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GRENADA

**ACT NO. 14 OF 2007**

I assent,

10th May, 2007.

DANIEL CHARLES WILLIAMS

Governor-General.

An Act to establish an Integrity Commission in order to ensure integrity in public life, to obtain declaration of the assets, liabilities, income and interest in relation to property of persons in public life, to give effect to the provisions of the Inter-American Convention Against Corruption and for matters incidental thereto and for purposes connected therewith.

[ 18th May, 2007 ].

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Representatives of Grenada, and by the authority of the same as follows—

## PART I

## PRELIMINARY

1. This Act may be cited as the

Short title.

**INTEGRITY IN PUBLIC LIFE ACT, 2007.**

## Interpretation.

## 2.—(1) In this Act —

“assets” means all property beneficially held whether in or out of Grenada;

“Chairperson” means the Chairperson of the Integrity Commission appointed pursuant to section 4;

“Commission” means the Integrity Commission established pursuant to section 4;

“Court” means the High Court;

“declaration” means a declaration filed by a person in public life pursuant to section 28;

“Deputy Chairperson” means the Deputy Chairperson of the Commission appointed pursuant to section 15;

“Disciplinary Tribunal” means a Tribunal appointed pursuant to section 9 (3);

“document” means in addition to a document in writing—

- (a) any map, plan, graph or drawing;
- (b) any photograph;
- (c) any disc, tape, sound track or other device in which sounds or other data not being visual images are embodied so as to be capable, with or without the aid of some other equipment, of being reproduced therefrom;

“faith based organizations” means all religious denominations in Grenada;

“income” includes—

- (a) money derived from whatever source or acquired in or out of Grenada;
- (b) all receipts by way of salary, fees, wages, requisitions, profits, grants, emoluments, rents, interests, commissions, bonus, pensions or annuity and all income derived pursuant to the provisions of the Income Tax Act;

“interest in relation to property” means—

- (a) a legal or equitable interest in the property;  
or
- (b) a right, power or privilege in connection with the property;

“Investigatory Tribunal” means the Investigatory Tribunal appointed pursuant to section 36;

“liabilities” means all the obligations of a person in public life to pay or to transfer money to others whether in the State or elsewhere;

“member” means a member of the Commission;

“Minister” means the Minister responsible for Legal Affairs;

“person in public life” means a person referred to in Schedule I;

“prescribed” means prescribed by Regulations;

“property” means any money or other movable, immovable, corporeal or incorporeal thing whether situated in Grenada or elsewhere and includes any rights, privileges, claims, securities and any interest therein and all proceeds thereof;

“public body” means—

- (a) a corporation established by an Act of Parliament for the purpose of providing a public function and any subsidiary company thereof registered pursuant to the provisions of the Companies Act;
- (b) a Department or Ministry of the Government;
- (c) any authority, board, commission, committee or other similar body providing a public function;
- (d) the Government; or
- (e) the House of Representatives and the Senate;

“public function” means any activity performed a single time or continually, whether or not payment is received for it, and which is carried out by—

- (a) a person, for or on behalf of or under the direction of a Ministry, Department of Government, a statutory body, local government authority or a government company;
- (b) a body, whether public or private providing public utilities including the provision of water, electricity or communications; or
- (c) a member of the House of Representatives or the Senate in that capacity;

“public officer” has the meaning assigned to it pursuant to section 111 of the Constitution;

“Public Service Commission” means the Public Service Commission established pursuant to section 83 of the Constitution;

“spouse” in relation to a person in public life means a person to whom the person in public life is—

- (a) married; or
- (b) cohabiting with for a continuous period of five years;

during the period in which a declaration is required to be filed, but does not include a person with whom the person in public life has made a separation agreement, or whose support obligations and family property have been dealt with by an order of the Court;

“State” means the State of Grenada.

Application of  
Act.

3. This Act shall apply to every person in public life.

## PART II

### ESTABLISHMENT OF INTEGRITY COMMISSION

Establishment of  
Commission.

4. —(1) There is hereby established a Commission to be called the Integrity Commission.

(2) The Commission shall consist of the following persons appointed by the Governor-General as follows—

- (a) a Chairperson, who shall be a retired Judge or an attorney-at-law of at least fifteen years standing;
- (b) a certified or chartered accountant;
- (c) an attorney-at-law of at least seven years standing;
- (d) one person, on the recommendation of the Prime Minister;
- (e) one person, on the recommendation of the Leader of the Opposition; and
- (f) two persons after consultations by the Governor-General with faith based organizations.

(3) A person appointed to the Commission shall be a person of high integrity, capable of exercising competence, diligence, sound judgment, confidentiality and impartiality in fulfilling his or her duties pursuant of the provisions of this Act.

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(4) A member shall, before assuming the functions of his or her office, make and subscribe to the oath of office and the oath of secrecy before the Governor-General in the Form provided in Schedule II.

5.—(1) A person shall not become, or continue to be, appointed as a member of the Commission if the person—

Disqualification  
from member-  
ship of the  
Commission.

- (a) is affected by bankruptcy action;
- (b) is or has been convicted of an indictable offence;
- (c) is or has been, convicted of an offence pursuant to the provisions of this Act;
- (d) is a person in public life other than as a member of the Commission;
- (e) is a member of the House of Representatives or of the Senate;
- (f) has at any time during the three years preceding his or her appointment, held office in a political party; or
- (g) would otherwise be disqualified to be a member of the House of Representatives or of the Senate.

(2) For the purposes of subsection (1) (a), a person is affected by bankruptcy action if the person—

- (a) is bankrupt;
- (b) has compounded with his or her creditors; or
- (c) as a debtor, has otherwise taken or applied to take advantage of any law relating to bankruptcy.

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Tenure of office. 6. A member of the Commission shall hold office for a period not exceeding three years and shall be eligible for re-appointment.

Resignation of member. 7.—(1) A member other than the Chairperson, may at any time resign his or her office by instrument in writing addressed to the Governor-General and transmitted to the Chairperson; and from the date specified in the instrument of resignation, that person shall cease to be a member of the Commission.

(2) The Chairperson may at any time resign his or her office by instrument in writing addressed to the Governor-General and from the date specified in the instrument of resignation, he or she shall cease to be a member of the Commission.

Vacation of office. 8. A member of the Commission is taken to have vacated his or her office if the member—

- (a) resigns his or her position on the Commission pursuant to section 7;
- (b) cannot continue as a member pursuant to section 5;
- (c) is absent without the permission of the Commission, from three consecutive meetings of the Commission and he or she has not been given due notice;
- (d) at the expiration of three years from the date of the appointment of the member;
- (e) on the death of the member;
- (f) if the member is appointed as a public officer;

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- (g) if the member takes up an appointment in a political party;
  - (h) if the member is nominated for election as a representative in the House of Representatives or in the Senate.

