

PART FIVE:

INTEGRITY IN PUBLIC LIFE ACT - SHARING WITH THE PUBLIC SERIES

CAN A MEMBER OF THE INTEGRITY COMMISSION HOLD OFFICE IN ANOTHER COMMISSION, STATUTORY BODY OR PUBLIC ENTITY?

OPINION by Dr Francis Alexis QC

1.0 OPINION SOUGHT

1.1 The subject of this Opinion is the Integrity Commission established by the *Integrity in Public Life Act* 2013 of Grenada¹, ('the Commission'), which implements the said *Integrity in Public Life Act* 2013 ('the Act') and the *Prevention of Corruption Act* of Grenada.²

1.2 The instrument seeking this Opinion says:

The question for consideration is whether a member of the Commission can, at the same time hold office in another Commission, Statutory Body or public entity.³

2.0 INTEGRITY COMMISSION: MEMBERS

2.1 The Act, in section 4(1), establishes the Commission. Section 4(2) constitutes the Commission, appointed by the Governor-General. There is a Chairperson.⁴ Other members are an accountant; attorney-at-law of at least seven years standing; a recommendee of the Prime Minister; a recommendee of the Leader of the Opposition ; and two persons on consultations with faith based organisations.

¹ Act No 24 of 2013, Grenada.

² Cap 252A, 2010 Revised Laws, Grenada, amended by Act No 19 of 2013, Grenada.

³ EE Sandy-David, Facilitator/Office Manager, Integrity Commission, letter to Alexis, 10 March 2014. See too her letter to Alexis, 13 March 2014.

⁴ She shall be a retired Judge, an attorney-at-law of at least 15 years standing, or a citizen of Grenada who is a person of

good standing in the community: s 4(2)(a).

2.2 A member of the Commission is to be of high integrity; who shall exercise competence, diligence, sound judgment, confidentiality and impartiality in fulfilling her duties under the Act.⁵

3.0 COMMISSION INVESTIGATES CORRUPTION

3.1 The Commission is to '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'; receiving, examining, and inquiring into the accuracy of all declarations filed pursuant to the Act.⁶

3.2 The expression 'corruption' is not defined by the Act. It is, however, defined by the *Prevention of Corruption Act*.⁷

3.3 Nor does either Act define the expression 'integrity'.

3.4 The Act requires that 'any person falling under the purview of the Commission' comply with the requirements of the Act in so far as these are applicable to any such person. This Opinion touches upon the questions, who is such 'any person'⁸ and what are those requirements.⁹

⁵ S 4(3). The oath of office and the oath of secrecy are to be made and subscribed by a member: s 4(4).

⁶ S 12(1)(e). See generally s 12(1).

⁷ Cap 252A s 2: "corruption " means an act committed by a person that is inconsistent with his or her lawful duties and the rights of others, by unlawfully and wrongfully using his or her influence, office or character to procure some gratification for himself or herself or for another person and includes bribery, fraud and other related offences; and the term "corrupt" shall have a corresponding meaning.

⁸ Paragraphs 4.1- 4.4 below.

⁹ Paragraphs 4.5- 4.11 below.

4.0 THE COMMISSION AND A 'PERSON IN PUBLIC LIFE'.

- 4.1 Those falling under the purview of the Commission include those who have to file declarations with the Commission. These are individuals and groups or other classes of bodies referred to on a list of thirty-three (33) categories set out in the First Schedule to the Act. The Act represents that the First Schedule presents a 'List of persons in public life'. The Interpretation provisions of the Act, section 2(1), has this definition: ' " person in public life" means a person referred to in the First Schedule'.
- 4.2 The thirty-three (33) categories set out in the First Schedule include political personages in state offices and professional career state officers. Included are various Commissions, as the Public Service Commission; statutory bodies, as the Tenders Board and 'statutory bodies'; and other public entities, as the Public Service Board of Appeal and the Financial Intelligence Unit. So too are 'All Public Officers including non-established officers receiving a salary in excess of two thousand dollars per month';¹⁰ the term 'public officer' in the Act having the same meaning as in the Constitution of Grenada.¹¹
- 4.3 Any person listed in the First Schedule, whether individually or one of a group or other class of a body, falling within the purview of the Commission, is a 'person in public life'.¹²
- 4.4 The Act says it shall apply to 'every person in public life';¹³ meaning every person as listed in the First Schedule.

¹⁰ First Schedule para 33.

¹¹ By s 2(1) of the Act.

¹² S 2(1); First Schedule.

¹³ S 3.