has been amended and the various Regulations thereto, need to be consolidated in order to provide ease of reference and clarity as to the procedures and requirements in relation to public procurement. It is also recommended that a new procedural handbook be issued which would reflect the current requirements of the Act, Regulation and Orders.</p>	<p>2020/2021 Annual Report</p> <p>Recommendation #6</p> <p>Pg. 18</p> <p>2019/2020 Annual Report</p> <p>Recommendation # 10</p> <p>Pg.25</p>	

INTEGRITY COMMISSION



14	<p><u>The Evidence Act</u></p> <p>Section 31G of the Evidence Act deals with the admissibility of computer generated evidence, which requires that direct evidence, whether oral or by the tendering of a certificate, be presented to show that each device responsible for the production of the document being tendered is reliable. This represents a departure from the common law presumption that, in the absence of evidence to the contrary, the relevant mechanical instruments were in proper working order at the material time. This will ultimately result in the exclusion of relevant, probative evidence, where the device in question cannot be located or otherwise accounted for. It is therefore recommended that Section 31G of the Evidence Act be repealed or alternatively, that the common law presumption be codified in statute.</p>	<p>2020/2021 Annual Report</p> <p>Recommendation #7</p> <p>Pg. 18</p> <p>2019/2020 Annual Report</p> <p>Recommendation # 5</p> <p>Pg.24</p>	
15	<p><u>The Witnesses' Expenses Act</u></p> <p>The schedule of rates in the Witnesses' Expenses Act should be updated in order to facilitate Sub-Sections 50(1) and 50(2) of the Integrity Commission Act in relation to the reimbursement of witness expenses. The schedule of rates is wholly outdated and does not reflect expenses reasonably incurred by a witness who is required to attend and/or give evidence to the Integrity Commission.</p>	<p>2020/2021 Annual Report</p> <p>Recommendation #8</p> <p>Pg. 18</p> <p>2019/2020 Annual Report</p> <p>Recommendation # 12</p> <p>Pg.25</p>	

INTEGRITY COMMISSION



16	<p><u>The Interception of Communications Act</u></p> <p>Notwithstanding Section 48(4) of the Integrity Commission Act, 2017, it is desirous that the Integrity Commission be named a designated person to whom communication data may be disclosed by a telecommunications provider, in instances where there are reasonable grounds for believing that the subscriber to the telecommunications service is the subject of an investigation in connection with an offence. It is recommended, therefore, that the Integrity Commission is included as a designated person, pursuant to Section 16 of the Interception of Communications Act, who may require data for the purpose of investigating a person suspected of committing an offence under the Integrity Commission Act and/or the Corruption Prevention Act.</p>	<p>2020/2021 Annual Report</p> <p>Recommendation #9</p> <p>Pg. 18-19</p> <p>2019/2020 Annual Report</p> <p>Recommendation # 8</p> <p>Pg.24</p>	
17	<p><u>The Committal Proceedings Act</u></p> <p>It is recommended that Section 6(2)(a) of the Committal Proceedings Act be amended to indicate that where a statement has been recorded by an Investigating Officer of the Integrity Commission, the requirements for the admissibility of the written statement in Section 6(2)(a) has been satisfied. There are offences in the Corruption Prevention Act which are indictable offences triable in the Circuit Court and in order to advance the investigation and prosecution of matters, the Integrity Commission should be permitted to collect and rely on statements which would readily meet the requirements under the Committal Proceedings Act.</p>	<p>2020/2021 Annual Report</p> <p>Recommendation #10</p> <p>Pg. 19</p> <p>2019/2020 Annual Report</p> <p>Recommendation # 9</p> <p>Pg.25</p>	

18	<p><u>Amendments To Offences And Penalties Under The Corruption Prevention Act</u></p> <p>It is recommended that the offences and penalties of the Corruption Prevention Act be amended in the following manner to include:</p> <ol style="list-style-type: none"> the development of sentencing guidelines for all corruption and bribery offences commensurate with the gravity of the offence; the imposition of term bans from office and forfeiture of pensions, in the case of Public Officers who are found guilty of an act of corruption or breach of fiduciary duties, prescribed good governance and integrity legislation and standards; In addition to fines, request the offender to repay sums equivalent to the value of gratification, bribe received or economic loss suffered as a result of the act of corruption; Include a requirement and/or the duty of any Public Official or Officer, directly or indirectly involved with the procurement process, to declare an interest, to include a conflict of interest and create an offence where there is non-compliance. 	<p>2019/2020 Annual Report</p> <p>Recommendation # 7</p> <p>Pg.24</p>	
----	--	---	--

**Position Statement of the Integrity Commission of Jamaica
Regarding Section 53 (3) of the Integrity Commission Act – the ‘Gag Clause’
Submitted to the Integrity Commission
Parliament Oversight Committee on November 24, 2021**

During the proceedings of the Integrity Commission Parliament Oversight Committee of October 14, 2021, certain issues concerning Section 53(3) of the Integrity Commission Act (ICA) were raised for discussion.

Section 53(3) of the ICA provides as follows:

“Until the tabling in Parliament of a report under Section 36, all matters under investigation by the Director of investigation or any other person involved in such investigation shall be kept confidential, and no report or public statement shall be made by the Commission or any other person in relation to the initiation or conduct of an investigation under this Act.”

The primary justification that has been advanced for imposing and retaining the Section 53(3) ‘gag’ is that it prevents the Integrity Commission (IC) from injuring the reputation of public officials, when it makes an announcement of its commencement of an investigation into allegations of corruption, misconduct, impropriety and/or irregularity which may directly or indirectly implicate a public official.

The proponents of the ‘gag’ generally contend that a person is presumed innocent until proven guilty and that this presumption is undermined, to the detriment of the implicated public official, when an investigation is announced or otherwise commented upon.

The IC does not share these views. It has, by way of its three (3) Annual Reports, to date, tabled the following recommendations in Parliament regarding Section 53(3):

Recommendation in First Annual Report 2018/2019 (Pages 7-8)

"With respect to Section 53(3), which deals with the confidentiality of investigations and reports, it is widely believed that the present provision is “inconsistent with the objective of transparency in the functioning of the commission”. It is our view, that the Commissioners should be given the option of reporting in general terms the stage of an investigation, without commenting specifically on the individuals being investigated or what they are being investigated for. We are further of the view that such disclosure should be restricted to the Government entity that is involved and the cause of the Commission's interest if the Commissioners deem such disclosure appropriate and taking into account the need for the protection of the reputations of individuals and institutions whose culpability have not been established to the satisfaction of the Commission."

Recommendation in Second Annual Report 2019/2020 (Page 24)

"With respect to Section 53(3), which addresses confidentiality regarding all matters under investigation, it is recommended that the Commission be vested with the authority to comment on investigations as deemed necessary and appropriate."

Recommendation in Third Annual Report 2020/2021 (Page 17)

“With respect to Section 53(3), which addresses confidentiality regarding all matters under investigation, it is recommended that the Commission be vested with the authority to comment on the initiation of investigations and on aspects of an on-going investigation as deemed necessary and appropriate.”

The IC reiterates the foregoing recommendations and, in addition, now wishes to place the following positions on the record:

(1) The IC believes that the maintenance of the ‘gag’ is inimical to the public interest and the public good. Considering that Jamaica is perceived to be highly corrupt, the ‘gag’ only serves to further undermine public confidence and trust in the country’s institutions and leaders. Corruption loathes transparency. It thrives in the dark. The ‘gag’, because it suppresses information is, therefore, self-defeating.

(2) The IC is not aware of any similar statutory ‘gag’ being imposed upon any other law enforcement agency in Jamaica. The IC, therefore, believes that the ‘gag’ should be cause for significant public alarm and concern.

(3) The announcement of an investigation by the IC, it being a law enforcement agency, does not, *ipso facto*, undermine the presumption of innocence.

(4) More particularly, the announcement of an investigation by the IC, into an allegation, cannot logically undermine the presumption of innocence, or tarnish someone’s reputation, when the announcement follows an allegation that has already been introduced into the public domain by a 3rd party.

(5) The IC does not make allegations against persons or entities, nor does it tarnish or impugn their reputations. Rather, the IC, as a quasi-judicial body, seeks to unearth or to determine, via its investigations, the veracity of the inferences or allegations of misconduct that have already been made by 3rd parties against public officials. This is a statutory mandate of the IC.

(6) Public allegations or inferences of corruption, misconduct, impropriety or irregularity that implicate public officials, typically arise from proceedings of the Committees of Parliament, published reports of agencies of the state, media reports, or public statements or requests made by Parliamentarians and politicians, or by others, to have said allegations or inferences investigated.

(7) The Office of the Contractor General (OCG), an IC legacy agency, in its 24th and 2010 Annual Report to Parliament, at pages 37 to 41, lists a matrix of twenty-one (21) major OCG Investigations that were initiated and/or completed by it during the 4 1/2 year period which preceded February 2011.

In all 21 instances, announcements of the investigations were made.

Committee members, as well as members of the public, are encouraged to review the referenced pages of the OCG’s 2010 Annual Report which can be found on the IC’s website.

The matrix clearly establishes what is a glaring double-standard on the issue regarding, (a) the making of allegations, and (b) what has been deemed by some to be damage done to the reputation of the persons who were implicated by the announcements that were subsequently made by the OCG of the commencement of its investigations into the allegations.

The matrix discloses that it was Parliamentarians and politicians themselves, and not the OCG, that had made the initial public allegations which, in turn, had prompted eight (8) of the referenced OCG Special Investigations, and the making of the subsequent public announcements regarding the commencement of the investigations.

It is also noteworthy that in eight (8) of the remaining 13 instances, the allegations that led to the OCG's Investigations were allegations that were first publicly made in the print and electronic media by 3rd parties.

To say, therefore, that in such circumstances the OCG or the IC has tarnished someone's reputation by its mere announcement of an investigation is not only misleading, but raises the following germane questions:

- (a) When a public allegation which implicates someone has been made by a 3rd party, in what way does a subsequent announcement by the IC of its commencement of an investigation into that allegation, injure the reputation of the individual concerned?
- (b) What good purpose is served by hiding from the public the fact that the IC has commenced an investigation into said allegations?
- (c) When a public request is made by a 3rd party for an investigation to be conducted by the IC into a specific allegation which implicates someone, is the making of that request viewed as tarnishing the reputation of the person who is implicated by the allegation? If no, then why should a subsequent announcement by the IC that it has acceded to the request be regarded as tarnishing the person's reputation?

(8) Government members of the Integrity Commission Parliament Oversight Committee have reasoned that, instead of seeking to remove the Section 53(3) 'gag', the IC should utilize the facility of a Special Report to Parliament under Section 36(3) of the ICA, to make announcements of its commencement of investigations. The argument suggests that once the report is tabled in the Houses of Parliament, the announcement of the IC's investigation would thereby become public.

However, if the mischief that the 'gag' is seeking to cure is to prevent the tarnishing of the reputations of public officials by prohibiting the IC from making a public announcement of its investigations, then how is that mischief cured when the IC is allowed to make the same public announcement via the tabling of a report in Parliament? Is not the presumed offending public announcement made in either case?

(9) Of even greater concern is the fact that the IC was upbraided by the Parliament Oversight Committee 'for not following the law', by its failure to use the facility of Section 36(3) to announce its investigations. A proper construction of Section 36(3), however, discloses that the Section was never intended for that purpose.

Section 36(3) of the ICA provides as follows:

"The Commission may, at any time, submit a report relating to any particular matter which, in the opinion of the Commission, requires the specific attention of the Parliament."

The qualifying words are "*which, in the opinion of the Commission, requires the specific attention of the*

Parliament.” However, the IC’s announcement of an investigation is not something which “requires the specific attention of Parliament.”

Section 36(3) cannot, therefore, in the IC’s view, be lawfully used in such circumstances.

(10) The recommended authority of the IC to make an announcement of the commencement of its investigations, or to otherwise make guarded comments concerning its investigations, is something that is intended for the benefit of the public, primarily to inform it of matters that are under consideration by the IC.

(11) The IC’s making of such announcements will, among other things, ensure that members of the public, who are in a position to assist the IC in its investigations, can come forward and do so. This serves the public interest, for if the public is not aware of what the IC is doing, its capacity to effectively function is thereby undermined.

(12) Unlike the IC, law enforcement agencies in Jamaica and in other countries do have the discretionary power to make public announcements about their investigations. They are not gagged. This suggests that blanket statutory gags are unusual and do raise curious questions.

(13) The IC’s UK counterpart, the UK’s Serious Fraud Office (SFO), presents an eloquent example of the foregoing. In its guidance, given in its “policy on making information about our cases public,” it states the following as circumstances in which it will exercise its discretionary authority to make announcements about its investigations:

(a) When “there are operational reasons for announcing the investigation (such as a call for witnesses);” or

(b) When “there is some other substantial reason why the announcement of the investigation would be in the public interest.”

There is no gag!

(14) Further, a vivid and recent example of one the Commonwealth’s leading anti-corruption law enforcement agencies exercising its discretionary authority to make public statements about its investigations, occurred on October 1, 2021.

On that day, Australia’s New South Wales (NSW) Independent Commission Against Corruption (ICAC) confirmed that it was investigating whether the NSW Premier ‘breached public trust by exercising public functions in circumstances where she was in a position of conflict between her public duties and her private interest, or encouraged corrupt conduct.’

(15) Having regard to all of the foregoing, the IC respectfully calls upon the Parliament of Jamaica to repeal Section 53(3) of the ICA, and to reserve to the IC the discretionary authority to make statements about its investigations as it sees fit.

The five (5) member panel of Jamaica’s IC is required by law to include two (2) retired Appellate or Supreme Court Judges, one of whom must sit as the Chairman of the Commission.



The IC currently has, as its Chair, a distinguished retired President of Jamaica's Court of Appeal. On the panel also sits another eminent retired Justice of Jamaica's Supreme Court. As experienced judicial luminaries, and arbiters of justice, they, more than anyone else, would be seized with the need, as well as the 'know-how', to balance the public interest in being informed about the IC's investigations, against the individual's right to being presumed innocent until proven guilty.

Surely, public confidence can be reposed in the IC to exercise the discretionary authority to comment on the IC's investigations in a responsible and judicious manner, and in a way that best serves the interest of the Jamaican state, the Jamaican public and the Jamaican taxpayer.

OFFICIAL STATEMENT MADE BY THE
INTEGRITY COMMISSION TO THE JAMAICA PARLIAMENT ON THE INTEGRITY
COMMISSION ACT – SECTION 53(3) AND
‘THE BLOOMBERG CASE’

BLOOMBERG LP v ZXC [2022] UKSC 5

The Integrity Commission Act states that its aim is to promote and enhance standards of ethical conduct among Jamaica’s public officials. In order for that to be done, the Act has created the Integrity Commission and has given it the responsibility of monitoring and investigating government contracts and licences.

Notwithstanding that legal duty, the very Act, in Section 53(3), has barred the Integrity Commission from making a public statement that it is initiating or conducting an investigation in a matter. It does not matter how serious the circumstances may be. The law states that the public is not to be told that the Integrity Commission is initiating or conducting an investigation. The public is to be left in the dark.

The Integrity Commission views this situation as very contradictory. It defeats the whole purpose of the law. On several occasions, the Integrity Commission has proposed that the section be amended. However, Parliament has not, to date, given a favourable response to the proposal.

Consequently, the Integrity Commission is concerned that some of our Parliamentarians may be supportive of the Section 53(3) status quo which, if preserved, will obscure transparency in matters of national affairs where alleged wrongdoing is concerned. It is the respectful view of the Commission that any such stance would be contrary to good governance.

The Integrity Commission is further very disappointed that there is at least one senior Parliamentarian who has publicly indicated an intention and willingness to rely on a recent United Kingdom Supreme Court decision [Bloomberg LP v ZXC] which he is erroneously claiming is supportive of Parliament’s view that the public should be kept in the dark as regards whether the Integrity Commission is initiating or conducting an investigation.

The Integrity Commission is firmly of the view that that case provides no comfort or support for the secrecy that Jamaica’s Parliamentarians are advocating.

In the Bloomberg case, there was a Letter of Request that had passed between two countries. It contained material that was confidential between the two countries. Bloomberg got hold of the letter and reported some of its contents which revealed the suspicions of investigators as regards the activities of a company and one of its officers. There was disclosure of personal details of the individual concerned. The Trial Judge found that there was a clear public interest that the contents of the Letter of Request should not be published, and that the confidentiality of the investigation should be maintained.

The Supreme Court of the United Kingdom upheld that position in the particular circumstances. The judgment was to the effect that there had been a misuse of private information.

The Integrity Commission of Jamaica is not seeking to publish any details in respect of any individual. It is of the view that it should be able to announce that it is, is not, or will be investigating a matter where there

is a complaint or allegation of wrongdoing in a public office. Nothing more. An individual or body that has made a complaint to the Integrity Commission is entitled to know if an investigation is being conducted or not.

It is interesting to note that, notwithstanding the Bloomberg case, the police and Parliament in England announced to the world that the Prime Minister of that country was being investigated by the relevant bodies for breaches of the law passed by that Parliament.

That clearly shows that in England the ruling in the Bloomberg case is regarded as fitting the particular circumstances of that case only, and is not of general application. In any event, Jamaica is a sovereign country which is not bound by decisions of the Supreme Court of the United Kingdom, or of any other country for that matter.

In the Bloomberg case, the complainant was an American citizen residing in the United Kingdom. He was a private citizen who had no public responsibility. He was neither elected nor appointed to a position that required accountability to the public.

The Integrity Commission Act is concerned with public officials and their conduct in public office in Jamaica. Public officials who have nothing to hide should not fear the revelation that an investigation is being conducted as a result of an allegation or complaint of wrongdoing in a public office.

The Integrity Commission urges Parliamentarians to do the right thing and amend the Integrity Commission Act as suggested by the Integrity Commission.

JOINT SELECT COMMITTEE SUBMISSION

Integrity Commission- Submission #1/2022

PROTECTED DISCLOSURES ACT

1. Purpose

As the Designated Authority for the Protected Disclosures Act, 2011 (PDA), the Integrity Commission, having conducted a detailed review of the PDA, hereby submits its recommendations for amendments to the PDA, as well as, provides an overview of its plan to execute the provisions of the referenced Act.

2. Background

By letter dated January 4, 2022, the Committee Clerk wrote to Mr. Greg Christie, Executive Director of the Integrity Commission, indicating that a Joint Select Committee of Parliament has been appointed to review and report on the Protected Disclosures Act, 2011. In this regard, input has been sought from the Integrity Commission.

3. Recommendations for Amendments

a. Interpretation Section

“improper conduct”

...

h) conduct that tends to show unfair discrimination on the basis of gender, race, place of origin, social class, colour, religion or political opinion”

The recommendation is to include “political affiliation” in the list of words used to describe conduct in “h)”, in order to eliminate any *lacuna* and avoid ambiguity.

b. Section 4(2)

The recommendation is to include appropriate verbiage from Section 2(4) of the Third Schedule, in relation to removing the restriction on disclosures imposed by the Official Secrets Act or by any other law, thus making it applicable to the preliminary stages of the disclosure and not only at the investigation stage. (If by making the disclosure it is an offence then you would not have the protection and some public employees are required to take an oath)

c. Section 10(1)(d)

The recommendation is to amend Section 10(1)(d) to add permission to an employee who made a disclosure on a prior occasion to an employer who refused to deal with the disclosure or commence an investigation in the circumstances outlined in Section 19(2), to make the disclosure to the Designated Authority.

d. Section 15

Some Public Servants who have taken the Oath of Secrecy or are at certain government agencies are restricted by law from making a disclosure. For example, an entity's Act may also contain a provision which makes it an offence to disclose information obtained during the course of his employment. It is therefore recommended that appropriate verbiage from Section 2(4) of the Third Schedule, in relation to removing the restriction on disclosures imposed by the Official Secrets Act or by any other law, thus making it applicable to the preliminary stages of the disclosure and not only at the investigation stage. Clarity is required in relation to the effect of Section 4(2) when read with Section 15, in order to ensure that one section does not offend the other and prevent an employee from making a "protected" disclosure.

e. Section 21(1)

The Integrity Commission is the Designated Authority for the purpose of this Act. As a result, it is being recommended that Section 21(1) be amended to read as follows:

"21 (1) In this Act, the Designated Authority for the purpose of this Act means:

- (a) The Integrity Commission ; or*
- (b) Any other entity so designated by the Minister by Order."*

Similar wording has been utilized in Section 3(1) of the Proceeds of Crime Act, in relation to naming the Asset Recovery Agency.

f. Part V- Oversight Functions

- a) In the performance of its oversight and investigative functions, in particular, the ability to summon witnesses or request the provision of documents or information, the recommendation is to expand the lawful authority of the Designated Authority during the course of an investigation, to entitle it to do the following:
 - To have access to all documents or other property in connection with a protected disclosure (subject to certain restrictions similar to that reflected in Section 53 of the Integrity Commission Act); and
 - To enter premises occupied by any person, in order to make such enquiries or to inspect and secure copies of such documents or other property as the Designated Authority considers necessary to any matter being investigated (before entering any premises, save and except for government-owned premises, a warrant from a Judge of the Parish Court or a Justice of the Peace must be obtained).

This recommendation can also be considered in relation to the Third Schedule.

- b) In relation to protected disclosures concerning the Designated Authority, it is recommended that a provision be included to indicate that such disclosures should be made to and investigated by, the Major Organized Crime and Anti-Corruption Agency (who has been recommended to be a Prescribed Person).

g. PART VI Miscellaneous

-Sections 23, 24 and 25

- All references to the Resident Magistrate's Court should be amended to read the Parish Court.

-Section 23

With respect to failure to comply with a requirement imposed by the Designated Authority in Section 23(2) and to reflect the gravity of the obligation to comply, the following amendments are suggested:

- The fine should be increased from Two Hundred and Fifty Thousand Dollars to Five Hundred Thousand Dollars; and
- The term of imprisonment should increase from not exceeding three months to not exceeding six months.

It is recommended that a Section be created to address concerns which have been highlighted by Designated Officers, in relation to certain challenges that they may face during the execution of the duties in this role. In this regard, the following should be considered:

- i. Details of the protection to be provided to a Designated Officer during the course of carrying out his functions (taking into consideration circumstances where the Designated Officer is threatened with physical injury to himself, his immediate family or his property or is subject to occupational detriment);
- ii. The tenure and the conditions under which a Designated Officer can be appointed; and
- iii. The positions within an entity which are to be exempted from being a Designated Officer.

h. First Schedule

The Act lists eighteen (18) entities as Prescribed Persons. In this regard, the following amendments are recommended:

- i. Amend this to exclude Commission for the Prevention of Corruption and the Office of the Contractor General which have been subsumed into the Integrity Commission;
- ii. Delete Inland Revenue and replace with Tax Administration Jamaica;
- iii. Add Child Protection Family Services Agency (CPFSA); and
- iv. Add Major Organised Crime and Anti-Corruption Agency (MOCA).

i. Proposed Fourth Schedule- Instrument of Appointment for Designated Officer

The Integrity Commission, as the Designated Authority, recommends the inclusion of a Fourth Schedule, pursuant to Section 13(3) of the Act, in relation to a prescribed form to be used by employers/prescribed persons when assigning a Designated Officer. In this regard, please see proposed appointment instrument for consideration:

[ENTITY'S LOGO]

**PURSUANT TO SECTION 13 (3) OF THE
THE PROTECTED DISCLOSURES ACT, 2011**

INSTRUMENT OF APPOINTMENT

GREETINGS:

In exercise of the power vested in me by virtue of Section 13(3) of the Protected Disclosures Act, 2011, I, [Name and Title of Head of Entity] at the [Name of Entity] DO HEREBY APPOINT you the said, to perform the functions of Designated Officer in the for a period of five (5) years with effect from the 1st day of June 2022.

As Designated Officer, you are hereby conferred with the requisite authority in accordance with Section 13(4) of the Protected Disclosures Act, to receive, take steps to investigate or otherwise deal with any disclosure made, and generally to perform functions as provided for in Part IV of the Protected Disclosures Act.

At any time during your tenure, the Head of Entity can revoke this appointment.

Given under my hand at the [Name of Entity]..... this 1st day of June in the Year of our Lord Two Thousand and Twenty Two.

4. Execution of the provisions of the Protected Disclosures Act- the Information and Complaints Division

On January 25, 2021, the Integrity Commission (IC) was named the Designated Authority for the Protected Disclosures Act, 2011 (PDA, 2011). The function of Designated Authority was previously executed by the Commission for the Prevention of Corruption, an entity was subsumed into the Integrity Commission (IC).

The Information and Complaints Division (ICD) is the primary Division of the IC charged with the responsibility of administering the provisions of the Protected Disclosures Act, 2011. The Complaints and Protected Disclosures Unit (CPDU) is the unit within the ICD which handles matters of complaints and Protected Disclosures. The CPDU comprises the Manager, Complaints and Protected Disclosure (MCPD), a Senior Complaints Review Officer (SCRO) and two (2) Complaints Review Officers (CROs).

Please note that each officer will be assigned a portfolio of entities to manage their compliance under the PDA, 2011. This includes approximately 190 Public Sector Entities, as well as numerous Private Sector Entities. Officers will also treat with protected disclosures made directly to the IC by an employee.

Officers will monitor the execution of the provisions to ensure compliance.

The Commission has already commenced the engagement of Prescribed Persons in relation to the requirement to prepare the Protected Disclosure Procedural Guideline for their entity. Some Prescribed Persons have submitted their draft Protected Disclosure Procedural Guidelines and same is being reviewed by the CPDU.

The Commission is also in the process of engaging the wider public sector with respect to the preparation of Protected Disclosure Procedural Guidelines.

The Hon. Mr. Justice (Ret'd) Seymour Panton, OJ, CD

Chairman, Integrity Commission

February 9, 2022

Recommendations Arising From Completed Reports Of Investigations

During the course of the financial year, the Director of Investigation made several recommendations in keeping with Section 54 of the Integrity Commission Act and anti-corruption initiatives geared at improving public procurement and contract administration as well as improving systems of governance and eradicating corruption enabling devices .

The following recommendations were made to the Director of Corruption Prosecution, pursuant to Section 54(3)(b) of the Integrity Commission Act, for a determination to be made in relation to the following matters:

- a) Whether the actions of Mr. Dennis Meadows, former Director of the 2016 Firearm Licensing Authority Board, in his approval of a firearm user licence for his family member, amounted to an explicit act of nepotism which constitutes the common law offence of misconduct in public office, a breach of public trust and a breach of Section 14 of the Corruption Prevention Act.
- b) Whether the actions of (i) Cavol Mantle (ii) Dwight McKoy (iii) Fay Chin (iv)

Ricardo Burton and (v) Richard Rogers (vi) the Directors of Cenitech Engineering Solutions Ltd. and (vii) the Directors of Dwight's Construction Ltd, gave rise to the offence of conspiracy to defraud.

- c) The recommendation that criminal investigations be initiated into the involvement and culpability of (a) Mr. Cavol Mantle (b) Mr. Dwight McKoy (c) Mr. Ricardo Burton (d) Ms. Natalie Rowe and (e) Mr. Orville Gayle in relation to the creation of false documents pertaining to Laboratory Reports.
- d) Whether the actions taken by any scrap metal exporter or public officer contravened the provisions of Sections 11(1) and 13(1) of the Trade Act, Regulations 4(2) and 30 of the Trade (Scrap Metal) Regulations (2007) and Section 151 of the Customs Act.

The following persons were recommended for prosecution for breaches of the Integrity Commission Act and the Corruption Prevention Act:

No.	Name	Entity
1	Renaire Bender	South East Regional Health Authority
2	K'Trina Brown	South East Regional Health Authority
3	Sandra Chamber-Gause	South East Regional Health Authority
4	Jareth Daley	South East Regional Health Authority
5	Alex Henriques	South East Regional Health Authority
6	Vaughn Mckenzie	South East Regional Health Authority
7	Simon Smith	South East Regional Health Authority
8	Dianne Jackson	South East Regional Health Authority
9	Noelline Dobson	South East Regional Health Authority
10	Horace Dalley	House of Representatives

The following recommendations and anti-corruption initiatives were made to Competent Authorities and other germane Ministries, Departments and Agencies:

- a) The Director of Investigation recommended that revisions be made to the Firearms Act and/or its Regulations, for the inclusion of an established process which guides the Minister of National Security in the grant of firearm user licences on appeal. It was also recommended that the Minister of National Security, with portfolio responsibility for firearm user licences, intimately familiarizes himself with the details of the National Intelligence Bureau and Criminal Intelligence Branch reports, to ensure that in the fulfilment of his lawful Ministerial responsibilities, he is fully aware of any and all security concerns which may impact upon the determination of whether or not an applicant is a suitable, fit and proper candidate to be granted the proposed licence.
- b) In addition to the provisions of Sections 29 and 36 of the Firearms Act, the Director of Investigation recommended that amendments be made to the Firearms Act Regulations to incorporate specific requirements and character traits that would constitute the criteria to be met by an applicant who is deemed to be 'fit and proper' in order to be granted a firearm user licence. It was also recommended that the Board of the Firearm Licensing Authority (FLA) give consideration to the conduct of a further assessment into the backgrounds and lifestyles of such applicants to determine whether they should be entrusted with a firearm.
- c) The Director of Investigation recommended that the Firearm Licensing Authority Board Directors

apprise themselves of the provisions of Section 17 of the Public Bodies Management and Accountability Act as well as the Corporate Governance Framework of Jamaica in so far as it relates to the duty of care owed by directors of a public body and in particular the disclosure of conflicts of interest and the requirement to recuse oneself.

- d) The Director of Investigation recommended that all Appointees to the Board of Directors of Public Bodies be made aware of their full responsibilities and obligations, and that such serving members fully apprise themselves of the provisions of the Public Bodies Management and Accountability Act (PBMA) and the established guidelines under the Corporate Governance Framework for Public Bodies as well as all other applicable legislations.
- e) The Director of Investigation recommended that the Hanover Municipal Corporation, the Negril Green Island Area Local Planning Authority, the National Environment Planning Agency and all entities tasked with the responsibility of issuing building, environmental and planning permits, develop internal policies and procedures to ensure the enforcement of penalties, particularly, in pursuit of fines and imprisonment orders, in relation to breaches and non-compliance of the terms and conditions of the permits as outlined in the Natural Resources Conservation Authority Act and the Parish Council Building Act (Hanover-By-Laws).
- f) The Director of Investigation recommended that Accounting and/or Accountable Officers implement necessary administrative mechanisms to ensure that proper records are kept in

relation to the implementation of Government of Jamaica projects.

- g) The Director of Investigation recommended that a determination be made by the Financial Secretary in relation to the recovery of a reasonable sum from Mr. Rovel Morris in relation to the electricity consumed for the charging of Mr. Michael Belnavis' personal vehicle while the charging port facility was connected to the electricity supply of the St. Ann Municipal Corporation. The DI also recommended that the Financial Secretary takes appropriate action as it relates to the apparent breach of Section 16 of the Financial Administration and Accountability Act (FAA Act), on the part of Mr. Rovel Morris, who authorized the installation of the referenced facility for the personal use of Mr. Michael Belnavis.
- h) In accordance with Section 25 of the Public Bodies Management and Accountability Act, recommendations were made to the Auditor General for a determination as to whether Mr. Rovel Morris contravened Section 17 of the Public Bodies Management and Accountability Act, in the authorization of the installation of the charging port facility for the personal use of Mr. Michael Belnavis and for the necessary sanctions to be applied.
- i) The recommendation was made that political representatives and other holders of public office desist from making requests of accounting and/or accountable officers, which require them to deploy public resources for their personal use.
- j) The Director of Investigation recommended that the Ministry of Labour and Social Security undertake a review of its internal administrative

guidelines/policies which governs the processing of work permit applications, with a view to ensuring that the guidelines and policies are effective, fit for purpose and are consistent with the GOJ's broader horizontal objectives. It was also recommended that the Ministry of Labour and Social Security implements the necessary oversight mechanisms in order to ensure compliance with the established internal guidelines and/or policies.

- k) The Director of Investigation recommended that the Ministry of Transport and Mining ensures that licences which are issued for the conduct of quarrying activities, include as a condition, the specific geographical area, (along with a map) on which mining is permitted to take place, which is critical for the effective enforcement of the terms of the Mines & Geology Division's Licences, both by the Mines & Geology Division itself, the police and other enforcement agencies. It also recommended that the Mines & Geology Division conducts routine monitoring activities at quarrying sites to ensure compliance with the Quarries Control Act (1983) and the Special Conditions of Quarry Licenses that have been granted to licensees.
- l) The Director of Investigation recommended that an immediate review of the procurement processes utilized by the Ministry of National Security and the Jamaica Defence Force be undertaken in order to ensure that: GoJ funds which are earmarked for the procurement of goods and services are not misappropriated; all goods and services, which are procured and paid for are supplied; and to implement checks and balances for ensuring strict adherence to the provisions of contractual agreements.