9.—(1) A member may be removed from office only for the inability to exercise the functions of his or her office whether arising from infirmity of mind or body or any other cause or for misbehavior and shall not be so removed except in accordance with the provisions of this section.

Removal from office of member of the Commission.

(2) Subject to subsection (3), a member of the Commission shall be removed from office by the Governor-General, if the question of his or her removal has been referred to the Disciplinary Tribunal appointed pursuant to subsection (3) and the Disciplinary Tribunal has recommended to the Governor-General that the member ought to be removed from office in accordance with the provisions of subsection (1).

(3) Where the Governor-General, after consultation with the Prime Minister and the Leader of the Opposition, considers the question of removing a member of the Commission pursuant to the provisions of this section, the Governor-General shall appoint a Disciplinary Tribunal which shall consist of the following—

- (a) a Judge of the High Court;
- (b) the Chief Magistrate; and
- (c) an attorney-at-law of at least fifteen years standing.

(4) The Disciplinary Tribunal appointed pursuant to subsection (3) shall inquire into the matter and report on the facts thereof to the Governor-General and shall recommend to him or her whether the member shall be removed from office.

(5) The Disciplinary Tribunal shall give the member an opportunity to show cause as to why he or she should not be removed from office.

(6) Where the question of removing a member has been referred to a Disciplinary Tribunal pursuant to the provisions of this section, the Governor-General may suspend the member from the exercise of his or her functions of his or her office pending the hearing and determination of the matter.

(7) A suspension may at any time be revoked by the Governor-General and shall cease to have effect if the Disciplinary Tribunal recommends to the Governor-General that the member should not be removed.

Vacancy in membership of the Commission.

10. If a vacancy occurs in the membership of the appointed members, that vacancy shall be filled by the appointment of another person from the same category which that person was appointed in the first instance.

Publication in the *Gazette*.

11. The appointment, resignation, revocation, removal or the death of a member shall be published in the *Gazette*.

Functions of the Commission.

12. —(1) The Commission shall—

- (a) carry out those functions and exercise the powers pursuant to the provisions of this Act;
- (b) receive, examine and retain all declarations filed pursuant to the provisions of the Act;

- (c) make such inquiries as it considers necessary in order to verify or determine the accuracy of a declaration filed pursuant to the provisions of this Act;
- (d) receive and investigate complaints regarding any alleged breaches of the provisions of this Act or the commission of or any suspected offence under the provisions of the Prevention of Corruption Act;
- (e) investigate the conduct of any person falling under the purview of the Commission which, in the opinion of the Commission, may be considered dishonest or conducive to corruption;
- (f) examine the practices and procedures of public bodies;
- (g) instruct, advise and assist the heads of public bodies with respect to changes in practices or procedures which may be necessary to reduce the occurrence of corrupt practices;
- (h) carry out programmes of public education intended to foster an understanding of the standard of integrity;
- (i) perform such other functions and exercise such powers as are required pursuant to the provisions of this Act.

(2) In the exercise of its functions under this Act, the Commission—

- (a) shall not be subject to the direction or control of any person or authority;
- (b) may in all cases where it considers it appropriate to do so, make use of the services or draw on the expertise of any law enforcement agency or the Public Service;
- (c) shall have the power to authorize investigations, summon witnesses, require the production of any reports, documents or other relevant information, and to do all such things as it considers necessary or expedient for the purpose of carrying out its functions pursuant to the provisions of this Act.

Powers and independence of the Commission.

**13.** The Commission shall have the same powers, rights and privileges as a commission of inquiry appointed pursuant to the provisions of the Commissions of Inquiry Act.

Proceedings and meetings of the Commission.

**14.—**(1) Meetings of the Commission shall be held at the times and place as the Chairperson shall decide.

(2) Notwithstanding subsection (1), the Chairperson shall call a meeting if asked, in writing, to do so by the Minister or by three members of the Commission.

Election of Deputy Chairperson of the Commission.

**15.—**(1) At the first meeting of the Commission, the members of the Commission shall elect a Deputy Chairperson from among its membership.

(2) The Deputy Chairperson shall act as Chairperson of the Commission—

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- (a) during a vacancy in the office of Chairperson;  
or
  - (b) during all periods when the Chairperson is absent from duty or, for any other reason, is unable to perform the functions of his or her office.

16. The quorum for a meeting of the Commission shall be <sup>Quorum.</sup> five.

17. —(1) The Chairperson shall preside at all meetings of <sup>Presiding at</sup> the Commission at which he or she is present. <sup>meetings.</sup>

(2) If the Chairperson is absent from a meeting of the Commission, but the Deputy Chairperson is present, the Deputy Chairperson shall preside.

(3) If the Chairperson and the Deputy Chairperson are both absent from a meeting of the Commission, the members shall select a member present at the said meeting to preside.

18.—(1) All decisions of the Commission shall be decided <sup>Conduct of</sup> by a majority of members present and voting at the meeting <sup>meetings of the</sup> and, in the event of an equality of votes, the Chairperson shall <sup>Commission.</sup> have a casting vote.

(2) A resolution is validly made by the Commission, even if it is not passed at a meeting of the Commission, if—

- (a) a majority of the members give written agreement of the resolution; and
- (b) notice of the resolution is given under the procedures approved by the Commission.

Secretary and  
staff of the  
Commission.

**19.—(1)** There shall be a Secretary to the Commission who shall be a public officer.

(2) The duties of the Secretary shall be—

- (a) to attend the meetings and proceedings of the Commission;
- (b) to record the minutes of each meeting in proper form; and
- (c) generally to perform duties connected with the work of the Commission.

(3) The Commission shall be provided with adequate staff for the prompt and efficient discharge of its functions and powers pursuant to the provisions of the Act.

(4) A person appointed pursuant to the provisions of this section or authorized to perform any functions pursuant to the provisions of this Act, shall before assuming his or her functions, make and subscribe the oath of office and the oath of secrecy in the Form provided in Schedule II.

Remuneration  
and staff of the  
Commission.

**20.** The salaries and allowances of the members and staff of the Commission shall be determined by resolution of the House of Representatives.

Leave of absence  
for a member of  
the Commission.

**21.—(1)** The Governor-General may approve a leave of absence for a member of the Commission for a period not exceeding three months.

(2) Pursuant to subsection (1) the Governor-General may appoint another person to act in the office of the member while the member is absent on approved leave.

(3) A person appointed pursuant to subsection (2) shall belong to the same category of persons to which the member who has been granted leave belongs.

22. The funds of the Commission shall consist of such Funds of the Commission.  
funds as may be appropriated to the Commission by Parliament.

23. The Commission shall keep proper records of its Accounts of the Commission.  
accounts in accordance with generally accepted international accounting standards and principles, and shall prepare and retain financial statements in respect of each financial year.

