

2013 Integrity in Public Life Act 24 297

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GRENADA

ACT NO. 24 OF 2013

L.S.

I assent,

CECILE E. F. LA GRENADE

Governor-General.

25th September, 2013.

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.

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 and by the authority of the same as follows—

Part I

PRELIMINARY

1. This Act may be cited as the—

INTEGRITY IN PUBLIC LIFE ACT, 2013

[By Proclamation].

Short title and commencement. *302 Act 24 Integrity in Public Life 2013*

and shall come into effect on such date as the Governor- General may appoint by Proclamation.

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;

“Child” has the meaning assigned to it under the Domestic Violence Act Cap 84;

“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 organisations” 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, Chapter 149A;

“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 35;

“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;³⁰⁴
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“member” means a member of the Commission;

“Member State” has the meaning assigned to it under the Revised Treaty of Chaguaramas;

“Minister” means the Minister responsible for Legal Affairs;

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

“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, Chapter 58A;
- (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;*2013 Integrity in Public Life Act 24 305*

“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, Chapter 128A;

“Public Service Commission” means the Public Service Commission 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) co-habiting 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 *306 Act 24 Integrity in Public Life 2013*

property have been dealt with by an order of the Court;

“State” means the State of Grenada.

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

Part II

ESTABLISHMENT OF INTEGRITY 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, an attorney-at-law of at least fifteen years standing; or a citizen of Grenada who is a person of good standing in the community.
- (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 with faith based organisations.

Application of Act.

Establishment of Commission. *2013 Integrity in Public Life Act 24 307*

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

(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 the Second Schedule.

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

- (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; or
- (f) has at any time during the three years preceding his or her appointment, held office in a political party;

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

- (a) is bankrupt;

Disqualification from membership of the Commission. *308 Act 24 Integrity in Public Life 2013*

(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.

(3) A person shall not be appointed or continue to be a member of the Commission unless that person is—

(a) a citizen of Grenada by virtue of sections 94, 95, 96 or 97 of the Constitution; or

(b) a citizen of Grenada by virtue of any section of the Constitution not mentioned in paragraph (a); or

(c) is a citizen of a Member State by birth.

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

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 through 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.

Tenure of office.

Resignation of member. *2013 Integrity in Public Life Act 24 309*

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 given due notice;
- (d) dies;
- (e) is appointed as a public officer;
- (f) takes up an appointment in a political party;
- (g) 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 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 misbehaviour and shall not be so removed except in accordance with the provisions of this section.

(2) Subject to subsection (3), a member of the Commission shall be removed from office by the Governor- General, if the

questions 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

Vacating office.
Removal from office of member of the Commission.310

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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 *2013 Integrity in Public Life Act 24 311*

Disciplinary Tribunal recommends to the Governor-General that the member should not be removed.

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 for the remainder of the current term.

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

12. (1) The Commission shall—

- (a) carry out those functions and exercise the powers pursuant to the provisions of this Act;
- (b) receive and examine 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 any suspected offence under the provisions of the Prevention of Corruption Act, Chapter 252A;
- (e) investigate the conduct of any person falling under the purview of the Commission which,

Vacancy in membership of the Commission.

Publication in the
Gazette.
Functions of the
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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 authorise 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 *2013 Integrity in Public Life Act 24 313*

for the purpose of carrying out its functions pursuant to the provisions of this Act.

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, Chapter 58.

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.

(3) A notice to attend a meeting of the Commission shall—

(a) specify the business to be discussed;

(b) be signed by the Secretary;

(c) be left at least five clear days at the address notified by each Commissioner.

(4) Want of service of the notice on any member of the Commission shall not affect the validity of a meeting where reasonable steps are taken to secure such service.

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—

Powers and independence of the Commission.

Proceedings and meetings of the Commission.

Election of Deputy Chairperson of the Commission. *314 Act 24 Integrity in Public Life 2013*

- (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 five.

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

(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 by a majority of members present and voting at the meeting and, in the event of an equality of votes, the Chairperson shall 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.

19.—(1) The Commission shall have the power to appoint an administrative officer and other officers on such terms and conditions as it thinks fit for the proper carrying out of its functions under the Act.

(2) A person appointed pursuant to the provisions of this section or authorised 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 the Second Schedule.

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

21.—(1) Subject to the provisions of this section the Commission shall be responsible for approving the level of capital equipment, furnishings, materials and administrative activities for the carrying out of its functions, powers and duties under this Act.

