



EASTERN CARIBBEAN SUPREME COURT
ECSC E-NEWSLETTER



GREETINGS FROM THE CHIEF JUSTICE

Dear Readers:

In the last Newsletter I completed my summary review of the pre-trial procedures proposed by the Criminal Courts (Delay Reduction) Rules proposed as the core of the Criminal Procedure reforms under the pilot project in St. Lucia. No substantial changes will be introduced into the trial process itself. We are now, through the active participation and leadership of the Ministry of Justice of St. Lucia, in the process of finalising the staffing and other administrative changes which are necessary to support the reforms, at which time the Delay Reduction Act and Rules will be brought into effect.

The Criminal Procedure reforms are part of the dynamic developments that have been taking place in our Court over the last 10 years. It is perhaps no accident that all these reforms commenced at the beginning of the third decade of the Court's existence, and doubtless will continue into and thorough the fourth decade.

It is a matter of great pride that our Court celebrates 40 years of service to the Eastern Caribbean States on the 27th February 2007. The Court was established on 27th February 1967 by the West Indies Associated States Supreme Court Order 1967, and has served the nine territories over which it exercises jurisdiction since that date. In that period six of the States have achieved political independence, while three are British Overseas Territories. Through all these political changes, the Court has remained steadfast in its commitment to administer justice in an independent and impartial manner, by competent judges, through the efficient and effective administration of the judicial system of the sub-region. The Court has maintained a proud record of jurisprudential excellence in the face of many challenges, and has responded effectively to the increasing and changing demands on its services reflective of the changing character of our societies and our economies. In some respects our history has been turbulent, but our societies have emerged strengthened by the manner in which our people have faced and overcome adversity.

The future will doubtless be even more challenging than the past has been, and it is for this reason that the Court, at its upcoming Annual Judicial Conference to be held at Jungle Bay Resort in Dominica in August, will be focusing on what needs to be done to enable us to continue to serve the people of our societies with excellence and integrity in the years ahead.

Please send comments, suggestions and contributions to the newsletter at appeal@candw.lc

INSIDE THIS

Greetings from the Chief Justice
p. 1

Eastern Caribbean Supreme
Court News
p. 2

Conferences, Seminars
& Workshops
p. 13

JLSC Appointments
P. 18

Written Judgments
p. 20

EASTERN CARIBBEAN SUPREME COURT NEWS

Celebration!!

Two thousand and seven (2007) will mark the 40th year since the inception of the Eastern Caribbean Supreme Court (The West Indies Associated States Supreme Court Order 1967 [1967 No. 23]). The organization will be celebrating this milestone with a number of activities, culminating on the 27th day of February.

The OECS celebrated its 25th anniversary with the staging of several activities during the month of June. The Hon. Chief Justice [Ag.] Brian Alleyne attended the official flag raising ceremony in the island of St Kitts and Nevis on 21st June and the Ecumenical service at the Roseau Catholic Cathedral in Dominica on Friday, 16th June 2007.

The 43rd meeting of the OECS Heads of Authority convened from 21st to 23rd June 2006 at the Marriott Resort in the island of St Kitts & Nevis. The Eastern Caribbean Supreme Court was represented by the Hon. Chief Justice [Ag.] Brian Alleyne; Court Administrator, Mr. Gregory Girard; Chief Registrar [Ag.], Ms. Heather Franklin; and Accountant, Mr. Irvin Ferdinand. [See **Communiqué** on page 4]

JEMS Upgrade

During the month of June 2006 Mr. Mark Ernest, IT Manager; and Mr. Derrick Agdomar, Systems Administrator at the Court's Headquarters in Saint Lucia visited the Courts within the Member States of Montserrat (6th - 8th June), Dominica (5th - 9th June), BVI (19th - 23rd June), and St. Kitts & Nevis (19th - 23rd June) to perform several JEMS related activities.

Tasks undertaken by the Department included the following:

1. Upgrading Courts to JEMS 4.8 SP1 & 5.0
2. JEMS - Magistrates Court
 - ❖ Provide training and complete configuration in
 - JEMS Base Module (for all Case Types)
 - JEMS Financial Module
 - Docket Scheduling
3. JEMS - High Court
 - ❖ Ensure complete utilization of Report Manager
 - ❖ Establish Mechanisms for validating inputted data
 - ❖ Re-establish Plans for backing up of data
 - ❖ Resolution of JEMS Outstanding Issues
 - ❖ Install and configure all Scanners for implementation of JEMS Imaging/Scanning
4. "Eccourts" Email Access
 - ❖ Provide "eccourts" email accounts and access to Judges, Registrars and Magistrates and other court staff.