24.—(1) The Commission shall as soon as is practicable Audit.  
after each financial year, have its accounts audited annually by the Director of Audit or an auditor appointed by the Director of Audit, in accordance with generally accepted international accounting standards and principles.

(2) The Commission and its employees shall grant to the auditor appointed pursuant to subsection (1), access to any information or documents which the auditor may deem necessary and the auditor may require the person holding or accountable for such document to appear, make a signed statement or provide such information in relation to the document as the auditor deems necessary.

(3) A person who is required to appear, make a signed statement or to provide information pursuant to subsection (2) and who fails to comply, commits an offence and upon summary conviction is liable to a fine not exceeding

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five thousand dollars or to a term of imprisonment not exceeding two months or to both, and to revocation of his or her appointment as a member or staff of the Commission.

Report of Auditor.

**25.** An auditor appointed pursuant to section 24 shall as soon as practicable and not later than three months after the end of each financial year, submit copies of the audited financial statement of the Commission.

Annual report.

**26.**—(1) Subject to subsection (2), and not later than three months after the end of each financial year, the Commission shall submit to the Minister, an annual report on the work and activities of the Commission for that financial year and the Minister shall not later than one month after receipt of that report, lay the same before the House of Representatives.

(2) The annual report pursuant to subsection (1) shall be accompanied by the report submitted by the auditor pursuant to section 25.

(3) A summary of the annual report pursuant to subsection (1) shall be published in the *Gazette* and the entire annual report shall be made available to any person on payment of the prescribed fee to the Commission.

Seal of the Commission.

**27.**—(1) The seal of the Commission shall be such device as the Commission shall determine and shall where the Commission so directs, be kept in the custody of the Secretary to the Commission.

(2) The affixing of the seal shall be authenticated by the signature of the Chairperson, or the Deputy Chairperson, and the Secretary or such other person authorised on his or her behalf by a resolution of the Commission.

## PART III

## FINANCIAL DISCLOSURE

28.—(1) Subject to subsection (2), and section 30, every person in public life shall file a declaration to the Commission in the Form set out in Schedule III of this Act.

Duty of person in public life to furnish declaration.

(2) Notwithstanding the provisions of subsection (1), the Commission may, in any particular case, for good cause, extend the time for the furnishing of a declaration for a period not exceeding three months.

(3) Where a person in public life, fails to file a declaration in accordance with this section or without reasonable cause, fails to furnish particulars in accordance with section 35, the Commission shall publish such fact in the *Gazette* and at least one weekly newspaper in circulation in Grenada.

(4) The Commission may, at anytime, after the publication made pursuant to subsection (3), make an *ex parte* application to the Court for an order directing the person in public life to comply with the provisions of the Act and the Court may, in addition to making such an order, impose such conditions as it thinks fit.

(5) A person who fails to comply with a direction of the Court pursuant to subsection (4), commits an offence and is liable on conviction to a fine not exceeding sixty thousand dollars or to a term of imprisonment not exceeding two years.

29.—(1) A person who is a person in public life on the date of commencement of this Act shall within three months from the date of commencement of this Act, file a declaration pursuant to section 28 and thereafter, on or before the 31st day of March of each year during any part of which he or she remains a person in public life.

Filing of declaration.

(2) A person who becomes a person in public life after the date of commencement of this Act shall file a declaration pursuant to section 28, within three months of he or she becoming a person in public life and thereafter on or before the 31st day of March of each year during which he or she remains a person in public life.

(3) Where a person ceases to be a person in public life he or she shall furnish a declaration at the end of six months from the date on which he or she ceases to be a person in public life.

(4) Where a person in public life dies, the declaration which he or she would have been required to file had he or she lived, shall not be filed.

Procedure for  
filing of  
declaration by  
member of  
Commission  
and Director  
of Public  
Prosecutions.

**30.**—(1) Every member shall file a declaration in the Form provided in Schedule III, with the Governor-General before he or she assumes office and thereafter on or before the 31st day of March of each year, during which he or she remains a member.

(2) The Director of Public Prosecutions shall file a declaration with the Governor-General in the manner provided in section 29 and in the Form provided in Schedule III.

(3) The Governor-General shall appoint an auditor to examine and verify the contents and accuracy of a declaration filed pursuant to sub-sections (1) and (2), and the auditor so appointed shall, subject to subsection (4), submit a report to the Governor-General containing such recommendations which he or she may deem necessary.

(4) The auditor shall examine every declaration filed pursuant to this section in order to ensure that such declaration complies with the requirements of this Act.

**31.—(1)** The Governor-General may, based upon a request made by the auditor appointed pursuant to section 30, request from a member or the Director of Public Prosecutions, such additional information or explanation relevant to a declaration filed, which would assist the auditor in verifying the contents and accuracy of the declaration.

Request for further particulars of member or Director of Public Prosecutions.

(2) Where a member or the Director of Public Prosecutions—

- (a) fails to file a declaration pursuant to section 29, or
- (b) fails to provide any additional information when requested so to do pursuant to subsection (1);

the Governor-General shall request the Attorney General to make an application ex-parte to the Court, to seek to have the member or the Director of Public Prosecutions to comply with the provisions of paragraph (a) or (b), and the Court may, in addition to making such an order, impose such conditions as it thinks fit.

(3) A member who fails to comply with an order of the Court commits an offence and is liable on conviction to a fine not exceeding sixty thousand dollars or to a term of imprisonment not exceeding two years and shall be removed as a member of the Commission in accordance with the provision of this Act.

(4) Where the Director of Public Prosecutions fails to comply with an order of the Court, the matter shall be reported by the Governor-General to the Judicial Legal and Services Commission who shall take such steps as deemed necessary pursuant to section 86 of the Constitution.

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Trust property.      **32.** Where a person in public life holds property in trust for another person, he or she shall so state this in his or her declaration.

Income assets  
and liabilities of  
agent.      **33.** For the purposes of a declaration, the income assets and liabilities of a person in public life include the income, assets and liabilities acquired, held or incurred by another person as his or her agent on his or her behalf.

Blind Trusts.      **34.—(1)** A person in public life may place his or her assets or part thereof in a blind trust for the purposes of this Act and shall file a copy of the trust deed with the Commission.

(2) Where the assets of a person in public life are placed in a blind trust, he or she need not in his or her declaration give more particulars of those assets than the amount, and description of the assets placed in that trust at the date of so filing.

(3) A blind trust is created if a person in public life enters into an arrangement with a qualified trust company whereby—

- (a) all or part of his or her assets are conveyed to the trust company for its management, administration and control in its absolute discretion without recourse or report to the person beneficially entitled to those assets;
- (b) income derived from the management of the assets are not to be communicated to him or her, until he or she ceases to be a person in public life;
- (c) conversion of assets into other assets are not to be communicated to him or her, until he or she ceases to be a person in public life; and

(d) after he or she ceases to be a person in public life, proper and full accounting is to be made to him or her, as the circumstances of the management of the trust require.