- m) The Director of Investigation recommended that the Public Procurement Commission (PPC) adopts a performance based approach to its registration of contractors to ensure that only contractors who have a good track record of performance will be in a position to access public funds by way of government contracts. Performance based contractor registration may also bring about greater efficiency and healthy competition in public procurement.
- n) The Director of Investigation recommended that the Public Procurement Commission (PPC) amends the Letters of Approvals and/or Certificates that are issued to contractors, to include security features to guard against the occurrence of fraud and corruption. Further, it is recommended that the PPC develops, implements and enforces enhanced security protocols regarding access to Letters of Approval, Certificates and other official documents prepared by the PPC.
- o) The Director of Investigation recommended that the Ministry of Culture, Gender, Entertainment & Sport provides a policy directive to entities under its control, regarding the acceptance of Unsolicited Proposals and the nature of the evaluation and/or assessment to be conducted, in determining how the Procuring Entities may treat with same.
- p) In accordance with Section 7 of the Public Procurement Act, recommendations were made to the Chief Public Procurement Officer, of the Office of Public Procurement Policy, for the issuing of a policy in relation to the execution of projects, utilizing the Force Account project implementation method and in particular, for consideration to be given to the inclusion of further specification in relation to what constitutes “internal resources” and whether same includes human resources.
- q) The Director of Investigation recommended that implementing agencies pay keen attention to the monitoring and verification exercises as it concerns the engagement of contractors for the performance of Road Rehabilitation Work Programmes; and further that the public body must ensure that all contracted works are satisfactorily performed prior to the disbursement of public funds and that evidence of this forms a part of the formal procurement record.
- r) The Director of Investigation recommended that Public Bodies conduct an audit or verification process with a view to verifying the authenticity of tendered Laboratory Reports and enforce punitive sanctions against contractors who have been found to have tendered/ uttered fictitious and/or fraudulent Reports.
- s) The Director of Investigation recommended that the Jamaica Customs Department exercise due care and implement a system of checks and balances to ensure that all scrap metal exporters/entities are in possession of the requisite licence(s) and permit(s) from the Trade Board Limited, and are duly registered with JAMPRO prior to authorizing, facilitating and/or allowing such exporters/entities to ship containers of scrap metal.
- t) Public entities should ensure that the public officers provide, annually, proof that they are compliant with the law in respect of filing their statutory

INTEGRITY COMMISSION



declarations. Public Bodies and the Office of the Services Commission should be engaged to ensure that compliance with the Integrity Commission Act becomes a requirement for employment and continued employment in the public service.

- u) 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**.

THE NATURE AND EXTENT OF INFORMATION SHARED WITH THE SECURITY FORCES/PUBLIC BODIES

During the period under review, one (1) request for information was received from the Major Organised Crime and Anti-Corruption Agency (MOCA). This request required the Commission to disclose details in respect of an on-going investigation, along with certain evidential material pertinent to the Commission's investigation.

Additionally, a request for information was received from the Financial Investigations Division (FID) of the Ministry of Finance and the Public Service. This request required the Commission to disclose details of statutory declarations submitted by specific Public Officials, along with all supporting documents, as well as the particulars of any investigation conducted in relation to any of the specified declarants.

The Integrity Commission complied with the requests received from the Competent Authorities, where the requested information was in its possession.

In addition, the Integrity Commission referred one (1) matter to the Counter Terrorism and Organised Crime (CTOC) Investigations Branch during the period under review. This involved the sharing of information within the Commission's possession.

“People who do corruption are very creative. It is therefore necessary for us to be remain alert all the time...”

*Narendra Modi,
Prime Minister of
India*

NUMBER OF MATTERS INVESTIGATED WHICH HAVE RESULTED IN PROSECUTIONS AND/OR DISCIPLINARY ACTION

The Corruption Prosecution Division (CPD), as part of its mandate, has responsibility for determining at the conclusion of an investigation so referred, what criminal charges, if any, may be brought against an individual or individuals, who have been deemed to have committed an act of corruption on the evidence made available, being an offence arising under the common law or any enactment.

For the reporting period, the CPD received eleven (11) Financial Investigation Reports and one (1) Special Report of Investigation from the Investigation Division (ID). These new referrals were supplemented by the twenty-nine (29) Financial Investigation referrals that were received near the close of the 2020/2021 reporting period and actioned during this reporting period. Of the eleven (11) matters received during the period, prosecution was recommended for all declarants, however, three (3) of those persons could not be located for Court documents to be served. Prosecution was concluded in seven (7) of the remaining eight (8) matters during the period with one hundred

percent (100%) rate of conviction. Proceedings were initiated in the remaining matter which is set to return to Court in the first quarter of the next reporting period.

Of the twenty-nine (29) matters received at the close of the last period, twenty-four (24) were recommended for prosecution, with compliance effected in the remaining five (5) matters prior to charges being laid, and in accordance with an extension granted by the Director of Information & Complaints (DoIC). Of the twenty-four (24) recommended for prosecution, sixteen (16) were concluded with one hundred percent (100%) rate of conviction. There were challenges in locating the remaining eight (8) declarants, however, and efforts to do so continued at the close of the reporting period.

From the Information and Complaints Division (I&C), the CPD received three (3) requests to approve the issuance of Discharge Liability Notices, and approval was granted in one (1) of the matters.

TABLE 1 – MATTERS REFERRED TO THE CORRUPTION PROSECUTION DIVISION FOR THE PERIOD ENDING MARCH 31, 2022

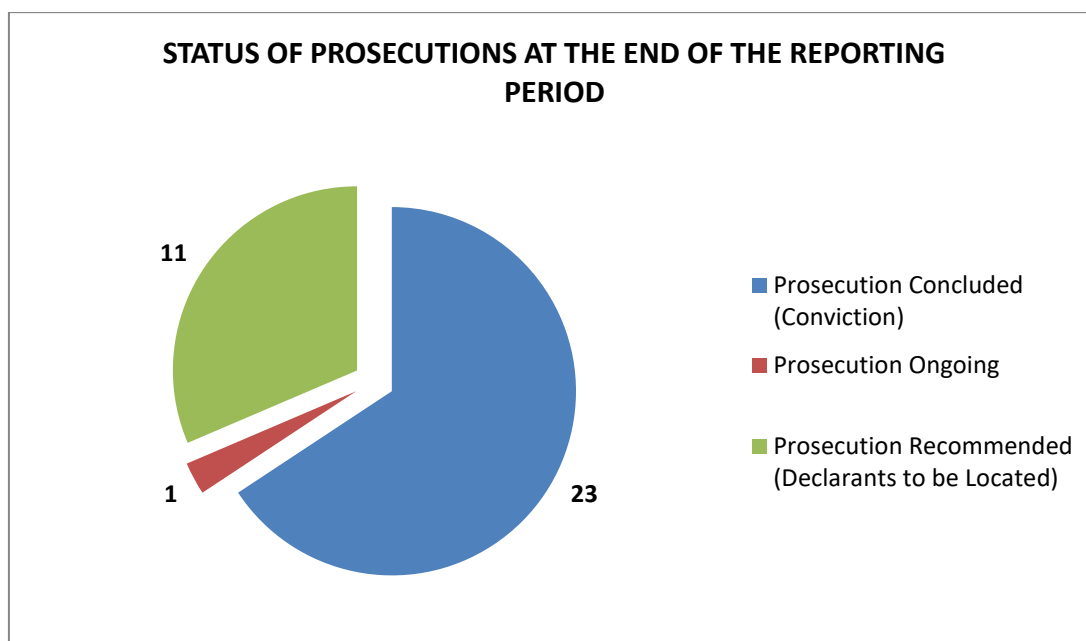
TYPES OF REFERRALS	NO. OF MATTERS REFERRED	NO. OF MATTERS RULED FOR CHARGES TO BE LAID	NO. OF MATTERS INVESTIGATED WHICH RESULTED IN PROSECUTIONS	NO. OF MATTERS RULED FOR <u>NO CHARGES</u> TO BE LAID	NO. OF MATTERS FOR DISCIPLINARY ACTION (DISCHARGE LIABILITY NOTICE)	NO. OF MATTERS WHERE ADDITIONAL INFORMATION REQUIRED	NO. OF MATTERS UNDER REVIEW AT CLOSE OF REPORTING PERIOD
<i>Special Reports of Investigations</i>	1	0	0	0	N/A	1	1
<i>Financial Investigation Referrals</i>	11	11	8	0	N/A	0	0
<i>Discharge Liability Notice Requests</i>	3	N/A	N/A	N/A	1	1	1
Total Referrals	15	11	8	0	1	2	2

Proceedings Initiated

During the reporting period, the Investigation Division was asked to facilitate the service of Summonses on Information prepared by the Corruption Prosecution Division for a total of twenty-four (24) Financial Investigation referrals, sixteen (16) from the previous period and eight

(8) for the current period. These matters all concerned public servants who were determined to be in breach of requirements under the **Corruption Prevention Act (CPA)**, and charging documents were prepared in accordance with the procedural framework developed for the purposes.

TABLE 2 - STATUS OF PROSECUTIONS AS AT THE END OF THE REPORTING PERIOD



*-Prosecution Ongoing – The matter has been brought before the Courts and is currently awaiting further action in the Court.

GENERAL DESCRIPTION OF ACTIVITIES IN RELATION TO THE COMMISSION'S FUNCTIONS

Section 6 of the Integrity Commission Act outlines approximately sixteen functions of the Commission in relation to the detection, investigation and prosecution of acts of corruption. The referenced section also details numerous preventative tasks related to education, outreach, and informing policy direction, amongst other things, which the Commission is tasked to undertake. Detailed overleaf are particulars of the performance of certain of these key functions of the Commission during the reporting period.

CORRUPTION PREVENTION, STAKEHOLDER ENGAGEMENT & ANTI- CORRUPTION STRATEGY DIVISION

Introduction

The Corruption Prevention, Stakeholder Engagement and Anti-Corruption Strategy Division was operationalized on June 1, 2021 with the appointment of the Director of Corruption Prevention, Stakeholder Engagement and Anti-Corruption Strategy.

In the light of limited human resource capacity the work of the Division for the period under review was targeted, as such the Division focused primarily on executing its mandate under sections 6 (1) (o), 6 (1) (j) and 6 (1) (k) of the Integrity Commission Act, 2017. These sections speak to respectively, adopting and strengthening mechanisms for educating the public in matters relating to corruption, coordinating the implementation of an anti-corruption Strategy and collaborate or cooperating with other persons or bodies whether in Jamaica or outside of Jamaica duly authorized to prevent combat and investigate acts of corruption so as to implement an integrated approach to the eradication of corruption.

Public Education And Outreach

For the period June 1, 2021 to March 31, 2022, approximately one thousand nine hundred and forty six (1,946 estimated) individuals have been exposed to the work of the Integrity Commission by virtue of either presentations or training delivered by the Division. In this regard, notable mention can be made of the following training interventions through the Division's *Anti-Corruption and Good Governance Workshops for Public Officials*:

- Presentation on *the Anticorruption Framework, Good Governance in Jamaica and the work of the Integrity Commission* at the Ministry of Justice

(MOJ) Works Contractor Sensitization Programme on June 29, 2021.

- *Anti-Corruption and Good Governance Workshops for Public Officials* held for staff at the Betting Gaming and Lotteries (BGLC) Commission, the Jamaica Racing Commission (JRC) and the Casino Gaming Commission (CGC). These workshops were held between September 2021 and November 2021.
- Presentation to the Jamaica Medical Doctors Association on *the work of the Integrity Commission with specific reference to Statutory Declarations*. This session was held on February 15, 2022.
- Presentation to the Kingston and St. Andrew KSA Primary Care Doctors Association on *the work of the Integrity Commission with specific reference to Statutory Declarations* on August 12, 2021.
- Presentation on the *Quarterly Contract Awards process and the work of the Integrity Commission* to the National Commission on Science and Technology on August 17, 2021.
- Presentation to Medical Personnel at the Percy Junor Hospital on *the work of the Integrity Commission with specific reference to Statutory Declarations* on September 2, 2021.
- *Anti-Corruption and Good Governance Workshops for Members of the Shadow Cabinet* which commenced on November 15, 2021.

- *Presentation on Statutory Declarations to the Betting Gaming and Lotteries Commission (BGLC), the Jamaica Racing Commission (JRC) and the Casino Gaming Commission (CGC) on January 26, 2022.*
- *Anti-Corruption and Good Governance Workshops for Public Officials at the Ministry of Agriculture and Fisheries on February 10th 2022, February 11, 2022 and February 15, 2022.*
- *Anti-Corruption and Good Governance Workshops for Public Officials at the Ministry of Transport and Mining/ and the Island Traffic Authority. These sessions were held over the period February and March 2022.*
- *Anti-Corruption and Good Governance Workshops for Public Officials at the Ministry of Transport and Mining with specific reference to Statutory Declarations on Thursday March 17, 2022.*
- *Anti-Corruption and Good Governance Workshops for Public Officials at the Coconut Industry Board on Wednesday February 2, 2022.*
- *Anti-Corruption and Good Governance Workshops for Public Officials at the Ministry of Foreign Affairs and Foreign Trade. This was a joint delivery with the Information Complaints Division on the work of the Integrity Commission and Statutory Declarations on Wednesday March 16, 2022.*
- *Presentation to the Ministry of Industry Investment and Commerce (MIIC) on the Anticorruption Framework, Good Governance in Jamaica and the work of the Integrity Commission to new staff of the Ministry of Industry Investment and Commerce on Monday March 28, 2022.*

- *Presentation on the Anticorruption Framework, Good Governance in Jamaica and the work of the Integrity Commission at the Office of Public Procurement Policy, Ministry of Finance the Public Service Procurement Webinar on March 24 2022.*
- *Presentation on the Anticorruption Framework, Good Governance in Jamaica and the work of the Integrity Commission to the Open Government Initiative Multi-Sectoral Stakeholder Committee of the Ministry of Finance and the Public Service on September 23, 2021.*

Presentation At Conferences/Retreats And Other Events

During the period under review the Division participated in a number of conferences, retreats and other events as a presenter. These included the:

- *Commonwealth Caribbean Association of Integrity Commissions and Anti-Corruption Bodies (CCAICACB) 2nd Annual Virtual Conference and Annual General Meeting on June 30 and 1 July 2021 in which the Division delivered the Country Report for Jamaica;*
- *The Jamaica Bankers Association (JBA) 10th Annual Anti-Money Laundering (AML) and Counter Financing of Terrorism (CFT) Virtual Conference that was held on October 13 2021 and where the Division presented on the topic "Anti-Bribery & Corruption- the link to Anti Money Laundering"*
- *Presentation on the Anticorruption Framework, Good Governance in Jamaica and the work of the Integrity Commission to the Permanent*

Secretaries Board Retreat on December 2, 2021.

- Presentation on *Anti-Corruption and Good Governance Reforms: An Imperative for Public Bodies* to Board Executives of the North East Regional Health Authority Board Retreat on Saturday March 26, 2022.
- Presentation on *Anti-Corruption and Good Governance Reforms: An Imperative for Public Bodies* to Board Executives of the South East Regional Health Authority Board Retreat on Thursday March 31, 2022.
- Presentation on *Anti-Corruption and Good Governance* to the Mona Governance Society on Thursday February 3, 2022.

Stakeholder Engagement

During the period under review the Division used the opportunity to present on the Anticorruption Framework, Governance in Jamaica and the work of the Integrity Commission to a vast array of stakeholders, most notably:

- Courtesy Call to Ambassador the Honourable Douglas Saunders, Cabinet Secretary on Tuesday September 28, 2021.
- Courtesy Call to Dr. Wayne Henry, Director General, Planning Institute of Jamaica and Executives of the PIOJ, on Tuesday, October 5, 2021
- Courtesy Call to Mr. Mark Golding, Leader of the Opposition on Tuesday October 26, 2021
- Courtesy Call and presentation on the *Anticorruption Framework, Good Governance in Jamaica and the work of the Integrity Commission* to the

President of the Jamaica Chamber of Commerce (JCC) and Executives of the Jamaica Chamber of Commerce on Tuesday November 2, 2021

- Courtesy Call and presentation on the *Anticorruption Framework, Good Governance in Jamaica and the work of the Integrity Commission* to the Crime Monitoring and Oversight Committee on Tuesday November 2, 2021.
- Courtesy Call and presentation on the *Anticorruption Framework, Good Governance in Jamaica and the work of the Integrity Commission* to the Principal Director, National Integrity Action (NIA) and executives of the NIA on Friday November 12, 2021.
- Courtesy Call and presentation on the *Anticorruption Framework, Good Governance in Jamaica and the work of the Integrity Commission* to Mr. O'Neil Grant President of the Jamaica Civil Service Association and Executives of the Jamaica Civil Service Association on Tuesday November 16, 2021.
- Presentation on the *Anticorruption Framework, Good Governance in Jamaica and the work of the Integrity Commission* to the *Executive Council of Jamaica Civil Service Association* on Tuesday January 11, 2022.
- Courtesy Call and presentation on the *Anticorruption Framework, Good Governance in Jamaica and the work of the Integrity Commission* to the Chief Personnel Officer, Office of the Services Commission on Tuesday November 30, 2021
- Courtesy Call and presentation on the *Anticorruption Framework, Good Governance in Jamaica and the work of the Integrity Commission* to the

President of the Private Sector Organization of Jamaica and Executives of the PSOJ on Wednesday, December 15, 2021.

- Presentation on the *Anticorruption Framework, Good Governance in Jamaica and the work of the Integrity Commission* to the Programme Director and members of the Vision 2030 Secretariat, Planning Institute of Jamaica on Monday, January 24, 2022.
- Presentation on the *Anticorruption Framework, Good Governance in Jamaica and the work of the Integrity Commission* to Government Libraries Information Network of Jamaica (GLINJa) on Tuesday, January 25, 2022.
- Courtesy Call and presentation on the *Anticorruption Framework, Good Governance in Jamaica and the work of the Integrity Commission* to Dr. Ruby Brown, Chief Executive Officer, Management Institute for National Development and Executives of the MIND on Wednesday, January 19, 2022.
- Courtesy Call and presentation on the *Anticorruption Framework, Good Governance in Jamaica and the work of the Integrity Commission* to the Director General, Public Sector Transformation and Modernization Division (PSTMD), Office of the Cabinet and executives of the PSTMD on Friday, January 28, 2022.
- Courtesy Call and presentation on the *Anticorruption Framework, Good Governance in Jamaica and the work of the Integrity Commission* to the Executive Director, Jamaica Accountability Meter Portal on Friday, January 21, 2022.

- Courtesy Call and Presentation on the *Anticorruption Framework, Good Governance in Jamaica and the work of the Integrity Commission* to the Executive Director, Transformation Implementation Unit (TIU) and team members of the TIU on Friday, February 18, 2022.

Participation In Workshops/Conferences

During the period under review the Division also attended various workshops and conferences, most notably,

- *Leadership and Team Development for Managerial Success*, Online Training on Wednesday, June 2, 2021 and Thursday, June 3, 2021.
- Launch of the *Commonwealth Secretariat Anti-Corruption Benchmarks Report* on Wednesday, June 2, 2021.
- *Commonwealth Regional Conference of Anti-Corruption Agencies in Africa* that was held June 21 – 24, 2021.
- International Centre for Asset Recovery – *Illicit Enrichment Laws Conference* June 30, 2021 on June 30, 2021.
- University of Sussex, *Procurement Demo Presentation* on July 14, 2021.
- International Law Enforcement Academy (ILEA) *Public Corruption Course*, September 21-23, 2021.
- Meeting examining the *Independent Assessment of the Strengths and Weaknesses of Jamaica's Tax Administration System - Treatment of Corruption Connected to the Administration of Taxes* on Friday, September 24, 2021.



- Jamaica Bankers Association (JBA)/ Jamaica Institute of Financial Services (JIFS) *CEOs & Board of Directors' Session* on Wednesday, October 13, 2021.
- UNODC: The Ninth (9th) session of the *Conference of the States Parties to the United Nations Convention against Corruption* from 13 to 17 December 2021.
- Caribbean Development Bank Caribbean Conference on *Corruption, Compliance and Cybercrime* on December 7-8, 2021.
- Open Government Partnership Seminar on *Practical Open Data Tools for Anti-Corruption Commitments* on Tuesday, December 14, 2021.
- Commonwealth Caribbean Association of Integrity Commissions And Anti-Corruption Agencies - (CCAICACB's) *Strategic Planning Retreat* on December 1 and 2, 2021.
- The *Follow-Up Mechanism for the Implementation of the Inter-American Convention against Corruption (MESICIC)* held March 14 to March 17, 2022.

Development of the Anticorruption Strategy

- The development of Jamaica's National Anti-Corruption Strategy is in keeping with the requirements of Section 6(1) (j) of the Integrity Commission Act, 2017, which provides that it is the function of the Commission to, inter alia, "*co-ordinate the implementation of an anti-corruption strategy*"
- During the period under review the international competitive bidding process for the development of the

Anticorruption Strategy closed on Friday April 16, 2021 with eleven (11) consultants subscribed to the Tender on the Electronic procurement Platform and two (2) bids received at the time of closing of the tender. The Bids which were received were evaluated and all the requisite submissions made to the Procurement Committee however the two bids which were received were declared non-responsive. As such, the Consultancy was aborted in July 2021.

- After internal deliberation the consultancy for the development of the Anticorruption Strategy, was retendered in January 2022, closed in early March 2022 and, at the end of the financial, year was being evaluated.
- The development of the anticorruption strategy was included as an action item under the *Jamaica – Open Government Partnership: National Action Plan 2021-2023 for Public Consultation*.

International Anti-Corruption Day

- The Division successfully led the activities in celebration of the United Nations Office on Drugs and Crime led **International Anti-Corruption Day** that was held under the theme "*Your right, your role: Say no to corruption*" on December 9, 2021. The activities included the production of an audio and video jingle which was widely disseminated to the media and a supplement published in the Jamaica Observer and Jamaica Gleaner newspapers on December 9, 2021.
- **Twitter Social Media Policy and activation.**

As part of the public outreach and public education campaign the twitter feed for

INTEGRITY COMMISSION



the Integrity Commission was activated on Friday, September 24, 2021.

Human Resource

The Division began during the period under review the recruitment of limited staff to populate the Division, the majority of whom were onboarded in late December 2021 and commenced in the last quarter of the fiscal year under review. At the end of Financial Year 2021/2022, the staff complement of the Division

moved from two (2) individuals on commencement to seven (7) with additional staff set to join the team in Financial Year 2022/2023.

Conclusion

It is hoped that with the onboarding of additional staff that the work of the Division can now be evenly spread and focus on the other areas as identified in Section 6 of the Integrity Commission Act, 2017 can commence interrogation in fiscal year 2022/2023.

INFORMATION AND COMPLAINTS DIVISION

Section 32(1) of the Integrity Commission Act, 2017, sets out the functions of the Director of Information and Complaints, who heads the Information and Complaints Division of the Integrity Commission. The referenced section provides that:

“The Director of Information and Complaints shall –

a) receive, keep on record and examine all statutory declarations filed with the Commission;

b) make such enquiries as he considers necessary in order to certify or determine the accuracy of a statutory declaration;

c) receive and keep proper record of any complaint or information or notification in relation to any or all of the following matters:

(i) any allegation which involves or may involve an act of corruption;

(ii) any allegation regarding impropriety or irregularity with respect to the award, implementation or termination of a government contract or the grant, issue, suspension or revocation of a prescribed licence;

(iii) any allegation in respect of non-compliance with any of the provisions of the Act;

d) refer to the appropriate Director, any complaint or information or notification received under paragraph (c), or any other matter, which he considers appropriate for action;

e) submit to the Executive Director, Quarterly reports on the activities of the Division; and

f) perform such other functions as may be assigned to him by or under this Act or any other enactment.”

The Information and Complaints Committee

Pursuant to Section 25 of the Integrity Commission Act, 2017, a Committee of this Division was established. The Committee is comprised of three (3) members of the Commission; Pamela Monroe-Ellis (Chair), Justice (Ret'd) Seymour Panton, Eric Crawford and the Director of Information and Complaints, Craig Beresford.

The Terms of Reference of the Committee are to:

(a) review complaints regarding allegations of impropriety as well as non-compliance with any provision of the Integrity Commission Act, 2017;

(b) advise the Commission on matters of concern that it considers of significance and should be referred to the Director of Investigations; and

(c) review publication of the summary of statutory declarations made by the Prime Minister and Leader of the Opposition, that is to be gazetted.

Information and Complaints Committee Meetings

For the period under review, twenty (20) committee meetings were held, where important matters were considered and discussed. Some of the matters discussed were:

- a. Drafting of Regulations under the Integrity Commission Act, 2017;
- b. Operationalising the Protected Disclosures Act, 2011;
- c. Methodology and approaches for conducting Financial Analysis of Statutory Declarations;
- d. Management of the Statutory Declaration processes;
- e. Third Party Verifications;
- f. Strategy for Engaging Third Parties; and
- g. Certification of Statutory Declarations, Net Worth Statements, and resultant

breaches of the Act, as well as potential cases of illicit enrichment for further and necessary action.

Organisational Structure of the Information and Complaints Division

Staff Structure of the Information and Complaints Division

The Information and Complaints Division is comprised of the following units:

1. The Office of the Director of Information and Complaints;
2. Complaints and Protected Disclosures;
3. Statutory Declarations; and
4. Financial Analysis.

At the end of the Financial Year 2021/2022, the Information and Complaints Division had a total staff complement of thirty (30) employees, including eight (8) temporary Data Entry Officers hired under the Division's Data Entry Project.

The Table below shows the positions within the Information and Complaints Division, and details the status of each position:

Office of the Director of Information and Complaints	Complaints and Protected Disclosures Unit	Declarations Unit	Financial Analysis Unit
Director of Information and Complaints (1 Filled)	Manager of Complaints and Protected Disclosures (1 Filled)	Manager of Declarations (1 Filled)	Manager of Financial Analysis (1 Filled)
Reporting and Compliance Officer (1 Filled)	Senior Complaints Review Officer (1 Filled)	Senior Declarations Verification Officer [1 Vacant]	Senior Financial Analyst (2 Filled)
Administrative Assistant to the Director of Information and Complaints (1 Filled)	Complaints Review Officer (2 Filled) [1 Vacant]	Declarations Verification Officer (4 Filled) [2 Vacant]	Financial Analyst (5 Filled) [1 Vacant]
Administrative Assistant to the Division (1 Filled)	Senior Protected Disclosure Officer [1 Vacant]	Registry Officer (1 Filled)	
	Protected Disclosure Officer [3 Vacant]	Data Entry Project Initiative – Temporary Data Entry Officers (8 Filled) [7 Vacant]	

The Division, therefore, operated at seventy-one percent (71%) of its human resource capacity, excluding the data entry staff engaged for the Data Entry Project which operated at fifty-three percent (53%).

Information and Complaints Division's Objectives

The Director of Information and Complaints continued to pursue the five (5) broad objectives established in the Financial Year 2020/2021 and refined in 2022, with the aim to continue the strengthening of the Division's core functions:

1. Implementation of the Electronic Declarations System (eDS) to allow for ease of submission on the part of Public Officials and to facilitate a more efficient and effective means of examining Statutory Declarations;
2. Achievement of a 100% compliance rate with respect to the submission of Statutory Declarations, by using a dual-pronged approach of engagement and enforcement;
3. Implementation of a mechanism which utilises technology to analyse 100% of Statutory Declarations received from Public Officials;
4. Revision of methodologies, approaches, processes and systems to ensure that 100% of the illicit enrichment and false information cases identified are referred; and
5. Establishment of a robust mechanism to report corruption, fully operationalising the Protected Disclosures Act, 2011 and creating an environment where complainants feel free to report allegations of corruption and non-compliance with the provisions of the Integrity Commission Act.

Highlights of Major Initiatives

Electronic Declaration System

The Division continued to work with the Information Technology and Business Process Department to roll-out the much anticipated Electronic Declaration System (eDS). Due to several factors, including external factors beyond the Commission's control, the implementation had to be delayed. The new launch date for the eDS is October 2022.

Automated Risk Analysis Framework for Statutory Declarations

Extensive research on International Best Practices for examining and analyzing statutory declaration information was undertaken during the reporting period. The end result was the development of a Framework which would identify high risk declarants based on anomalies and red flags.

The Framework will be fully operationalized in 2022/2023 using the Electronic Declaration System, the Commission's Financial Analysis software and Third Party Data.

Assessment of Declarants' Compliance

The Division embarked on a project to assess the compliance of Declarants in the approximately one hundred and ninety (190) Public Bodies to inform the processes for Statutory Notices and Referrals. In this respect, several thousand Declarants from sixty-two (62) Public Bodies were assessed. The Division will continue this project during 2022/2023.

Digital Currency, including Cryptocurrency

The Information and Complaints Committee received two (2) very important presentations from the Bank of Jamaica and the Financial Services Commission on Digital Currency and its implementation in Jamaica and Cryptocurrency generally.

The presentations were informative and will serve as a platform to inform several processes within the Division.

2021 Gazette - Positions and functions required to file a Statutory Declaration

A review of the 2020 Gazette was conducted through a consultative process with targeted Public Bodies and other key stakeholders to determine the amendments to the 2021 Gazette. The process also included the internal review of Public Bodies' Organisational Structures. The Gazette was published on November 26, 2021.

2021 Gazette – Protected Disclosures Procedural Guidelines

Pursuant to Section 21(3)(a) of the Protected Disclosures Act, 2011, the Division amended the Protected Disclosures Procedural Guidelines Gazette and published same on November 15, 2021. The Gazette was disseminated to all Public Bodies in January 2022, to guide the preparation of their own Procedural Guidelines.

Regulations – Amendment to the Third Schedule of the Integrity Commission Act, 2017

Section 64 of the Integrity Commission Act, 2017, states, *inter alia*, that the Commission may make regulations to amend the Third Schedule, for which “...*Regulations made... shall be subject to affirmative resolution*”

The primary objective of preparing the draft regulations for the Third Schedule is to strengthen the Commission's analysis process, clarify certain ambiguous sections and to incorporate feedback received from Declarants over the years.

The Third Schedule was also amended in 2020 to provide for the electronic submission of statutory declarations by Parliamentarians and Public Officials (Declarants).

The Third Schedule is the Commission's primary data collection tool which aids with the determination of a Declarant's Net Worth; to ensure that any growth in assets are sufficiently supported by legitimate income.

The legitimacy of the assets and income declared by Declarants must be validated by the Commission's research and Third Party verification processes, in the first instance, to ensure that there is no concealment.

In effect, the true and complete disclosures made by Declarants coupled with the Commission's research and Third Party verifications will inform its analysis and consequent findings.

Succinctly put, the Commission must satisfy itself that there is no apparent evidence of Illicit Enrichment, prior to certifying a Statutory Declaration.

Some of the recommended inclusions are, disclosure of; other financial assets such as cryptocurrency and digital currency, financial statements for any company which the declarant is a beneficial owner, cost of property improvements, trust property and blind trust, Government contracts or subcontracts, Board memberships and whether the declarant is a politically exposed person.

By way of letter dated August 25, 2021, the Office of the Prime Minister wrote to the Integrity Commission advising that the Regulations regarding the Third Schedule of the Integrity Commission Act have been reviewed by the Integrity Commission Parliamentary Oversight Committee. The Commission was invited to a Parliamentary Oversight Committee Meeting on October 14, 2021, to provide clarification on the changes made in the amendment of the Third Schedule.

The Chair of the Integrity Commission Parliamentary Oversight Committee advised that a meeting would be convened in early 2022. However, as at the date of this Report, no communication had been received.

Partnership and Relationship Building

Partnership and Relationship Building remains at the core of every activity undertaken by the Division.

The Division continued its effort through engagements with Public Bodies and other key stakeholders. During the Period, the Division engaged twenty-five (25) Public Bodies and Third Party Entities, and supported the Corruption Prevention, Stakeholder Engagement and Anti-Corruption Strategy Division to deliver nineteen (19) presentations on Statutory Declaration and the Protected Disclosures Act to specific target groups.

Statutory Declaration Compliance

During the Financial Year 2021/2022, the Division continued its aggressive programme to improve compliance with the requirement to file a Statutory Declaration. The Table below summarizes the statutory declaration periods, the number of statutory declarations received as at March 31, 2022 and Compliance Rates:

Statutory Declaration Period Ended	Number of Statutory Declarations received as at March 31, 2022	Compliance Rate
December 31, 2018	22,011	63%
December 31, 2019	23,409	63%
December 31, 2020	30,943	76%
December 31, 2021	29,207 ³	72%

Certification of Statutory Declarations

During the Financial Year 2021/2022, the Commission certified two hundred and forty-four (244) Statutory Declarations as highlighted in the table below:

Statutory Declarations Certified during 2021/2022	Parliamentarians	Public Officials
2018	3	80
2019	10	86
2020	11	54
Total Statutory Declarations Certified	24	220

Information and Complaints Division Referrals

Referrals are made by the Director of Information and Complaints pursuant to Sections 38 and 43 of the Integrity Commission Act, 2017, and Sections 14 and 15 of the Corruption Prevention Act, 2001.

During the reporting period, the following referrals were made:

Complaints and Protected Disclosures Referred to the Investigation Division and the Corruption Prevention, Stakeholder Engagement and Anti-Corruption Strategy Division for the Financial Year 2021/2022

Allegations	Referrals
Reports on Allegations of Conflict of Interest, Corruption, Fraud, Impropriety, Contracts and Procurement Breaches – Pursuant to Section 38 of the Integrity Commission, 2017.	32
Matters identified based on the Director of Information and Complaints' Discretion	29
Protected Disclosures Act, 2011	0

³ At the time of preparing this Report, the Division received 31,502 (78.46%) 2021 Statutory Declarations.