ORGANISATION OF EASTERN CARIBBEAN STATES

COMMUNIQUE

**43rd Meeting of the OECS Authority
21-23 June 2006**

**Marriott Resort
St. Kitts and Nevis**

INTRODUCTION

The forty-third Meeting of the Authority of the Organisation of Eastern Caribbean States (OECS) was held June 21st to 23rd at the Marriott Resort in St. Kitts and Nevis, under the Chairmanship of the Hon. Baldwin Spencer, Prime Minister of Antigua and Barbuda. The Meeting was preceded by a number of significant events held in commemoration of the 25th anniversary of the signing of the Treaty of Basseterre, which established the OECS on June 18th 1981.

Heads of Government and Representatives of Heads of Government in attendance were:

Hon. Baldwin Spencer, Prime Minister of Antigua and Barbuda.
Hon. Roosevelt Skerritt, Prime Minister of Dominica.
Hon. Dr. Keith Mitchell, Prime Minister of Grenada.
Dr. Hon. Lowell Lewis, Chief Minister of Montserrat.
Dr. Hon. Denzil Douglas, Prime Minister of St. Kitts and Nevis.
Hon. Dr. Ralph Gonsalves, Prime Minister of St. Vincent and the Grenadines.
Hon. Osborne Fleming, Chief Minister of Anguilla.
Dr. Hon. Orlando Smith, Chief Minister of the British Virgin Islands.
Senator Hon. Petrus Compton, Minister of External Affairs, International Trade and Civil Aviation of St. Lucia.

THE OPENING CEREMONY

The Opening Ceremony was held on Wednesday June 21st at the Cecil Jacobs auditorium at the headquarters of the Eastern Caribbean Central Bank (ECCB). A special welcome was extended to the new Chief Minister of Montserrat Dr. the Hon. Lowell Lewis who was attending his first Meeting of the OECS Authority since his election to office on May 31st 2006. As part of the ceremony, the new OECS Economic Union Treaty was unveiled. The Treaty will facilitate the further

deepening of the OECS integration movement through the creation of an OECS Economic Union.

Declaration of Intent

The unveiling of the Treaty was accompanied by the signing by Heads of Government of a Declaration of Intent to have the Treaty implemented in their respective territories following a year of public consultations.

Following is the Text of the Declaration of Intent.

DECLARATION OF INTENT BY HEADS OF GOVERNMENT OF THE OECS ON THE PARTICIPATION OF THEIR COUNTRIES IN THE OECS ECONOMIC UNION

WE, the Heads of Government of the Member States of the OECS meeting in St. Kitts on the 21st day of June 2006 who have affixed their signature hereunder;

***RECALLING** that the decision to strengthen cooperation between our respective states and peoples and establish common institutions is enshrined in the Treaty of Basseterre of 1981;*

***CONVINCED** that continued social and economic development in a challenging global environment requires greater cooperation and collaboration in the elaboration and execution of development policies for the benefit of all our peoples;*

***RECOGNISING** that the benefits realized under the Treaty of Basseterre will be enshrined through establishment of an Economic Union;*

***DETERMINED** that the benefits of cooperation resulting from an Economic Union should be shared equitably among all our members;*

***MINDFUL** that our States while being an integral part of CARICOM are a distinct group with special shared peculiarities of an economic and social nature;*

***NOW SOLEMNLY AFFIRM** our commitment to the establishment of an OECS Economic Union by 1st July 2007.*

New OECS Flag

The Opening Ceremony was immediately preceded by a Special Flag-raising ceremony of the first ever OECS Flag. The flag was designed by Present Image Design Limited, a Total Identity Development and Image Management Company, located in St. Lucia. Representatives of the designers were

acknowledged and acclaimed during the event. The design concept of the flag and the colour scheme represent a positive celebration of the sub-region, while projecting the OECS as a meaningful and increasingly strong voice within the Caribbean Sea, and its insertion into the world.

Opening Addresses

The Opening Ceremony was addressed by several speakers:

OECS Director General Dr. Len Ishmael.