(2) The finance required for the salary and allowances of the Commission, and for the resources described in section 19 and subsection (1) of this section shall not exceed a maximum amount indicated in a Commission plan approved by the House of Representatives and shall be a charge on the Consolidated Fund without any further appropriation other than under this Act. Provided that the Commission shall present to the House of Representatives by the 15th

Staff of the Commission.

Remuneration and staff of the Commission.

Funding and accounts. *316 Act 24 Integrity in Public Life 2013*

day of September of each year, a Commission plan which will indicate the activities for the ensuing year.

(3) The accounts of the Commission shall be audited by the Director of Audit, and the provisions of the Public Finance Management Act shall apply.

22.—(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.

23. The Commission shall keep proper records of its 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 not later than four months 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 auditing 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

Leave of absence for a member of the Commission.

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 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 of staff of the Commission.

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 to the Commission.

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 the financial year and the Minister shall not later than one month after receipt of that report, lay 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.

Report of Auditor.

Annual report. *318 Act 24 Integrity in Public Life 2013*

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) The Commission shall require all persons notified by a notice issued by the Commission listed in numbers 2, 3, 4, 5, 6, 7, 8, 12, 27, 28, 30, 31 and 32 of the First Schedule to file a declaration.

(2) The Commission shall require any group or other class of persons in the First Schedule but not listed in subsection (1) to file a declaration within the time specified in a notice issued by the Commission.

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

(4) 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

Seal of the Commission.

Duty of person in public life to furnish declaration. *2013 Integrity in Public Life Act 24 319*

with section 34, the Commission shall publish such fact in the *Gazette* and at least one weekly newspaper in circulation in Grenada.

(5) 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.

29.—(1) Every member shall file a declaration in the Form provided in the Third Schedule, 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 28 and in the Form provided in the Third Schedule.

(3) The Governor-General shall appoint an auditor to examine and verify the contents and accuracy of a declaration filed pursuant to subsections (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.

Procedure for filing of declaration by members of Commission and the Director of Public Prosecutions. *320 Act 24 Integrity in Public Life 2013*

30.—(1) The Governor-General may, based upon a request made by the auditor appointed pursuant to section 29, 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.

(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 to do so 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 shall be removed as a member of the Commission in accordance with the provisions 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 and Legal Services

Commission who shall take such steps as deemed necessary pursuant to section 86 of the Constitution, Chapter 128A.

Request for further particulars from members of the Commission or Director of Public Prosecutions. *2013 Integrity in Public Life Act 24 321*

31. 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.

32. 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.

33.—(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;

Trust property.

Income, assets and liabilities of agent.

Blind trusts. *322 Act 24 Integrity in Public Life 2013*

- (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 a Member State and is carrying on business in that Member State;
 - (b) no more than ten per cent 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 per cent of the issued shares in the other company or where that company holds more than ten per cent of the issued shares in the first mentioned company.

34.—(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.

(2) The Commission may upon the examination of a declaration furnished to it, request from the person in public
Request for further particulars. *2013 Integrity in Public Life Act 24 323*

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 the Fourth Schedule.*324 Act 24 Integrity in Public Life 2013*

35.—(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 section 2, may, subject to subsection (4), request in writing that a person in public life or any other person who the Investigatory Tribunal reasonably 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.

Formal inquiry by
Investigatory
Tribunal into
accuracy and fullness
of declaration. 2013
*Integrity in
Public Life Act*
24 325

36. In conducting an inquiry pursuant to section 35, 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—

- (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 the Fifth Schedule.

37.—(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 38 for an investigation direction.

38.—(1) Where based on the findings of the Investigatory Tribunal submitted to the Director of Public Prosecutions pursuant to the provisions of section 37, 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) may be made *ex parte*, and shall be in writing and shall include—

- (a) the person in public life to be investigated;
- (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.

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

- (a) there has been compliance with the provisions of subsection (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 resources 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;³²⁸ *Act 24 Integrity in Public Life 2013*

(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 *2013 Integrity in Public Life Act 24 329*

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 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 concerned 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 *330 Act 24 Integrity in Public Life 2013*

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 subsection (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).

(12) No evidence regarding any questions and answers contemplated in subsection (11) shall be admissible in any criminal proceedings except where the person concerned *2013 Integrity in Public Life Act 24 331*

stands trial on a charge contemplated pursuant to the provisions of the Criminal Code, Chapter 72A.