INTEGRITY COMMISSION



Offences under the Integrity Commission Act, 2017 and the Corruption Prevention Act, 2001 for the Financial Year 2021/2022

Offences	Parliamentarians	Public Officials
Failure to file a Statutory Declaration - Section 43 (1)(a) of the Integrity Commission, 2017:		
30 Days - Statutory Notice	10	4,045
Discharge of Liability	1	-
Prosecution	1	59
Failure to provide Information – Section 43 (1)(b) of the Integrity Commission Act, 2017:		
Discharge of Liability	5	-
Prosecution	3	5
Providing False Information – Section 43(2)(a) of the Integrity Commission Act, 2017 and Section 15(2) (b) of the Corruption Prevention Act, 2001:		
Investigation	-	2
Failure to honour opportunity to Discharge Liability - Section 43(3) of the Integrity Commission Act, 2017:		
Prosecution	1	10
Illicit Enrichment – Section 14 and 15 of the Corruption Prevention Act, 2001:		
Investigation	1	3
Other Referrals		2

Eleven (11) Declarants that were served Discharge of Liability Notices to file outstanding Statutory Declarations but did not pay the Fixed Penalty Fine of Two Hundred and Fifty Thousand Dollars (\$250,000.00), were referred for prosecution, although they submitted the outstanding Statutory Declarations.

COMPLAINTS AND PROTECTED DISCLOSURES

Section 32(1)(c) of the Integrity Commission Act, 2017 sets out the function of receiving complaints or information on matters which involve or may involve an act of corruption or non-compliance with the provisions of the Act.

Management of Complaints

For the period under review, one hundred and eighty-three (183) complaints and information were received or identified for Assessment by the Division. These came through various media such as: the Commission's web portal, Information Gathering Framework, by letters, via telephone calls, emails and walk-ins.

The complaints and information received by the Division are classified in the Table below:

Complaints	Number of Complaints Received/ Initiated by the Director	Number of Complaints Processed	Number of Complainants Supplied with Records of Complaint	Number of Anonymous Complaints	Number of Complaints Not in the jurisdiction of the Integrity Commission	Number of Referrals
Classification of Allegations:						
Conflict of Interest	8	7	2	1	-	6
Contracts and Procurement Breach	42	33	4	9	2	24
Corruption/Fraud	57	41	21	6	-	23
Court Proceedings	14	13	14	-	14	1
Impropriety/Irregularity	36	31	13	6	-	17
Protected Disclosures	4	3	2	-	1	-
Other Complaints	48	41	25	2	6	2
Total ⁴	209	169	81⁵	24	23	73

⁴ In order for the Commission to properly represent the Classifications, some complaints/information fall in more than one classification, hence the disparity between the total represented in this table and the total complaints/information received.

⁵ Total Record of Complaints does not include Information identified for Assessment and Anonymous Complaints.

The complaints and information received by the Division that were not corruption related matters are classified as “Other Complaints”. As it concerns matters reported that were not within the jurisdiction of the Integrity Commission, the complainants were encouraged to report such matters to the relevant authority. The Division was in receipt of twenty-four (24) anonymous complaints for the period.

Processing of Complaints

The average time taken to process a complaint is dependent on the information presented to the Integrity Commission. Information received is sometimes vague and necessitates further verification to validate its authenticity, in order to determine the required steps and actions necessary to resolve such matters.

On average, the process of receiving, logging, acknowledging, assessing, reviewing and referring a

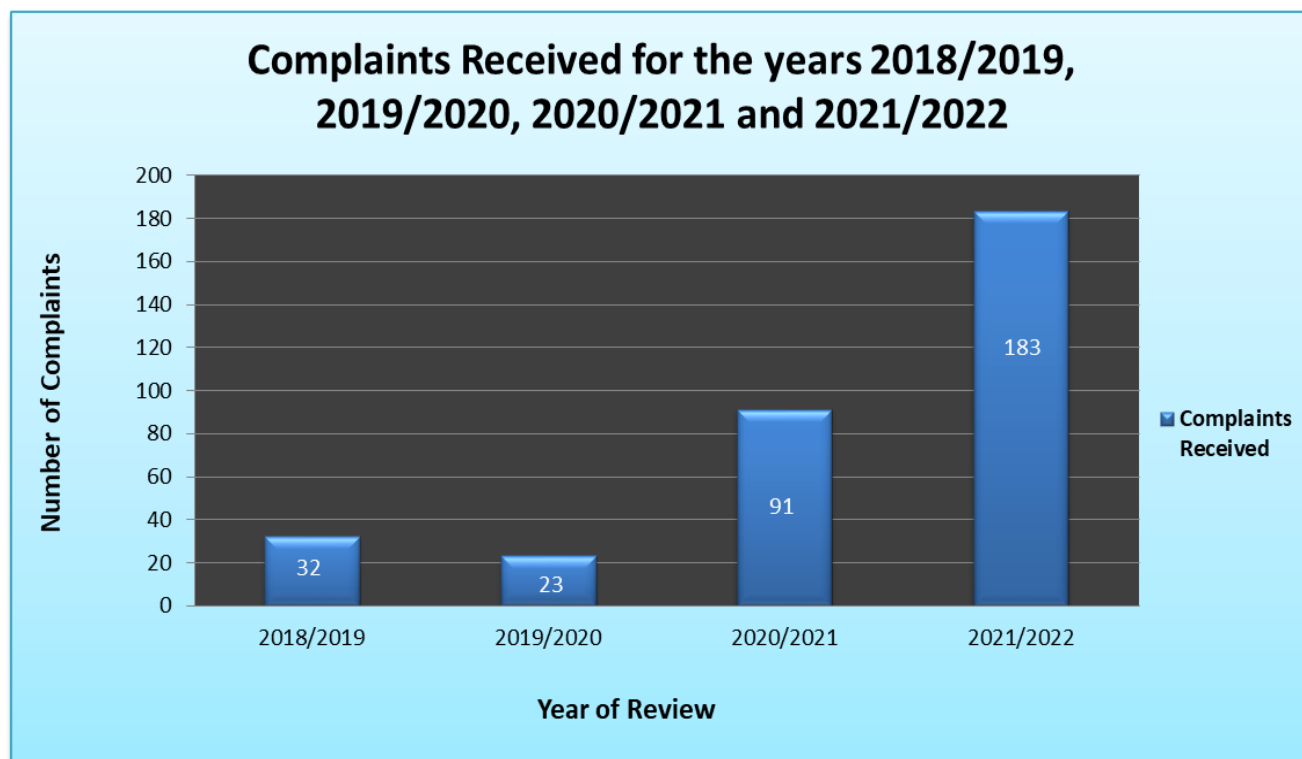
complaint can take approximately five (5) to twenty (20) business days.

Referrals

Following the assessment of complaints and information, and on the approval by the Director of Information and Complaints, the matters are referred to the Director of Investigation for action pursuant to Section 38(1)(d) of the Integrity Commission Act, 2017.

For the period under review, sixty (60) matters were referred to the Director of Investigation and one (1) matter was referred to the Director of Corruption Prevention, Stakeholder Engagement and Anti-Corruption Strategy.

The Graph below represents four years’ Comparison of Complaints and Information received by the Integrity Commission:





The Protected Disclosures Act, 2011

During the reporting period, the Division focused on the operationalisation of the Protected Disclosures Act, 2011. The Protected Disclosures Work Programme was approved by the Information and Complaints Committee in 2021, for implementation by the Division.

The Work Programme included; the establishment and staffing of a Protected Disclosures Section, Internal Capacity Building and finalisation of the Protected Disclosures Process, Engagement with Prescribed Persons, Publication of the Protected Disclosures Procedural Guidelines Gazette, Requisition of Public Bodies to submit draft Protected Disclosures Procedural Guidelines, Development of a Technology Platform, Capacity Building for Designated Officers, Public Education, and Monitoring and Reporting.

For the period under review, four (4) Disclosures were received by the Division. The Disclosures were reviewed and assessed; two (2) were satisfactorily

settled outside of the Integrity Commission, one (1) discloser withdrew the complaint and one (1) matter is still being assessed by the Division.

One hundred and ninety (190) Public Bodies were requisitioned to prepare their Protected Disclosures Procedural Guidelines (PDPG) in accordance with the Act, by May 31, 2022. As at March 31, 2022, a total of sixteen (16) Public Bodies submitted their draft PDPGs.

Complaints and Protected Disclosures Initiatives

During the reporting period, the Division continued in its efforts to strengthen the Complaints and Protected Disclosures processes with the development of an Information Gathering Framework. The Information Gathering Framework was approved by the Information and Complaints Committee and will position the Unit to be more proactive, rather than reactive, focussing on environmental scan and data gathering to inform Assessments.

STATUTORY DECLARATIONS

Sections 32(1)(a) of the Integrity Commission Act, 2017 sets out the functions of receiving, recording and examining all Statutory Declarations which are filed with the Commission.

Parliamentarians

2021 Statutory Declarations Submission

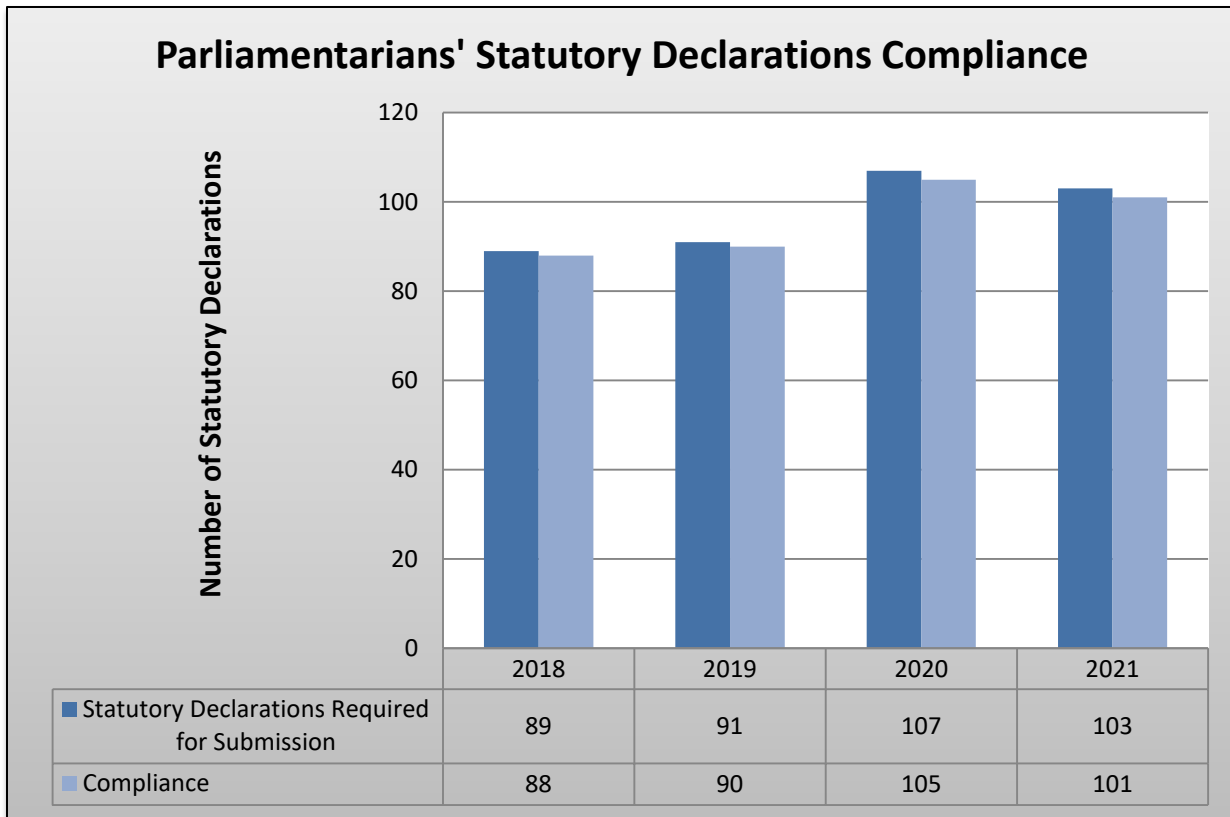
Number of Statutory Declarations required for the year 2021	Number of Statutory Declarations received for the year 2021 as at March 31, 2022	Number of Statutory Declarations outstanding as at March 31, 2022
103	95	8

Status of Statutory Declarations required for the year 2021

Declarants	Declaration Date	Deadline for Submission	Number of Statutory Declarations Due for the year 2021	Statutory Declarations Submitted	Late Submissions	Outstanding Statutory Declarations
Former Members of Parliament and Members of the Senate (<i>Final Statutory Declaration</i>)	September 3, 2021	December 31, 2021	19	17	9	2
Members of Parliament	December 31, 2021	March 31, 2022	63	63	3	0
Members of the Senate	December 31, 2021	March 31, 2022	21	21	3	0
Total Statutory Declarations			103	101	15	2



The Graph below shows Parliamentarians' compliance for the years 2018, 2019, 2020 and 2021:



Statutory Notices to Parliamentarians

During the period April 1, 2021 to March 31, 2022, ten (10) Statutory Notices were sent to former Parliamentarians for non-compliance with respect to the submission of Statutory Declarations as at December 31, 2020 and September 3, 2021. Of the nine (9) delinquent former Parliamentarians served with Statutory Notices, eight (8) submitted their

Statutory Declarations within the thirty (30) day period of the Notice.

However, at March 31, 2022, the Integrity Commission had not received two (2) Statutory Declarations from one (1) former Parliamentarian who was served Statutory Notices during the period.

Examination and Certification

Examination and Certification of Statutory Declarations undertaken in 2021/2022

Year of Review	Number of Statutory Declarations Examined for the period April 1, 2021 to March 31, 2022	Number of Statutory Declarations to be Examined as at March 31, 2022	Number of Statutory Declarations Certified for the period April 1, 2021 to March 31, 2022	Number of Statutory Declarations to be Certified as at March 31, 2022
2018	-	-	3	38
2019	-	-	11	61
2020	77	3	12	80
2021	-	101	-	-

For the period under review, a total of Seventy-Seven (77) Statutory Declarations were Examined while twenty-six (26) Statutory Declarations were Certified. The process of certifying Statutory

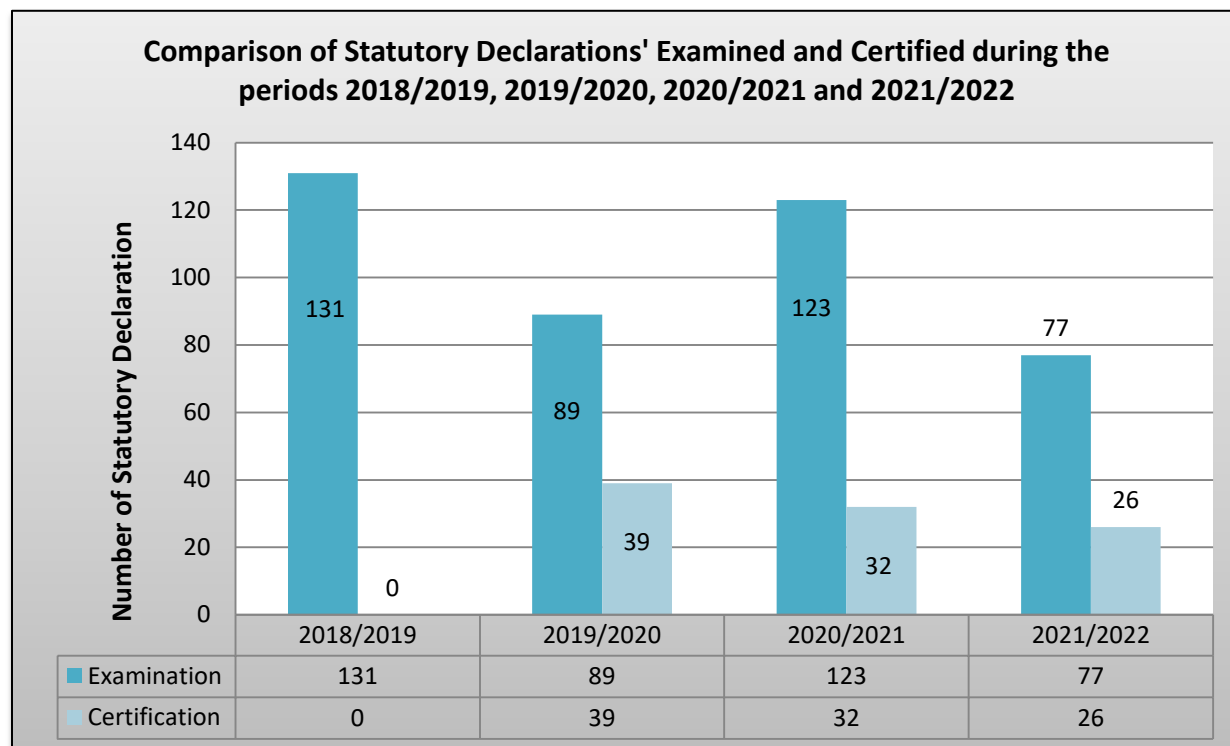
Declarations commenced during the Financial Year 2019/2020 for all Statutory Declarations on or after the appointed date of the Integrity Commission Act, 2017.

Statutory Declarations Examined and Certified for the Financial Years 2018-2022

Year	Number of Statutory Declarations Examined	Number of Statutory Declarations Certified
2018/2019	131	0 ⁶
2019/2020	89	39
2020/2021	123	32
2021/2022	77	26

⁶ Certification commenced during the year 2019/2020 for Statutory Declarations submitted subsequent to February 22, 2018, the appointment date of the Integrity Commission Act, 2017.

The Graph below shows the Comparison of Statutory Declarations examined and certified for the periods 2018/2019, 2019/2020 and 2020/2021:



Public Officials

Total number of Statutory Declarations Received as at March 31, 2021 and March 31, 2022 for all required periods

Statutory Declaration Period Ended	Number of Statutory Declarations Received as at March 31, 2021	Number of Statutory Declarations Received as at March 31, 2022	Statutory Declarations Received during 2021/2022
December 31, 2003-2017	255,240	257,919	2,679
December 31, 2018	20,253	22,011	1,758
December 31, 2019	20,187	23,409	3,222
December 31, 2020	23,532	30,943	7,411
December 31, 2021	-	29,207	29,207
Total Statutory Declarations received for the period 2021/2022			44,277

For the period April 1, 2021 to March 31, 2022, the Division received forty-four thousand, two hundred and seventy seven (44,277) statutory declarations for varied declaration periods. The foregoing is eleven thousand, six hundred and twenty-eight

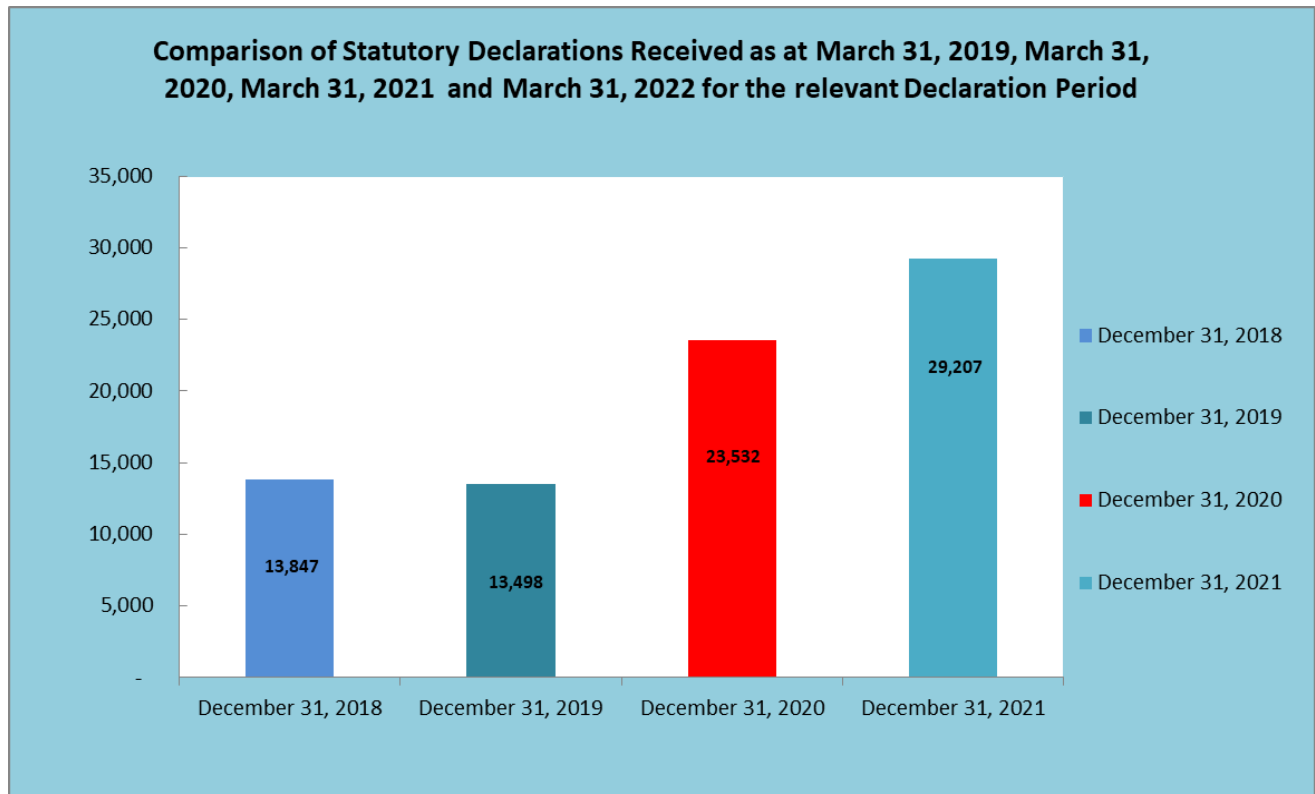
(11,628) more than the number of statutory declarations received in the previous comparable period. Twenty-nine thousand, two hundred and seven (29,207) statutory declarations were received for the period ended December 31, 2021, whilst



fifteen thousand, and seventy (15,070) outstanding statutory declarations for prior periods were received during the year 2021/2022.

The relative success over the prior period may be attributed to several factors which will be highlighted further in this Report.

There have been movements in the number of statutory declarations received for the respective declaration periods ended December 31, 2018, December 31, 2019, December 31, 2020 and December 31, 2021. Please see below:



At the close of the statutory deadline on March 31, 2022, the Division received five thousand, six hundred and seventy five (5,675) more statutory declarations than the number of statutory declarations which were received in the prior period; which ended on March 31, 2021. The foregoing was a modest twenty three percent (23%) increase over the prior period.

INTEGRITY COMMISSION



Compliance Rates

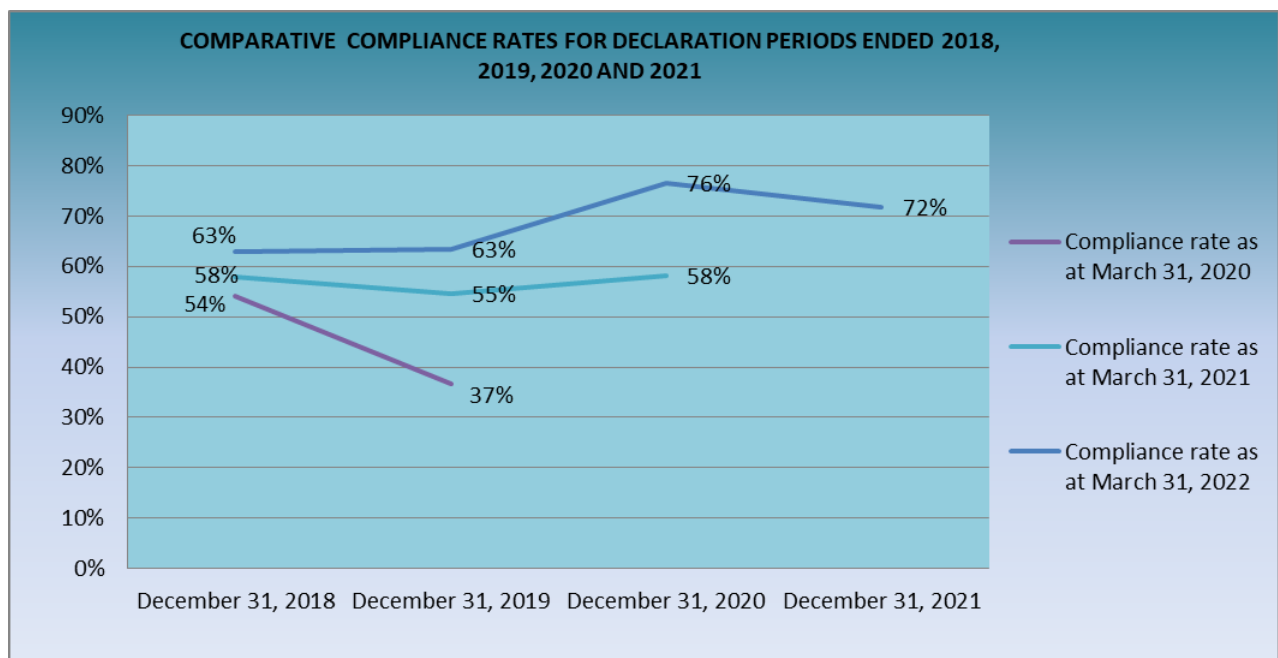
The review of compliance rates is a useful assessment of declarants' responses to initiatives

implemented by the Division. The Table below summarizes the compliance rates for the collection periods ended March 31, 2020, March 31, 2021 and March 31, 2022:

Statutory Declaration Period Ended	Number of Statutory Declarations Received as at March 31, 2020	Number of Statutory Declarations Received as at March 31, 2021	Number of Statutory Declarations Received as at March 31, 2022	Number of Statutory Declarations Expected	Compliance Rate as at March 31, 2020	Compliance Rate as at March 31, 2021	Compliance Rate as at March 31, 2022
December 31, 2018	18,970	20,253	22,011	35,000	54%	58%	63%
December 31, 2019	13,498	20,187	23,409	36,919	37%	55%	63%
December 31, 2020	-	23,532	30,943	40,449		58%	76%
December 31, 2021	-	-	29,207	40,347			72%

Compliance rates, though modest, reflected an increase for all periods. The Graph below demonstrates the increase in compliance at the end of the collection periods: March 31, 2020 through to March 31, 2022. An eighteen percentage (18%) increase was noted for the period ended December 31, 2020 which brought the compliance rate for that

period to seventy six percent (76%). Additionally, for the first time, a general compliance rate of seventy two percent (72%) was attained at the end of the statutory deadline of March 31, 2022, for the period ended December 31, 2021.



Compliance Rates for Public Officials

Compliance rates of Statutory Declarations for Public Officials were aggregated in varied leadership categories. The Table below represents the compliance rates of Public Officials:

Public Official Category	Estimated Number of Statutory Declarations required for the period ended December 31, 2021	Statutory Declarations Received as at March 31, 2022	Compliance Rate as at March 31, 2021	Compliance Rate as at March 31, 2022
Judiciary Officers	123	95	68%	77%
Councillors	209	149	69%	71%
Permanent Secretaries	15	13	73%	87%
Heads of Entities	176	159	78%	90%
Other Public Officials	39,824	28,791	58%	72%

The above table demonstrates improvements in the compliance rates of public officials in leadership. In the prior period, these categories of public officials were the most compliant, and the leadership category has again demonstrated the commitment to comply with the requirement to submit statutory declarations.

Statutory Declaration Initiatives

During the reporting period, the Division undertook several initiatives which have positively impacted compliance rates. The marked increase could be attributed to the decentralized collection modality, targeted public relations campaign, partnership and relationship building initiative, timely submission of declarants list and the Zero Tolerance Policy, which were maintained during the collection period.

Partnerships and relationship building

The Division, in 2021, communicated the level of compliance of declarants employed to each public body. There were responses from leadership teams which strongly encouraged declarants employed to their respective agencies to comply with the statutory obligation of filing statutory declarations. Public Bodies also implemented spirited public relation campaigns to encourage early submission.

The Division responded to requests for delivery of sensitization sessions and conducted targeted meetings with the management team of public bodies with less favourable compliance rates.

The decentralized collection modality

The COVID-19 Pandemic occasioned the Division to continue decentralizing its collection process for statutory declarations. The objective of this continued policy was to ensure compliance with the Disaster Risk Management Act, 2020 and preserve public health and safety. However, the modality was widely embraced by declarants as physical submission of statutory declaration is achieved with greater ease.

The management teams of public bodies have been very supportive of the decentralized collection modality. The Division received excellent co-operation from its public body partners during the implementation of the distribution and collection phases.

With the support of its partners, the Division successfully delivered customized envelopes, tamper proof seals, log sheets and sealed containers to collection points established throughout MDAs island-wide by the second week in



January 2022. Similarly, statutory declarations were collected from public bodies within two weeks after the statutory deadline. This modality will continue to be an option for subsequent collection periods, as the Division transitions to Electronic Filing.

Submission of List of Declarants

Annually, the Division requests the submission of the list of declarants required to file a statutory declaration from each Public Body to inform the compilation of the Division's Statutory Declarations Compliance List. The Division, through its Partnership and Relationship Building Initiative, informed Public Bodies of the importance of the timely submission of their declarants' list to facilitate the Division's Annual Statutory Declaration Processes.

The Division achieved full compliance with respect to the submission of the 2021 Declarants' List.

The timely submission of the 2021 Declarants' Lists, which were received prior to the end of the intake period, assisted the Division to better plan. The Division, through this means, was able to provide adequate resources to Public Bodies to support the decentralized collection modality.

Additionally, the details provided in the Declarants' List facilitated targeted communication with declarants prior to the March 31st, 2022 deadline, for submission of statutory declarations.

Zero Tolerance Policy

The Division developed its Zero Tolerance Policy with the intent to fulfil the objective of achieving 100% compliance with respect to the submission of Statutory Declarations. During the reporting period, a total of four thousand and forty-five (4,045) Statutory Notices were sent to declarants regarding the submission of outstanding statutory declarations. Non-compliance with respect to these Statutory Notices resulted in fifty nine (59) referrals for Prosecution.

Data Entry Project

Under the Data Entry Project, the Division was granted approval to employ fifteen (15) temporary Data Entry Officers. However, due to physical space constraints and attrition, the Data Entry Project operated with a complement of eight (8) Data Entry Officers.

The Data Entry Projects continued with the assumption that the Data Entry Officers would have been posting consistently throughout the year and the Electronic Declaration System would have been launched in the last quarter of 2020 to facilitate the submission of statutory declarations electronically for the 2020 Statutory Declarations Intake. However, both variables did not materialize.

Under this initiative, the Data Entry Officers have completed entries in the following areas:

Personal Biographical Data Registration (Data Entry Project)

Number of Personal Biographical Data Registered for the period April 1 st , 2021 to March 31 st , 2022	Number of Registration Outstanding as at March 31 st , 2022
35,583	Nil

Posting of Details from Statutory Declarations (Data Entry Project)

Number of Statutory Declarations Posted for the period April 1 st , 2021 to March 31 st , 2022	Number of Statutory Declarations Postings Outstanding as at March 31 st , 2022
31,291	96,870

Registration involves the entering of biographical data of declarants, recording the receipt of a Statutory Declaration, generating an electronic receipt and confirming the receipt of statutory declarations via email to the declarants. Whilst, posting of a statutory declaration involves the entering of information provided in Sections 1 to 15 of a Statutory Declaration Form.

Registration is a short transaction which requires an estimated two minutes to be completed, while posting of details from statutory declarations takes substantively more time, and varies according to information provided on the Statutory Declaration Form.

With the support of the temporary Data Entry Officers, the Division will complete the Registration of Statutory Declarations received during the 2021 Statutory Declarations Intake period, in June 2022.

During the first quarter of the Financial Year 2021/2022, the Data Entry Officers were reassigned to provide support to the decentralized collection intake process for the 2021 Statutory Declarations.

The 2021 Statutory Declaration intake has increased the number of Statutory Declarations which will now require posting. Accordingly, the Data Entry Project will be re-calibrated to facilitate the posting of all statutory declarations received by the Integrity Commission.

Examination

Upon conclusion of the Registration of statutory declarations received for the 2021 intake, the Division will refer all non-compliant declarants for prosecution. This decision will allow the Division to give better focus to the Examination of statutory declarations received under the Integrity Commission Act.

Financial Analysis

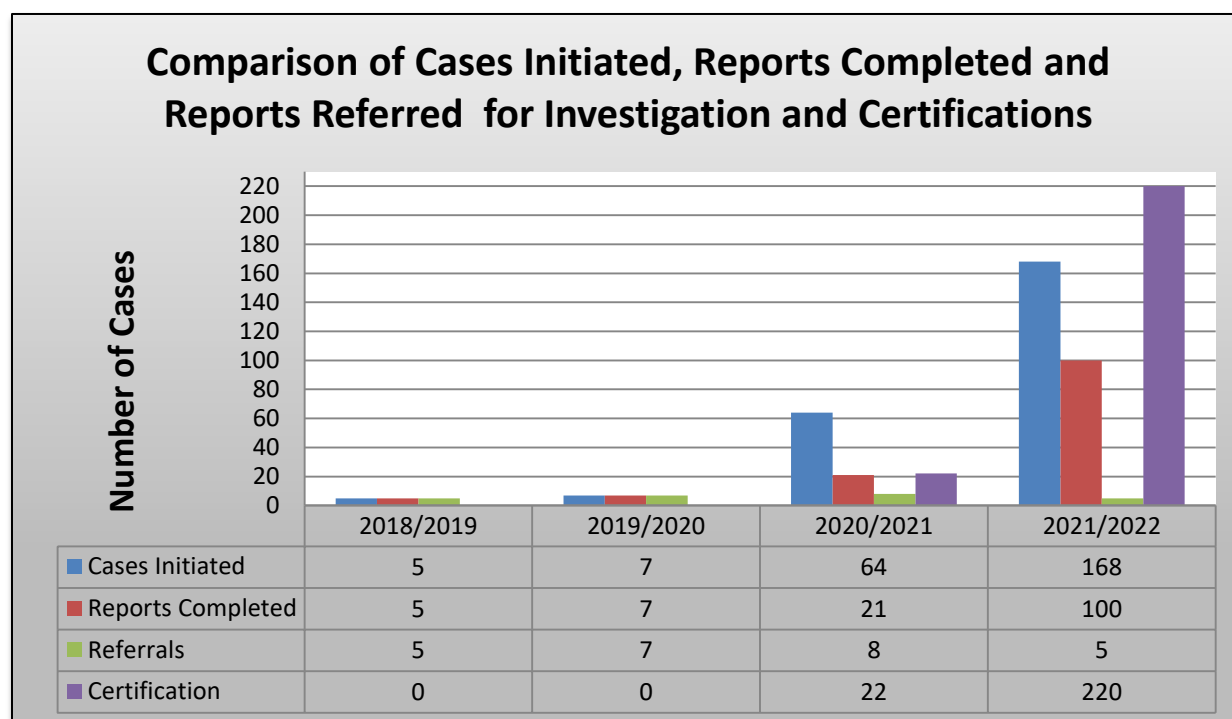
Sections 32(1)(b) of the Integrity Commission Act, 2017 sets out the function of making enquiries in order to certify or determine the accuracy of a statutory declaration.

