



Any reply or subsequent reference to this communication should be addressed to the Contractor-General and the following reference quoted:-

No. :

TELEPHONE No.:876-929-8560/6466

FAX No. : 876-929-2476

E-mail: communications@ocg.gov.jm

OFFICE OF THE CONTRACTOR-GENERAL

PIOJ Building

16 Oxford Road

P.O. BOX 540

KINGSTON 5

JAMAICA, W.I

MEDIA RELEASE

OCG Makes Unannounced Visit at Jamaica Customs to Secure Scrap Metal Documents

Kingston; November 7, 2011 – A Team of five (5) personnel, from the Office of the Contractor General (OCG), made an unannounced visit to the Jamaica Customs Department (JCD) this morning to review and to secure documents and records which are related to the JCD's export of scrap metal.

On Friday, the OCG announced that it had launched a Special Investigation into the circumstances surrounding the alleged export of 97 containers of scrap metal in violation of a Cabinet Order banning such exports, and without the requisite licenses being issued by the Trade Board.

The OCG Team, which was accompanied by an officer of the Island Special Constabulary Force (ISCF), was led by Mr. Craig Beresford, Senior Director, Monitoring Operations, Corporate Communications and Special Projects, and Mr. Maurice Barrett, Chief Investigator.

Dr. Wesley Hughes, the Financial Secretary and Accounting Officer for the JCD, and Ms. Cordelia Brown, the Deputy Commissioner for Operations at the JCD, were served with written notice of the OCG's visit this morning. The notice was copied to the portfolio Minister of the Customs Department, the Hon. Audley Shaw. The OCG Team, which is currently on site, has been receiving the cooperation of the Customs Department.

In light of the fact that questions have been publicly raised by the former Commissioner of Customs, and by at least one morning Radio Talk Show Host, about the OCG's jurisdiction or involvement in this matter, the OCG has deemed it prudent to set out, hereunder, the following provisions of the Contractor General Act, pursuant to which the OCG is conducting its Investigation.

- (1) Section 4 (1) (b) of the Contractor General Act, which provides that it shall be the function of a Contractor-General, on behalf of Parliament, "to monitor the grant, issue, suspension or revocation of any prescribed licence, with a view to ensuring that the circumstances of such grant, issue, suspension or revocation do not involve impropriety or irregularity and, where appropriate, to examine whether such licence is used in accordance with the terms and conditions thereof."
- (2) Section 15 (1) which prescribes the discretionary power of a Contractor General to conduct an investigation into any or all of the following matters:
 - (a) "the registration of contractors";
 - (b) "tender procedures relating to contracts awarded by public bodies";



- (c) “the award of any Government contract”;
 - (d) “the implementation of the terms of any Government contract”;
 - (e) **“the circumstances of the grant, issue, use, suspension or revocation of any prescribed licence”;**
 - (f) **“the practice and procedures relating to the grant, issue, suspension or revocation of prescribed licences”.**
- (3) Section 4 (2) (b) which provides that “For the purpose of the discharge of his functions under this Act a Contractor-General shall be entitled - subject to section 19, to have access to all books, records, documents, stores or other property belonging to government, whether in the possession of any officer of a public body or a contractor or any other person”;
- (4) Section 4 (2) (d) which prescribes the power of a Contractor General “to have access to all books, records, documents or other property used in connection with the grant, issue, suspension or revocation of any prescribed licence whether in the possession of any public officer or any other person”;
- (5) Section 4 (2) (e) which prescribes the power of a Contractor General “to have access to any premises or location where he has reason to believe that any such books, records, documents or other property as are referred to in paragraph (d) or any property which is the subject of a prescribed licence, may be found”;
- (6) Section 4 (2) (f) which prescribes the power of a Contractor General “to enter any premises occupied by any person in order to make such enquiries or to inspect such document, record or property as he considers necessary to any matter being investigated by him”; and
- (7) Section 4 (2) (g) which expressly authorizes a Contractor General “...to retain any such document, record or other property referred to in paragraph (f)”
- (8) Section 4 (4) of the Act which provides that “For the purposes of paragraphs (d) and (e) of subsection (2), the Contractor-General shall have power to require any public officer or any other person to furnish in such manner and at such times as may be specified by the Contractor-General, information with regard to the grant, issue, suspension or revocation of any prescribed licence and such other information in relation thereto as the Contractor-General considers desirable.”
- (9) Sections 18 (1) through to Section 18 (4) of the Contractor General Act, which provide that:
- “(1) Subject to the provisions of subsection (5) and section 19 (1), a Contractor-General may at any time require **any officer or member of a public body or any other person** who, in his opinion, is able to give any assistance in relation to the investigation of any matter pursuant to this Act, to furnish such information and produce any document or thing in connection with such matter as may be in the possession or under the control of that officer, member or other person.
- (2) Subject as aforesaid, a Contractor-General may summon before him and examine on oath -
- (a) any person who has made representations to him; or
 - (b) any officer, member or employee of a public body or any other person who, in the opinion of the, Contractor-General is able to furnish information relating to the investigation,
- and such examination shall be deemed to be a judicial proceeding within the meaning of section 4 of the Perjury Act.



(3) For the purposes of an investigation under this Act, a Contractor-General shall have the same powers as a Judge of the Supreme Court in respect of the attendance and examination of witnesses and the production of documents.

(4) Any obligation to maintain secrecy or any restriction on the disclosure of information or the production of any document or paper or thing imposed on any person and by or under the Official Secrets Act, 1911 to 1939 of the United Kingdom (or any Act of the Parliament of Jamaica replacing the same in its application to Jamaica) or, subject to the provisions of this Act, by any other law (including a rule of law) shall not apply in relation to the disclosure of information or the production of any document or thing by that person to a Contractor-General for the purpose of an investigation; and accordingly, no person shall be liable to prosecution by reason only of his compliance with a requirement of the Contractor-General under this section.”

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Contact: The Communications Department, Office of the Contractor General of Jamaica
C/o Craig Beresford, Senior Director of Monitoring Operations, Corporate Communications and Special Projects
E-mail: communications@ocg.gov.jm. Tel: 876-929-8560; Direct: 876-926-0034; Mobile: 876-564-1806