(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, Chapter 72A, and the Magistrates Courts Act Chapter 177 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 fails to give that information or explanation, or give such information or explanation which is false or misleading,³³² *Act 24 Integrity in Public Life 2013*

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.

39. 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, Chapter 252A.

Part IV

CODE OF CONDUCT

40. A person in public life shall observe the Code of Conduct as specified in the Sixth Schedule.

41.—(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.

Secrecy and
confidentiality.
Code of
Conduct.
Complaints to
the
Commission.²⁰
*13 Integrity
in Public
Life Act 24*
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(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.

42.—(1) Where a complaint has been made to the Commission pursuant to section 42, the Commission after examination of the complaint may reject the complaint if the Commission is of the opinion that—

- (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.

43.—(1) Where upon an examination of a complaint made pursuant to section 42, the Commission is of the view that an investigation is necessary, it shall inquire into the matter.

(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*.

Rejection of complaint.

Investigation of breach of Code of Conduct. *334 Act 24 Integrity in Public Life 2013*

(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.

44.—(1) Where pursuant to an investigation conducted pursuant to section 44, 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;
- (b) in the case of a member of the House of Representatives, to the Speaker of the House of Representatives;
- (c) in the case of a person appointed by the Public Service Commission, to that Commission;
- (d) in the case of a person appointed by the Judicial and Legal Services Commission to that Commission; or
- (e) 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 Findings of breach of the provisions of the Code of Conduct by the Commission.²
013
Integrity in Public Life Act 24
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evidence before it may constitute a criminal offence, it shall forward a copy of its findings to the Director of Public Prosecutions.

Part V

MISCELLANEOUS

45.—(1) A person in public life shall not accept any gift or reward from any person as—

- (a) an inducement for any official act 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 organisation on a social occasion which represents the creativity of that organisation;
- (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 subsection (2)(b), 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.

Report of gifts.336 *Act 24 Integrity in Public Life 2013*

(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 Accountant General 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) 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. *2013 Integrity in Public Life Act 24 337*

46.—(1) A person who—

- (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 on indictment, 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

Offences.338 Act 24 Integrity in Public Life 2013

(b) where the property 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.

47.—(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 unauthorised person or allow such person to have access to any such records, information or declaration.

(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.

Information not to be communicated to unauthorised persons. *2013 Integrity in Public Life Act 24 339*

(3) For the purposes of this section, an unauthorised person is a person other than a person authorised 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 unauthorised 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.

48. No proceedings shall be commenced for any penalty under this Act except with the consent of the Attorney-General and of the Commissioners.

49. The Minister may by Order, which shall be subject to negative resolution of the House of Representatives, amend any of the Schedules.

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;

Proceedings for penalty.

Amendment of Schedules.

Regulations. *340 Act 24 Integrity in Public Life 2013*

- (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 period within which any information generated shall be retained;
- (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.

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

51. The Integrity in Public Life Act Cap 150A is hereby repealed.
Repeal.

**FIRST SCHEDULE
INTEGRITY IN PUBLIC LIFE ACT**

(Section 2)

List of persons in Public Life

1. Members of 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
6. Parliamentary Secretaries
7. Secretary to the Cabinet *2013 Integrity in Public Life Act 24 341*

8. Permanent Secretaries, Deputy Permanent Secretaries
9. Senior Administrative Officers
10. Chief Budget Officer
11. Accountant-General and Deputy Accountant-General
12. Attorney-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. Commissioner of Prisons and all prison officers
18. Comptroller of Customs, Deputy Comptroller of Customs and all customs 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 the 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
27. Chief Technical Officers of Ministries
28. Members of Public Service Commission
29. Members of Public Service Board of Appeal
30. Chairperson and Deputy Chairperson of statutory bodies
31. Chief Executives Officers and Deputy Chief Executives Officers, 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 two thousand dollars per month.³⁴² *Act 24 Integrity in Public Life 2013*

SECOND SCHEDULE

(Sections 4(4) and 19(2))

OATH OF OFFICE AND OATH OF SECRECY

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.

..... *Signature*

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

..... *Governor-General 2013 Integrity in Public Life Act 24 343*

THIRD SCHEDULE

FORM I

(Section 28)

Declaration of Assets, Liabilities 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 at which pursuant to section 29 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):