During the reporting period, the Division initiated one hundred and sixty-eight (168) cases and completed one hundred (100) Reports.

Financial Analysis Cases Initiated for the Financial Year 2021/2022

Cases Initiated for the period April 1, 2021 to March 31, 2022	Request for outstanding Statutory Declarations	Request for additional information	Financial Analysis Reports completed	Statutory Declarations Certified	Referred to Information and Complaints Committee	Referrals for Investigation
168	102	191	100	220 ⁷	7 ⁸	5 ⁹

The Graph below shows a four year comparison of cases initiated, reports completed, reports referred for investigations and certification:



⁷ Two Hundred and Twenty (220) Statutory Declarations for Eighty-Six (86) Public Officials were certified for the years 2018, 2019 and/or 2020.

⁸ One Report was prepared by the Financial Analysis Unit but referred through the Complaints and Protected Disclosures Unit.

⁹ These matters were referred by the Information and Complaints Committee.

Financial Analysis Initiatives

During the reporting period, the Division undertook three (3) initiatives geared at improving the Financial Analysis Process.

Framework for selecting Declarants

The Division operationalised its Financial Analysis Risk Based Annual Audit Framework to guide the selection of Declarant Groups that will be subjected to a 'deeper' analysis of their statutory declarations. The broad risk categories identified were; Political Governance, Accountability, Public Order, Revenue and Random Sampling.

Data Analysis Software and Development of Algorithms

Staff of the Financial Analysis Unit participated in training sessions during the period under review. The Division also commenced a rigorous process of

assessing the Third Schedule to identify red flags associated with each Section which will be utilized to develop algorithms in the Financial Analysis Software.

Meeting with Declarants prior to the commencement of the Examination and Enquiry Process

The Financial Analysis Unit commenced virtual meetings with Declarants in 2021, prior to the commencement of an Examination and Enquiry Process. The meetings are geared towards advising Declarants of the legal basis upon which an Examination and Enquiry Process will be conducted, and the various stages of the process and what they should expect. During these meetings, Declarants are given the opportunity to ask questions and seek clarity about the process.

The Financial Analysis Unit conducted fifty-five (55) Financial Analysis Initiation meetings with Declarants, during the reporting period.

INVESTIGATION DIVISION

Contract Monitoring Unit

The Contract Monitoring Unit is one of the key components of the Investigation Division and is responsible for the monitoring of the award, implementation and termination of Government Contracts. The Unit is comprised of two (2) sub-units, namely, (i) the Construction Contracts Inspectorate (CCI) sub-unit and (ii) the Non-Construction Contracts Inspectorate (NCCI) sub-unit. On June 1, 2021, the two sub-units of the Contract Monitoring Unit, for the first time, came under the supervision of a single manager, as per the new organizational structure of the Integrity Commission (IC).

The activities of the respective sub-units over the reporting period are detailed below.

Monitoring Of Construction Contracts

The Construction Contracts Inspectorate (CCI) which comprises, along with the Manager, one (1) Senior Inspector and five (5) Inspectors, monitors the award and implementation of Government Construction Contracts/Projects. It also provides support services to the various Departments of the Commission as required.

The categories of projects that are monitored include Infrastructure, Housing, Mechanical and Electrical contracts/projects being implemented by various Ministries, Departments and Agencies of the Government of Jamaica (GOJ) or any authorized personnel acting on behalf of the GOJ. Additionally, the unit provides advice on procurement matters to these entities.

Monitoring of a project may commence at the pre or post contract phase. Generally, it commences when GOJ entities place advertisements in the various news media after which an Inspector is assigned to monitor the project until final completion. On average, each Inspector monitors just over one hundred (100) projects.

The monitoring process includes the attendance of CCI representatives at tender openings, site meetings/visits and the compiling of monitoring reports. In circumstances where an issue is identified during the pre or post contract phase of a project, the procuring entity is engaged on the matter either verbally or by way of a formal letter in order for a resolution to be found at the earliest stage of the process, in keeping with the applicable procurement and contract guidelines, policies and legislation.

During the period April 1, 2021 to March 31, 2022, the Construction Contracts Inspectorate monitored the pre and/or post contract phases of six hundred and one (601) contracts. The cumulative value of the construction contracts that were monitored was J\$99,746,016,037.36 and US\$808,258,274.80.

During the same period, the Construction Inspectors attended four (4) Tender Openings and made a total of three hundred and eleven (311) site visits.

The Construction Contracts Inspectors attended ninety nine (99) site meetings and were involved in the monitoring of nineteen (19) Practical Completion Inspections. At the end of the reporting period, the Inspectors travelled a total of 67,537 kilometres in accomplishing their monitoring duties island-wide.

Monitoring of Other Commissions/Committees

In addition to the monitoring of Construction Contracts, the Construction Contracts Inspectorate played the role of an Observer for the Integrity Commission at the monthly meetings for the Technical Review Committee (TRC) at the National Environment and Planning Agency (NEPA). A member from the CCI also represented the Integrity Commission at the weekly meetings of the Public Procurement Commission (PPC) as an Observer.

However, as of July 2021, the Director of Investigation, in an effort to reorganize available resources and to employ a new approach in undertaking monitoring activities, took the decision



to cease participating in virtual/face to face meetings of the PPC and TRC.

The table below details the statistics relating to the performance and activities of the CCI for the reporting period:

Construction Contracts Unit Performance

Data April 1, 2021 – March 31, 2022	
Activity/Item	Total
Number of Public Procurement Commission (PPC) meetings attended	13
Number of Technical Review Committee (NEPA) meetings attended	2
Number of Man hours of training/presentation delivered to Public Bodies – Ministry of Transport and Mining	76 MH
Number of monthly Construction Unit meetings held	7
Number of training programmes attended by the Construction Unit	7
Number of Construction Projects monitored	601
Number of Tender Openings attended	4
Number of Site meetings attended	99
Number of site visits attended	311
Number of Practical Completion inspections attended	19
Cumulative Value of Construction Contracts monitored, awarded in Jamaican Dollar (J\$)	J\$99,746,016,037.36
Cumulative Value of Construction Contracts monitored, awarded in United States Dollar (US\$)	US\$808,258,274.80
Total distance travelled by Inspectors	67,537 Km

Contracts Cost Overruns and Variations (CCOV)

The Director of Investigation introduced a new initiative in April 2021, requiring Public Bodies to submit their CCOV Reports via an electronic platform that worked in tandem with the Quarterly Contracts Awards (QCA). This new system which is now in place, allows Public Bodies to transfer

voluminous data from the QCA electronic portal to the CCOV reporting spread sheet, thereby eliminating numerous data entry which previously, had to be performed manually.

The information requested was relevant to all projects of value greater than J\$500,000.00, for which monetary disbursements for Cost Overruns,



Variations and/or Any Other Price Adjustments were made during the financial year 2021-22, irrespective of the date of contract award. In this regard, the CCOV data which was submitted by 46 Public Bodies indicated that the combined goods, works and services contracts valued approximately J\$202.91 billion from which emanated cost overruns, variations and any other price adjustments of

approximately J\$68.66 million, J\$265.52 million and J\$764.94 million, respectively.

The analyses of the CCOV reports follow:

Contracts Cost Overruns and Variations (CCOV)

Type of Contract	Total Contract Value (J\$)	Total Value Cost Overrun (J\$)	Total Value Variation (J\$)	Total Value Any Other Price Adjustments (J\$)	% Cost Overrun	% Variation	% Any Other Price Adjustments (J\$)
Goods	56.82B	294,142.41	-1.26M	494,463.07	0.00052	-0.00222	0.00087
Works	89.19B	66.91M	137.01M	762.49M	0.07502	0.15362	0.85490
Services	56.89B	1.45M	129.77M	1.95M	0.00256	0.22808	0.00343
Total: Goods/Works /Services	202.91B	68.66M	265.52M	764.94M	0.03384	0.13086	0.37699

Of the Goods, Works and Services contracts awarded, Works contracts represent the highest value of approximately J\$89.19B or 43.96%, Goods, J\$56.82B or 28% and Services J\$56.89B or 28.04% of the total Goods, Works and Services contracts.

The data shows that the procurement of Works with .08% as having the highest percentage of cost overruns followed by Services with 0.003% and Goods with 0.0005%. The data further indicated that the Services contracts category had the highest percentage variations of approximately 0.23% followed by Works, 0.15%, then Goods with - 0.0022%. The percentage for Any other Price Adjustment for the Works contracts is the highest with 0.85%.

Monitoring of Non-Construction Contracts

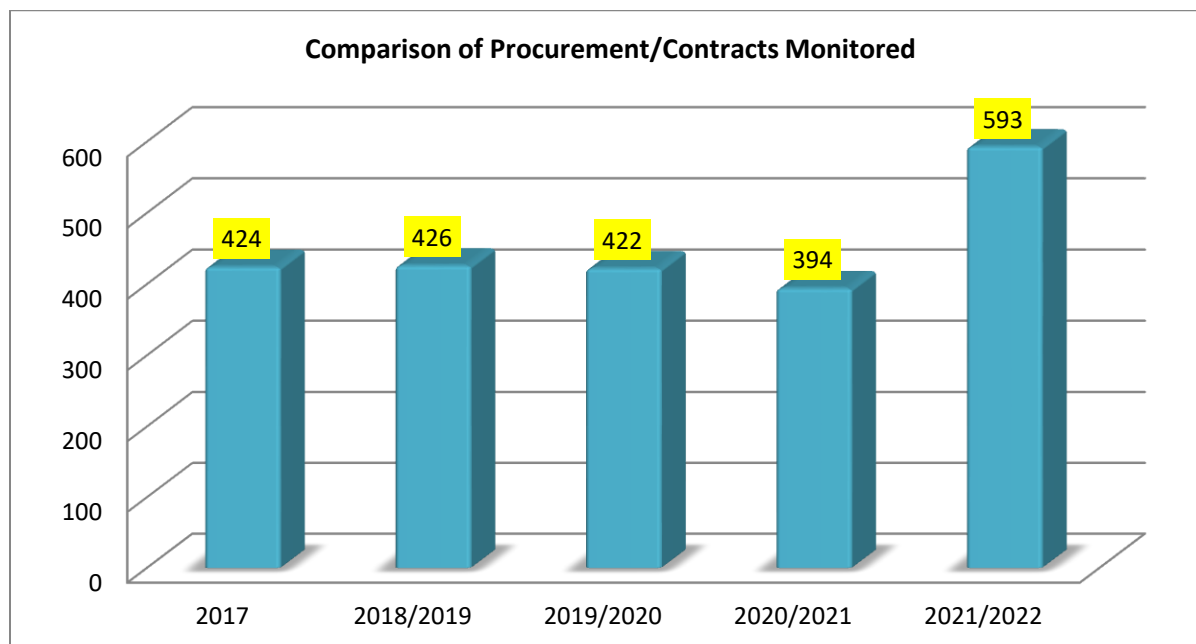
The Non-Construction Contracts Inspectorate (NCCI), pursuant to Sections 33, 51 and 52 of the Integrity Commission Act, 2017, monitors the award, implementation and termination of Goods and Services Contracts. During the course of the NCCI's

monitoring activities, Inspectors attended, where required, tender opening ceremonies, procurement-related meetings and conducted verifications of procured items.

The NCCI is further tasked with the management/monitoring of several critical portfolios and where required, provides guidance to Public Bodies, with respect to the procurement process.

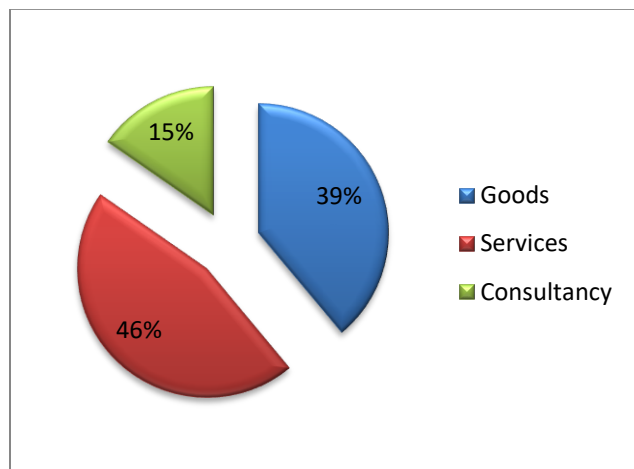
The structure of the NCCI allows for a complement of four (4) Inspectors, two (2) Senior Inspectors, whose role is Supervisory, an Administrative Assistant and a Manager. The NCCI, however, operated with only two (2) Inspectors, two (2) Senior Inspectors, and had no assigned Administrative Assistant over the reporting period.

The Unit monitored five hundred ninety- three (593) procurement opportunities/contracts during the period April 1, 2021 to March 31, 2022. The estimated value of the contracts monitored, which were at varying stages of the procurement process, was approximately Two Hundred Billion Jamaican Dollars (J\$200B).



Forty six percent (46%) of the contracts monitored by the Unit were service-related, including Security and Janitorial services. The Unit monitored two hundred thirty two (232) 'goods' type contracts, which were comprised of, among other items, procurement of furniture, motor vehicles, information and communications technologies (ICT) equipment.

Consultancy type contracts represented fifteen percent (15%) of the projects monitored, and included consultancies related to the provision of construction-related services and Information Technology solutions.



During the period, Inspectors within this sub-unit were assigned 123 new procurement opportunities for monitoring. The remaining four hundred seventy (470) projects were carried forward from previous years. One hundred sixty two (162) of the projects which were being monitored either concluded or were aborted during the year.

Quarterly Contract Awards (QCA) Reports

The Director of Investigation, in keeping with the provisions of Section 51 of the Integrity Commission Act, requires Procuring Entities, on a quarterly basis, to provide the particulars of contracts awarded above five hundred thousand dollars (J\$500,000.00), within one (1) calendar month following the ending of the quarter to which they relate. Approximately one hundred and ninety two (192) Public Bodies are requisitioned to prepare and submit Quarterly Contract Awards (QCA) Report to the Commission.

For the period April 01, 2021 to March 31, 2022, the Commission recorded an average compliance rate of 96.5%. The reduction in the compliance rate may be attributed to the prolonged effects of the coronavirus pandemic.



Contract Award Data

The Commission's web portal recorded a total of eighteen thousand, one hundred and twenty one (18,121) contracts awarded for the period of April 01, 2020 through to March 31, 2021.

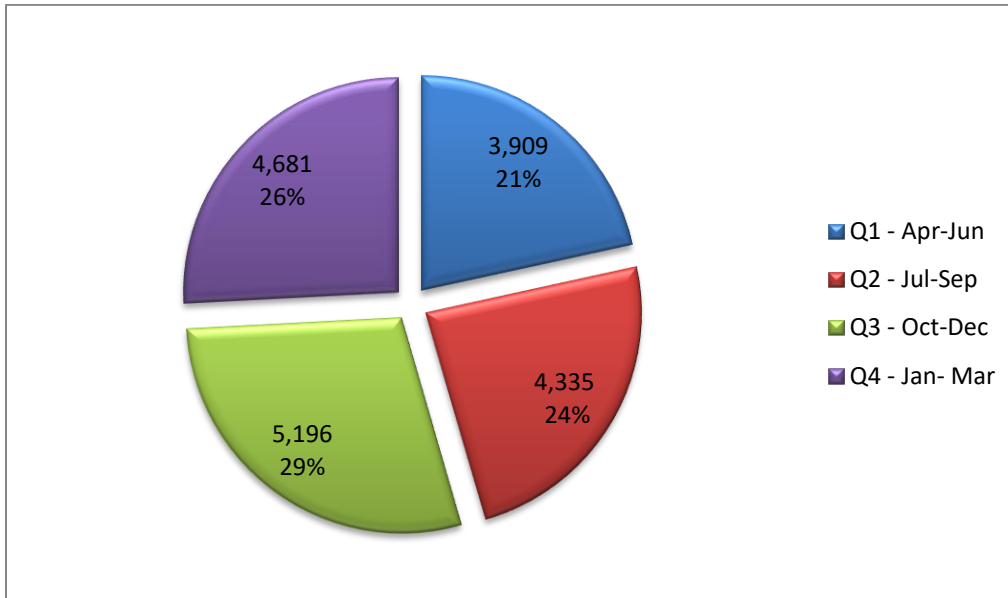
Summaries of the information collated are represented below:

The total value of contracts awarded for the period was one hundred and eighty eight billion, seven hundred and thirty million, nine hundred and forty eight thousand, three hundred and forty nine dollars and eighty three cents (J\$188,730,948,349.83). The value of contracts for Goods and Services inclusive of Consulting and Insurance Placement Services was \$167,506,316,255.70 while the value of Works contracts was \$21,224,632,094.13.

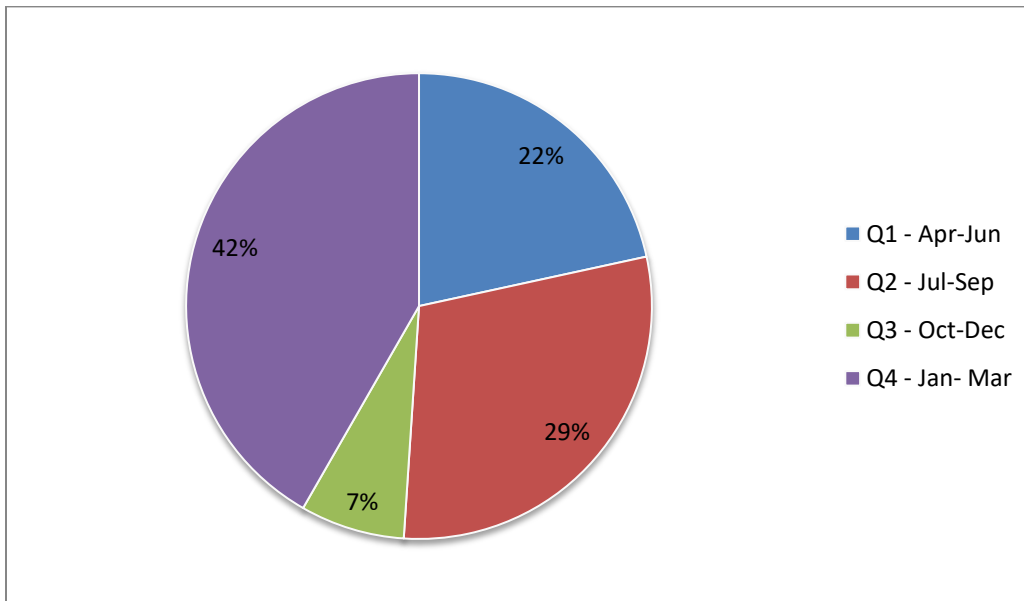
Table 1- Summary of Contracts Awarded

Quarter	Total # of Contracts Awarded	Total value Goods Contracts	Total Value of Service Contracts	Value of Works Contracts	Total Value of Contracts
Q1	3,909	\$31,119,780,003.04	\$5,595,116,027.10	\$4,035,382,452.12	\$40,750,278,482.26
Q2	4,335	\$42,437,862,094.46	\$7,452,089,664.50	\$5,696,176,301.70	\$55,586,128,060.66
Q3	5,196	\$48,425,159,520.06	\$7,955,210,130.76	\$5,728,058,944.09	\$62,107,428,594.89
Q4	4,681	\$64,656,276,885.92	\$8,289,981,449.92	\$ 5,765,014,396.22	\$78,711,272,732.06
Total	18,121	\$138,213,918,983.42	\$29,292,397,272.28	\$21,224,632,094.13	\$188,730,948,349.83

Pie Chart 1- Total number of Contracts Awarded per Quarter



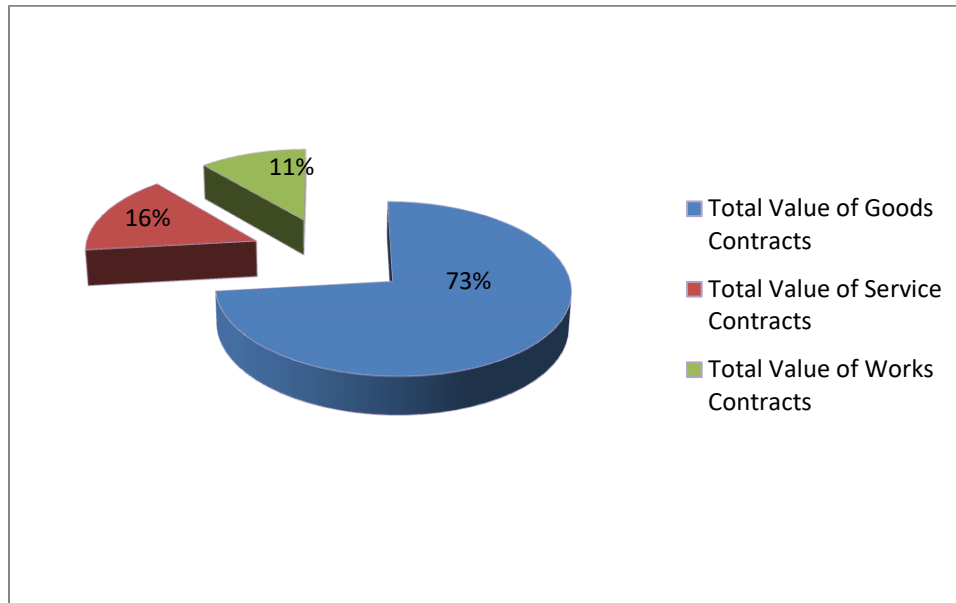
Pie Chart 2- Total Value of Contracts Awarded per Quarter



Most of the contracts awarded during the financial year 2021/2022 were awarded during the third quarter (Q3), that is, the period between October and December 2021, and the least number of contracts awarded during the first quarter (Q1), or

the period between April through June 2021 (Refer to pie chart 1). However, the total value of contracts awarded during the fourth quarter (Q4), accounted for the most of overall expenditure at 42% or \$78,711,272,732.06 of total spend.

Value of Goods, Works and Services Contracts Awarded as a Percentage of Overall Contract Value



The aggregate spend on goods by procuring entities supersedes the value of works undertaken and the value of services acquired, combined. The value of goods contracts awarded accounted for 73% of the total value of contracts awarded or \$138,213,918,983.42 of total procurement

expenditure for the financial year 2021/2022. Services acquired accounted for 16% or \$29,292,397,272.28 of total procurement expenditure while infrastructural works accounted for 11% or \$21,224,632,094.13 of the total procurement expenditure.

Licence And Asset Divestment/Acquisition Unit

The Licence and Asset Divestment/Acquisition (LADA) Unit completed its eighteenth month of operation on March 31, 2022, having been established in July 2020. The Unit monitors the grant, revocation and suspension of prescribed licences, the divestment/acquisition of land and other assets inclusive of those divested/acquired *via* Public Private Partnerships.

The LADA Unit is comprised of one (1) Manager, one (1) Senior Inspector and three (3) Inspectors. There are two vacancies within the Unit namely Senior Inspector and Inspector.

The table below provides a summary of the activities undertaken by the LADA Unit within the Financial Year 2021/2022:

Licence and Permits Monitoring Activity April 1, 2021 - March 31, 2022				
Activity	Licence	Land	Asset Divestment	Total
Number of Projects Monitored	197	122	12	331
Complaints received	-	-	-	-
Enquiries Management	6	4	- ¹⁰	10
Number of Tender Opening attended	1	19	-	20
Number of Site Visits	1	8		9
Number of Land Divestment Policy Framework Meetings Monitored		0* None Held		0
Number of Land Divestments Advisory Committee (LADC) Meetings monitored	N/A	10	N/A	10
Number of SCJ Holdings Limited Land Divestment Committee Meetings monitored		10		10
Number of Meetings held with Public Bodies	1			1

¹⁰ Five procurement related enquiries are ongoing.



The Unit is currently in the developmental stage of its two major monitoring database platform systems, that is: 1) Prescribed Licences database and 2) Land and Asset Divestment/Acquisition database. As at March 31, 2022 the Prescribed Licence database system is at a very advanced stage of development by our internal Information Systems Division. This database system will facilitate the systematic collection of licences awarded/revoked/suspended on a quarterly basis. On implementation, it will represent the only repository in Jamaica of various licences issued /revoked / suspended by Public Bodies.

The development of the comprehensive software program for the recording and monitoring of Land and Asset Divestments/Acquisitions, including Public Private Partnerships undertaken by the Government of Jamaica, is in the initial stage of software development.

The Asset Divestment/Acquisition and Public Private Partnership database will allow for the recording and monitoring of the divestment/acquisition of all Lands (both Crown Lands and other Government owned-

lands). The system will also facilitate the bi-annual submission of Public Private Partnership contracts entered by the Government of Jamaica.

Monitoring of Committees

During the year under review, and in keeping with an established policy change, representatives of the Unit no longer physically/virtually attend Committee meetings held by the various Land Divestment Committees and the Technical Review Committee. Monitoring of the activities of the Committees however continued utilizing a different format through the review of submissions and Minutes of the respective Committees.

Prescribed Licences And Permits

During the year, the Unit commenced the monitoring of the grant of forty-three (43) new licences bringing the total number of licences actively monitored for the period to one hundred and ninety seven (197). Licences were monitored across the following sectors:

Sector	No Monitored
Telecommunication and Spectrum	18
Air Service	21
Water Abstraction and Well Drilling	83
Mining	17
Transportation	1
Spirit Licences	1



Game Bird Shooting	1
Removal of “Limited” – Charitable Organizations	47
Utilities - Sewerage	1
Importation	1
Environmental Permit	1
Extraction of Timber	1
Fishing/Vessel Licences	4
Total	197

In undertaking our monitoring function, a study is made of the existing internal policies and procedures of each licensing authority including the relevant legislation to ascertain whether licences were issued/revoked or varied in compliance with the applicable legislation and governing policies.

Land Divestment

The LADA Unit continued its monitoring of the divestment of Government-owned lands for the reporting period in accordance with the Policy Framework and Procedures Manual for the Divestment of Government-Owned Lands, 2015.

One hundred and twenty-two (122) GOJ land divestment processes were monitored by the Unit, inclusive of a number of divestments that were previously being monitored but were re-advertised. The Unit commenced the monitoring of fifteen (15) new divestment opportunities during the period under review. Notwithstanding, several divestment opportunities still await re-advertisements due to lack of offers or lack of responsive offers.

The Land Divestment Advisory Committee (LDAC)

The Land Divestment Advisory Committee (LDAC) plays an advisory role to the Ministry of Economic Growth and Job Creation in relation to the divestment of government-owned lands, which is supported by the Land Administration and Management Division, within the Ministry of Economic Growth and Job Creation.

The LDAC is comprised of fifteen (15) members including a Chairman drawn from both the Public and Private Sector. Committee members are appointed by the portfolio Minister for a period not exceeding three (3) years. The current Committee was approved by Cabinet Decision No.3/21 and appointed with effect from January 25, 2021 for a period of three (3) years. There was a subsequent approval granted by Cabinet Decision No. 22/21 amending the membership of the committee. This approval granted the change of the Chief Executive Officer at the National Land Agency, which is an *ex-officio* position on the Committee, to Ms. Cherieese Walcott for the period May 17, 2021 to January 24, 2024. In previous years, a representative from the



Investigation Division sat in on the meetings of the LDAC in the capacity of an Observer, however, based on an internal decision, the LDAC is monitored remotely by the Licensing and Asset Divestment/Acquisition unit.

Ten (10) meetings were convened by the LDAC for the reporting period for the review and recommendation of applications. For the reporting year, the LDAC deliberated on 110 new applications and four (4) resubmitted applications. Ninety- Seven (97) applications, with estimated revenue of \$1,508,234,374.00, were recommended by the LDAC for Ministerial approval, 64 of which were for Sale while 33 were for Lease. To date, eighty-five (85) submissions, with estimated revenue of \$1,049,119,342.00, have been approved by the Minister.

Applications recommended for lease had an expected revenue of \$166,965,785.00, while applications recommended for sale had an expected valued of \$1,341,268,589.00.

The Committee deliberated on two (2) applications which exceeded the \$60M threshold. As set out in the Policy Framework and Procedures Manual for the Divestment of Government-owned Lands, 2015, the sale of government-owned lands valued at \$60M and above requires the approval of Cabinet. One application for sale of property in St. James was valued at \$405M, however a decision was taken to revalue the property and divest in sections by both sale and lease given that the property is a beachfront property. The second application for sale of property in St. Andrew was valued at \$697M and was granted approval by the Cabinet.

For the reporting period, the LDAC received five (5) requests for rent reviews which was an increase from the two (2) requests received in the previous financial year. This increase was attributed to the impact of the COVID-19 Pandemic on business operations of applicants who were predominantly in the tourism sector.

Applications Recommended for Lease by Land Use and Value for the 2021 – 2022 Financial Year

Land Use	No. of Applications	Value (\$)
Residential	1	34,000
Agricultural	2	24,000
Residential & Agricultural	-	--
Commercial/Industrial	18	131,480,785
Institutional	6	20,129,000
Other	6	15,298,000
Total	33	166,965,785

Applications Recommended for Sale by Land Use and Value for the 2021 – 2022 Financial Year

Land Use	No. of Applications	Value (\$)
Residential	27	105,596,338
Agricultural	9	33,445,000
Residential & Agricultural	9	23,830,000
Commercial/Industrial	5	743,300,000
Institutional	-	--
Other ¹¹	14	435,097,251
Total	64	1,341,268,589

The Tables below illustrate the Approvals by the Portfolio Minister for Sale and Lease by Land Use and Value for the Financial Year.

Applications Approved for Sale/Lease for the 2021-2022 Financial Year

Applications Approved by the Portfolio Minister		
	No. of Applications	Value
Sale	55	\$884,748,089
Lease	30	\$164,371,253
Total	85	\$1,049,119,342



Technical Review Committee Meeting

The Technical Review Committee (TRC) is a Sub-Committee of the National Resources Conservation Authority/Town and Country Planning Authority (NRCA/TCPA) that considers applications and makes recommendations to the Authorities.

During the reporting period, the TRC deliberated on applications relating to major developments from a variety of sectors, categories and types. These include major road construction/rehabilitation, infrastructural and telecommunication, subdivision and housing, hotel and resort development, mining and quarrying, office/commercial and mixed-use development, residential multi-family developments, coastal development in addition to applications that went through the strictures of the Environmental Impact assessment process, which involved mandatory public consultation.

The TRC is comprised of eighteen (18) members with representatives from the NRCA/TCPA and other relevant ministries, departments and commenting agencies.

Twelve (12) regular meetings and one (1) unscheduled meeting were convened by the TRC during the reporting period. A total of 578 applications were considered for the period with 461 being new applications and 117 resubmissions. Five hundred and sixty seven (567) applications were recommended for approval while 11 applications were recommended for refusal.

SCJ Holding Limited Land Divestment and Monitoring Committee Meeting

The SCJ Holdings Limited (SCJH) is wholly owned by the Government of Jamaica and manages sugar lands owned by the Government of Jamaica. The SCJH is tasked with putting its land assets to use by attracting investors in areas such as mining, housing and agriculture. Proposals received by the company are submitted to its Land Divestment and Monitoring Committee for review and approval and further referral to the full Board of Directors. There was a change in the Board of Directors effective January 1,

2021 and as a consequence, the new members were added to the Land Divestment Monitoring Committee. The Committee is chaired by Mr. Cleveland Allen. The Committee comprised of four (4) members. During the reporting period the Company continued its focus on the implementation of the Greater Bernard Lodge Development Master Plan and the resettlement of farmers who were displaced by the Master Plan's implementation. The Investigation Division remotely monitored the proceedings of the Land Divestment and Monitoring Committee meeting.

For the reporting period April 1, 2021 to March 31, 2022, the SCJH Land Divestment and Monitoring Committee and the Board of Directors, held a total of ten (10) meetings. The Committee deliberated on 158 submissions with three (3) submissions relating to sale of land, and 149 pertained to lease of lands, 69 of the leases were related to farmers who were being relocated as a consequence of the implementation of the Master Plan. The remaining submissions were related to variations to terms of existing/continuing contracts, transfer of fee simple interest as part of a settlement, options to lease and reservation of land for national projects. Of the 158 submissions considered by the Committee, 153 were approved and referred to the full Board of Directors for its consideration all of which were approved. No Cabinet Submissions were prepared for sale transactions as the selling prices were below the stipulated threshold.