(4) A trust company is a qualified trust company if—

(a) it is incorporated in the State and is carrying on business in the State;

(b) no more than ten percent of the issued shares in the trust company or its affiliate is held by the person in public life entering into an agreement with it, or by any person associated with him or her; and

(c) the person in public life holds no directorship or office in the trust company or its affiliate.

(5) For the purposes of this section, a company is the affiliate of another company where that company holds more than five percent of the issued shares in the other company or where that company holds more than ten percent of the issued shares in the first mentioned company.

35.—(1) The Commission shall examine every declaration that is filed with it and shall ensure that such declaration complies with the requirements of this Act.

Request for  
further  
particulars.

(2) The Commission may upon the examination of a declaration furnished to it, request from the person in public life, any information or explanation relevant to a declaration which in the opinion of the Commission, would assist it in its examination.

(3) The Commission may require that—

- (a) a person in public life furnish such particulars relating to his or her financial affairs as may be considered necessary;
- (b) a person in public life or his or her duly appointed agent appear before the Commission at a specified time to be heard on any matter relating to the declaration;
- (c) a declaration be certified by a chartered or certified accountant.

(4) A person in public life who is required to appear before the Commission pursuant to subsection (3) (b), may—

- (a) be accompanied and represented by an attorney-at-law, a certified accountant or both; and
- (b) require the Commission to summon witnesses.

(5) The Commission shall not make any adverse decision without giving the person in public life an opportunity to be heard.

(6) Where, upon an examination made pursuant to subsection (1), the Commission is satisfied that a declaration has been fully made, it shall forward to the person in public life, a Certificate of Compliance provided for in Schedule IV.

Formal Inquiry  
by Investigatory  
Tribunal into  
accuracy and  
fullness of  
declaration.

36.—(1) Where the Commission considers it necessary or expedient to inquire into the accuracy or fullness of a declaration filed with it, the Commission may, advise the Governor-General to appoint an Investigatory Tribunal for that purpose.

(2) For the purposes of an inquiry in accordance with the provisions of this section, the Governor-General shall appoint an Investigatory Tribunal comprising three members of the Commission in order to verify the contents of a declaration or other statement filed with the Commission.

(3) The Investigatory Tribunal appointed pursuant to subsection 21, may subject to subsection (4), request in writing that a person in public life or any other person who the Investigatory Tribunal reasonable believes to have knowledge of the matters inquired into—

- (a) attend before the Investigatory Tribunal to give such information to the Investigatory Tribunal as it may require in order to satisfy itself that it is in possession of all material facts; or
- (b) furnish to the Investigatory Tribunal, such information or documents as would assist the Investigatory Tribunal in verifying the declaration.

(4) An inquiry shall not be commenced after five years from the date when the person in respect of whose declaration the inquiry is being conducted ceased to be a person in public life.

37.—(1) In conducting an inquiry pursuant to section 36, the Investigatory Tribunal shall have and exercise the powers of a Commission of Inquiry pursuant to the provisions of the Commissions of Inquiry Act save and except that—

Powers of  
Investigatory  
Tribunal.

- (a) the proceedings shall be held in private; and

- (b) the form of summons for the attendance of witnesses or other persons or the production of documents shall be in the Form provided for in Schedule V.

Findings of  
Investigatory  
Tribunal.

**38.—**(1) The Investigatory Tribunal shall submit a report of its findings to the Governor-General who shall forward the same to the Commission.

(2) Where the Investigatory Tribunal, in its report submitted pursuant to subsection (1), finds that—

- (a) the declaration which gave rise to the inquiry was in fact full and proper, it shall recommend that the person in public life be entitled to full indemnity and shall be reimbursed from the Consolidated Fund for all expenses reasonably incurred as may be determined by the Commission;
- (b) there are reasonable grounds to believe that an investigation into the assets and income of a person in public life is necessary, the Commission shall submit the report of the findings of the Investigatory Tribunal to the Director of Public Prosecutions so that he or she may make an application under section 39 for an investigation direction.

Application for  
and issuing of  
investigation  
direction.

**39.—**(1) Where based on the findings of the Investigatory Tribunal submitted to the Director of Public Prosecutions pursuant to the provisions of section 38, the Director of Public Prosecutions has reasonable grounds to believe that an investigation into the assets and income of a person in public life is necessary, he or she may make an application, on behalf

of the Commission, to a Judge in Chambers for the issuing of an investigation direction pursuant to the provisions of subsection (2).

(2) An application referred to in subsection (1) shall be made *ex parte*, and shall be in writing and shall include—

- (a) the person in public life to be identified;
- (b) the grounds referred to in subsection (4) on which the application is made;
- (c) full particulars of all the facts and circumstances alleged in support of the application;
- (d) the basis for believing that evidence relating to the grounds on which the application is made will be obtained through the investigation direction;
- (e) whether any previous application has been made for the issuing of an investigation direction in respect of the person in public life to be investigated and if such previous application exist, the current status of that application; and
- (f) the period for which the investigation direction is required.

(3) Subject to subsection (4), a Judge in Chambers may upon an *ex parte* application made to him or her pursuant to subsection (2) issue an investigation direction.

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(4) An investigation direction may only be issued if the Judge is satisfied that—

- (a) there has been compliance with the provisions of sub section (2);
- (b) on the facts alleged in the application concerned, there are reasonable grounds to believe that the person in public life to whom the application relates, maintains a standard of living above that which is commensurate with his or her present or past known sources of assets or income or is in control or possession of pecuniary resources or property disproportionate to his or her past known sources of assets or income; and
- (c) such investigation direction is likely to reveal information, documents or things which may afford such proof pursuant to the provisions of subsection (1);

(5) An investigation direction—

- (a) shall be in writing;
- (b) shall indicate the identity of the person in public life;
- (c) shall specify the period for which it has been issued;
- (d) may specify conditions of restrictions relating to the conducting of the investigation; and

(e) may be issued in respect of any place in the State.

(6) Subject to the provisions of subsection (7), an application shall be considered and an investigation direction issued without any notice to the person in public life to whom the application relates and without the hearing of such person.

(7) Where a previous application for an investigation direction has been issued in respect of a person in public life, the Director of Public Prosecutions may only apply for a further investigation direction in respect of the person in public life on the same facts after giving reasonable notice to the person in public life concerned.

(8) A Judge considering an application for an investigation direction may require the Director of Public Prosecutions to furnish such other information as he or she deems necessary.