Dr. the Hon. Denzil Douglas, Prime Minister of host country, St. Kitts and Nevis.

Dr. the Hon. Lowell Lewis, Chief Minister of Montserrat and the newest OECS Head of Government.

Hon. Dr. Ralph Gonsalves, Prime Minister of St. Vincent and the Grenadines and outgoing Chairman of the OECS Authority.

Hon. Baldwin Spencer, Prime Minister of Antigua and Barbuda and incoming Chairman of the OECS Authority.

MEETING WITH THE O.A.S.

Heads of Government engaged in wide ranging discussions with the Secretary General of the Organisation of American States (OAS) His Excellency Jose Miguel Insulza. Discussions covered issues related to funding of OAS scholarships, restoration of democracy in Haiti, initiatives for further engagement of Cuba by the rest of the OAS, and assistance with building codes policy, disaster planning and mitigation.

A meeting of the OECS Secretariat and OAS officials will be undertaken soon to establish a work programme at the regional level.

REPORT BY THE DIRECTOR GENERAL

The Authority welcomed the annual report presented by the Director General on the work of the Organisation. The report outlined the status and achievements of key programmes and projects being undertaken by the Secretariat including:

- The CIDA funded OECS institutional strengthening project which is expected to strengthen the operational and administrative capacity of the Secretariat to fulfill its mandates and functions in support of the development objectives of its Member States.
- A UNDP funded project to strengthen the capacity of the Social Policy Unit to provide technical advisory services and guidance to governments

in key areas of social protection, social services delivery, and social policy formulation in an effort to reduce poverty and achieve sustainable human development.

- An OECS Programme for Sustainable Oceans Governance which will equip Member States with the requisite understanding, information and capacity in the sustainable management and protection of their maritime boundaries, as well as maritime resources.
- The OECS Disaster Response and Risk Reduction project which helps Member States strengthen their capacities and efforts to undertake macro-economic and social assessments of the effects of disasters on the performance of their economies.
- The HIV/AIDS project, funded by a grant from the Global Fund to provide universal access to antiretroviral medications and to improve the productivity, quality of life of those infected and affected by HIV/AIDS.

The Meeting;

- Supported the efforts of the Secretariat to increase efficiency and effectiveness, and
- Endorsed structural changes outlined to increase the relevance of the Secretariat to the needs of Member States and build confidence in the donor community.

The Meeting welcomed an offer by the Secretariat to visit Montserrat and assist the new Administration of Chief Minister Dr. the Hon. Lowell Lewis with the elaboration of the development programme of the new Administration, in response to a request from the Chief Minister.

ECONOMIC INTEGRATION

The Treaty on Economic Union

The Meeting received a presentation on the OECS Economic Union Treaty from the Task Force on Economic Union. The Meeting commended the excellent work of the Task Force to date, and generally accepted the proposed Treaty as developed to this point. The Authority, however, directed that some additional provisions be formulated to allow for a role for national parliamentary representatives in the form of a regional Assembly of Parliamentarians

comprising representatives of government and opposition in the Member States. This body, it was felt, was necessary to act as a legislative filter to the Authority in its law making capacity. The Heads further directed that the Treaty be reviewed by a meeting of members of the Task Force, Attorneys General, the drafts-person for the Treaty and representatives of the OECS Secretariat.

The Meeting agreed that the Treaty should be taken to the OECS public, following the steps indicated above, through a mass national and regional education programme with strong political leadership and direction. In their discussions on this matter, it was recognized that steps should be taken to ensure recognition of the OECS Economic Union Treaty under the Revised Treaty of Chaguaramas. Note was taken of the fact that the original Treaty of Chaguaramas had formally recognized the Treaty of Basseterre, but that this was omitted in the Revised Treaty.

EASTERN CARIBBEAN SUPREME COURT

Heads approved the budget of the Supreme Court, and took a decision to enhance the provision of security to judges. The Authority also took a decision to review the age of retirement of judges. The Authority also discussed the pilot project being proposed for the BVI for the establishment of a Court to handle commercial cases.