Combined Value of Sales/Lease

<u>Mode of Divestment</u>	<u>Combined Value</u>
<u>Sale</u>	<u>\$73.86M</u>
<u>Lease</u>	<u>\$56.94M</u>

Evaluation And Review of The Policy Framework And Procedures Manual For The Divestment Of Government-Owned Lands 2015.

The activities of the Land Divestment Policy Framework Committee were placed on hold during the year under review.

The Committee was established to review the Policy Framework and Procedures Manual for the Divestment of Government-owned Lands (2015) which aims to harmonize the various mechanisms and procedures of public sector entities which are custodians of government lands. The main goal of the Policy Manual is to foster *“increased transparency and efficiency in the process by which government-owned lands are divested by all public sector entities”*. The Policy Manual was developed particularly for the Divestment of Crown Lands, however, agencies involved in the divestment of other Government-owned lands are required to adopt the Policy to *“ensure standardization and harmonization of land divestment policies and practices among all government entities involved in divestment.”*

It is on this basis that the work of the Land Divestment Policy Framework Committee should continue to ensure that timely and relevant updates are made to the Policy Manual to deal with issues as they arise. Some amendments recommended include the provision of comprehensive details on each modality of divestment, particularly divestments by way of unsolicited proposals, the requirement for the use of a standardized template for Evaluation Reports, the establishment of a minimum requirement for Information (solicitation) Documents and a methodology on how to treat with tied bids, to name a few.

Enquiry Management

Pursuant to Section 52 of the Integrity Commission Act, the Director of Investigation initiated several enquiries based upon allegations made in the public domain. During the period, enquiries were conducted into fourteen (14) matters as follows:

No.	Portfolio	No. of Enquiries
1	Land	5
2	Licence	4
3	Asset	0
4	Procurement	5
	Total	14

As at March 31, 2022, the above-mentioned matters are ongoing. On review, five (5) matters (3 Land and 2 Licences) were transferred to regular monitoring whilst the remaining nine (9) matters are at varying stages of the Enquiry Management Process.

Complaints Assigned To LADA Unit By The Director Of Investigation

The Unit commenced the Financial Year with three (3) complaints which were assigned by the Director of Investigation. One Preliminary report was completed with no adverse findings against the Public Bodies involved whilst the remaining two were reviewed and have been escalated to investigation status. No new complaints were assigned during the period under review. Please see breakdown below:

Portfolio	No. of Complaints	Breakdown of Complaints	Status
Prescribed Licences	1	Mining	Complete
	2	Building Permit	In progress
Land	0		
Asset	0		
Total	3		

Other Activities

As part of the Integrity Commission's Good Governance sensitization series, the Unit conducted two (2) presentations entitled "*The Integrity Commission's Anti-Corruption Good Governance*

Sensitization Workshop Series". Presentations were made to members of the Shadow Cabinet and Officers within the Ministry of Agriculture and Fisheries *via* virtual workshops held on January 24, 2022 and February 11, 2022, respectively

Areas of Impact – Contract Monitoring/ Licences and Asset Divestment/Acquisition

Licences and Asset Divestment/Acquisition

No	Date of Recommendation	Public Body/ Entity	Project Title	Observation	Recommendation	Action Taken by PB
1	April 7, 2021	National Housing Trust	Land Divestment – Hampden, Trelawny and Sale/Lease of Orange Grove Trelawny.	<p>1. The NHT was not in compliance with Section 5.2.1 of the Policy Framework and Procedural Manual for the Divestment of Government-Owned Lands which requires that land divestment opportunities be advertised in at <u>least two</u> of the following media:</p> <p>1. Print Media</p> <p>2. Electronic Media</p> <p>3. Community Buildings</p> <p>4. On site; and/or</p> <p>5. The Agency's Website</p> <p>2. Section 2.2.7 indicates that Valuation should not be older than twelve (12) months. It was observed that the Valuation Reports submitted to the Commission was expired and therefore a current valuation is required.</p>	<p>Recommended that for future divestments Section 5.2.1 of the Policy Framework and Procedural Manual for the Divestment of Government Owned Lands be adhered to ensure that advertisements be placed in at least two media and that an up-to-date evaluation be obtained.</p>	<p>The NHT in its response dated April 28, 2021 indicated its intention to utilize the following media options along with the NHT's Website to advertise the property:</p> <p>1. Community Buildings – Trelawny Parish Council's Notice Board</p> <p>2. On-Site</p> <p>The NHT gave an undertaking to implement the measures no later than July 31, 2021.</p> <p>The NHT also advised that it will request and updated Valuation Report upon receipt of a viable proposal a measure.</p>

INTEGRITY COMMISSION



2	April 26, 2021	Overseas Examination Commission	Refurbishing of Shop #BU3 at Whitter Village	Pertinent information were missing from the Tender advertisement: Required PPC Grade; Tender opening venue not stated; LCB instead of NCB indicated.	Letter written (26/4/21) and verbal communication made (8/4/21) regarding the recommendation to amend for future procurements.	Entity responded on 29/4/21; they were grateful for advice from Ms. Pringle and stated that they would ensure that future advertisements contain all pertinent information.
3	May 10, 2021	St. Elizabeth Municipal Corporation	Procurement of a 4,000 gallon (15,141.65 litres) Motor Water Truck	The procurement notice stated that both the bid submission deadline and the tender opening ceremony were scheduled at the same time	There should be a distinction between the tender submission time and the tender opening time.	The PE advised that an addendum to the procurement notice was published on Tuesday, May 18, 2021 in the Daily Observer.
4	May 18, 2021	Jamaica Tourist Board	Procurement of Hyper Converged Solution	1. Incorrect PPC category requested. 2. Uncertainty as to whether a hard copy or electronic procedure was adopted.	1. The IC recommended that the JTB revise the PPC category requested to reflect a more suitable category. 2. The JTB was informed that only one procedure can be adopted hard or soft. Therefore, if electronic submissions were require, then the GOJEP platform should be utilised. However if hard copy procedures, are adopted, any electronic meeting platform could be used to facilitate the opening ceremony exercise.	Both recommendation s were accepted by the JTB. The PB also indicated that the hard copy procedures was being utilised.
5	June 2, 2021	Chase Fund	Supply, Delivery and Installation of Black & White Multi-Function Printers for Early Childhood Institutions.	The procurement notice instructed Bidders to be guided by the tender procedures in the Revised Handbook of Public Procurement Procedures (March	The Commission recommended that the CHASE Fund withdraws statement and be guided by the Public Procurement Act 2015, and Public Procurement Regulations 2018 as well as the revised standard bidding	The PB amended the procurement notice reflect reference to the most current legislation.

INTEGRITY COMMISSION



				2014)	documents issued by the MOFPS.	
6	June 10, 2021	Chase Fund	Construction of the Patrick Town Primary and Infant School and the Construction of Bethlehem Moravian Early Childhood Centre of Excellence.	It was observed that the installation of the twisted hurricane straps was not in accordance with the specification of the Bill of Quantities.	The Integrity Commission wrote a letter dated June 10, 2021, outlining its observation and recommended that the installation be corrected in accordance with the Bill of Quantities.	It was observed at a site meeting attended July 1, 2021, that the corrections to the installation of the hurricane straps was completed.
7	June 10, 2021	Urban Development Corporation	UDC Bid Opening Report- Water sports Concession at Harmony Beach, Long Bay 1 & Ocho Rios Bay Beach	<p>The Information Document stated at Sub Section 6.9 "Opening of Proposals" indicated that only the Technical Proposal Envelop would be opened at the Tender Opening and that the Technical Proposal would be checked for compliance with the requirement for submission of documents stated in Appendix 10. Appendix 10 included the requirement for the submission of a "Completed Monetary Offer Form". However, sub-section 6.1- PREPARATION OF PROPOSAL part (b) indicates that the Completed Monetary Offer Form and the Financial Disclosure Form should be placed in the "Financial Proposal" Envelop 2.</p> <p>Further, there were no general instructions indicating the format the Declaration of Conflict of Interest and Tax Registration Number must be submitted in or which Envelop it</p>	<p>In ensuring efficiency, transparency and confidence in the Land Divestment process it was recommended that clear instructions of all bid requirements are plainly stated in all divestment matter hereinafter.</p> <p>Additionally no comment should be made regarding the status of a bid during the Bid Opening Ceremony.</p>	

INTEGRITY COMMISSION



				<p>must be placed in.</p> <p>The conflicting information may mislead the bidders and cause them to submit documents incorrectly.</p> <p>(2) A comment was made following a Bidder's enquiry whether his proposal was "okay" advising that it is assumed that it is and that further evaluation would be conducted. This deviates from the best practice of not commenting on the bids during the Ceremony.</p>		
8	June 14, 2021	Golden Age Home	Procurement of General Security Services	The Commission observed that the evaluation criteria was insufficient for the assessment of the Bids. Additionally, one of the eligibility requirements - PSRA was omitted from the procurement notice.	The Commission recommended that the PE revise their Evaluation Criteria to include a further breakdown of the scores and reminded the PE of the importance of including vital information such as the PSRA in the procurement notice.	The PB provided a detailed breakdown of the Evaluation Criteria and informed the Commission that the omission of the PRSA from the procurement notice was an oversight.
9	June 15, 2021	Jamaica Social Investment Fund (JSIF)	Montego Bay (Barnett Street) Fire Station Construction, St. James	Empty block pockets noted on site visit which brought into question the block wall quantities in the Bill of Quantities.	Requisition letter dated June 15, 2021, re discrepancy for filling block pockets and quantities of block wall as per Bill of Quantities.	Re-measurement by the Quantity Surveyor which resulted in savings to the project.
10	June 22, 2021	Urban Development Corporation	Sale of Lot A208 Hellshire Park Estate, Hellshire, St. Catherine	<p>The Advertisement placed in The Daily Gleaner dated June 16, 2021 did not:</p> <p>1) Specify</p>	The UDC was advised that the information presented to bidders inviting the submission of bids must be complete.	The UDC has indicated there will be no reoccurrence of omissions of this

INTEGRITY COMMISSION



				<p>the date, time nor location of the Bid Opening Ceremony</p> <p>2. Include a statement to the effect that <i>"the Entity is not bound to accept the highest or any offer"</i> as prescribed in Section 5.2.1 (2) of the Policy Framework and Procedure Manual for the Divestment of Government-Owned Lands, 2015.</p>	<p>The UDC was also advised that it should issue an addendum to the advertisement, incorporating the necessary amendments.</p>	<p>nature.</p>
11	July 22, 2021	North-East Regional Health Authority (NERHA)	Rehabilitation of St Ann's Bay Regional Hospital Sewage Treatment Plant	<p>A representative of the Commission visited the captioned project and noted that the site office facility was removed and there was only one person on the site. Additionally, it appears that there was an overflow of sewerage and the person on site was attempting to clear what appeared to be a blockage in the vicinity of the Aeration Tank.</p>	<p>The Integrity Commission wrote a letter dated July 22, 2021, requesting a detailed report on the status of the project to include justification for the suspension of works as there are still significant works to be done and the project is behind its scheduled completion date.</p>	<p>The National Health Fund who took control of the project did not reply until October 29, 2021. At which point they stated that all infrastructural works have been completed and the contractor is in the process of procuring and delivering the mechanical parts on site. It was also stated that the project is anticipated to be completed no later than December 2021. The entity also indicated that as a result of the missed deadlines, the requisite penalties will be applied as per the contract.</p>

INTEGRITY COMMISSION



12	July 28, 2021	Jamaica Urban Transit Company (JUTC)	Provision of Bus Air Conditioning Services and Supplies	The Commission conducted a review of the Tender Document and found that there was uncertainty regarding how the PB planned to apportion points to Bidders in respect of Firms Capacity Criterion.	It was recommended that PB revise a further breakdown of the score prior to the close of tender to ensure objectivity.	The PB advised that the evaluation criteria was amended in keeping with the IC's recommendation.
13	August 10, 2021	Institute of Jamaica	Lease of Property – Closed Harbour Beach Park Lease of Property – Green Hill, Portland	<p>Deficiencies in the Request for Proposals to include, <i>inter alia</i>, the following:</p> <ol style="list-style-type: none"> 1. The Invitation in the Information Document is devoid of details advising the prospective applicants on the location whereby and the manner in which the application form may be obtained. 2. The invitation published in the "Jamaica Observer" had indicated that bids would be received via email. This was not however reflected in the Information Document. 3. Whereas Section 1.2 of the Information Document items 3 and 4 made reference to the requirement for the submission of Audited financial statements and annual pro forma income statements, the specific time period(s)/year(s) of the required 	<p>Amendment of the Information Document to reflect the full address and hours within which the Application Form will be made available and to include the URL for the website from which it may be downloaded.</p> <p>The IOJ was advised that the requirements stated in the Information Document takes precedence over and above advertisements placed, therefore if the entity is desirous of receiving bids via email, it is recommended that such information is included in the Information Document, otherwise, receipt of bids via email would not be in compliance with the Information Document and any such bids received in this manner ought to be rejected. If the decision to receive bids via email the IOJ should provide a) the circumstances which will exist to safeguard the receipt of bids via email. B) the process which it will employ to facilitate the opening of bids received via email; and c) the manner in</p>	The IOJ in its response dated August 27, 2021 indicated that it is fully supportive of the recommendations made and committed to publishing an Addendum for prospective bidders.



				<p>was not stated.</p> <p>4. It was noted that an assigned score for less than six months' experience and that for seven Years' experience was not included in the breakdown of the scores provided to bidders.</p> <p>5. Whereas a score was assigned for the criteria "Competency of the management team (Training in Management /Educational Qualification), however no breakdown of this score was noted.</p> <p>Whereas a score of 10 points was allocated for lease amount being proposed, additional instruction was given stating that the lease amount proposed is required to be at or above the market level.</p>	<p>which bids received via email will be treated within the Bid opening ceremony</p> <p>Recommended that the specific time period(s)/Year(s) of the financial statements be indicated, for example years 2019 and 2020.</p> <p>Recommendation for the following breakdown be alternatively applied:</p> <ul style="list-style-type: none"> • Below six months – 0 points • Six months to less than 4 years – 4 points • 4 years to less than 7 years – 7 points; and • 7 years and above – 10 points <p>Recommendation made for a further breakdown of the score by allotting scores for the various levels of qualification. Importantly Bidders should be advised that in instances where an applicant may have more than one level of competency, they will only be awarded one score which would be associated with their highest level of qualification.</p> <p>IOJ was requested to clarify the manner in which the ten points would be allocated and specifically to indicate the score that will be awarded for bids falling below the market level and whether in such an instant bids would be assigned zero (0)</p>	
--	--	--	--	--	--	--

INTEGRITY COMMISSION



					points or would be disqualified and deemed non-responsive.	
14	August 23, 2021	Institute of Jamaica	IOJ - Lease of Green Hill Field Station & Lease of Canteen	Deficiencies in the Request for Proposal (Same as Above)	Same as above.	Same as above.
15	September 16, 2021	Airports Authority of Jamaica	Request for Proposals for the Establishment of Fixed Base Operator (FBO) services at the Ian Flemings International Airport (IFIA), Boscobel, St. Mary	<p>Deficiencies in the Request for Proposal to include, <i>inter alia</i>:</p> <ol style="list-style-type: none"> 1. The information to proponents advising that "the AAJ shall not be liable to the Proponent if its email is not properly received on time or at all due to ...the errors or omission of the AAJ's employees or agents" 2. A detailed breakdown of the scores for the various subcomponents of the selection process or criteria listed was not provided to the proponents. 3. An Award Criteria was not indicated in the RFP document. <p>Section IV General Terms and Conditions alluded to a right of the AAJ to request any other information it requires to evaluate the</p>	<ol style="list-style-type: none"> 1. The AAJ was requested to refrain from including the statement 2. The AAJ was requested to provide the breakdown of the scores for the various sub-components and to ensure that for future tenders the breakdown is provided to the bidders in order to foster transparency. 3. The entity was advised that the Award Criteria should be clearly identified in the RFP 	The AAJ in its response dated October 6, 2021 noted and accepted the Integrity Commission's recommendations.

INTEGRITY COMMISSION



				submissions and that failure to provide the information requested may result in the proposal being disqualified.		
16	October 8, 2021	Development Bank of Jamaica	Greater Bernard Lodge - (SCJ Holdings Limited)	DBJ requested advise on how to treat with a bid submission received via email prior to the close of bid at 3:00pm but submission of additional documents made after the bid close.	Recommended that Bids received in whole or in part which are received before 3:00pm can be opened and evaluated however, all bids, in whole or in part, submitted after the deadline must remain unopened and not included in the evaluation process.	The DBJ expressed its appreciation for the advice and indicated that it stood guided.
17	October 28, 2021	Sugar Industry Authority	Lease of Property – 80 Marcus Garvey Drive, Kingston	<p>The appraisal report indicated a market rental valuation of \$36,695,775.00 however the SIA determined an annual rental value of \$18,000,000.00.</p> <p><i>The name of the Bidder on the Bid Opening record proposing to lease Office Space was Seprod Limited. However the name of the bidder/company specified on the copy of the Warehouse Lease Agreement submitted is Industrial Sales Limited</i></p>	<p>SIA requested to provide justification for the use of a lower rate than the appraised market value.</p> <p>SIA was asked to explain the circumstances which led to the subsidiary (Industrial Sales Limited) being named as the Lessee on the Lease Agreement and not Seprod Limited whose bid eligibility and qualification documents would have been assessed during the tender evaluation.</p>	<p>SIA provided explanation indicating that the Finance Committee, subsequent to much deliberation, had advised that "given the difficulty of leasing the property because of the restricted tenure, as well as the security and other costs accrued by the property the Marcus Garvey Warehouse could be rented at a minimum of \$12M per annum for a period not exceeding two (2) or three (3) years. In this way, maintenance costs would be covered until a decision is made for the property to be sold"</p> <p>The SIA has indicated that neither itself nor Industrial Sales Limited is averse to having the lease agreement amended to reflect Seprod as the Lessee.</p>

INTEGRITY COMMISSION



18	October 28, 2021	Court Administration Division	Procurement of Scanners for Various Courts	Entity used the incorrect Standard Bidding Document for the method being used.	Public Body was advised to revise the document and reissue same.	Recommendation accepted.
19	October 28, 2021	SCJ Holdings Limited	Lease of 640 acres of Land Part of Milk Spring, Clarendon for the cultivation of Cashew and Macadamia Nuts	<p>The Evaluation Criteria, whilst including criteria for the financial viability of the project and the demonstration of capacity to finance the project, it did not communicate to prospective bidders how the applicant would demonstrate same.</p> <p>Criteria at Item 5 "Demonstration of managerial and technical capacity to execute project"; Item 6- "Clarity on the technical and operational aspects of the proposal/business plan" and Item 7- "Plan(s) for Value-Added output(s) of the Evaluation Criteria do not indicate in an objective manner how the applicants will be scored.</p> <p>SCJ had stated that "The valuation report will be ordered by the SCJH after the evaluation report is completed.</p>	<p>- "SCJ Holdings Limited was advised that if the submission of documentary evidence (eg. Bank statements, financial statements, cash flow projections, etc.) is required to support or validate same it should be clearly indicated in the evaluation criteria</p> <p>It was recommended that the referenced evaluation criteria be divided into sub-criteria to properly assess the main items... additionally the points allocated to the sub criteria should be disclosed in the RFP.</p> <p>SCJ was requested to provide justification to support the valuation being conducted <u>subsequent</u> to the evaluation report since it is the valuation that would determine the market value and fair price for the property.</p>	<p>The SCJ has indicated that it assesses the financial plan in terms of the components included/captured and any assumptions made to assess the quality of this component...it would assess in terms of project cost, required funding and source of funding. "In no instance does SCJH require prospective investors to seek to validate capacity to fund a proposal/project by submitting documentary evidence such as bank statements, cash flow projections etc. outside of the business plan on which a response to an RFP is made. A prospective investor's bank statement is never requested".</p> <p>The SCJ has indicated that it will examine and assess the recommendations of the Commission in regards to the three other evaluation criteria and determine how the criteria can be adjusted with reference to the recommendations.</p> <p>Valuations – The SCJ has indicated that "the concerns of the Commission are valid...in cases</p>



						<p>where lands are being leased it agrees with the Commission's view that the valuation should be done prior to the evaluation of any transaction.</p> <p>However the company has been seeking to balance cost of doing valuations and the timing of valuations" and has consequently taken the approach where "a) in cases where a valuation of similar lands has already been done and that valuation is under one year, SCJH will seek to use that valuation instead of commissioning a new one; and b) In some cases, rather than doing a valuation first SCJH would wait until the completion of an evaluation that will indicate that there is a viable transaction on the table. Then the valuation would be done. This may detract from the efficiency of the process but in a case where the company may be strapped for cash there may be some cost savings if a transaction is aborted and the valuation expense is not incurred"</p> <p>The Commission notes the SCJ's advice that "In no instances does SCJH divest lands without an appropriate valuation that assures market value and fair price"</p>
--	--	--	--	--	--	---

INTEGRITY COMMISSION



20	November 11, 2021	Jamaica Bauxite Mining	Prefeasibility Study for Development of a BPO/Technology and Business Park in Lydford, St. Ann	Advertisement was requesting "A copy of valid Public Procurement Certificate, where applicable" although the opportunity is a Consultancy.	That that particular requirement be removed by way of Circular No. 6, dated February 3, 2009. The referenced circular states that Consultants do not require PPC registration to participate in GOJ procurement opportunities.	PB accepted the recommendation and amended their tender document.
21	November 29, 2021	CHASE Fund	Renovation of Victoria Primary and Infant School	The Commission's Inspector assigned to this project visited the project site on November 2, 2021 and observed the following: a. There was no works on-going on site b. Ponding was observed on the tiled floor of one classroom which implies possible incorrect sloping of the tile works. c. The use of nails to mount hurricane straps while the Bill of Quantity spoke to the use of screws ('Twisted hurricane straps: 38 x 150mm; screwed to timber')	The Integrity Commission wrote a letter dated November 29, 2021 requesting information to justify aforementioned observations.	The Contractor has since re-commenced works on site, stating that the Principal of the company had pass as a result of COVID-19 which caused the freezing of all lines of credit rendering the company cashless. The contractor has requested and extension of time of 55 days initially. It was also observed at a site visit conducted January 6, 2022 that the nails used to mount the hurricane straps were been replaced with screws as per BQ.
22	February 16, 2022	Sugar Industry Authority	Lease of Property – 80 Marcus Garvey Drive.	Seprod Limited had submitted the bid which was successful however the contract was signed by Industrial Sales Limited.	The DI is of the considered view that the name of the lessee on the Lease Agreement should accordingly reflect the name of the selected bidder (Seprod Limited) which was assessed and approved by the entity.	The SIA in its response dated March 15, 2022 indicated that it has accepted the recommendation and the Lease Agreement will be amended to reflect Seprod Limited as the Lessee. A copy of the amended Lease Agreement will be forwarded to the Commission.
23	February 21, 2022	National Housing Trust	Sale of Lots located in Clarendon, Westmoreland and Trelawny.	<i>Request for evidence of updated valuations for the referenced properties.</i>	The DI reminded the NHT of the requirements of the Policy Framework and Procedures Manual for the Divestment of Government-Owned	The NHT in its response dated February 28, 2022 indicated that there were no new valuations conducted. However Prior to

INTEGRITY COMMISSION



					<p>Lands (2015) sections 2.2.7 (l, f, and g) which states that "...valuations should not be older than 12 months" "...All lands to be divested shall be valued by the Commissioner of Lands Valuations or by a Chartered Valuation Surveyor" and "a minimum of two valuations are required for divestment of properties above that threshold. The second valuation sought from the applicant will be at the sole cost of the applicant"</p>	the evaluation of Bids, new valuations will be completed.
24	February 23, 2022	Urban Development Corporation	Sale of Commercial Lots 1, 2 & 3 Mammee Bay, St. Ann	The advertisements (printed and online) omitted the date, time and location of the Bid Opening Ceremony.	<p>The UDC was advised that the information presented to bidders must be complete therefore the UDC should issue an addendum incorporating the necessary amendments and to duly advise persons/entities which the UDC has on record as having collected tender documents.</p> <p>The UDC was also advised to indicate in the advertisement whether the Bid Opening Ceremony will be held virtually or Face-to-Face.</p>	Response dated March3, 2022 confirming that the recommended amendment was made to include the date, time and location of the Bid Opening Ceremony and that the Opening ceremony would be conducted on a Face-to-Face basis.

CORRUPTION PROSECUTION DIVISIONLegal Opinions

Under **section 34(b)** of the *Integrity Commission Act, 2017 (ICA)*, the Director of Corruption Prosecution (DCP) is tasked with providing legal advice to the Commission on matters concerning acts of corruption and offences committed under the *ICA*. For the reporting period, the Director of Corruption Prosecution was asked to provide several opinions, with some notable areas as follows:

- The DCP was asked to give support to the Legal Office with regard to the implications relating to the publishing of names of delinquent declarants on the Electronic Declarations System to be implemented by the Information & Complaints Division. The DCP was further asked to assess any legal concerns surrounding the proposed course, and a detailed examination of the issues along with noted recommendations were provided to the Legal Office in keeping with stipulated timelines.
- Legal support and guidance were also provided to the Legal Office in the continued development of draft Regulations to guide operational processes under the *ICA*, in addition to finalizing Memoranda of Understanding with competent authorities as provided under **section 7** of the *ICA*, namely with Tax Administration Jamaica (TAJ) and the Major Organized Crime & Anti-Corruption Agency (MOCA).
- Additionally, a legal opinion was provided with reference to the interpretation of **Sections 39 and 41** of the *ICA*, with a view to identifying specifically when a public servant is required to file their first 'December 31' Statutory Declaration. An inconsistency may be deemed to arise on a reading of both sections, and **section 41(b)** gave rise to an ambiguity in the law. The opinion sought to assess, and

reconcile if possible, the noted sections, within the context of proposed processes by the Information and Complaints Division (ICD), which was directly dependent on this obligation being accurately identified, and relevant to an assessment of associated emoluments.

- Continued support was also provided to the Legal Office during the period with regard to the review of the *Protected Disclosures Act* and the *Data Protection Act*. A detailed review of the *Data Protection Act* was undertaken to identify specific responsibilities within the CPD with regard to the use and handling of data. This review informed an assessment of the wider organizational requirements, to ensure compliance under this enactment. Likewise, the responsibilities of the Commission as the designated authority with regard to the *Protected Disclosures Act* was also examined, again with a view to ensuring the proper discharge of related functions under this enactment.

Technological Infrastructure

The Integrity Commission commenced the implementation and usage of the goCASE Intelligence Case Management System, developed by the United Nations Office for Drugs and Crime. All relevant Divisions were facilitated in training by the developers, in the functions and operations of the newly implemented software.

Provisioned access was also granted and introductory training facilitated for staff members who joined the Division during the reporting period for the JustisOne Database, a feature-driven online research platform with increased research capabilities and a larger compilation of cases from Commonwealth jurisdictions.

The Division also continued to lend support to the organization's wider Digitization Project by finalizing



Standard Operating Procedures (SOP's) regarding a number of divisional processes with a view to informing the wider organizational digitization process.

Interdivisional Protocol

Having operationalized the Interdivisional Protocol/Terms of Reference for the Statutory Divisions during the period, the Committees established under the Protocol convened on a monthly basis to discuss and provide solutions to the current business processes between and among the Divisions. Managers across the Units were tasked with developing a Performance Management Framework to guide efficiency and productivity, and to discuss and review the success and challenges being experienced, to include new processes developed or amended and policies implemented. Feedback from the meetings was provided to the Leadership Committee, comprised of Divisional Directors, who would review and provide responses or approval as required. This forum ensured that all the Divisions had an understanding of the processes involved in the administration of the Commission's mandate, while allowing for easier flow of information and improved strategies to strengthen current business processes.

Training

Members of the Corruption Prosecution Division were continuously engaged in various training sessions throughout the period, organized both internally and with external stakeholders. New recruits specifically benefitted from Orientation Training sessions facilitated in collaboration with

other Divisions, and conducted in modules over a scheduled period.

Additionally, members of the Unit participated in the Jamaica Bar Association's (JAMBAR) Annual Conference, and also the Prosecutors Empowerment Programme (organised by the Office of the Director of Public Prosecutions) which not only expanded the knowledge base of the team, but also satisfied the requirements for accreditation in accordance with continuing legal professional development.

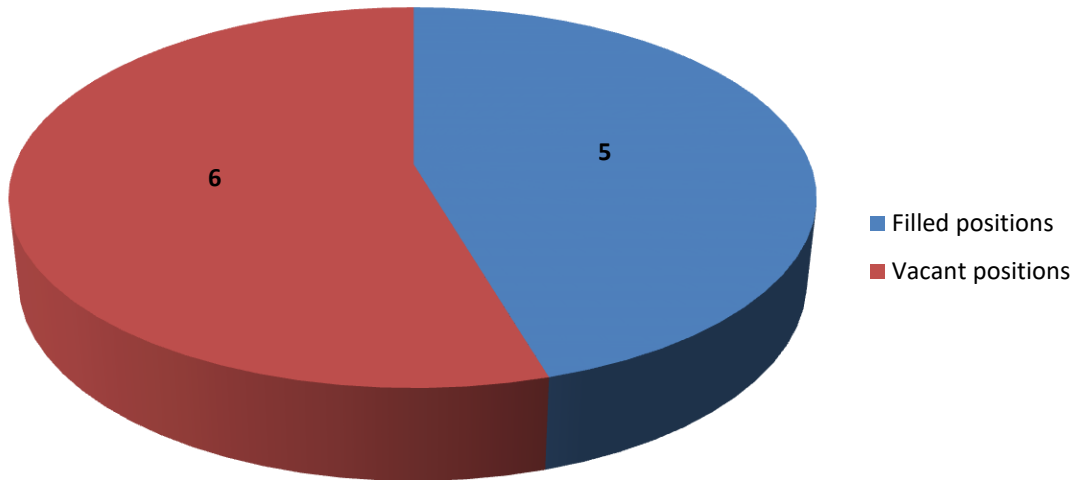
Other training sessions were organised by other government entities in areas of Cybercrime, Financial Investigation, Anti-corruption Indexing, among others. Members of the Division also enrolled in personal courses which ensured improved proficiency in areas of Cybersecurity, Compliance and Ethics and Behavioural Economics. For the reporting period, participation in excess of twenty-five (25) training courses was recorded across the Division.

Staffing

At the start of the reporting period, the staff complement stood at five (5) members – the Director of Corruption Prosecution, two (2) Senior Prosecutors, one (1) Prosecutor and one (1) Paralegal - which accounted for forty-five percent (45%) of the intended complement for the Division. In April and May 2021, the Division welcomed a new Legal Secretary and an additional Paralegal respectively, bringing the complement to seven (7) or, sixty-four percent (64%) of the approved complement for the Unit, but amounted to only fifty percent (50%) of the intended cohort of Prosecutors.



STAFF COMPLEMENT AT THE START OF THE REPORTING PERIOD



There were several developments with regard to staffing within the Unit for the period, and resignations were tendered by a Prosecutor in the second quarter, a Paralegal in the third quarter, and a Senior Prosecutor in the final quarter of the year.

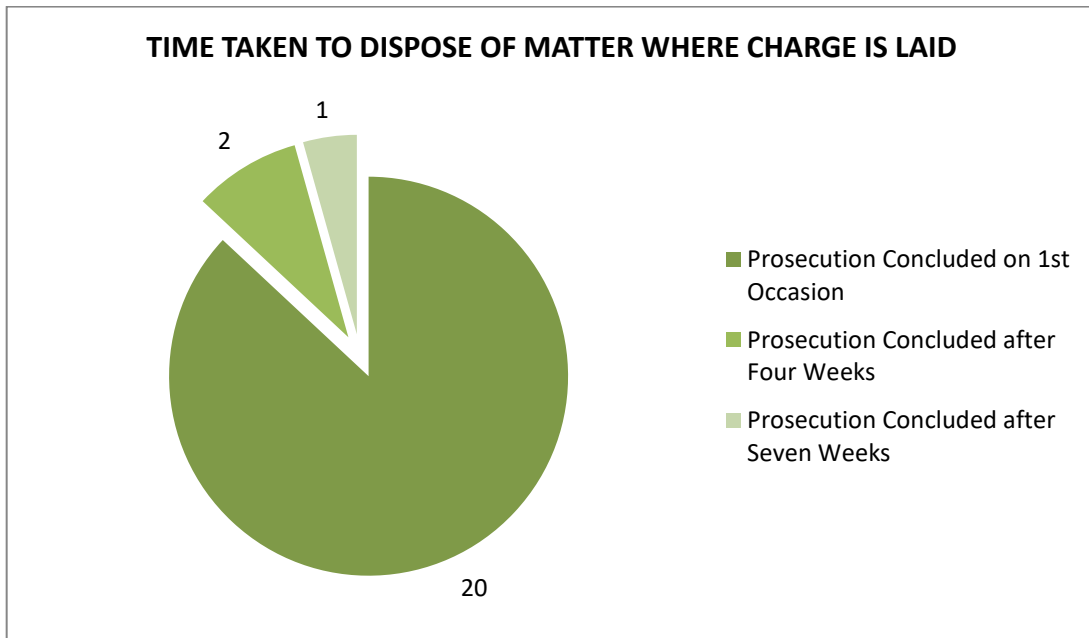
By the end of the reporting period, the post of Prosecutor had been filled with efforts ongoing to fill the remaining vacancies.