(9) If an investigation direction has been issued pursuant to the provisions of subsection (4), the Commission may, for the purposes of inquiring into the matter—

(a) summon the person in public life or any other person specified in the investigation direction, who is believed to be able to furnish information on the subject matter of the investigation direction or have in his or her possession or under his or her control, any property, book, document or other object relating to that subject, to appear before the Commission at a time and place to be specified in the summons, to be questioned or produce that property, book or other document or object;

- (b) question that person in public life or other person under oath or affirmation administered by the Commission, and examine and retain for further re-examination or for safe custody, such property, book, document or other object; or
- (c) apply to a Judge in Chambers for the issuance of a warrant to enter at any reasonable time and without prior notice or as with such notice as the Commission may deem appropriate, such premises as specified in the warrant, accompanied by a police officer not below the rank of Sergeant, where the person in public life is suspected to be or any premises on or in which anything connected with that investigation is suspected to be and may—
  - (i) inspect and search those premises, and thereby make such inquiries as the Commission may deem necessary;
  - (ii) examine any property found on or in the premises which may have a bearing on the investigation in question and request from the person in public life or the owner or the person in charge of the premises or from any person who has possession of that property, any information regarding that property;

- (iii) make copies or take extracts from any book, or document found on or in the premises which may have a bearing on the investigation in question and request from any person suspected of having the necessary information, an explanation of any entry therein; or
- (iv) seize against the issue of a receipt, anything on or in the premises which has a bearing or may have a bearing on the investigation in question, or which the Commission wishes to retain for further examination or for safe custody.

(10) Pursuant to sub section 9, a person from whom a book or document has been taken, as long as it is in the possession of the Commission, may at his or her request be allowed, at his or her own expense and under the supervision of the Commission to make copies thereof or take extracts therefrom at any reasonable time.

(11) The law regarding privilege as applicable to a witness summoned to give evidence in a criminal case in a magistrate's court shall apply in relation to the questioning of a suspect or any person referred to in subsection (9) but such a person shall not be entitled to refuse to answer any question upon the ground that the answer would tend to expose him or her to a criminal charge.

(12) No evidence regarding any questions and answers contemplated in subsection (11) shall be admissible in any criminal proceedings except where the person concerned stands trial on a charge contemplated pursuant to the provisions of the Criminal Code.

(13) Subject to any direction, condition or restriction determined by a Judge pursuant to the provisions of subsection (5), the provisions of the Criminal Code and the Magistrates Courts Act relating to the conducting of an investigation and the execution of a warrant in terms of those provisions shall apply with the necessary changes in respect of an investigation conducted pursuant to the provision of subsection (9).

(14) Where based on the findings of the Commission pursuant to an investigation direction issued pursuant to the provisions of this Act, the Commission has reason to believe that the evidence before it may constitute a criminal offence, it shall forward a copy of its findings to the Director of Public Prosecutions.

(15) A person who—

- (a) obstructs or hinders the Commission in conducting an investigation or any other person in the performance of his or her functions pursuant to the provisions of this section;
- (b) when he or she is asked pursuant to the provisions of subsection (9) for information or an explanation relating to a matter within his or her knowledge, refuses or fail to give that information or explanation, or give such information or explanation which is false or misleading—

commits an offence and is liable on summary conviction to a fine not exceeding ten thousand dollars or to a term of imprisonment not exceeding six months.

40.—(1) All declarations filed with the Commission and the records of the Commission in respect of these declarations are secret and confidential and shall not be made public, save and except where a particular declaration or record is required to be produced by an Order of the Court for the purpose of, or in connection with any court proceedings or inquiry in respect of a declaration made pursuant to the provisions of this Act or the Prevention of Corruption Act.

Secrecy and confidentiality.

41.—(1) A member of the Commission and every person performing any function in the service of the Commission shall treat all declarations, records or information relating to such declarations or records as secret and confidential and shall not disclose or communicate such declaration, record or information to any unauthorized person or allow such person to have access to any such records, information or declaration.

Information not to be communicated to unauthorized persons.

(2) A person who contravenes the provisions of subsection (1), commits an offence and is liable on summary conviction to a fine not exceeding twenty thousand dollars or to a term of imprisonment not exceeding one year or to both such fine and imprisonment.

(3) For the purposes of this section, an unauthorized person is a person other than a person authorized to receive information—

- (a) pursuant to the provisions of this Act in relation to the financial affairs of persons in public life; or
- (b) by reason of an order of a Judge of the Court.

(4) Where an unauthorized person publishes information which is submitted by a person in public life pursuant to the provisions of this Act, he or she commits an

offence and is liable on summary conviction to a fine not exceeding twenty thousand dollars or to a term of imprisonment not exceeding one year or to both such fine and imprisonment.

#### PART IV

#### CODE OF CONDUCT

**Code of conduct.** 42.—(1) A person in public life shall observe the Code of Conduct as specified in Schedule VI.

**Complaints to the Commission.** 43.—(1) A person who has reasonable grounds to believe that a person in public life is in breach of any provision of the Code of Conduct may make a complaint in writing to the Commission and shall state in the complaint the particulars of the breach including—

- (a) the period within which the breach was committed; and
- (b) the names and addresses of person involved in the commission of the breach.

(2) A person making a complaint pursuant to subsection (1) shall produce to the Commission—

- (a) evidence to support the complaint including documentary evidence and sworn statements; and
- (b) such other particulars as may be prescribed.

(3) A person making a complaint pursuant to subsection (1) shall not be liable in civil or criminal proceedings unless it is proved that the complaint was not made in good faith.

44.—(1) Where a complaint has been made to the Commission pursuant to section 43, the Commission after examination of the complaint may reject the complaint if the Commission is of the opinion that—

Rejection of  
complaint.

- (a) the complaint is frivolous or vexatious; or
- (b) the complaint does not pertain to a matter the Commission is empowered to deal with pursuant to the provisions of this Act.

(2) A complaint shall not be rejected by the Commission without the Commission giving the person who made the complaint a reasonable opportunity to be heard.

45.—(1) Where upon an examination of a complaint made pursuant to section 43, the Commission is of the view that an investigation is necessary, it shall inquire into the matter.

Investigation of  
breach of Code  
of Conduct.

(2) The sittings of the Commission to take evidence or hear submissions in the course of an inquiry pursuant to subsection (1) shall be held in camera.

(3) A person who makes a complaint and the person in public life against whom the complaint is made and the inquiry is being held, shall be entitled to notice of the proceedings of the inquiry and to be represented at the inquiry either personally or by an attorney-at-law.

Findings of  
breach of the  
provisions of the  
Code of Con-  
duct by the  
Commission.

46.—(1) Where pursuant to an investigation conducted pursuant to section 45, the Commission finds that a person in public life breaches a provision of the Code of Conduct, the Commission shall send a report of its findings, for appropriate action—

- (a) in the case of the President of the Senate and of the Speaker of the House of Representatives, to the Governor-General;
- (b) in the case of a Senator, to the President of the Senate;
- (c) in the case of a member of the House of Representatives, to the Speaker of the House of Representatives;
- (d) in the case of a person appointed by the Public Service Commission, to that Commission;
- (e) in the case of a person appointed by the Judicial Legal and Services Commission to that Commission; or
- (f) in the case of a person appointed to hold office in a statutory body, to the person or authority having power to appoint that person.