CSME/REGIONAL DEVELOPMENT FUND

OECS Heads reaffirmed their commitment to sign accords which will give effect to their entry into the CSM by 30 June. In this regard they had been of the view that their Regime of Alien Lands Holding Licence, relative to the access to land by CARICOM nationals had been in compliance with the Revised Treaty of Chaguaramas. It had now been brought to their attention that there were a few residual matters still to be determined. OECS Member States will be fully CSM compliant as soon as these are addressed. Heads indicated their desire to have these matters resolved soonest so that they could give effective expression to their commitment to the CSME. They also concluded that, though the Regional Development Fund has not yet been established as required by the Revised Treaty of Chaguaramas, they were satisfied that sufficient progress has been made in that regard, to enable them in good faith to give the necessary expression to their commitment to the CSME.

PETRO CARIBE

The OECS Authority is determined to move expeditiously to ensure that the benefits of PetroCaribe accrue to the sub-region as soon as possible. A mission to move this matter forward was recently undertaken by the Prime Ministers of St. Vincent and the Grenadines and Dominica. A meeting of the OECS Task Force with Venezuelan counterparts is being planned within the next two weeks to resolve all outstanding matters with regards to implementation of the initiative.

MARITIME BOUNDARY DELIMITATION

A high level meeting between Ministers of Foreign Affairs of the OECS, and their counterpart from Venezuela has been mandated by the Authority and President Chavez to start the process of maritime boundary delimitation between the OECS and Venezuela as the former commence the process of defining its maritime space under the proposed Economic Union Treaty.

FUNCTIONAL COOPERATIVE ACTIVITIES

The Authority took the decision to establish Memoranda of Understanding between the OECS and several neighbouring states in a bid to provide more structure and coherence to functional cooperation activities between the OECS and its neighbours. These include Trinidad and Tobago, Barbados, Jamaica, Cuba and Venezuela. The Authority has also decided to follow through with proposals to utilize opportunities at the University of Puerto Rico for two to four year degree programmes in various fields.

ECONOMIC DEVELOPMENT ISSUES

Trade Negotiations

The Meeting accepted the recommendations and endorsed the proposals arising from the meeting of Ministers of Trade. In particular, the Meeting agreed on the utility of a review by the region of the generality of its stance on non-reciprocity in trade agreements. The Meeting noted the renewed energy and urgency of the developments regarding the WTO negotiations in Geneva and agreed that these should be carefully followed and monitored by the OECS.

The Meeting also noted the difficulties of the EPA negotiations, especially with regards to the development dimensions of those negotiations, and underscored the critical importance of this aspect of the negotiations to the OECS. The

Meeting agreed that this must inform the stances taken by the OECS in these negotiations.

Demand and Supply of Cement

The Authority endorsed a proposal from the meeting of OECS Ministers of Trade to seek the removal of restrictions on the importation of cement through appropriate changes to the CARICOM CET. The decision comes in response to the critical shortages of cement now being experienced and the attendant negative consequences on development in the OECS. Further there were complaints from the OECS construction sector about the reliability of quantity and quality of supplies from the regional producers

Committee of Heads of Bureaux of Standards

The Meeting accepted the recommendations of Ministers of Trade on a request from the OECS Bureaux of Standards, on the establishment of a Committee of Heads of Bureaux of Standards within the institutional framework of the OECS, with no additional cost to Member States.

Tourism

The Authority endorsed recommendations from the third Meeting of the OECS Council of Tourism Ministers, including improvement to tourism statistics, the development of a joint marketing programme, a study into the feasibility of an Eastern Caribbean tourism brand, establishment of an OECS School of Diplomacy and studies into development of harmonized tourism incentives and standards legislation.

Agriculture

The Authority mandated that an early meeting of OECS Ministers of Agriculture be convened to review the OECS Plan of Action and to take all necessary measures to advance this. The Authority emphasized that this must be a matter of top priority.

Committee of National Authorizing Officers

The Meeting agreed that the National Authorising Officers of the OECS should be constituted into a Committee of NAOs to collaborate on matters relating to the implementation of EDF and other related programmes at national and regional levels.

Strategic International Development Issues

The Meeting endorsed a proposal for a high level seminar of top foreign and development policy officials to be convened by the Secretariat to further refine and make recommendations to the Authority on possible foreign policy stances for the OECS, arising out of a paper that had been mandated and prepared for the Authority.