CONVICTIONS, ACQUITTALS AND TIME TAKEN TO DISPOSE OF EACH MATTER WHERE A CHARGE IS LAID

Of the twenty-three (23) prosecutions concluded within the period, convictions were recorded in all twenty-three (23) matters with no acquittals. Twenty (20) of those matters were disposed of on the first occasion they were brought before the Court, with

two (2) matters disposed of within four (4) weeks of the matter being first mentioned, and one (1) matter being disposed of seven (7) weeks after first being brought.

TABLE 3 - STATUS OF PROSECUTIONS AT THE END OF THE REPORTING PERIOD



PERFORMANCE OF SUPPORT DIVISIONS

LEGAL DEPARTMENT

The Legal Department is headed by a Legal Counsel who reports directly to the Executive Director.

COURT PROCEEDINGS- REPORTING YEAR APRIL 1, 2021 TO MARCH 31, 2022

During the reporting year, April 1, 2021 to March 31, 2022, the Commission continued to pursue legal matters which were before the Courts, involving the Commission directly or in relation to legacy Commissions, pursuant to Section 63 of the Integrity Commission Act.

Detailed hereunder are the particulars of the ongoing Court proceedings involving the Integrity Commission (IC):

SUPREME COURT MATTERS

1. In the matter of Section 7 of the Integrity Commission Act (SU2021CV04605)

The matter emanates from the failure of certain financial institutions to provide information requested by the Director of Information and Complaints, primarily on the basis that they are required to keep customer information secret pursuant to the Banking Act, except if a Court Order is obtained.

On November 4, 2021, the Commission filed a Fixed Date Claim Form (FDCF) in relation to the interpretation and application of Section 7 of the Integrity Commission Act. In particular, the FDCF sought a declaration that Section 7(2) in its interpretation mandates that any person or body must cooperate with the Commission in the exercise of its functions under the Act.

Further, a declaration that Section 7(8) means that any person or body cooperating with the Commission shall not be prevented from doing so by virtue of any law that provides for secrecy or any other restriction against the disclosure of information, save for the grounds of legal professional privilege.

The status of this matter is ongoing: Several first hearing dates were adjourned, and on February 16, 2022, the matter was adjourned to May 2, 2022.

2. Ian Hayles et al v Contractor General (2017 HCV 00744):

The matter concerns an Application for Judicial Review and injunction restraining publication of Investigation Report. By email dated March 23, 2022, the Supreme Court contacted all parties, enquiring whether the dates of November 1 to 3, 2022, would be convenient to the parties for the hearing of the matter. As at the end of the Reporting year, the parties were still awaiting a confirmed hearing date for the proceedings.

The status of this matter is ongoing:

3. Clava Mantock Snr et al v Dirk Harrison et al (SU2020CV02765):

On July 27, 2020, Clava Mantock Snr (and others) filed a claim against Dirk Harrison *et al* joint and/or severally, seeking "...damages for false imprisonment and malicious prosecution for that on or about the 27th of July 2014, Mr. Harrison and Mr. Simms caused the Claimants, maliciously and without reasonable and probable cause, to be arrested, imprisoned and falsely charged with forgery, uttering forged documents and conspiracy".

This claim relates to a National Contracts Commission (now Public Procurement Commission) Application which was submitted by the Claimants as Directors of Cenitech Engineering Solutions and which Mr. Harrison, then Contractor General, based on review, deemed to have contained forged documents and inaccurate information and upon that basis, made a referral to the Major Organized Crime and Anti-Corruption Agency (MOCA). Detective Simms, an employee of MOCA, executed the warrant in relation to the referenced charges and the prosecution was conducted by the Office of the Director of Public Prosecutions, for which no case submission was upheld.

The Claimants have now sought the following:

- General damages for false imprisonment and malicious prosecution;
- Special damages of \$14,500,000;
- Aggravated damages for false imprisonment and malicious prosecution;
- Exemplary damages for false imprisonment and malicious prosecution.

The relevant documents were filed on behalf of Mr. Harrison, the 1st Defendant, on time. The 2nd and 3rd Defendants' Application for Extension of Time to File Defence and Case Management Conference is to be heard on the 7th of April 2022.

The status of this matter is ongoing.

COURT OF APPEAL MATTER:

National Contracts Commission v Cenitech Engineering Solutions et al (COA2021CV00040)
Attorney General v Cenitech Engineering Solutions et al (COA2021CV00035)

The Attorney General filed a Notice and Grounds of Appeal on April 13, 2021.

The National Contracts Commission (now Public Procurement Commission) filed a Notice and Grounds of Appeal on May 12, 2021.

These Court of Appeal matters were brought as a result of the Supreme Court Judicial Review decision regarding the National Contracts Commission (NCC)'s decision to deregister Cenitech Engineering Solutions as a Works Contractor. The reliefs sought in the Judicial Review included damages in excess of Three Hundred Million Dollars (\$300,000,000).

The following Orders were made on March 26, 2021, by way of decision read by Mr. Justice David Batts in the substantive Judicial review matter at the Supreme Court, to which the Appeal relates:

1. It is declared that the NCC acted in breach of the principles of natural justice when it revoked and/or cancelled Cenitech's registration.
2. Certiorari will issue to quash NCC's decision, to cancel and/or revoked Cenitech's registration.
3. Damages to be assessed in favour of Cenitech and against the NCC and the Attorney General by a judge alone in open court.
4. Costs will go to Cenitech, the Integrity Commission and the Ministry of Agriculture against the NCC (now Public Procurement Commission) and the Attorney General.

The Public Procurement Commission (PPC) and the Attorney General (AG) are primarily challenging the decision in the Judicial Review which was in favour of Cenitech and which awarded costs to Cenitech,



the Integrity Commission and the Ministry of Agriculture.

Both Appellants filed Applications seeking a stay of the Judicial Review decision in relation to assessment of damages and payment of costs, which was granted on July 6, 2021.

The status of this matter is ongoing: Both Appeals will be heard together and are set for hearing during the week of November 28, 2022, with the Case Management Conference set to proceed on April 26, 2022, at 2:00 p.m.

COSTS AWARDED BY THE COURT FOR/AGAINST THE CONTRACTOR-GENERAL/INTEGRITY COMMISSION:

1. Construction Solutions Limited and Vincent Taylor v The Contractor General:

Recovery of costs awarded to the Contractor General. Bill of Costs totalling \$1,392,171.15 at the Supreme Court was filed and served on August 13, 2020, on the Claimants' Attorney. The Claimants have not sought to respond to the Bill of Costs with the result that the Commission filed a Default Costs Certificate on December 23, 2020.

The status of this matter is ongoing: The Commission awaits the execution of the Default Costs Certificate by the Registrar of the Supreme Court.

2. Dwight Reid et al v Contractor General:

Recovery of costs in the amount of \$3,295,198.00, which is the sum total of costs awarded to the Contractor General at the Supreme Court and Court of Appeal. To date, the debtors have paid \$2,123,259.37. The total of \$1,171,938.63 remains outstanding.

As at September 29, 2020, the Commission was informally made aware of the death of one of the debtors. An effort to contact the

sole remaining debtor has been unsuccessful.

On March 28, 2022, a letter was sent to Mr. Graham, Q.C., advising that the necessary steps should be taken by him to bring the matter to a close, as no meaningful purpose would be served in continuing to expend funds in the pursuit of recovery of the remaining debt.

The status of this matter is ongoing.

3. Cenitech Engineering Solutions Ltd. v Contractor General et al:

Recovery of costs awarded to the OCG/Integrity Commission- The OCG was awarded costs on an interim application on July 18, 2014, as well as costs in the claim at the conclusion of the Judicial Review for which judgment was delivered on March 26, 2021. These costs will be assessed and taxed, if not agreed. This process has not commenced as it is pending the outcome of an Appeal which was filed in relation to the judicial review judgment. The Attorney General filed a Notice and Grounds of Appeal on April 13, 2021. The National Contracts Commission (now Public Procurement Commission) filed a Notice and Grounds of Appeal on May 12, 2021.

An Order was made on July 6, 2021 at the Court of Appeal, to stay the order for the assessment of damages which was ordered by the Judicial Review Court on March 26, 2021, pending the determination of the Appeal. Additionally, that there be a stay of the order for costs made against the NCC and the AG, pending the determination of the Appeal.

The status of this matter is ongoing: The matter of costs is not yet settled and is pending the results of the Appeal.

4. Judicial Review Initiated by Gorstew Ltd. and the Hon. Gordon Stewart, O.J. v. The Contractor-General:

The matter concerned the jurisdiction of the then OCG to investigate the divestment of the Sandals Whitehouse Hotel, specifically the interpretation and applicability of the term 'government contract'. On July 22, 2020, the decision in this matter was delivered by a panel of three Judges, read by Fraser J in favour of the Claimants. The Claimants were awarded costs to be agreed or taxed. This process has not commenced as no steps have been taken by the Claimant to recover costs.

The status of this matter is in abeyance.

**LEGAL ASSISTANCE PROVIDED TO OTHER DIVISIONS:
REPORTING YEAR APRIL 1, 2021 TO MARCH 31, 2022**

The Legal Counsel provides general legal advice to the Commission, specifically its statutory and non-statutory divisions. The nature of the matters varies and concerns the following primary areas of law: contract, employment, administrative, procurement and corruption.

The following provides a general overview of the legal support which was provided by the Legal Counsel for the Reporting Year:

Executive Office:

- (a) Provided general legal advice to the Executive Director.
- (b) Drafted Memorandum of Understanding with each Competent Authority as permitted by Section 7(12) of the Integrity Commission Act, with a view to increasing the collaboration between the IC and Competent Authorities in relation to the prevention, detection and investigation of an act of corruption. MOUs were executed between the Financial Investigations Division (FID) and the Integrity Commission (IC) on

December 16, 2021 and between MOCA and the IC on March 18, 2022.

- (c) Managed the process in relation to the preparation of the Drafting instructions for the Regulations to the Integrity Commission Act, which instructions were submitted to the Office of the Prime Minister and the Chief Parliamentary Counsel on March 9, 2022.
- (d) Liaised with external auditors.
- (e) Chair of internal Committee to review Data Protection Act in a bid to ascertain required steps to be taken by the Commission to ensure compliance.
- (f) Reviewed and amended draft Terms of Reference for Audit Services.
- (g) Review of contracts and Service Level Agreements with various external suppliers.
- (h) Review of and amendment to Inter-Division Protocol to incorporate new Division.
- (i) Review of and suggested amendments to Board Charter.
- (j) Addressed matters related to the office relocation project to secure new office location for the Commission.

Corporate Services:

- (a) Provided general legal advice to Corporate Services.
- (b) Negotiated Lease Agreements and related agreements.
- (c) Drafted and amended several policies and procedures for the Human Resource Department to guide the operation of the Commission in relation to staff affairs, processes and procedures.
- (d) Assisted the Procurement Unit with the review of certain bidding documents and related contracts arising therefrom.
- (e) Assisted with the orientation of new staff members.
- (f) Assisted with staff related performance matters, to include the creation of performance improvement plans.
- (g) Assisted in resolving employee separation, retirement and gratuity related matters.



Investigations

- (a) Provided general legal advice to the Investigation Division.
- (b) Acted as Registrar in several judicial hearings being conducted by the Director of Investigation.
- (c) Assisted with case reviews to determine the way forward in special investigations.
- (d) Participated in the due diligence process through which special reports of investigation are reviewed and edited.
- (e) Assisted in the drafting of Special Reports of Investigation.
- (f) Reviewed and suggested amendments to the Emergency Contracting Analysis Report to be submitted to Parliament.

- (d) Participated in meetings with external stakeholders regarding the function of the Division and assistance to be provided.
- (e) Participated in the preparation of submissions relating to the review of and amendment to the Protected Disclosures Act.
- (f) Provided legal opinion and guidance relating to issues surrounding the requirement of certain categories of employees to submit statutory declarations.
- (g) Reviewed and amended the Special Report to Parliament on the status of Statutory Declarations.
- (h) Matter concerning initiation letters being issued to Declarants in relation to information to be submitted, if any.

Information and Complaints

- (a) Provided general legal advice to the Information and Complaints Division.
- (b) Assisted with the review and finalization of key service level agreements with external partners.
- (c) Facilitated the initiation of legal proceedings in relation to the execution of the functions of the Director of Information and Complaints.

Corruption Prevention Division

- (a) Participated in the Interview panel for several positions in the Corruption Prevention Division.
- (b) Delivered a Presentation to Shadow Cabinet in relation to the Commission's structure and purpose etc.
- (c) Reviewed contract in relation to Anti-Corruption Day.

INTERNAL AUDIT DEPARTMENT

Section 34 of The Financial Administration and Audit Act (FAA Act), mandates that Ministries, Departments and Agencies (MDAs) establishes an Internal Audit Department (IAD) to examine the accounting systems, internal control, risk management and government processes.

Consequently, the Commission, having received the approval of the Ministry of Finance and the Public Service and the Parliament of Jamaica, established the IAD and recruited the Chief Audit Executive who was appointed Head of the IAD effective October 19, 2021.

The IAD provides independent and objective oversight that adds value to and improves the Commission's operations. Using a systematic and disciplined approach, the IAD monitors the Commission's compliance with legislation; adherence to policies and procedures and operational guidelines, as well as, goal accomplishment against standards.

The IAD also ensures that controls are tested for robustness; financial requirements and guidelines are maintained; and risks are adequately identified and managed. The IAD is guided by the International Standards for the Professional Practice of Internal Auditing (IPPF). The IAD reports to the Audit Finance and Technology Committee of the Board of Commissioners which oversees its performance.

The IAD through the implementation of its annual audit plan and verifications of Accounting and Human Resources related information as stipulated

by the FAA Act ensures adequate coverage of the business areas identified as high risk in its annual risk assessment. This process results in the identification of areas of weaknesses and the provision of relevant recommendations for improvements to the Commission's governance and risk management processes.

OUR ACHIEVEMENTS

During the 2021/2022 fiscal year, the IAD covered the following:

- Development of the IAD Charter;
- Development of the Internal Audit Standard Operating Procedures;
- Creation of the Commission's Audit Universe;
- Verification of the 2020/2021 and 2021/2022 Salary Arrears;
- Verification of Closure Re Government Funded Credit Card Account – Final Reconciliation;
- Audit Review of the Foreign, Commonwealth Development Office Grant Funds Account; and
- Completion of the Commission-wide Risk Assessment.

The IAD continues to complete unplanned verifications and audits requested by the Corporate Services Division and the Executive Office. Quarterly follow-ups of the status of the implementation of audit recommendations were completed to track management's actions in response to audit recommendations.

INFORMATION TECHNOLOGY AND BUSINESS PROCESSES DIVISION

The Information Systems and Business Processes Division is headed by a Director, who reports directly to the Executive Director.

The Information Technology and Business Processes (ITBP) Division is resolute in its mission of servicing the digital requirements of the Integrity Commission and looks forward to embracing the enterprise business process analysis role.

The ITBP currently has two teams, Systems and Software, focused on the Information Technology (IT) aspect of the division. A third team, Business Analysis, is to be established when the organization acquires more office space.

For the reporting year, the main focus of the Systems Team was the bolstering of existing IT Infrastructure while creating the plans and specifications for the new IT infrastructure to be deployed at the Sagcor SIGMA building.

The Software Team focused on the creation of a system for the new software for the Land/Asset Divestment and Acquisition Unit as well as the Procurement Unit. These projects had a positive impact on the organization's efficiency and embraced the emerging business processes of the Integrity Commission as it transforms to achieve its mandate. The ITBP's projects were complemented by:

- Supporting, monitoring and securing existing IT infrastructure;
- Maintaining and expanding internally developed software;
- Supporting existing business processes; and
- Providing general users assistance.

Infrastructure Updating and Maintenance

Having procured and deployed network devices in the previous fiscal year, the ITBP team has:

- Optimized the email system;
- Optimized the file storage system;
- Continued to secure IT infrastructure; and
- Deployed of an enterprise accessible report writer.

Support of Strategic Portfolios

Electronic Declaration System (eDS)

The Information and Complaints Division continued utilizing the eDS internally before public deployment. Various enhancements have been made to the system that is being readied for security tests and deployment.

Prescribed Licences Information Database (PLID)

The ITBP Team completed most of the development for a new software system to facilitate the systematic and formal monitoring of the licensing activities executed by Public Bodies. This new system will facilitate the gathering and analysis of licences issued, managed and administered by Ministries, Departments and Agencies the (MDAs) of the Government of Jamaica. Data will be submitted on a quarterly basis by MDAs. The system is in its final stages of testing and development after which stakeholders will be sensitized appropriately. This system is scheduled to be launched in the 2022-2023 fiscal year.

The Integrity Commission and Contracts Websites

The Integrity Commission utilises and maintains the following two (3) websites:

- The Integrity Commission's website – www.integrity.gov.jm
- Quarterly Contract Awards Portal – qca.integrity.gov.jm
- Contract Cost Overrun and Variation Portal – ccov.integrity.gov.jm

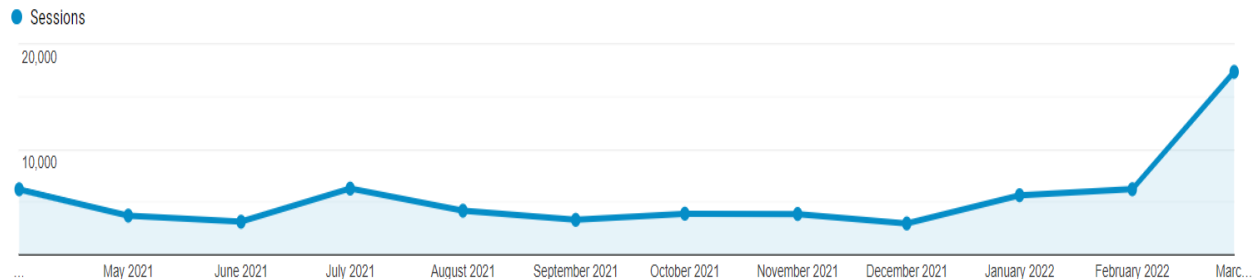
INTEGRITY COMMISSION



The Integrity Commission's website provides pertinent information on matters which relate to the work of the Integrity Commission. The layout of the Integrity Commission's website has been revamped to ensure ease of use and navigation by viewers. The primary purpose of the website is to provide a medium that promotes standards of ethical conduct

among parliamentarians, public officials and other persons while promoting transparency in the Government of Jamaica's (GOJ's) Procurement and Contract Award Processes. The website also seeks to ensure that useful and timely information, which relates to the activities and work of the Integrity Commission, is easily accessible to all stakeholders.

Graph showing www.integrity.gov.jm website visits over the period April 2021 to March 2022



From April 2021 to March 2022, the site had 108,698 pages being viewed.

Table showing the top five (5) most visited pages on www.integrity.gov.jm, for the reporting period

Page Views / % of total	PAGE	DESCRIPTION
38,170 / 28.84%	Home page	This is the landing page for the website; the official welcome to the IC web space.
25,871 / 19.55%	Statutory Declaration Form	Provides a form for Statutory Declaration of Assets, Liabilities and Income of Parliamentarians and Public Officials
17,954 / 13.57%	Vacancies	Provides a list of available job vacancies at the Integrity Commission
5,920 / 4.47%	Sample Statutory Declaration Form	Provides a sample form for Statutory Declaration of Assets, Liabilities and Income with synthetic data
5,151 / 3.89%	Contact Us	Provides contact information for the Integrity Commission



Quarterly Contract Awards (QCA) Portal

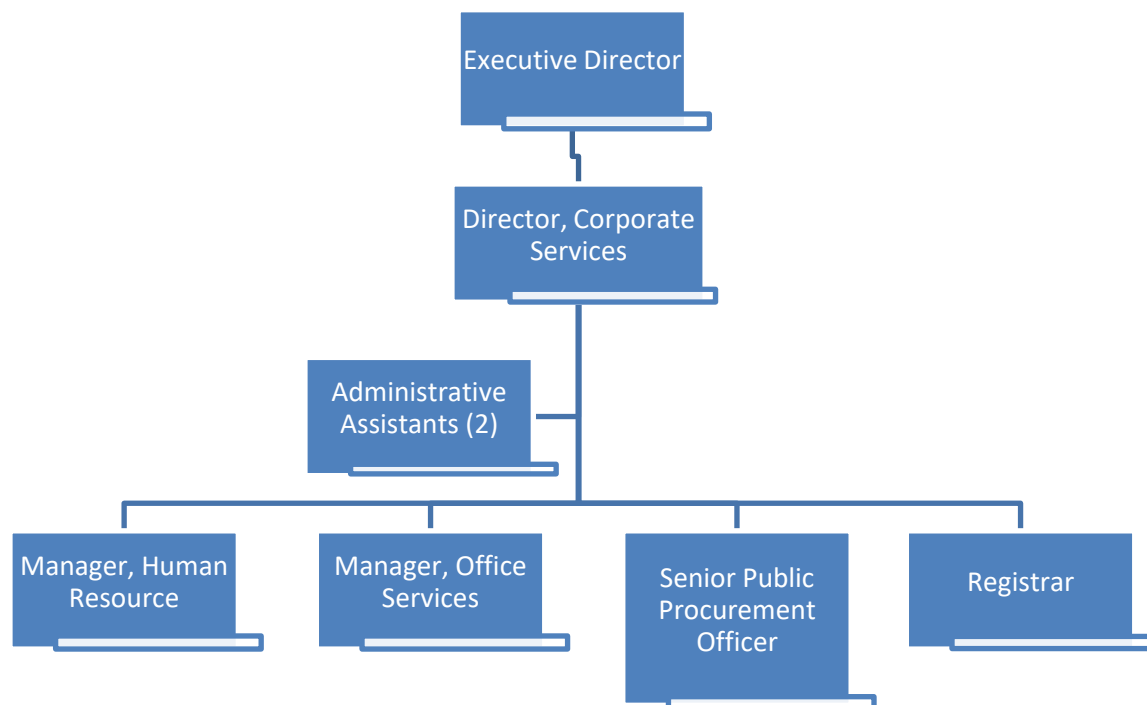
The Quarterly Contract Awards (QCA) Portal was developed to advance the receipt, consolidation and assessment of contract awards that were made by Public Bodies. The system was launched in the third (3rd) quarter of 2012 and facilitated an expansion in the scope of the QCA Regime. Public Bodies are now required to report on all contracts awarded over J\$500,000.00, which would include contracts that required the endorsement of the NCC.

Contract Cost Overruns and Variations (CCOV) Portal

The Quarterly Contract Awards (QCA) facilitates the collection of data on contracts entered into by public bodies above a value of five hundred thousand Jamaican dollars (J\$500,000.00). If there are cost overruns or variations in the contract, these details are entered using the Contract Costs Overruns and Variations (CCOV) interface. This data is utilised in the organization's contract monitoring business process.

CORPORATE SERVICES DIVISION

The Corporate Services Division is headed by a Director who reports directly to the Executive Director as depicted in the chart below.



The Corporate Services Division (CSD) is comprised of the Human Resource Management Department, Office Services Department, the Procurement Department and the Registry. At the end of the reporting period, the Division had a staff complement of twenty-three (23) persons across the two (2) locations of the Commission. Private security personnel, who also fall under the Division, are not counted as staff.

Human Resource Management

During the reporting period, the CSD, through the Human Resource Management Department, gave priority to staff recruitment and staff welfare, to include training and development programmes for the organization and COVID-19 management strategies.

During the fiscal year, the Commission created a recruitment strategy to operationalize the revised Organisational Structure of 177

employees that were approved by the Ministry of Finance and the Public Service with effect from January 24, 2022.

Operationalization of the Approved Structure

Operationalization of the approved structure is, however, dependent on the approved Compensation Budget, and the availability of suitable space to accommodate the additional staffing required for the period.

During the 1st Quarter of the period, the Commission operationalized its fourth (4th) Statutory/Operational Division (led by a Director), to treat specifically with the areas of corruption prevention, stakeholder engagement and anti-corruption strategy.

The Corruption Prevention, Stakeholder Engagement and Anti-Corruption Strategy Division was established pursuant to Section

INTEGRITY COMMISSION



30(1) (d) of the Integrity Commission Act, 2017. The Director of Corruption Prevention, Stakeholder Engagement and Anti-Corruption Strategy assumed duties on Monday, May 31, 2021.

The final transitioning of staff from legacy entities was also completed during the 1st Quarter of 2021-2022, with three (3) remaining employees completing this process. As at March 31, 2022, the Commission had completed the transition exercise which commenced in the

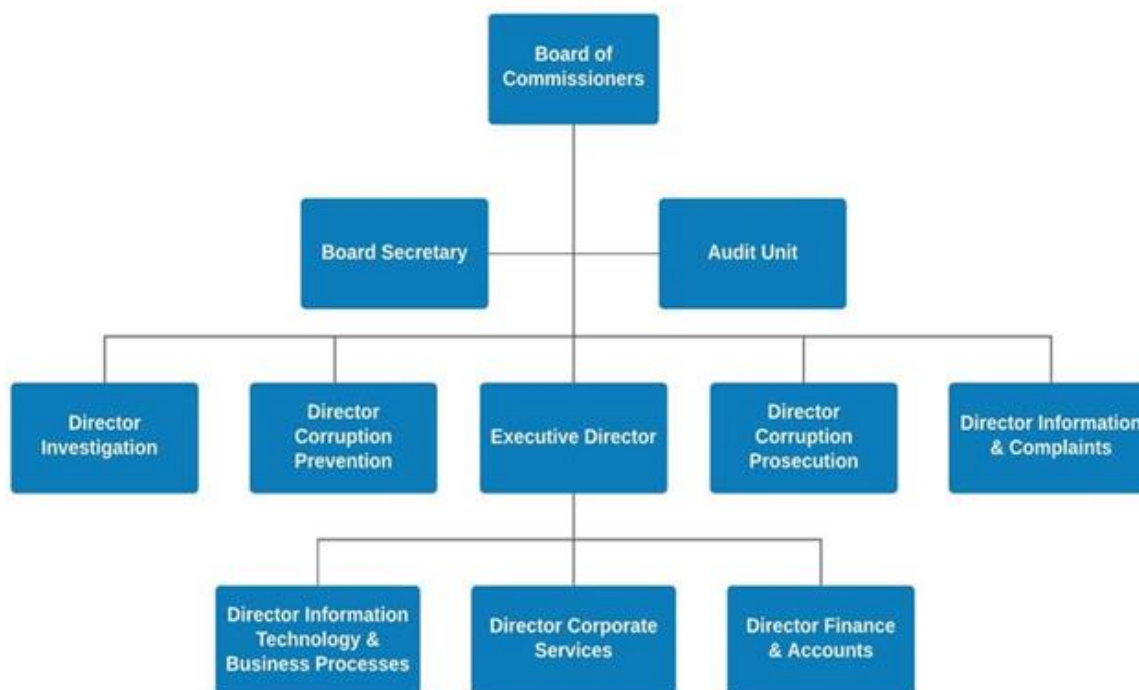
prior year with (59 employees), plus three (3) in 2021-2022, totalling sixty-three (63) employees transitioning from legacy entities into the new organizational structure.

Additionally, during the reporting period, the Commission welcomed thirty-four (34) new staff members, whilst eleven (11) of our colleagues separated from the organisation as summarized per Quarter below:

Staffing – Recruitment & Separation

DETAILS	QTR-1	QTR-2	QTR-3	QTR-4	TOTAL
Staff Recruitment	11	5	9	9	34
Staff Separation	1	1	5	4	11

Integrity Commission: Organisational Structure



INTEGRITY COMMISSION

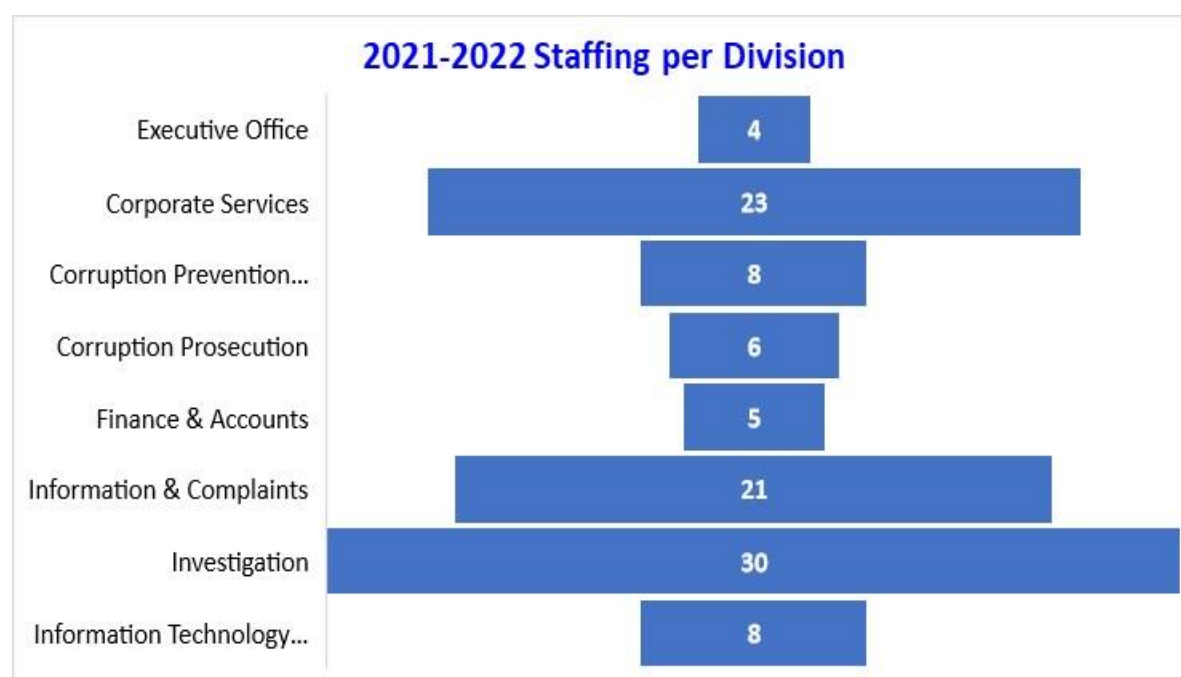


Staffing Situation – General

At the end of the Financial Year, ending March 31, 2022, the staff complement for the Integrity Commission was **105** employees as summarized per Quarter in the table below:

QTR	PERIOD	TOTAL EMPLOYEES
1	APRIL-JUNE 2021	92
2	JULY-SEPTEMBER 2021	96
3	OCTOBER-DECEMBER 2021	99
4	JANUARY-MARCH 2022	105

Staffing Per Division – 2021/2022



As at March 31, 2022, the Integrity Commission's revised staffing structure is at 61% of capacity.

Staff Training & Development

During the 2021-2022 period, the organization continued its Training & Development Programme to build the capacity and competency of its employees, of which 362 participants completed 31 Training Programmes. Several employees across all Divisions received multiple training during the period.

TRAINING & DEVELOPMENT DETAILS	QTR-1	QTR-2	QTR-3	QTR-4	TOTAL
Training Programmes	7	4	7	13	31
Number of Participants	83	56	114	109	362

The Training & Development expenditure, funded through GOJ's Recurrent Budget and

FCDO Funding for the reporting period, was approximately \$16.1M.

Key training programmes embarked on during the reported period are summarized below:

- Procurement Training (INPRI) Levels 1 to 4;
- Narcotics Investigation;
- Anti-Money Laundering;
- Leadership & Team Development;
- Illicit Enrichment Training to Target Corruption;
- Prosecutors Empowerment Training;
- Supervisory Management Training;
- Cyber Investigation & Cyber Security Management;
- IDEA Statistical Software Training;
- GoCASE Training; and
- Financial Analysis Training.

Staff Welfare, Awards & Recognition Programmes

The Commission, while maintaining COVID-19 protocols in December 2021, carefully planned, and successfully hosted a hybrid Staff Recognition and Awards Ceremony, which formed part of the Commission's Christmas Luncheon/Year-end celebration.

Eleven (11) staff members were selected, recognised, and awarded for going above and beyond in the undertaking of their daily activities.

The Social Activities Club

The Social Activities Club (SAC) has the responsibility of promoting social interaction and maintaining an environment of camaraderie amongst staff. The SAC is led by an Executive Committee, whose members are nominated by staff and on which all Divisions are represented.

Each Committee member serves for a two-year period, with a staggered membership, to allow for continuity, as against the terms of all Committee members coming to an end *en bloc*.

Events/Activities

The Club is funded through monthly voluntary contributions from staff members, as well as through fundraising efforts spearheaded by the Committee. It is to be noted that activities planned for the period were significantly reduced when compared to former years, primarily due to COVID-19 restrictions since March 2020. Despite the challenges, SAC was able to complete limited events/activities whilst maintaining COVID-19 protocol. These events/activities include:

- Mothers' Day - (SAC) gifted mothers with a gift for Mother's Day 2021; and
- Financial Planning & Investment presentations to staff members (virtual presentations).

Occupational Health & Safety Programme

COVID-19 Impact

During the reporting period, the Commission continued its COVID-19 preventative measures within the organization to encourage staff to remain vigilant in practicing the established COVID-19 protocols and sanitization measures to ensure prevention and control of the virus. In keeping with the changing COVID-19 protocols and emerging variants of the virus, the organization also periodically reviewed and updated its COVID-19 Work-From-Home Policy for select categories of staff during the period.

The Commission, during the financial year, handled several occupational health and safety issues, of which coronavirus (COVID-19) negatively impacted the organization with several confirmed positive cases mainly in the

3rd and 4th Quarter period, across both office locations as outlined below.