(2) Notwithstanding the provisions of subsection (1), where the Commission has reason to believe that the evidence before it may constitute a criminal offence, it shall forward a copy of its findings to the Director of Public Prosecutions.

## PART V

## REPORT OF GIFTS

47.—(1) A person in public life shall not accept any gift or reward from any person as— Report of gifts.

- (a) an inducement for any official to be done by him or her; or
- (b) a reward for any official act done by him or her.

(2) Notwithstanding subsection (1), a person in public life may accept a gift or reward from—

- (a) a community organization on a social occasion which represents the creativity of that organization;
- (b) a foreign dignitary, where the person in public life has reasonable grounds to believe that the refusal to accept the gift may offend the foreign dignitary.

(3) Where a person in public life accepts a gift or a reward in the circumstances specified in paragraph (b) of subsection (2), he or she shall make a report to the Commission of that fact in the prescribed manner within seven days of the receipt of the gift.

(4) Where the Commission determines that the gift was given to the person in public life as a personal gift and was not intended to be a motive or reward for doing or abstaining from doing anything in the course of the

performance of his or her official functions or causing any other person from doing or forbearing to do anything, the Commission shall allow the person in public life to retain the gift.

(5) Where the Commission finds through the inquiry that the gift was given to the person in public life—

- (a) as a State gift; or
- (b) personally, but was intended to be a motive or reward for doing or abstaining from doing anything in the course of the performance of his or her official functions or causing any other person from doing or forbearing to do anything;

the Commission shall direct the person in public life, in writing, to deliver the gift to the Director of Finance on behalf of the State within such period not exceeding fourteen days, as may be specified by the Commission, and the person in public life shall comply with the direction within the time so specified.

(6) Where a gift is delivered to the Cabinet Secretary pursuant to the provisions of subsection (4), it shall be dealt with as a gift to the State.

(7) A person in public life who fails to comply with the direction given by the Commission pursuant to subsection (5), commits an offence and is liable on summary conviction to a fine equal to the value of the gift involved or ten thousand dollars, whichever is greater or to a term of imprisonment not exceeding three months.

## PART VI

## OFFENCES

48.—(1) A person who—

Offences.

- (a) fails without reasonable cause, to furnish to the Commission a declaration or further particulars which he or she is required to furnish in accordance with the provisions of this Act;
- (b) knowingly makes a declaration which is false;
- (c) fails without reasonable cause to give such information or explanation as the Commission or a tribunal constituted pursuant to the provisions of this Act may require;
- (d) fails without reasonable cause to attend an inquiry being conducted by the Commission, or a tribunal constituted pursuant to the provisions of this Act, or knowingly gives false information in such inquiry;

commits an offence, and is liable on conviction to a fine not exceeding two hundred thousand dollars or to a term of imprisonment not exceeding five years.

(2) Where the offence committed pursuant to subsection (1) involves the non-disclosure of property acquired by a person while in public life, the Court may, if satisfied that such property was acquired in contravention of

this Act or any other law, in addition to the penalty specified pursuant to subsection (1)–

- (a) where the property is situated in the State, declare that it be forfeited to the State; or
- (b) where the property is involved is situated outside the State, order that an amount equivalent to the value of the property as assessed by the Court be paid by the person in public life to the State.

(3) Where property acquired from a person referred to pursuant to subsection (2) by a bona fide purchaser for value without notice of any offence, that person shall not be liable to forfeiture, but the Court may order that the amount equivalent to the value of the property or the price paid, whichever is the greater, shall be paid by the person in public life to the State.

(4) Payment of all sums due to the State pursuant to subsection (2) or (3) may be recovered as a debt due to the State.

## PART VII

### MISCELLANEOUS PROVISIONS

**Amendment of Schedules.** 49.—(1) The Minister may by Order, which shall be subject to affirmative resolution of the House of Representatives, amend any of the Schedules.

**Regulations.** 50.—(1) The Minister may make Regulations prescribing—

- (a) the manner in which inquiries may be carried out and any matters incidental to or consequential upon such inquiries;

- 
- (b) the standard or criteria for the initiation of such inquiries;
  - (c) the manner in which information received from the public would be assessed and verified;
  - (d) the period within which any information or document required by the Commission should be furnished or produced;
  - (e) the fees that are payable by members of the public in respect of a certified copy of a public declaration statement and the manner in which such statements may be available;
  - (f) any matter or thing in respect of which it may be necessary to make regulations for carrying into effect the provisions of this Act into effect.

(2) Regulations made pursuant to subsection (1) shall be subject to the affirmative resolution of Parliament.

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SCHEDULE I

Section 2

1. Member of the Commission and the Secretary to the Commission
2. Members of the House of Representatives
3. Members of the Senate
4. President of the Senate
5. Speaker of the House of Representatives

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6. Parliamentary Secretaries
  7. Secretary to Cabinet
  8. Permanent Secretaries, Deputy Permanent Secretaries
  9. Senior Administrative Officers
  10. Chief Budget Officer
  11. Accountant General and Deputy Accountant General
  12. Solicitor General
  13. Clerk of Parliament
  14. Commissioner of Police and Deputy Commissioner of Police
  15. All police officers
  16. Chief Immigration Officer, Deputy Chief Immigration Officer and all other immigration officers
  17. Superintendent of Prisons and all prison officers
  18. Comptroller of Customs, Deputy Comptroller of Customs and all custom officers
  19. Comptroller of Inland Revenue, Deputy Comptroller of Inland Revenue and all Inland Revenue officers
  20. Chief Personnel Officer
  21. Legal officers employed by the State
  22. Director of the Financial Intelligence Unit and all employees of the Financial Intelligence Unit
  23. Director of Public Prosecutions
  24. Director of Audit
  25. Magistrates
  26. Labour Commissioner, Deputy Labour Commissioner and all labour officers

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27. Chief Technical Officers of Ministries
  28. Members of Public Service Commission
  29. Members of Public Service Board of Appeal
  30. Members of the Boards or governing bodies of statutory bodies
  31. Chief Executives and Deputy Chief Executives, by whatever name known, of statutory bodies
  32. Members of the Tenders Board
  33. All Public Officers including non-established officers receiving a salary in excess of \$2000.00 per month.

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SCHEDULE II

section 4 (4), 19 (4)

**Oath of Office**

I,.....do swear that I will exercise the functions of Chairperson/Member/Secretary/staff of the Integrity Commission without fear or favour, affection or ill will according to the Constitution and laws of Grenada.