SOCIAL AND SUSTAINABLE DEVELOPMENT ISSUES

Issues Facing Youth in the OECS

The Authority noted the work being done by the Education Reform Unit in several areas of youth in education and welcomed plans to present a policy paper on school discipline to the next OECS Ministers of Education meeting later this year. The Authority also accepted plans for several youth related activities in commemoration of the OECS 25th anniversary, including an interschool debating competition, and a conference on youth. The Meeting also welcomed plans for ethnographical research on “Youth on the Block” later this year.

HIV/AIDS Programme

Heads received an update on the implementation of the Global Fund financed project for the care and treatment of persons affected by HIV/AIDS. The Secretariat, as principal recipient for the grant, works along in targeted areas with national AIDS programmes in Member States. The Meeting also welcomed the collaboration between the Secretariat and the Regional Coordinating Mechanism (RCM) in the execution of the project.

LEGAL MATTERS

The Meeting received a report on the work of the Legal Unit and noted the ongoing work in several areas including the judicial and legal reform initiative, the proposed OECS Competition Authority, and the OECS Family Law initiative.

MEETING BETWEEN OECS HEADS AND DEVELOPMENT PARTNERS

Prior to the formal opening of the Authority Meeting and as part of the OECS 25th anniversary celebrations, Heads of Government engaged in an exchange of views with representatives of international and regional development partners, in St. Kitts and Nevis.

Prime Minister Baldwin Spencer of Antigua and Barbuda, incoming Chairman of the Organisation, outlined to the development partners the OECS' vision for the future social and economic development of Member States. He emphasized in this connection, the importance of the decision to deepen OECS integration through the establishment of an Economic Union referring to the Declaration of Intent to be signed at the Opening Ceremony of the 43rd Meeting of the Authority.

There was an exchange of views between OECS Heads of Government and development partners on the draft work programme for implementation of the Economic Union, among other matters. The Meeting recognized the importance of adopting suitable guiding principles for more effective coordination of aid to the OECS.

Heads conveyed their appreciation to development partners for their many expressions of support for the establishment of an OECS Economic Union. The development partners provided updates on their programmes of assistance to the region.

'BEST OF THE OECS' TRADE EXHIBITION

Heads of Government participated in the Opening Ceremony and a walk-through at a 25th Anniversary Best of the OECS Trade Exhibition, coordinated by the OECS Export Development Unit (OECS EDU).

The Exhibition attracted about fifty export-ready producers of goods and services, and a number of buyers primarily from the hotel/hospitality and distributive sectors.

Exhibitors were urged by the outgoing OECS Chairman to step up their efforts to penetrate available markets, and make use of opportunities provided by the coming on stream of the CARICOM Single Market and next year's Cricket World Cup.

DATE AND VENUE FOR NEXT MEETING

The Authority agreed that the next meeting of the Authority will be held on the 9th and 10th of November 2006 in Antigua and Barbuda.

CONFERENCES, SEMINARS & WORKSHOPS

24th ANNUAL CONFERENCE OF ACCOUNTANTS JUNE 8th TO 10th 2006 BRIDGETOWN, BARBADOS

Introduction

The 24th annual conference of accountants was held at the Hilton International Hotel in Bridgetown, Barbados under the theme of “**Sharpening the Edge**”. Mr. Irvin Ferdinand, Accountant represented the Eastern Caribbean Supreme Court.

The conference, hosted by the Institute of Chartered Accountants of Barbados, was under the auspices of the Institute of Chartered Accountants of the Caribbean (ICAC) with over 400 delegates from member institutes of: Antigua & Barbuda (15), Bahamas (20), Barbados (175), Dominica (5), Guyana (28), Jamaica (88), Montserrat (3), St. Kitts & Nevis (10), St. Lucia (12), and Trinidad & Tobago (53).

The theme was chosen as accountants reinforced the presence of the profession in business, by providing the tools needed to manage change and remain competitive.