1. Direct Impact (3rd QTR)

- a. Sixty (60) employees (Barbados and Oxford Offices) were impacted due to positive confirmed cases.
- b. Employees deemed high-risks were quarantined, and informed to get tested for covid-19
 - i. Twenty-two (22) confirmed positive cases
 - ii. Thirty-eight (38) confirmed negative cases.

2. Direct Impact (4th QTR)

- a. Six (6) employees (Oxford Office) were impacted due to one (1) positive confirmed case.
- b. Employees deemed high-risks were quarantined, and informed to get tested for covid-19
 - i. One (1) confirmed positive case
 - ii. Five (5) confirmed negative cases.

3. Operational Impact

- a. Cancellation of face-to-face staff training & development;
- b. At risk personnel – work from home protocol;
- c. Increased cleaning and sanitization protocols;
- d. Closure for deep-cleaning and sanitization measures;
- e. Limited meetings or gatherings
- f. Delayed operational activities – Closure/limited operational hours due to curfew measures.

Key Measures – COVID-19 Protocol

The Commission was guided by the Ministry of Health and Wellness (MOHW) in implementing key measures in the fight against the pandemic. These measures include the MOHW COVID-19 risk management strategy for employers which were implemented to conduct risk assessments on a case-by-case basis. All employees who were deemed high-risk from this process, were quarantined, and required to complete a PCR Test. Additionally, all quarantined and isolated employees were required to submit a certified Quarantine Release Order, a mandatory requirement, before being able to resume duties.

Barbados Office – Safety Issues

The Barbados Office experienced several safety issues during the period which included a defective elevator, excessive leaking of water from the ceiling in multiple sections resulting in furniture, equipment and documents becoming wet, and damaged ceiling tiles exposing electrical wiring and insulation in the air-condition ducts raising concerns of a suspected case of asbestos being identified.

As the office was deemed unsafe, this resulted in its closure on the 14th and 17th of January, 2022, to prevent and mitigate liability and injury to staff members, the Commission, and members of the public. The Commission, accordingly, contracted an expert in the field to examine the exposed insulated material and to take samples for testing. The result of the asbestos test was negative.

The lessor, the Freemasons Association (Jamaica) Limited (FMAJ), agreed to pay and make good and correct the inconveniences, hardship and expenses incurred by the Commission from these events.

PROCUREMENT DEPARTMENT

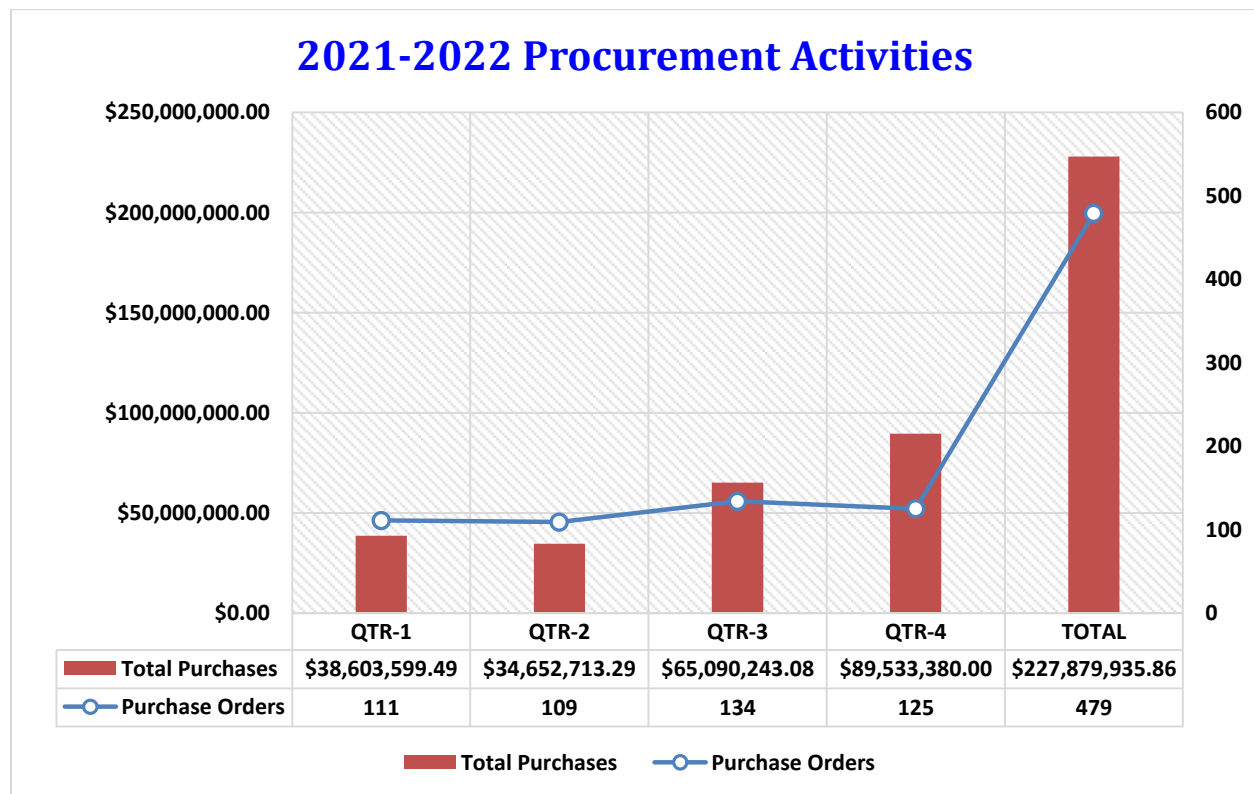
The Procurement Department during the reporting period, in addition to procuring its normal office, stationery, and grocery items, gave priority to the procurement of capital items and goods and services to suitably outfit its office space located on the 3rd to 6th floors of the Sagicor Sigma Building.

In keeping with the Public Procurement Act and attendant regulations, the procurement team sought to procure these items that were approved to facilitate the outfitting and relocation

of seven (7) of its eight (8) Divisions to the new location.

The procurement process was, however, plagued with many challenges including COVID-19 and its related issues, procurement challenges, staff resignations, and a major error with the Government of Jamaica Electronic Procurement (GOJEP) system that resulted in lengthy delays in resolving.

During the year, a total of 479 Purchase Orders were generated with expenditures totalling approximately \$228M over the four (4) Quarters.



Quarterly Contract Award (QCA) Reports - 2021/2022

- All four (4) QCA Reports for the fiscal year ending March 31, 2022, were prepared and uploaded on the portal within the specified timeframe per Quarter.

INTEGRITY COMMISSION



OFFICE SERVICES DEPARTMENT

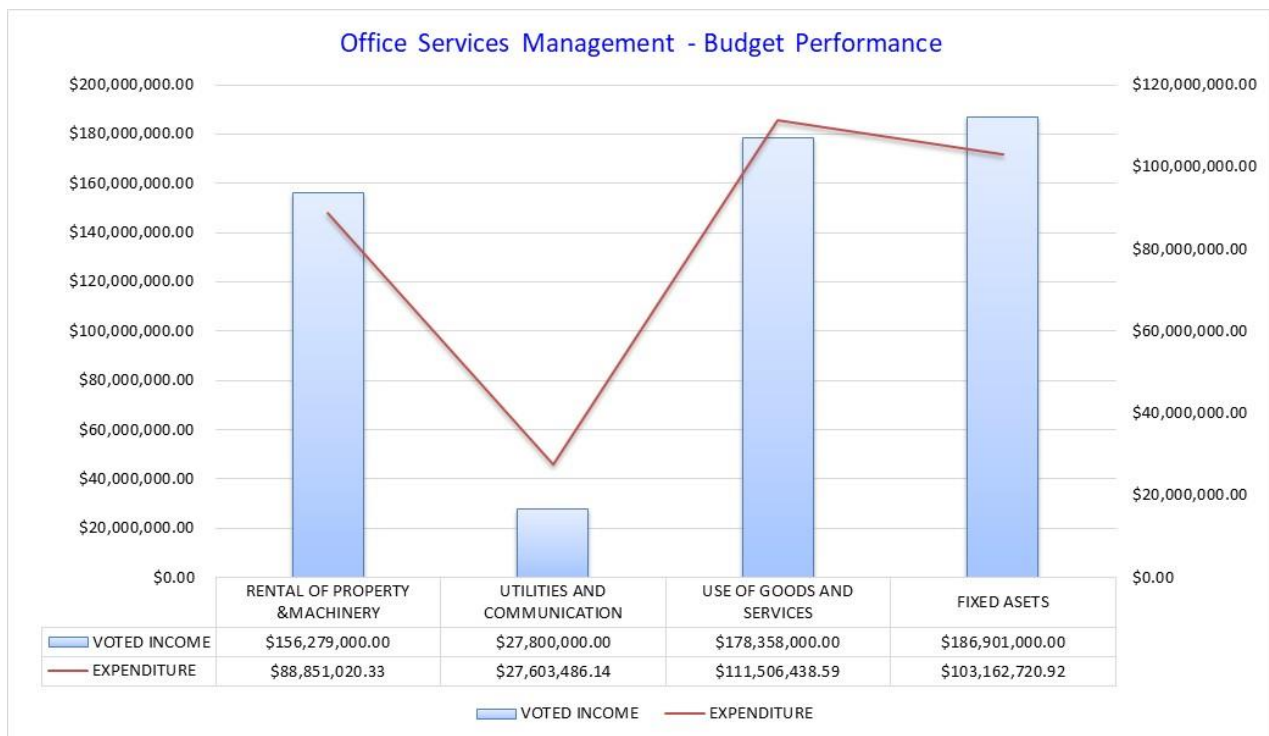
The Office Services Department has direct responsibility for the management of Utilities and Communication Services; Rental of Property & Machinery; Receival and Management of all Assets; as well as Property Management and Maintenance Services at both locations.

The Department facilitated requests from all divisions during the period for the procurement of related goods, services and fixed assets, and other goods and services in the Financial Year 2021/2022; largely from the Commission's 2021/2022 Recurrent Budget.

Additionally, during the reporting period, the department prioritized its efforts in facilitating the procurement of goods and services and fixed assets, specifically for the new Sagcor Office location.

The Commission's approved Recurrent Budget of approximately \$1.1B provided for purchase of other goods and services (\$178.4M), capital expenditure (\$186.9M), and the rental of property and machinery (\$156.3 M) as it relates to fulfilling the requirements for the new office location.

The Department experienced procurement related challenges during the period, which hindered a full utilization of the approved budget against expenditure for the period as shown the table below.



Rental of Office Space

The Integrity Commission, for the reporting period, currently leases and thus occupies two (2) office spaces, which are located on the First Floor of the PIOJ Building, at 16 Oxford Road (13,062 Square Feet) and on the Second Floor of the Masonic Building, at 45-47 Barbados Avenue (6,307.94 Square Feet), respectively.

The Lease for the Barbados Avenue location was terminated shortly after the end of the 2021/2022 Financial Year.

Rental and Maintenance of Property – Oxford Road

The current Lease Agreement between the Planning Institute of Jamaica (PIOJ) and the Integrity Commission for the Office space at **Oxford Road**, came into effect on January 1, 2018, for a period of five (5) years, and is scheduled to end on December 31, 2022.

Rental and Maintenance of Property – Barbados Avenue

The one (1) year Lease Agreement between the Freemasons Association (Jamaica) Limited (FMAJ) and the Integrity Commission for the Office space at the Barbados Avenue location was terminated on April 30, 2022.

Relocation of the Barbados Office to the Sagicor Sigma Building (New Office Location)

During the 4th Quarter of the reporting period, the Office Services Management Department played a significant role in coordinating activities to successfully relocate the Information & Complaints Division from the Barbados Avenue location to the 4th Floor of the Sagicor Sigma Building.

THE REGISTRY

The Registry currently has three (3) employees manning the receipt, storage, delivery and monitoring of all files in its custody. The Registry staff has the responsibility to maintain the Commission's records in a systematic manner along with ensuring that they are secured for future retrieval and reference. These records are maintained for evidence, information, and/or investigation and prosecution purposes.

Along with the Information Technology and Business Processes Division and the Finance & Accounts Division, the Registry is considered a 'sterile area'. As such, file storage areas are accessible only to the staff of the Registry and select members of the leadership team.

The Registry at the **Oxford Road** location of the Commission has direct responsibility for document management for that office, with a majority of the files for which it has custody, belonging to the Investigation Division.

Custody of files located at the **Barbados Avenue** office lies with the Director of Information and Complaints. Based on the sensitive nature of these files, access to file storage areas is limited to only select staff members of the Division.

Technical and Operational Update

There were no operational changes in the Registry during the fiscal year 2021/2022.

Operational Challenges

As the custodian of files for the Integrity Commission, the Registry is experiencing significant challenges with respect to availability of space for the storage of files.

**MEMORANDUM OF UNDERSTANDING WITH THE
FOREIGN, COMMONWEALTH AND DEVELOPMENT
OFFICE (FCDO)**

The Commission, on July 7, 2020, submitted a proposal for the “*Integrity Commission DFID Support: Needs Assessment & Plan*” to the then Department for International Development (DFID), in an effort to obtain funding support for certain projects and items critical to its effective operations. Of note, however, is that DFID, under cover of letter dated August 24, 2020, informed the Commission, that DFID had been merged with the Foreign and Commonwealth Office (FCO) and would become the Foreign, Commonwealth and Development Office (FCDO), with effect from September 2, 2020.

Subsequently, the Government of Jamaica, entered into a Memorandum of Understanding (MOU) with the FCDO in October 2020, to provide capacity building support to the Integrity Commission, under its Serious Organised Crime and Anti-Corruption Programme (SOCAP). The period of the MOU is October 26, 2020 through to March 31, 2022 and the related grant amount is Five Hundred and Fifty Thousand Pounds Sterling (£550,000.00).

Under the Agreement, all disbursements are made to the Commission's Pound Sterling Bank Account at the Bank of Nova Scotia (BNS), which was established exclusively for disbursement of funds under the MOU. During the period July 2021 to February 2022 a total of Two Hundred Thousand Pounds (£200,000.00) was made available to assist with the effort of fighting corruption in the society. The funds shall be drawn in tranches as exhibited below:

No.	DISBURSEMENT PERIOD	DISBURSEMENT AMOUNT
1	July 2021	£70,000.00
2	September 2021	£50,000.00
3	November 2021	£50,000.00
4	February 2022	£30,000.00
TOTAL		£200,000.00

FCDO Performance

2021/2022

Grant Funds Details	Actual	Budget
Opening Balance	150,171.99	
Receipt from Grant fund	200,000.00	200,000.00
Other Income	62.09	
Total Grand Funds (Inflows)	350,234.08	200,000.00

Use of Grant Funds	Actual	Budget	Variance	Percentage
Supporting Effective Prosecution	7,853.28	7,853.28	0.00	0%
Increased Accountability and Efficiency using technology	111,288.61	61,250.00	50,038.61	-82%
Improving Governance and actively working to reduce corruption	1,879.07	21,566.00	19,686.93	91%
Increased Technical Capacity	67,597.68	99,830.72	32,233.04	32%
Strategic Communication	0.00	9,500.00	9,500.00	100%
Bank Charges	367.70	0.00	-367.70	-100%
Total Use of Grant Funds	188,986.34	200,000.00	11,013.66	6%

At the end of the reporting period, the balance on the FCDO Bank Account was £11,013.66.

Some of the activities undertaken by the Commission, under the MOU, are summarized in the table below:

No.	ACTIVITY
1	Training and Development: a total of 207 persons were trained from FCDO funding during the reporting period
2	The procurement, acquisition, and utilization of Interview Equipment
3	Data Analysis Software and Training
4	Procurement of the Integrated Case Management System and Analytical Application
5	Procurement of Legal Bags
6	Procurement Anti-Corruption and Investigative Software Licence

The support extended to the Integrity Commission by the Foreign, Commonwealth and Development Office (FCDO) for its programmes and capacity building ideals, is a welcome boost to the Commission's commitment to the people of Jamaica. The Commission is grateful that FCDO has recognised the important work of the organisation and, in acknowledgement of this, has included the Commission among its programmes for funding support.

A review of the Commission's Serious Organised Crime and Anti-Corruption Programme (SOCAP) was conducted by the FCDO and based upon feedback to date, the outcome was favourable.

Audited Financial Statement

During the 2021/2022 period, the Commission put to tender the need for an external Auditor to audit the FCDO funds. The quote received from the prospective audit firm was deemed excessively high, being more than 100% above the internal estimate for the activity. Following consultations, it was agreed upon to cancel the process, review the Terms of Reference, and to retender the activity.

In the interim, the Chief Internal Auditor of the Commission was asked to review the state of the records of FCDO. The review covered the period 2019-2020, and a report was prepared and signed off by the Internal Auditor, a copy of which was sent to FCDO. The Commission is

working assiduously to engage an External Auditor as soon as the tender process is completed.

1. Quality of Financial Management:

- a. Accuracy of forecasting
 - i. The record shows that the Integrity Commission achieved 95% of the Budgeted Financial objectives set for the period under review.

2. Change in cost of major inputs and cost drivers:

- a. There were no major changes in the cost of major inputs. The primary cost driver was the area of increased accountability and efficiency through the use of technology, where the Budget was exceeded by Eighty Two percent (82%).

3. Value for money (VFM) highlight:

- a. The Integrity Commission continues to ensure that there is value for money when seeking to procure items using FCDO funds as was evident in the cancellation of the tender process when it was realized that the preferred bidder's quote to conduct the External Audit did not comply with value for money, based on the Terms of Reference.
- b. Notwithstanding that FCDO is not subjected to the procurement guidelines of the Jamaican Government, the measures put in place by these guidelines ensure that duty and care are taken into consideration whenever disbursement is made from the FCDO funds.

FINANCE & ACCOUNTS DIVISION

During the reporting period, the Finance and Accounts Division continued to support the Commission through proper fiscal planning and management. The functions and operations of the Commission were executed in an efficient, compliant and effective manner.

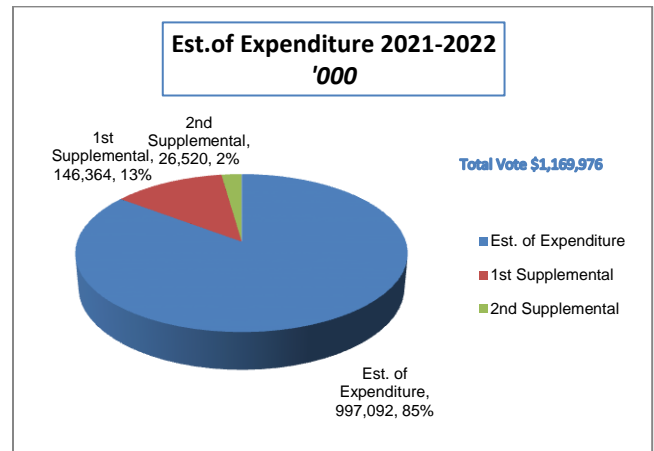
Estimates of Expenditure for the Period April 2021 to March 2022

The Commission's Estimate of Expenditure Proposals for the Financial Year 2021/2022 was drafted and submitted to the Ministry of Finance and the Public Service in November 2020. The Draft Estimates was Nine Hundred & Twenty Three Million, Six Hundred & Fifty Thousand Dollars (\$923,650,000) which was above the Ministry's proposed Budgetary Ceiling of Seven Hundred and Seventy-Six Thousand Three Hundred and Twenty-two Thousand Dollars (\$776,322,000.00)

Supplementary Budget

The Ministry of Finance and the Public Service issued a call for the 1st Supplementary Estimates in September – 2021 and the Recurrent Budget was increased by \$137,742,000.00 and Statutory by \$8,622,000.00 In January 2022, a 2nd

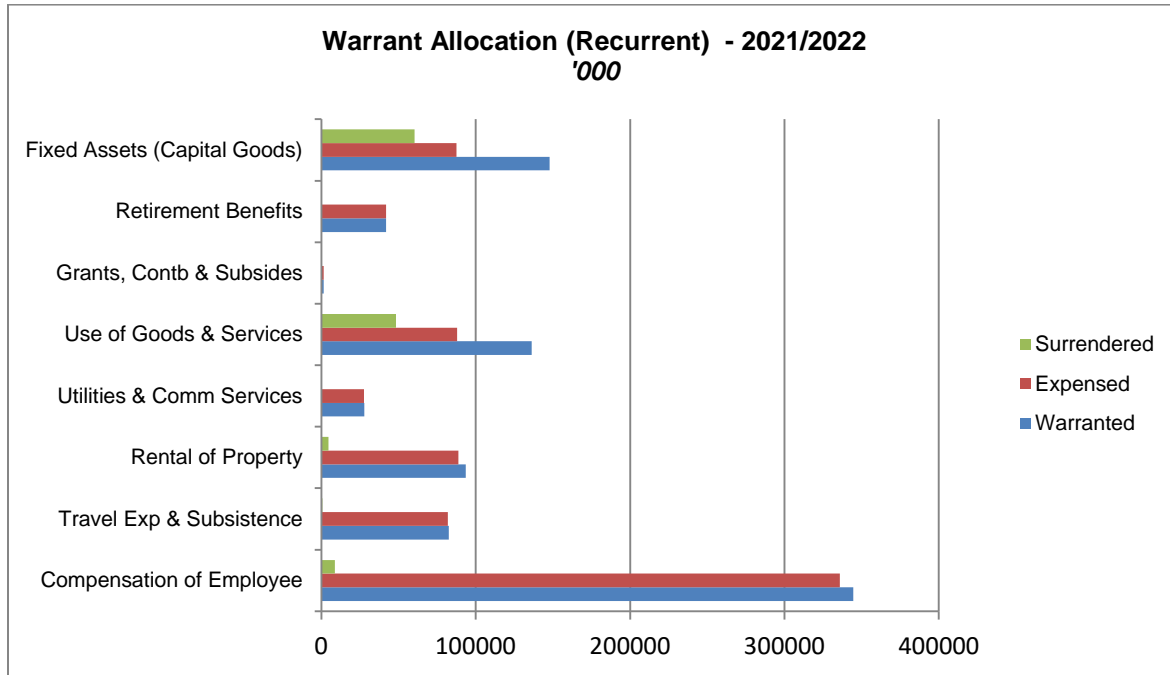
Supplementary Estimate was passed to deal with Salary arrears based on the 4% increase in compensation. \$26,520,000 was provided by the Ministry of Finance. This further increased the budget to a total of \$1,096,534,000.00.



Warrant Allocation as at March 2022

The Warrant Allocation, as at March 31, 2022 for recurrent expenditure was Eight Hundred and Seventy-Six Million, Two Hundred and Twenty Two Dollars (\$876,222,000) and Statutory Expenditure Estimates of Thirty Eight Million, Six Hundred & Twenty Two Thousand Dollars (\$38,622,000).

INTEGRITY COMMISSION



The Accounting Period April 2021 – March 2022

The Approved Budget for the Commission, for the period April 2021 to March 2022 was One Billion, One Hundred and Sixty-Nine Million, Nine Hundred & Seventy Six Thousand Dollars. (\$1,169,976,000.00)

- ***Breakdown of Budget for 2021-2022***

- Recurrent Expenditure – \$1,057,912,000.00
- Statutory Expenditure – \$38,622,000.00
- Donor Fund - \$73,442,000.00

At the end of the Fiscal Period ending March 2022, Nine Hundred and Fourteen Million Eight Hundred and Forty-Four Thousand Dollars (\$914,844,000) was warranted for Recurrent and Statutory Expenditure.

Of the warranted amount, One Hundred and Twenty Three Million Two Hundred and One Thousand, Seven Hundred and Nine Dollars (\$123,201,709.00) was surrendered for Recurrent Expenditure and One Million Six Hundred and Sixty-Five Thousand Three Hundred and Sixty Nine Dollars (\$1,665,369.00) for Statutory Expenditure.

Challenges:

The Integrity Commission was not exempt for the global logistics supply chain challenges that occurred as a result of the pandemic. The shortage of chip related items coupled with extended delivery time from vendors, as well as certain procurement issues, were contributing factors for the Commission's inability to secure some vital Capital goods items during the Fiscal year.

The audited financial reports of the Commission are appended to this Report.

AUDITED FINANCIAL STATEMENTS

INTEGRITY COMMISSION

FINANCIAL STATEMENTS

YEAR ENDED MARCH 31, 2022

**INTEGRITY COMMISSION
FINANCIAL STATEMENTS
YEAR ENDED MARCH 31, 2022**

CONTENTS

	Page(s)
Independent Auditor's Report	1 - 3
Statement of Financial Position	4
Statement of Financial Performance	5
Statement of Changes in Net Assets	6
Statement of Cash Flows	7
Notes to the Financial Statements	8-25

INDEPENDENT AUDITOR'S REPORT

To the members of
Integrity Commission

Report on the Audit of the Financial Statements

Opinion

We have audited the accompanying financial statements of the Integrity Commission (the "Commission"), set out on pages 4 to 25 which comprise the statement of financial position as at March 31, 2022, the statement of financial performance, the statement of changes in net assets, and the statement of cash flows for the year then ended and a summary of significant accounting policies and other explanatory notes.

In our opinion, the accompanying financial statements give a true and fair view of the financial position of the Commission as at March 31, 2022, and of its financial performance and cash flows for the year then ended in accordance with International Public Sector Accounting Standards, International Financial Reporting Standards and the requirements of the Integrity Commission Act (2017), the Public Bodies Management and Accountability Act, and the Financial Administration and Audit Act (the "Acts").

Basis for opinion

We conducted our audit in accordance with International Standards on Auditing (ISAs). Our responsibilities under those standards are further described in the *Auditor's Responsibilities for the Audit of the Financial Statements section of our report*. We are independent of the Commission in accordance with the International Ethics Standards Board for Accountants Code of Ethics for Professional Accountants including International Independence Standards (IESBA Code) and we have fulfilled our other ethical responsibilities in accordance with the IESBA Code. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our opinion.

Key audit matters

Key audit matters are those matters that, in our professional judgment, were of most significance in our audit of the financial statements of the current period. These matters were addressed in the context of our audit of the financial statements as a whole, and in forming our opinion thereon, and we do not provide a separate opinion on these matters.

No key audit matters were identified that require disclosure during the process of the audit.

www.crichtonmullings.com | admin@crichtonmullings.com

Kingston, Jamaica
80 Lady Musgrave Road
Unit 27B
Kingston 6
876-946-1274

Miami, Florida
3350 SW 148th Avenue
Suite 203
Miramar, FL 33027
954-862-2250

Atlanta, Georgia
903 Pavilion Court
Suite 1
Atlanta, GA 30253
770-320-7786

Independent Auditor's Report (cont'd)

To the members of Integrity Commission

Responsibilities of management and those charged with governance for the Financial Statements

Management is responsible for the preparation of financial statements that give a true and fair view in accordance with International Public Sector Accounting Standards, International Financial Reporting Standards and the Acts, and for such internal control as management determines is necessary to enable the preparation of financial statements that are free from material misstatement, whether due to fraud or error. In preparing the financial statements, management is responsible for assessing the Commission's ability to continue as a going concern, disclosing as applicable, matters related to going concern and using the going concern basis of accounting unless management intends to liquidate the Commission or to cease operations, or has no realistic alternative but to do so.

The Commissioners are responsible for overseeing the Commission's financial reporting process.

Auditor's responsibilities for the audit of the financial statements

Our objectives are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes our opinion. Reasonable assurance is a high level of assurance, but is not a guarantee that an audit conducted in accordance with ISAs will always detect a material misstatement when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the decisions of users taken on the basis of these financial statements.

As part of an audit in accordance with ISAs, we exercise professional judgment and maintain professional skepticism throughout the audit. We also:

- Identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, design and perform audit procedures responsive to those risks, and obtain audit evidence that is sufficient and appropriate to provide a basis for our opinion. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control.
- Obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Commission's internal control.
- Evaluate the appropriateness of accounting policies used and the reasonableness of accounting estimates and related disclosures made by management.

Independent Auditor's Report (cont'd)

**To the members of
Integrity Commission**

Auditor's responsibilities for the audit of the financial statements (cont'd)

- Conclude on the appropriateness of management's use of the going concern basis of accounting and, based on the audit evidence obtained, whether a material uncertainty exists related to events or conditions that may cast significant doubt on the Commissions' ability to continue as a going concern. If we conclude that a material uncertainty exists, we are required to draw attention in our auditor's report to the related disclosures in the financial statements or, if such disclosures are inadequate, to modify our opinion. Our conclusions are based on the audit evidence obtained up to the date of our auditor's report. However, future events or conditions may cause the Commission to cease to continue as a going concern.
- Evaluate the overall presentation, structure and content of the financial statements, including the disclosures, and whether the financial statements represent the underlying transactions and events in a manner that presents a true and fair view.

We communicated with management regarding, among other matters, the planned scope and timing of the audit and significant audit findings, including any significant deficiencies in internal control that we identify during our audit.

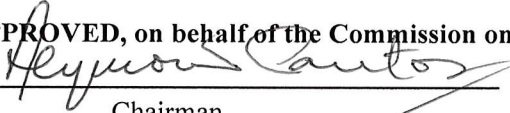
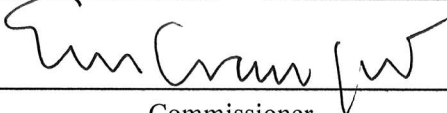
Report on additional matters as required by the Acts

We have obtained all the information and explanations which, to the best of our knowledge and belief, were necessary for the purposes of our audit. In our opinion, proper accounting records have been maintained, so far as appears from our examination of those records, and the financial statements, which are in agreement therewith, give the information required by the Acts, in the manner required.


CrichtonMullings & Associates
Chartered Accountants

Kingston Jamaica
June 21, 2022

INTEGRITY COMMISSION
STATEMENT OF FINANCIAL POSITION
AS AT MARCH 31, 2022

	Note	2022 \$	2021 \$
ASSETS			
Non-current Assets			
Plant and equipment	6	107,045,098	98,243,820
Right-of-use assets	7	18,504,557	46,024,648
Intangible assets	8	24,065,118	4,478,689
Long-term receivables	9	1,113,008	1,604,725
		<u>150,727,781</u>	<u>150,351,882</u>
Current Assets			
Current portion of long-term receivables	9	635,090	635,090
Prepayments and deposits	9	70,752,499	40,417,803
Cash and bank balances	10	38,567,390	35,566,740
		<u>109,954,979</u>	<u>76,619,633</u>
TOTAL ASSETS		<u><u>260,682,760</u></u>	<u><u>226,971,515</u></u>
RESERVES AND LIABILITIES			
Reserves			
Transferred assets	11	-	2,033,606
Accumulated surplus		51,080,149	44,853,479
		<u>51,080,149</u>	<u>46,887,085</u>
Non-current Liabilities			
Non-current portion of lease liabilities	7	-	30,598,034
Deferred income	12	151,496,002	107,070,485
		<u>151,496,002</u>	<u>137,668,519</u>
Current Liabilities			
Current portion of lease liabilities	7	23,607,726	23,376,849
Payables and accruals	13	24,720,181	12,909,236
Due to consolidated fund	14	9,778,702	6,129,826
		<u>58,106,609</u>	<u>42,415,911</u>
TOTAL RESERVES AND LIABILITIES		<u><u>260,682,760</u></u>	<u><u>226,971,515</u></u>
APPROVED, on behalf of the Commission on			
			
Chairman		Commissioner	

The accompanying notes form an integral part of the financial statements

INTEGRITY COMMISSION
STATEMENT OF FINANCIAL PERFORMANCE
YEAR ENDED MARCH 31, 2022

	Note	2022 \$	2021 \$
Subvention	4	702,492,788	523,878,026
Deferred income amortised	12	58,737,204	33,562,715
		761,229,992	557,440,741
Administrative and general expenses	15	701,364,375	507,888,505
Depreciation charge on plant and equipment and intangibles		58,737,204	33,562,715
		760,101,579	541,451,220
		1,128,413	15,989,521
Other income			
Grant	5	23,608,000	30,067,000
Direct expenses	5	(18,654,229)	(14,742,915)
		4,953,771	15,324,085
Interest income		144,486	22,616
		5,098,257	15,346,701
Net surplus for the year, being total financial performance	16	6,226,670	31,336,222

The accompanying notes form an integral part of the financial statements

INTEGRITY COMMISSION
STATEMENT OF CHANGES IN NET ASSETS
YEAR ENDED MARCH 31, 2022

	Transferred Assets \$	Accumulated Surplus \$	Total \$
Balance at March 31, 2020	27,022,824	13,517,257	40,540,081
Depreciation charge on legacy assets:			
Prior years	(9,214,768)	-	(9,214,768)
Current year	<u>(7,887,225)</u>	<u>-</u>	<u>(7,887,225)</u>
Balance at April 1, 2020	9,920,831	13,517,257	23,438,088
Depreciation charge on legacy assets	(7,887,225)	-	(7,887,225)
Net surplus, being total financial performance for the year	<u>-</u>	<u>31,336,222</u>	<u>31,336,222</u>
Balance at March 31, 2021	2,033,606	44,853,479	46,887,085
Depreciation charge on legacy assets	(2,033,606)	-	(2,033,606)
Net surplus, being total financial performance for the year	<u>-</u>	<u>6,226,670</u>	<u>6,226,670</u>
Balance at March 31, 2022	<u><u>-</u></u>	<u><u>51,080,149</u></u>	<u><u>51,080,149</u></u>

The accompanying notes form an integral part of the financial statements

**INTEGRITY COMMISSION
STATEMENT OF CASH FLOWS
YEAR ENDED MARCH 31, 2022**

	Note	2022 \$	2021 \$
CASH FLOWS FROM OPERATING ACTIVITIES:			
Net surplus for the year		6,226,670	31,336,222
Adjustments for items not affecting cash resources:			
Lease interest expense	15	3,050,657	5,098,226
Depreciation charge on right-of-use asset	15	27,520,091	28,159,646
Depreciation on plant and equipment	6	44,786,319	29,528,956
Amortisation charge on intangible assets	8	13,950,885	4,033,759
Deferred income amortised	12	<u>(58,737,204)</u>	<u>(33,562,715)</u>
		36,797,418	64,594,094
Decrease / (Increase) in operating assets:			
Long-term receivables		491,717	(32,978)
Prepayment		<u>(30,334,695)</u>	<u>(16,133,251)</u>
Increase / (Decrease) in operating liabilities:			
Payables and accruals		11,810,945	(11,787,507)
Due to consolidated fund		<u>3,648,876</u>	<u>3,913,328</u>
Net cash provided by operating activities		<u>22,414,261</u>	40,553,686
CASH FLOWS FROM INVESTING ACTIVITIES			
Acquisition of plant and equipment	6	(55,621,203)	(54,414,692)
Acquisition of intangible asset	8	<u>(33,537,314)</u>	<u>(3,422,229)</u>
Net cash used in investing activities		<u>(89,158,517)</u>	<u>(57,836,921)</u>
CASH FLOWS FROM FINANCING ACTIVITIES			
Lease payments, net		(33,417,815)	(31,214,244)
Deferred income	12	<u>103,162,721</u>	<u>66,615,901</u>
Net cash provided by financing activities		<u>69,744,906</u>	35,401,657
NET INCREASE CASH AND BANK BALANCES		3,000,650	18,118,422
CASH AND BANK BALANCES - Beginning of the year		<u>35,566,740</u>	17,448,318
CASH AND BANK BALANCES - End of the year		<u><u>38,567,390</u></u>	<u><u>35,566,740</u></u>
REPRESENTED BY:			
Cash and bank balances	10	<u><u>38,567,390</u></u>	<u><u>35,566,740</u></u>

The accompanying notes form an integral part of the financial statements

INTEGRITY COMMISSION
NOTES TO THE FINANCIAL STATEMENTS
YEAR ENDED MARCH 31, 2022

1. IDENTIFICATION

The Integrity Commission (the "Commission") was established under the Integrity Commission Act (2017) (the "Act"). The Commission is domiciled in Jamaica.