So help me God!

Sworn before me this.....day of....., 20.....

.....  
*Governor-General.*

**OATH OF SECRECY**

I,.....Chairperson/ Member/Secretary/staff of the Integrity Commission, do swear that I will not on any account or at any time disclose any opinion, advice or privileged information of the Integrity Commission and that I will not except with the authority of an order of the Court or the Integrity Commission and to such extent as may be required for the good management of the affairs of that Commission directly reveal the business or the proceedings of the Integrity Commission or the nature of any document.

.....

Sworn before me this.....day of....., 20.....

.....

*Governor-General.*

SCHEDULE III

Section 28, 30

FORMS

FORM I

SUMMONS TO WITNESS BEFORE THE INTEGRITY COMMISSION

A, B, Complainant

C,D, (name of person in public life alleged to be in breach of the Code of Conduct)

To: E, G, of

.....

Whereas a complaint has been made before the Integrity Commission that you C,D,..... (state concisely the substance of the complaint) and it has been made to appear to the Commission that you are likely to give material evidence on behalf of the Complainant/person in public life in this behalf:

This is to require you to be and appear at .....o'clock on the .....day of ....., 200..... at ..... before the Commission in the said place, to testify what you know concerning the matter of the said complaint.

Dated this .....day of.....200.....

\_\_\_\_\_  
Chairman of Integrity Commission

SCHEDULE III

Section 28, 30

FORM I

INTEGRITY IN PUBLIC LIFE ACT NO. ( ) of 200[ ]

DECLARATION OF ASSETS, LAIBILITES AND INCOME

Declaration of assets and liabilities at .....  
 (Declaration Date)

and of income for the period of twelve months (or other period where appropriate) ending on that date.

NOTE:

- (a) Where any property is held by the declarant, declarant's spouse or the declarant's child or children in trust for any other person, this should be indicated by a note to that effect.
- (b) The declaration date should be the date as at which pursuant to section 13 the declaration is to be made.
- (c) Where the space in this Form is inadequate a separate sheet of paper may be used and signed by the declarant.

Name of Declarant	Address of Declarant
Name of Declarant's Spouse	Address of Declarant's Spouse
Maiden Name (of Spouse)	

PARTICULARS OF DECLARANT'S CHILDREN

Name	Date of Birth	Address

\_\_\_\_\_  
 Signature of Declarant

Date: \_\_\_\_\_

**PARTICULARS OF ASSETS HELD BY DECLARANT, SPOUSE AND CHILDREN**

**BANK ACCOUNTS**

1. TO BE SUPPORTED BY BANK STATEMENT OR LETTER FROM BANK CONFIRMING BALANCES.

Name and Address of Bank	In whose Name held	Balance in Account

2. CASH IN EXCESS OF ..... DOLLARS HELD OTHER THAN IN BANK BY DECLARANT, SPOUSE AND CHILDREN.

Where held	In whose Name held	Amount

3. BONDS, STOCKS, SHARES, AND SIMILAR INVESTMENTS INCLUDING ANY SUCH PROPERTY OVER WHICH A RIGHT OF DISPOSITION RESIDES IN THE DECLARANT, SPOUSE AND CHILDREN

No. and Description	Organization in which held	In whose name held	Face value	Cost of acquisition where known or market value

\_\_\_\_\_  
*Signature of Declarant*

Date: \_\_\_\_\_

**4. IMMOVABLE PROPERTY (e.g. HOUSE, LAND AND FARM BUILDINGS) HELD BY DECLARANT, SPOUSE AND CHILDREN**

Description

General	Vol.	Fol.	Where situated	In whose name held	Purchase price	Estimated current market value

*Signature of Declarant*

Date: \_\_\_\_\_

**5. MONIES INVESTED IN MORTGAGE OR BUSINESS VENTURES (INCLUDING CROPS AND LIVESTOCK) BY DECLARANT, SPOUSE AND CHILDREN**

Type of Investment	In whose name	Amount invested in project	Terms	Interest rate	Annual Income

**6. PARTICULARS OF MOTOR VEHICLES OWNED BY, OR ON HIRE FOR ANY PERIOD TO, OR ON LOAN FOR A PERIOD IN EXCESS OF TWO MONTHS TO THE DECLARANT, SPOUSE OR CHILDREN**

Description	Owner's Name	Age of Vehicle	Terms of Hirage (if hired)	Purchase Price

**7. VALUES HELD IN SAFETY DEPOSIT BOXES BY DECLARANT, SPOUSE AND CHILDREN**

Where held	Owner's name	Contents	\$ Value

**8. INSURANCE POLICIES HELD BY DECLARANT, SPOUSE AND CHILDREN**

Insurance Company	Type of Policy	Date Insured	Date of maturity	Name of Insured	Annual Premium	Face Value	Surrender Value

**9. ANY OTHER PROPERTY OWNED BY DECLARANT, SPOUSE AND CHILDREN**

Description	Owner's Name	By whom being held	In what capacity being held	Estimate

10. OTHER PROPERTY OWNED BY DECLARANT, SPOUSE, AND CHILDREN BEING HELD BY A PERSON OTHER THAN OWNER, WHETHER IN TRUST OR OTHERWISE

Description	Owner's Name	By whom being held	In what capacity being held	Estimated Market Value

\_\_\_\_\_  
Signature of Declarant

Date: \_\_\_\_\_

11. PARTICULARS OF INCOME FROM ALL SOURCES OF DECLARANT, SPOUSE AND CHILDREN (INCLUDING PREREQUISITES SUCH AS HOUSE, ENTERTAINMENT ALLOWANCES, RENTAL, etc.)

Type of Income	Recipient's Name	Source	Gross Amount for period under review

12. PARTICULARS OF LIABILITIES (INCLUDING GUARANTEES) OF DECLARANT, SPOUSE AND CHILDREN

CERTIFICATE FROM CREDITORS OR PARTY TO WHICH GUARANTEE GIVEN SHOULD BE PROVIDED

Nature of Liability	Person Liable	To whom Liable	Amount

\_\_\_\_\_  
Signature of Declarant

Date: \_\_\_\_\_

13. PARTICULARS OF ANY PROPERTY ACQUIRED OR DISPOSED OF BY DECLARANT, SPOUSE AND CHILDREN DURING PERIOD OF 12 MONTHS OR OTHER PERIOD WHERE APPROPRIATE ENDING ON .....

Description of Property	Acquisition or Disposal	Cost of Acquisition	Price of Disposal

I do solemnly and sincerely declare that the particulars given by me herein are, to the best of my knowledge, true, accurate and complete.

\_\_\_\_\_  
*Signature of Declarant*

Date: \_\_\_\_\_

Signed at .....

This ..... day of ..... before .....