The conference took the form of presentations by persons from within the region and other international bodies with a question and answer session at the end of each presentation. The main topics covered at the conference were:

- ❖ Practice Monitoring.
- ❖ Finding the strengths in life.
- ❖ Harmonizing our currencies.
- ❖ Media and information management.
- ❖ Is the bottom line the best measure for performance?
- ❖ Accounting standards for SME’s.
- ❖ Business and professional ethics – Restoring the cutting edge

Opening Address – Rt. Hon. Owen Arthur – Prime Minister of Barbados

In his opening address, Prime Minister Arthur touched on the challenges facing the region with the coming to fruition of the CSM (Caribbean Single Market) and

the role that accountants will have to play in the implementation of the process. He mentioned the reforms of the personal and property tax regime, the telecommunications sector, insolvency and the revision of the laws to support these. He mentioned "ENRON" and the U.S. experience and stressed the importance of good accounting practices and the role of accountants and auditors to ensure that there is no erosion in our system of corporate governance. The free movement of labour within the region, individual stock exchanges within the region, the need for an integrated stock exchange for the region, a harmonized investment policy framework and an agreed regime of financial incentives were points noted.

Practice Monitoring

This took the form of a panel discussion. The panelists were the Graham Ward - IFAC President, Allen Blewitt - ACCA CEO, Tony Ariganello - CGA President, and Garf Kiddoe - ICAC President.

The representatives of the international bodies highlighted the development and implementation of "Practice Monitoring" as a must in the international communities. This resulted from the ENRON and WORLDCOM scandals in the USA where there was false representation of financial records which had previously been audited.

Practice Monitoring is setup by the international bodies who periodically audit the work of private audit firms. To be in practice now it is obligatory that this is done as a safeguard to the shareholders and the general public. The idea is still relatively new to the Caribbean region but plans are afoot for its phased implementation.

Finding the Strengths in Life

This session was conducted by Barry Eligon and Axel Karavatzky and it encouraged delegates to celebrate what's right with the world. This was done by adopting the following principle "Take the positive energy that exists in people, organizations and society and use it to build a desirable future/vision, one that is grounded in reality."

Too often we see things and all we get from it is the negative. The panelists tried to get persons to dig deeper for there is beauty in everything that surrounds us. This was highlighted by the showing of a movie of a photographer preparing to shoot a scene, and at a glance thinking it was not worth it. Another photographer shooting the same scene produces a masterpiece by changing the angle of the shot and the time of the day thus highlighting the theme that we need to look further for we never can tell where it will take us.

Harmonizing our Currencies

This was presented by Harold Cordrington and it was of particular importance to the current regional integration process. It emphasized the role of the accountant in the whole process and highlighted some of the pitfalls with the formation of a common currency. This went along the lines of the formation of a common market and economy but central to the whole process were problems with the individual currencies in the region. Examples of the way forward were drawn from the European Community and its common currency.

Media and Information Management

This topic was presented by Richard Thomas and focused on corporate communications.

Is The Bottom Line the Best Measure For Performance?

This topic was presented by Dr. Emily Dick-Ford, Head of the Department of Management Studies at the University of the West Indies. It raised the question – “in the context of all possible information on a company is the bottom line the best measure”? The answer was no.

The ENRON scandal that shocked Wall Street in October 2001 was brought into focus where the company announced a \$1.01 billion write-off related to losses. The CEO Ken lay reassured investors of the strengths of the company’s core business and said that the company was on tract to continue strong earnings. The write-off resulted in a \$600 million loss of which \$35 million resulted from private dealings managed by the CEO. The traditional bottom line has been the main focus of corporate accounts for decades, but a recent survey determined that financial reports alone cannot determine a company’s strengths and weaknesses. Investors are willing to pay premiums for good governance and part of good governance is corporate social responsibility. This is achieved by corporations reporting on three dimensions or the “Triple Bottom Line” (TBL) report. The TBL describes the framework for reporting performance of a company using economic, social and environmental indicators. The TBL refers to the notion where there is a move away for the traditional bottom line to more sustainable development where organizations have a social responsibility to the environment in which they operate. It is a measure of financial, social and environmental performance of organizations.

Accounting Standards for SME's

The new regulations of international accountant standards highlighted the need for accountants in the region to come together under a unified body such as the ICAC. The implementation of international accounting standards which cover the operations of large companies (over 1000 employees) has brought into focus the need for a separate set of standards for small to medium sized companies (SMEs). Because of their small size, the international regulations are in some ways not suited to the small to medium companies and plans are ongoing to streamline a set of standards for companies with less than 1000 employees.