The objects and functions of the Commission are as follows:

- (a) To promote and strengthen measures for the prevention, detection, investigation and prosecution of acts of corruption;
- (b) To ensure that government contracts are awarded, varied, renewed or terminated impartially, on merit and in a financially prudent manner;
- (c) To examine the practices and procedures of public bodies and make recommendations, in relation to the revision of those practices and procedures, which in the opinion of the Commission may reduce the likelihood or the occurrence of acts of corruption;
- (d) To prepare codes of conduct and other advisory material relating to corruption and guide public bodies in respect of matters within the purview of this Act;
- (e) To monitor current legislative and administrative practices in the fight against corruption;
- (f) To adopt and strengthen mechanisms for educating the public in matters relating to corruption; and
- (g) To compile and publish statistics relating to the investigation, prosecution and conviction of offences relating to acts of corruption.

2. STATEMENT OF COMPLIANCE AND BASIS OF PREPARATION

(a) Statement of Compliance

The Commission's financial statements have been prepared in accordance and comply with International Public Sector Accounting Standards (IPSAS) for the accrual basis accounting; International Financial Reporting Standards (IFRS) and their interpretations issued by the International Accounting Standards Board and the relevant requirements of the Acts.

The financial statements have been prepared under the historical cost basis and are expressed in Jamaican dollars, unless otherwise indicated.

The preparation of financial statements in conformity with IPSAS, IFRS and the Acts requires management to make estimates and assumptions that affect the reported amounts of assets and liabilities at the date of the financial statements and the reported amounts of revenues and expenses for the year then ended. Actual results could differ from these estimates.

The estimates and underlying assumptions are reviewed on an ongoing basis. Revisions to accounting estimates are recognized in the period in which the estimate is revised, if the revision affects only that period, or in the period of revision and future periods, if the revision affects both current and future periods.

There are no significant assumptions and judgements applied in these financial statements that carry a risk of material adjustment in the next financial year.

INTEGRITY COMMISSION
NOTES TO THE FINANCIAL STATEMENTS
YEAR ENDED MARCH 31, 2022

2. STATEMENT OF COMPLIANCE AND BASIS OF PREPARATION (CONT'D)

(b) Changes in accounting standards and interpretations

Certain new standards, interpretations and amendments to existing standards have been published that became effective during the current financial year. The Commission has assessed the relevance of all such new standards, interpretations and amendments and has concluded that the following interpretations and amendments are relevant to its operations:

- IFRS 16 'Leases - Amendment', issued May 2020
Effective for periods commencing on or after 1 June 2020
- IFRS 16 'Leases - Amendment', issued August 2020
Effective for periods commencing on or after 1 January 2021
- *IAS 1 'Presentation of Financial Statements - Amendment', issued January 2020*
Effective for periods commencing on or after 1 January 2022

The following new standards, amendments and interpretations, which are not yet effective and have not been adopted early in these financial statements, will or may have an effect on the Commission's future financial statements:

- *IAS 16 'Property, Plant and Equipment - Amendment', issued May 2020*
Effective for periods commencing on or after 1 January 2022
- *IAS 1 'Presentation of Financial Statements - Amendment', issued January 2020*
Effective for periods commencing on or after 1 January 2023
- *IAS 8 'Accounting Policies, Changes in Accounting Estimates and Errors - Amendment', issued February 2021*
Effective for periods commencing on or after 1 January 2023

The Commissioners anticipate that the adoption of the standards, amendments and interpretations, which are relevant to the Commission in future periods is unlikely to have any material impact on the financial statements.

INTEGRITY COMMISSION
NOTES TO THE FINANCIAL STATEMENTS
YEAR ENDED MARCH 31, 2022

2. STATEMENT OF COMPLIANCE AND BASIS OF PREPARATION (CONT'D)

(c) Use of estimates and judgements:

The preparation of the financial statements in conformity with IPSAS, IFRS and the Acts, requires management to make judgements, estimates and assumptions that affect the application of policies and the reported amounts of, and disclosures related to, assets, liabilities, contingent assets and contingent liabilities at the reporting date and the income and expenses for the period then ended.

Actual amounts could differ from these estimates.

The estimates and associated assumptions are based on historical experience and/or various other factors that are believed to be reasonable under the circumstances, the results of which form the basis of making the judgements about carrying values of assets and liabilities that are not readily apparent from other sources.

Critical judgements in applying the Commission's accounting policies:

Critical judgements used in applying the Commission's accounting policies that have a significant risk of material adjustment in the next financial year relate to the estimated useful lives and residual values of plant and equipment, leases and other post-employment benefits

(a) Depreciable assets

Estimates of the useful life and the residual value of plant and equipment are required in order to apply an adequate rate of transferring the economic benefits embodied in these assets in the relevant periods. The Commission applies a variety of methods in an effort to arrive at these estimates from which actual results may vary. Actual variations in estimated useful lives and residual values are reflected in profit or loss through impairment or adjusted depreciation provisions.

(b) Leases - estimating the incremental borrowing rate

If the Commission cannot readily determine the interest rate implicit in the lease, its uses its incremental borrowing rate (IBR) to measure lease liabilities. The IBR is the rate of interest that the Commission would have to pay to borrow over a similar term, and with a similar security, the funds necessary to obtain an asset of a similar value to the right-of-use asset in a similar economic environment. The IBR therefore reflects what the Commission 'would have to pay', which requires estimation when no observable rates are available or when they need to be adjusted to reflect the terms and conditions of the lease.

The Commission estimates the IBR using observable inputs (such as market interest rates) when available and is required to make certain entity-specific estimates (such as stand-alone credit rating).

INTEGRITY COMMISSION
NOTES TO THE FINANCIAL STATEMENTS
YEAR ENDED MARCH 31, 2022

3. SIGNIFICANT ACCOUNTING POLICIES

(a) Property and equipment

All property and equipment held for administrative purposes, are recorded at historical or deemed cost, less any subsequent accumulated depreciation and subsequent accumulated impairment losses.

Cost includes expenditure that is directly attributable to the acquisition of the asset. The cost of replacing part of an item of property, plant and equipment is recognized in the carrying amount of the item if it is probable that the future economic benefits embodied in the part will flow to the

Commission and its cost can be reliably measured.

The cost of day-to-day servicing of property and equipment is recognized in the statement of financial performance as incurred.

Depreciation is calculated on the straight-line basis over the estimated useful lives of such assets. The rates of depreciation in use are:

Computers	25%
Furniture, fixtures & equipment	10%
Motor vehicles	20%
Leasehold improvements	20%
Licenses and software	33.33%

(b) Long-term receivables

Long-term receivables are recognized at amortized cost. Appropriate allowances for estimated irrecoverable amounts are recognized in the statement of financial performance when there is objective evidence that the assets are impaired.

(c) Accounts payable

Accounts payables are stated at amortized cost.

(d) Cash and bank balances

Cash and bank balances comprise cash in hand and cash with banks.

(e) Leases

The Commission applies a single recognition and measurement approach for all leases, except for short term leases and leases of low value assets. The Commission recognizes lease obligations as lease liabilities and right-of-use assets representing the right to use the underlying assets.

The Commission recognizes right-of-use assets at the commencement date of the lease (i.e., the date the underlying assets is available for use). The right-of-use assets are measured at cost, less any accumulated depreciation and impairment losses, and adjusted for any remeasurement of lease liabilities. The cost of right-of-use assets includes the amount of the initial lease liabilities recognized, initial direct costs incurred, and lease payments made on or before the commencement date less any lease incentives received. Right-of-use assets are depreciated on a straight-line basis over the shorter of the lease term and the estimated useful lives of the assets.

INTEGRITY COMMISSION
NOTES TO THE FINANCIAL STATEMENTS
YEAR ENDED MARCH 31, 2022

3. SIGNIFICANT ACCOUNTING POLICIES (CONT'D)

(f) Subvention recognition

Income comprises recurrent subvention received from the Government of Jamaica ("GOJ") and interest income. Subvention from GOJ is recognized when it is received while interest income is recognized when it is earned.

(g) Provisions

Provisions are recognized when the Commission has a present legal or constructive obligation as a result of past events and it is probable that an outflow of resources will be required to settle the obligation. Provisions are measured at the management's best estimate of the expenditure required to settle the obligation at the reporting date and are discounted to present value where the effect is material.

(h) Financial instruments

Financial instruments include transactions that give rise to both financial assets and financial liabilities. Financial assets and liabilities are recognised on the Commission's statement of financial position when the Commission becomes a party to the contractual provisions of the instrument.

Financial liabilities and equity instruments issued by the Commission are classified according to the substance of the contractual arrangements entered into and the definitions of a financial liability and an equity instrument. An equity instrument is any contract that evidences a residual interest in the assets of the Commission after deducting all of its liabilities.

Financial assets include cash and bank deposits, accounts receivable, long-term receivables and other current assets except prepayments.

The fair values of the financial instruments are discussed in Note 20.

(i) Comparative information

Where necessary, comparative figures have been reclassified and or restated to conform to changes in the current year.

(j) Employee benefits

Employee benefits are all forms of consideration given by the Commission in exchange for service rendered by employees. These include current or short-term benefits such as salaries, statutory contributions, vacation leave, non-monetary benefits such as medical care; post-employment benefits such as pensions; and other long-term employee benefits such as termination benefits.

Employee benefits that are earned as a result of past or current service are recognized in the following manner:

- Short-term employee benefits are recognized as a liability, net of payments made, and charged to expense. The expected cost of vacation leave that accumulates is recognized when the employee becomes entitled to the leave.

INTEGRITY COMMISSION
NOTES TO THE FINANCIAL STATEMENTS
YEAR ENDED MARCH 31, 2022

3. SIGNIFICANT ACCOUNTING POLICIES (CONT'D)

(k) Foreign currencies

The financial statements are presented in the currency of the primary economic environment in which the Commission operates (its functional currency).

In preparing the financial statements of the Commission, transactions in currencies other than the Commission's functional currency, the Jamaican dollar, are recorded at the rates of exchange prevailing on the dates of the transactions. At each reporting date, monetary items denominated in foreign currencies are retranslated at the rates prevailing on the reporting date. Non-monetary items that are measured in terms of historical cost in a foreign currency are not retranslated.

Exchange differences arising on the settlement of monetary items and on the retranslation of monetary items, are included in the statement of comprehensive income for the period.

(l) Related party identification

A party is related to the Commission if:

- (i) directly or indirectly the party:
 - controls, is controlled by, or is under common control with the Commission;
 - has an interest in the Commission that gives it significant influence over the Commission; or
 - has joint control over the Commission
- (ii) the party is an associate of the Commission
- (iii) the party is a joint venture in which the Commission is a venturer;
- (iv) the party is a member of the key management personnel of the Commission
- (v) the party is a close member of the family of an individual referred to in (i) or (iv) above
- (vi) the party is an entity that is controlled, jointly controlled or significantly influenced by, or for which significant voting power in such entity resides with, directly or indirectly, any individual referred to in (iv) or (v) above.
- (vii) the party is a post-employment benefit plan for the benefit of employees of the Commission or of any company that is a related party of the Commission.

A related party transaction is a transfer of resources, services or obligations between related parties, regardless of whether a price is charged.

(m) Grants

Grants are recognized when there is reasonable assurance that the Commission will comply with the conditions attached to the grants and that the grants will be received.

Grants are recognised in profit or loss on a systematic basis over the periods in which the Commission recognises as expenses the related costs for which the grants are intended to compensate. Specifically, grants whose primary condition is that the Commission should purchase or otherwise acquire noncurrent assets are recognised as deferred income in the statement of financial position and transferred to profit or loss on a systematic and rational basis over the useful lives of the related assets.

INTEGRITY COMMISSION
NOTES TO FINANCIAL STATEMENTS
YEAR ENDED MARCH 31, 2022

4. SUBVENTION

Income represents subvention from the Government of Jamaica from the annual national budget as well as periodic allocations. Total Vote approved by Parliament was \$1,057,912,000 (2021: \$840,900,000) and \$38,622,000 (2021: \$34,000,000) for the recurrent and statutory budgets respectively.

The Commission's income is exempt from income tax under section 12(b) of the Income Tax Act.

	2022 \$	2021 \$
Subvention received	914,844,000	619,188,000
Deferred income	(87,485,721)	(47,932,901)
Surrendered to the consolidated fund (<i>unused amount</i>)	(124,865,491)	(47,377,073)
	<u>702,492,788</u>	<u>523,878,026</u>

5. GRANT

This represents a grant received from The Government of the United Kingdom of Great Britain and Northern Ireland acting through the Foreign, Commonwealth and Development Office (FCDO).

Total budget was \$73,442,000 (2021: \$48,750,000)

	2022 \$	2021 \$
Grant received	39,285,000	48,750,000
Deferred income (included in plant, equipment and intangible [Note 6 & 8])	<u>(15,677,000)</u>	<u>(18,683,000)</u>
	<u>23,608,000</u>	<u>30,067,000</u>

Direct expenses:

Purchase of goods and services	23,217,999	1,632,000
Consultancy services	390,001	1,300,812
	23,608,000	2,932,812
Prepaid expenses	(4,953,771)	-
Unused funds returned to donor	<u>-</u>	<u>11,810,103</u>
	<u>18,654,229</u>	<u>14,742,915</u>

**INTEGRITY COMMISSION
NOTES TO FINANCIAL STATEMENTS
YEAR ENDED MARCH 31, 2022**

6. PLANT AND EQUIPMENT

	<u>Leasehold Improvements</u> \$	<u>Furniture, Fixtures and Equipment</u> \$	<u>Computers</u> \$	<u>Motor Vehicles</u> \$	<u>Total</u> \$
At Cost/Valuation:					
Balance at March 31, 2020	3,013,626	32,719,040	94,056,023	43,553,027	173,341,716
Additions	-	18,782,117	35,632,575	-	54,414,692
Balance at March 31, 2021	3,013,626	51,501,157	129,688,598	43,553,027	227,756,408
Additions	-	8,466,006	47,155,197	-	55,621,203
Balance at March 31, 2022	3,013,626	59,967,163	176,843,795	43,553,027	283,377,611
Accumulated Depreciation:					
Balance at March 31, 2020	3,013,626	27,731,728	43,894,329	17,456,724	92,096,407
Charge for year	-	3,629,336	26,682,747	7,104,098	37,416,181
Balance at March 31, 2021	3,013,626	31,361,064	70,577,076	24,560,822	129,512,588
Charge for year	-	4,318,621	35,397,206	7,104,098	46,819,925
Balance at March 31, 2022	3,013,626	35,679,685	105,974,282	31,664,920	176,332,513
Net Book Value:					
At March 31, 2020	-	4,987,312	50,161,694	26,096,303	81,245,309
At March 31, 2021	-	20,140,093	59,111,522	18,992,205	98,243,820
At March 31, 2022	-	24,287,478	70,869,513	11,888,107	107,045,098
			2022	2021	
			\$	\$	
* Depreciation Charge:					
Transferred assets			2,033,606	7,887,225	
Acquired assets			44,786,319	29,528,956	
			46,819,925	37,416,181	

INTEGRITY COMMISSION
NOTES TO FINANCIAL STATEMENTS
YEAR ENDED MARCH 31, 2022

7. RIGHT-OF-USE ASSETS / LEASE LIABILITIES

	2022	2021
	<u>\$</u>	<u>\$</u>
Balance at the beginning of the year	103,940,080	97,533,547
Additions	<u>-</u>	<u>6,406,533</u>
	<u>103,940,080</u>	<u>103,940,080</u>
Depreciation charge of right-of use assets		
Balance at the beginning of the year	(57,915,432)	(29,755,786)
Charge for the year	<u>(27,520,091)</u>	<u>(28,159,646)</u>
	<u>(85,435,523)</u>	<u>(57,915,432)</u>
Closing balance at year end	<u><u>18,504,557</u></u>	<u><u>46,024,648</u></u>
Lease Liabilities		
	2022	2021
	<u>\$</u>	<u>\$</u>
Non-current	<u>-</u>	<u>30,598,034</u>
Current portion of right-of-use	<u><u>23,607,726</u></u>	<u><u>23,376,849</u></u>

The Commission has three (3) operating leases as follows:

- (i) Thirty-six (36) parking spaces leased from National Water Commission which is located at 18 Oxford Road, Kingston 5. The lease term is for two (2) years commencing on the May 16, 2020 and expires May 15, 2022.
- (ii) Office space leased from the Free Mason Association (Jamaica) Limited which is located at 45-47 Barbados Avenue, Kingston 5 (2nd Floor). The lease term is for one (1) year commencing on the June 1, 2021 and expires May 31, 2022.
- (iii) Office space leased from Planning Institute of Jamaica (PIOJ) which is located at 16 Oxford Road, Kingston 5 (1st Floor). The lease term is for five (5) years commencing on the January 18, 2018 and expires December 31, 2022.

8. INTANGIBLE ASSETS

Intangible assets represent licenses and software with an estimated useful life of three (3) years.

Intangible assets in the statement of financial position was determined as follows:

	2022	2021
	<u>\$</u>	<u>\$</u>
Balance at the beginning of the year	11,053,742	7,631,513
Additions	<u>33,537,314</u>	<u>3,422,229</u>
	<u>44,591,056</u>	<u>11,053,742</u>

INTEGRITY COMMISSION
NOTES TO FINANCIAL STATEMENTS
YEAR ENDED MARCH 31, 2022

8. INTANGIBLE ASSETS (CONT'D)	2022	2021
	\$	\$
Accumulated Amortisation		
Balance at the beginning of the year	(6,575,053)	(2,541,294)
Current year	(13,950,885)	(4,033,759)
	<u>(20,525,938)</u>	<u>(6,575,053)</u>
Closing balance, net of amortisation	<u>24,065,118</u>	<u>4,478,689</u>

Intangible assets are being amortised at 33 1/3% for the license and software, unless there is significant impairment during the year.

9. LONG-TERM RECEIVABLES, PREPAYMENTS AND DEPOSITS

	2022	2021
	\$	\$
Staff loan:		
Long-term	1,113,008	1,604,725
Current	635,090	635,090
	1,748,098	2,239,815
Prepaid rent	4,814,745	4,170,963
Prepaid insurance	1,163,796	1,055,398
Other prepayments	5,166,980	4,781,903
Security deposit	16,495,775	7,184,100
Deposit on fixed assets	43,111,203	23,225,439
	<u>70,752,499</u>	<u>40,417,803</u>

The Commission has a motor vehicle revolving loan scheme to assist travelling officers to purchase reliable motor vehicles to be used in the performance of their official duties.

Guidelines for administering the loan include:

- (i) The loan amount for new vehicles should not exceed \$2,500,000 and for used vehicles the amount should not exceed \$1,500,000.
- (ii) An interest rate of 3% on the reducing balance is charged, if loans exceed the minimum amount of \$1,500,000 for new vehicles and \$1,000,000 for used vehicles.
- (iii) Loans should be repaid over a seven (7) year period for new vehicles and six (6) years for used vehicles
- (iv) Only one loan is permitted within a five (5) year period to each employee
- (v) The motor vehicle purchased should not be older than five (5) years
- (vi) All loans should be recovered by salary deduction.

INTEGRITY COMMISSION
NOTES TO FINANCIAL STATEMENTS
YEAR ENDED MARCH 31, 2022

10. CASH AND BANK BALANCES

Cash and bank balances included in the statement of financial position and statement of cash flows is comprised of the following:

	2022 \$	2021 \$
Petty cash	200,000	200,000
Cash in transit	-	105,848
Cash in savings accounts	6,045,488	5,377,034
Cash in foreign currency account (£164,248; 2021: £150,172)	32,321,902	29,883,858
	<u>38,567,390</u>	<u>35,566,740</u>

11. TRANSFERRED ASSETS

This represents net assets of the three legacy entities merged:

	2022 \$	2021 \$
Office of the Contractor General	33,010,640	33,010,640
Commission for the Prevention for Corruption	(4,702,646)	(4,702,646)
Integrity Commission (Legacy)	6,638,916	6,638,916
	<u>34,946,910</u>	<u>34,946,910</u>
Opening balance	2,033,606	9,920,831
Current year	(2,033,606)	(7,887,225)
Closing balance	<u>-</u>	<u>2,033,606</u>

12. DEFERRED INCOME

This represents cash received under object thirty-two (32) to acquire intangible assets, plant and equipment less accumulated depreciation and amortisation.

	2022 \$	2021 \$
Opening balance	107,070,485	74,017,299
Add: Cash received during the year	103,162,721	66,615,901
Less: Amortization of assets being used	(58,737,204)	(33,562,715)
Closing balance	<u>151,496,002</u>	<u>107,070,485</u>

13. PAYABLES AND ACCRUALS

	2022 \$	2021 \$
Statutory liabilities	195,695	33,274
Accrued vacation leave	18,875,404	8,383,691
Accruals	4,622,341	3,505,871
Other payables	40,341	-
Accrued audit fees	986,400	986,400
	<u>24,720,181</u>	<u>12,909,236</u>

INTEGRITY COMMISSION
NOTES TO FINANCIAL STATEMENTS
YEAR ENDED MARCH 31, 2022

14. DUE TO CONSOLIDATED FUND

	2022	2021
	\$	\$
PAYE payable	40,277	-
Education tax payable	28,827	-
General Consumption Tax payable	9,709,598	6,129,826
	<u>9,778,702</u>	<u>6,129,826</u>

15. ADMINISTRATIVE AND GENERAL EXPENSES

	2022	2021
	\$	\$
Salaries, wages and related costs	344,787,811	217,587,343
Employer's statutory contributions	16,627,868	9,856,887
Gratuity payments	41,999,000	43,152,423
Legal and professional fees	7,144,037	5,074,570
Computer maintenance and related expenses	11,012,560	9,069,235
Medical supplies	687,713	295,548
Staff welfare	1,353,362	745,896
Security	3,516,393	3,016,510
Janitorial	3,159,790	3,283,383
Dues and subscription	1,751,863	706,169
Insurance	2,659,872	1,763,785
Supplies and services	1,315,681	357,345
Motor vehicle expense	2,147,292	1,138,454
Travelling and subsistence	83,306,915	59,718,373
Rental of office spaces	7,028,990	6,010,244
Maintenance of rental properties and parking lot	38,886,653	36,769,200
Utilities and communication	29,048,801	22,236,450
Repairs and maintenance	473,071	3,252,404
Commissioners' fees	36,956,631	33,003,176
Meals and entertainment	2,595,133	1,253,216
Postage and delivery	42,890	47,665
Printing and stationery	16,727,556	4,242,439
Audit fees	1,101,400	986,400
Advertising and promotion	8,913,186	8,033,202
Bank charges	73,602	126,947
Foreign exchange gain	(2,438,049)	(2,931,645)
Lease interest expense	3,050,657	5,098,226
Depreciation charge on right-of-use asset	27,520,091	28,159,646
Low value assets	5,411,365	1,676,411
General office expenses	4,502,240	4,158,604
	<u>701,364,375</u>	<u>507,888,505</u>

INTEGRITY COMMISSION
NOTES TO FINANCIAL STATEMENTS
YEAR ENDED MARCH 31, 2022

16. RECONCILIATION OF CASH-BASIS TO ACCRUAL BASIS

Net surplus for the year,		
being total financial performance		6,226,670
Subvention utilised	789,978,509	
Grant received	39,285,000	
Total cash received		829,263,509
Cash spent on administrative and general expenses	(726,100,788)	
Deferred income	(87,485,721)	
		(813,586,509)
		15,677,000
Accrual-basis adjustments:		
Accrued vacation leave, net	10,491,713	
Credit card	7,067	
Prepayments, net	(4,545,732)	
General consumption tax irrecoverable, net	1,770,751	
Lease interest expense	3,050,657	
Depreciation charge on right-of-use asset	27,520,091	
Depreciation charge on plant, equipment and intangibles	58,737,204	
Deferred income amortised	(58,737,204)	
Reversal of rental expense	(42,729,489)	
Bank charges	73,602	
Foreign exchange gain	(2,438,049)	
Interest income	(144,486)	
Accruals, net	1,116,469	
Statutory liabilities	264,800	
Low value assets	(664,066)	
		6,226,670
Grant:		
Deferred income	(15,677,000)	
		(15,677,000)
		6,226,670

INTEGRITY COMMISSION
NOTES TO FINANCIAL STATEMENTS
YEAR ENDED MARCH 31, 2022

17. SOURCE AND USES OF FUNDS

The comparative details between budgeted and actual income and expenditure for financial year 2021/2022 are as follows:

	Budget Allocation \$	Actual \$	Variance Favourable/ (Unfavourable) \$
Subvention	914,844,000	789,978,509	(124,865,491)
Grant funding	<u>73,442,000</u>	<u>39,285,000</u>	<u>(34,157,000)</u>
	<u>988,286,000</u>	<u>829,263,509</u>	<u>(159,022,491)</u>
Expenditure:			
Personnel emoluments	434,766,000	372,837,376	61,928,624
Travelling and subsistence	142,553,000	81,861,880	60,691,120
Other operating and general expense	136,412,000	111,508,026	24,903,974
Retirement benefits	41,999,000	41,999,000	-
Rental of office space and parking lot	156,279,000	88,851,020	67,427,980
Utilities	27,800,000	27,603,486	196,514
Grants, contribution and subsidies	1,320,000	1,440,000	(120,000)
	<u>941,129,000</u>	<u>726,100,788</u>	<u>215,028,212</u>
Surplus		103,162,721	56,005,721
Capital:			
Fixed assets / capital goods	155,405,000	(87,485,721)	67,919,279
Capital goods purchased from donor funds	<u>-</u>	<u>(15,677,000)</u>	<u>(15,677,000)</u>
	<u>155,405,000</u>	<u>(103,162,721)</u>	<u>52,242,279</u>
TOTAL	<u><u>1,096,534,000</u></u>	<u><u>-</u></u>	<u><u>108,248,000</u></u>

18. STAFF COSTS

The number of employees at the end of the year was as follows:

	2022 \$	2021 \$
Temporary	8	13
Permanent	110	79
	118	92

INTEGRITY COMMISSION
NOTES TO FINANCIAL STATEMENTS
YEAR ENDED MARCH 31, 2022

18. STAFF COSTS (CONT'D)

The aggregate payroll costs for these persons were as follows:

	2022	2021
	\$	\$
Salaries and other related costs	344,787,811	217,587,343
Gratuity payments	41,999,000	43,152,423
Statutory contributions	16,627,868	9,856,887
	<u>403,414,679</u>	<u>270,596,653</u>

19. RELATED PARTIES

The Commission's statement of financial performance includes the following transactions, undertaken with related parties in the ordinary course of business:

	2022	2021
	\$	\$
Transactions with Commissioners:		
Commissioners' fees	36,956,631	33,003,176
Remuneration for key management personnel:		
Executive Director	14,428,700	10,439,529
Director of Information and Complaints	10,971,651	5,798,770
Director of Prosecution	11,516,363	8,450,967
Director of Investigation	11,052,383	7,056,703
Director - Corporate Services	5,539,740	2,987,117
Director of Finance & Accounts	1,009,615	-
Director of Information & Technology	3,971,186	-
Chief Financial Investigator	6,129,646	4,785,698
Senior Financial Analyst	7,610,874	3,028,853
	<u>109,186,789</u>	<u>75,550,813</u>

20. FINANCIAL INSTRUMENTS**(a) Fair value**

Fair value is the amount for which an asset could be exchanged, or a liability settled, between knowledgeable, willing parties in an arm's length transaction. A market price, where an active market (such as a recognized stock exchange) exists, is the best evidence of the fair value of a financial instrument. Market prices are not available for some of the financial assets and liabilities of the Commission. Fair values in the financial statements have therefore been presented using various estimation techniques based on market conditions existing at reporting date.

Generally, considerable judgement is necessarily required in interpreting market data to develop estimates of fair value. Accordingly, the estimates presented in these financial statements are not necessarily indicative of the amounts that the Commission would realise in a current market exchange.

The amounts included in the financial statements for cash and bank deposits, receivables and payables, reflect the approximate fair values because of short-term maturity of these instruments.

INTEGRITY COMMISSION
NOTES TO FINANCIAL STATEMENTS
YEAR ENDED MARCH 31, 2022

20. FINANCIAL INSTRUMENTS (CONT'D)

(b) Financial risk management

The Commission has exposure to the following risks from its use of financial instruments:

- Credit risk
- Liquidity risk
- Market risk
- Cash flow risk

The Commissioners, together with senior management has overall responsibility for the establishment and oversight of the Commission's risk management framework.

The Commission's risk management policies are established to identify and analyse the risks faced by the commission in order to set appropriate risk limits and controls, and to monitor risks and adherence to limits. Risk management policies and systems are reviewed regularly to reflect changes in market conditions and the Commission's activities.

(i) Credit risk

Credit risk is the risk that one party to a financial instrument will fail to discharge an obligation and cause the other party to incur a financial loss. The Commission's principal financial assets are cash and bank deposits; and receivables and prepayments.

Cash and bank balances

The credit risk on cash and bank deposits is limited as they are held with financial institutions with high credit rating.

At reporting date, there were no significant concentrations of credit risk and the maximum exposure to credit risk is represented by the carrying amount of each financial asset.

	2022	2021
	\$	\$
Cash and bank balances	<u>38,567,390</u>	<u>35,566,740</u>

(ii) Liquidity risk

Liquidity risk is the risk that the Commission will not meet its financial obligations as they fall due. The Commission's approach to managing liquidity is to ensure, as far as possible, that it will always have sufficient liquidity to meet its liabilities when due, under both normal and stressed conditions, without incurring unacceptable losses or risking damage to the Commission.

INTEGRITY COMMISSION
NOTES TO FINANCIAL STATEMENTS
YEAR ENDED MARCH 31, 2022

20. FINANCIAL INSTRUMENTS (CONT'D)

(b) Financial risk management (cont'd):

(ii) Liquidity risk (cont'd)

The following are the contractual maturities of the non-derivative financial liabilities and excluding the impact of netting agreements.

	Carrying amount \$	Contractual cash flow \$	Less than 1 year \$
March 31, 2022:			
Payables and accruals	<u><u>24,720,181</u></u>	<u><u>24,720,181</u></u>	<u><u>24,720,181</u></u>
March 31, 2021:			
Payables and accruals	<u><u>12,909,236</u></u>	<u><u>12,909,236</u></u>	<u><u>12,909,236</u></u>

(iii) Market risk

Market risk is the risk that changes in market prices, such as interest rates will affect the Commission's holding of financial instruments. The objective is to manage and control market risk exposures within acceptable parameters, while optimising the return.

Interest rate risk:

Interest rate risk is the risk that the value of a financial instrument will fluctuate due to changes in market interest rates.

Interest-bearing financial assets comprises of bank deposits, which have been contracted at fixed interest rates for the duration of their terms.

Fair value sensitivity analysis for fixed rate instruments

The Commission does not hold any fixed rate financial assets that are subject to material changes in fair value through profit or loss. Therefore, a change in interest rates at the reporting dates would not affect profit or equity.

**INTEGRITY COMMISSION
NOTES TO FINANCIAL STATEMENTS
YEAR ENDED MARCH 31, 2022**

21. LITIGATIONS

The Commission is a party to various claims and legal actions in the normal course of its activities. Although the ultimate result of legal proceedings cannot be predicted with certainty, it is the opinion of the Commission's management that the outcome of any claim which is pending, either individually or on a combined basis, will not have a material effect on the financial position of the Commission.