*Justice of the Peace*

SCHEDULE IV

Section 34 (6)

INTEGRITY IN PUBLIC LIFE ACT NO. (        of 200[    ])

CERTIFICATE OF COMPLIANCE

The Integrity Commission certifies that it has examined the declaration filed with the Commission and is satisfied that full disclosure has been made by (Name and address) in accordance with the Act.

Dated this            day of            200 .

.....  
*Chairman, Integrity Commission*

SCHEDULE V

Section 37

FORM

SUMMONS TO WITNESS BEFORE THE INTEGRITY COMMISSION

A, B, Complainant

C,D, (name of person in public life alleged to be in breach of the Code of Conduct)

To: E, G, of

Whereas a complaint has been made before the Integrity Commission that C,D,..... (state concisely the substance of the complaint) and it has been made to appear to the Commission that you are likely to give material evidence on behalf of the Complainant/person in public life in this behalf:

This is to require you to be and appear at .....o'clock on the .....day of ....., 200..... at .....before the Commission in the said place, to testify what you know concerning the matter of the said complaint.

Dated this .....day of.....200.....

Chairperson of Integrity Commission

## SCHEDULE VI

## Section 41

## CODE OF CONDUCT

## PART I

## GENERAL PRINCIPLES

1. A person in public life has the duty to take all necessary action to comply with the provisions of this Code.
2. A person in public life should carry out his or her duties in accordance with law, and with these lawful instructions and ethical standards that relate to his or her functions.
3. A person in public life should act in a politically neutral manner and should not attempt to frustrate the lawful policies, decisions or citations of a public authority.
4. A person in public life has the duty to serve loyally, the lawfully constituted national, local or regional authority.
5. A person in public life shall be honest, impartial and efficient and shall perform his or her duties to the best of his or her ability with skill, fairness and understanding having regard only for the public interest and the relevant circumstances of the case.
6. In the performance of his or her duties a person in public life shall not act arbitrarily to the detriment of any person, group or body and shall have regard for the rights, duties and proper interests of all others.
7. A person in public life shall not allow his or her private interest to conflict with his or her public position. It shall be the responsibility of the person in public life to avoid such conflicts of interest, whether real, potential or apparent.
8. A person in public life shall not take undue advantage of his or her position for his or her private interest.
9. A person in public life shall always conduct himself or herself in such a way that the public's confidence and trust in the integrity, impartiality and effectiveness of the public service are preserved and enhanced.
10. Having due regard for the right of access to official information, a person in public life shall have a duty to treat appropriately with all necessary confidentiality all information and documents acquired by him or her in the course of, or as a result of, his or her employment.

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11. A person in public life who believes that he or she is being required to act in a way which is unlawful, improper, unethical, which involves mal-administration, or which is otherwise inconsistent with this Code, should report the matter in accordance with the law.

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## PART II

### CONFLICT OF INTEREST

1. A conflict of interest arises from a situation in which a person in public life has a private interest which is such as to influence, or appear to influence, the impartial and objective performance of his or her official duties.
2. A person in public life private interest includes any advantage to himself or herself, to his or her family, close relatives, friends and persons or organizations with whom he or she has had business for potential relations. It also includes any liability whether financial or work relating thereto.
3. Since the person in public life is usually the only person who knows whether he or she is in that situation, he or she has a personal responsibility to:
  - (a) be alert to any actual or potential conflict of interest;
  - (b) take steps to avoid such conflict;
  - (c) disclose to his or her superiors any such conflict as soon as he or she becomes aware of it;
  - (d) comply with any final decision to withdraw from the situation or to divest himself or herself of the advantage causing the conflict.
4. Whenever required to do so, a person in public life should declare whether or not he or she has a conflict of interest.

## PART III

## INCOMPATIBLE OUTSIDE INTERESTS

1. A person in public life shall not engage in any activity or transaction or acquire any position or function whether paid or unpaid, that is incompatible with or detracts from the proper performance of his or her duties as a public official. Where it is not clear whether an activity is compatible, he or she should seek advice from the Commission.
2. A person in public life shall comply with any lawful requirement to declare membership of, or association with, organizations that could detract from his or her proper performance of his or her duties as a person in public life.

## PART IV

## POLITICAL OR PUBLIC ACTIVITY

1. Subject to respect for fundamental and constitutional rights, a person in public life shall ensure that none of his or her political activities or involvement or political or public debates impairs the confidence of the public and his or her employers in his or her ability to perform his or her duties impartially and loyally.
2. In the exercise of his or her duties, a person in public life shall not allow himself or herself to be used for partisan political purposes.
3. A person in public life shall comply with any restrictions in political activity lawfully imposed on certain persons in public life by reason of his or her position or the nature of his or her duties.

## PART V

## REACTION TO IMPROPER OFFERS

1. If a person in public life is offered an undue advantage he or she should take the following steps to protect himself or herself:
  - (a) refuse the undue advantage; there is no need to accept it as evidence;
  - (b) try to identify the person who made the offer;
  - (c) avoid lengthy contacts, but knowing the reason for the offer could be useful in evidence;

- (d) if the gift cannot be refused or returned to the sender, it should be preserved, but handled as little as possible;
- (e) obtain witnesses if possible, such as colleagues working nearby;
- (f) prepare as soon as possible a written record of the attempt preferably in an official notebook;
- (g) report the attempt as soon as possible to the Commission;
- (h) continue to work normally, particularly on the matter in relation to which the undue advantage was offered.

#### PART VI

##### SUSCEPTIBILITY TO INFLUENCE BY OTHERS

1. A person in public life should not allow himself or herself to be put in a position of obligation to return a favour to any person or body; nor should his or her conduct in his or her official capacity or in his or her public life make him or her susceptible to the improper influence of others.
2. The person in public life should not seek to influence for private purposes any person or body including other public officials by using his or her official position or by offering them personal advantages.

#### PART VII

##### INFORMATION HELD BY PUBLIC BOARDS

1. Having respect to the framework provided by any law with respect to access to information held by a public authority, a person in public life shall not disclose information except in accordance with the rules and requirements applying to the authority by which he or she is employed.
2. The person in public life should take appropriate steps to protect the security and confidentiality of information for which he or she is responsible or for which he or she becomes aware.

3. The person in public life should not seek access to information which it is inappropriate for him or her to have and he should not make improper use of information which he or she may acquire in the course of, or arising from his or her employment.
4. Equally, a person in public life has a duty not to withhold official information that should properly be released and a duty not to provide information which he or she knows or has reasonable grounds to believe is false or misleading.
5. This Code shall form part of the terms of employment of a person in public life and shall be observed as a terms of employment.

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Passed in the House of Representatives the 23rd day of March, 2007.

ADRIAN C. A. HAYES  
*Clerk to the House of Representatives.*

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Passed in the Senate the 5th day of April, 2007.

ADRIAN C. A. HAYES  
*Clerk to the Senate.*

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