Business and Professional Ethics - Restoring the Cutting Edge

This session was conducted by Dennis Yates - Deputy President of ACCA. Mr. Yates stressed that accountants have a responsibility to act in the public interest and ethics must be at the heart of the profession. Ethics impacts directly on accountants' reputation and influence. Our responsibility is not exclusively to satisfy the needs of clients, but they must comply with their professional bodies ethical code of conduct. Professional accountants must observe five fundamental principles

- Objectivity
- Integrity
- Professional competence and due care
- Confidentiality
- Professional behavior

He stressed that professional accountants must be wary when placed in situations which may involve self-interest. The following steps should be considered

- Are there threats to compliance with the fundamental principles? If no, then carry out the activity
- Are there safeguards that will eliminate the threats or reduce them to an acceptable level? If yes carry on. If no
- Refuse to carry out the activity

The interest in ethics has been of greater importance since the ENRON and WORLDCOM scandals and this has brought about a new culture within the profession. Professional accountants were placed under intense pressure by senior executives to publish acceptable business performance figures. This brought new meaning to ethics within the profession and complete culture change. He emphasized the need for top management to champion an ethics-based culture and provides a framework for doing the right thing. It has been

found that companies with good ethics lead to good business and companies with a clear commitment to ethical behavior outperform those that don't.

Conclusion

The conference was well worth attending as it brought to the fore many changes taking place in the region, the global environment and the likely impact those changes will have on accounting professionals in their specific organizations. It also enabled the participants to interact with each other and discuss the developments taking place in the global environment and their likely impact on the profession.

TWO-DAY WORKSHOP

Mrs. Sandra Augier, receptionist of the Eastern Caribbean Supreme Court Headquarters attended a two-day workshop, organized by Trudor Enterprises Limited in Gros Islet, Saint Lucia commencing Monday, 26th June 2006. This was geared to assist persons at the workplace to interact with their customers in a professional manner.

Topics covered included telephone etiquette which stressed the importance of answering the telephone promptly following the first ring and not placing a customer on hold for inordinately long periods.

Participants were also introduced to the art of taking messages, handling complaints in unusual and difficult situations, customer service and projecting the right image. On the topic of projecting the right image there were some interesting points on the use of body language, dressing for the job (the presenter noted that the use of fashion earrings and other loud jewelry is not suitable for the work place).

**Judicial Appointments for the period
June 1 - 30, 2006**

The Judicial and Legal Services Commission approves the following appointments:

1. Antigua and Barbuda

- (i) *Mr. Asquith Riviere*, Senior Magistrate, as Chief Magistrate during the periods 3rd April to 9th May and 24th to 31st May, 2006 vice Maureen Hyman, Chief Magistrate who proceeded on vacation leave during the said periods.
- (ii) *Mr. Keith Thom*, Magistrate, as Senior Magistrate, Antigua and Barbuda, during the periods 3rd April to 31st May, 2006 vice Mr. Riviere, Senior Magistrate who acted as Chief Magistrate during the above mentioned periods and proceeded on vacation leave from 10th to 23rd May, 2006.

2. Commonwealth of Dominica

- (i) *Ms. Sabriya Ali*, State Attorney, Ministry of Legal Affairs and Immigration to act as Senior State Attorney for the period 1st July to 31st December, 2006 in a vacant post.
- (ii) *Mrs. Pricilla Pacquette*, Statistical Officer III to act as State Attorney for the period 1st July to 31st December, 2006 vice Ms. Sabriya Ali recommended to act as Senior State Attorney.
- (iii) *Ms. Gloria Augustus*, State Attorney, Ministry of Legal Affairs and Immigration, to act as Magistrate for the period 1st July to 31st December, 2006, in a vacant post.
- (iv) *Mr. Glenworth Ducreay*, Legal Officer, Ministry of Legal Affairs and Immigration, to act as State Attorney (Temporary) for the period 1st July to 31st December, 2006 vice Ms. Gloria Augustus recommended to act as Magistrate.
- (v) *Mr. Ossie Walsh*, to act as Registrar, Registry General and Provost Marshall (Temporary) for the period 14th June to 15th August, 2006.

- (vi) *Mr. Levi Peter*, as Magistrate, with effect from 1st July, 2006, on contract for a period of two [2] years, in a vacant post.

3. **St. Vincent & The Grenadines**

- (i) *Mrs. Sylva Ambris-Dick*, Parliamentary Counsel II to act as Parliamentary Counsel III, with effect from 1st March, 2006 and until further notice.
- (ii) *Mrs. Zoila Ellis-Brown* as Magistrate with effect from 1st July, 2006 on contract for a period of one (1) year.

WRITTEN JUDGMENTS

The following are written judgments delivered in the month of **June 2006**:

COURT OF APPEAL JUDGMENTS

BVI

Bettito Frett v Allen Wheatley et al ... [consolidated]

BVI

Civil Appeal No 02/2006

Barrow, J.A.

Delivered: 01/06/06

DOMINICA

**Sonia Williams et al v The Attorney General of the Commonwealth of
Dominica**

Dominica

Civil Appeal No. 29/2004

Rawlins, J.A. & Gordon, J.A.

Delivered: 19/06/06

ST. LUCIA

Sylvania Lucien v Joachim Rodney Jacob

St. Lucia

Civil Appeal No. 17/2004

Gordon, J.A.

Delivered: 19/06/06

HIGH COURT JUDGMENTS

ANGUILLA

Romeo Richardson v Keith Brooks et al

Anguilla

Claim No. AXAHCV/2005/0001

George-Creque, J.

Delivered: 02/06/06

Erik Bart Bennink Bolt v Harris Richardson et al

Anguilla

Claim No. AXAHCV/2002/0021

George-Creque, J.

Delivered: 02/06/06

La Baia Limited v Edwin Hughes

Anguilla

Claim No. AXAHCV/2001/0027

George-Creque, J.

Delivered: 02/06/06

Selwin Richardson v Sharon Richardson

Anguilla

Claim No. AXAHMT/2003/0013

George-Creque, J.

Delivered: 16/06/06

ANTIGUA & BARBUDA

Financial Services Regulatory Commission v Peter Queeley et al

Antigua & Barbuda

Claim No. ANUMSC2005/0400

Blenman, J.

Delivered: 12/06/06

ST. VINCENT & THE GRENADINES

Ariane Karjalainen v Leo Van Bladel

St. Vincent & the Grenadines

High Court Claim No. 470 of 2001

Cottle, M.

Delivered: 13/06/06

Yvonne Maria Miguel v Leo Henry Miguel

St. Vincent & the Grenadines

High Court Claim No. 59 of 1995

Cottle, M.

Delivered: 13/06/06

EASTERN CARIBBEAN SUPREME COURT

As at 30th June 2006

The Chief Justice

His Lordship, the Hon. Chief Justice [Ag.], Brian Alleyne, SC - Saint Lucia

Justices of Appeal

His Lordship, the Hon. Justice Michael Gordon, QC - Saint Lucia

His Lordship, the Hon. Justice Denys Barrow, SC - Saint Lucia

His Lordship, the Hon. Justice Hugh Rawlins - Saint Lucia

High Court

His Lordship, the Hon. Justice Albert Redhead [Ag.] - Saint Lucia

His Lordship, the Hon. Justice Kenneth Benjamin - Grenada

Her Ladyship, the Hon. Justice Indra Hariprashad-Charles - British Virgin Islands

His Lordship, the Hon. Justice Frederick Bruce-Lyle - Saint Vincent & The Grenadines

His Lordship, the Hon. Justice Davidson Baptiste - Grenada

Her Ladyship, the Hon. Justice Ola Mae Edwards - Saint Lucia

Her Ladyship, the Hon. Justice Rita Joseph-Olivetti - British Virgin Islands

His Lordship, the Hon. Justice Errol Thomas - Antigua & Barbuda

His Lordship, the Hon. Justice Janice George-Creque - Anguilla

His Lordship, the Hon. Justice Louise Blenman - Antigua & Barbuda

His Lordship, the Hon. Justice Clare Henry - Commonwealth of Dominica

His Lordship, the Hon. Justice Francis Belle - Saint Christopher & Nevis

Her Ladyship, the Hon. Justice Gertel Thom - Saint Vincent & the Grenadines

Her Ladyship, the Hon. Justice Sandra Mason, QC - Saint Lucia

Her Ladyship, the Hon. Justice Ianthea Leigertwood-Octave [Ag.] - Saint Christopher & Nevis/ Commonwealth of Dominica/Montserrat

Master Brian Cottle - Saint Vincent & the Grenadines

Master Cheryl Mathurin - Antigua & Barbuda

Ms. Heather Franklyn, Chief Registrar [Ag.] - Saint Lucia