

THE INTEGRITY IN PUBLIC LIFE (AMENDMENT)
ACT, 2010

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Second Session Ninth Parliament Republic of
Trinidad and Tobago



REPUBLIC OF TRINIDAD AND TOBAGO

Act No. 1 of 2010

[L.S.]

AN ACT to amend the Integrity in Public Life Act,
Chap. 22:01

[Assented to 13th January, 2010]

ENACTED by the Parliament of Trinidad and Tobago as Enactment
follows:

1. This Act may be cited as the Integrity in Public Short title
Life (Amendment) Act, 2010.

Interpretation
Chap. 22:01

2. In this Act, “the Act” means the Integrity in Public Life Act.

Section 5 amended

3. Section 5(1) of the Act is amended by deleting paragraph (e) and substituting the following paragraph:

“(e) receive and investigate complaints regarding any breaches of this Act or the commission of any offence under the Prevention of Corruption Act;”.

Section 8 amended

4. Section 8 of the Act is amended by repealing subsection (2) and substituting the following subsection:

“(2) The President may terminate the appointment of a member of the Commission where the member—

- (a) is found to be of unsound mind and is incapable of carrying out his duties;
- (b) becomes bankrupt or compounds with his creditors;
- (c) is convicted of any offence which brings his office into disrepute;
- (d) is guilty of misconduct in relation to his duties;
- (e) misbehaves in office;
- (f) fails to carry out any of the duties or functions conferred on him under this Act; or
- (g) is incapable for whatever reason, of performing his duties and functions under this Act.”.

Section 9 amended

5. Section 9(6) of the Act is amended by inserting before the word “officer”, the word “public” and by deleting the words “in the Public Service”.

6. Section 11 of the Act is amended—

Section 11 amended

- (a) in subsection (1), by inserting after the word “liabilities” in both places where it occurs, the words “that exceed ten thousand dollars in value.”; and
- (b) in subsection (2), by inserting before the word “period”, the word “further” and deleting the word “six” and substituting the word “twelve”.

7. Section 12(2) of the Act is amended by inserting Section 12 amended
after the words “additional particulars”, the words “where such additional particulars are in the sum of ten thousand dollars or more”.

8. Section 13 of the Act is amended by inserting after Section 13 amended
subsection (3), the following subsection:

“ (4) The Commission may not make a request under subsection (1) or a requirement under subsection (2) where the sum involved is less than ten thousand dollars.”.

9. Section 18 of the Act is amended by inserting after Section 18 amended
the word “*Gazette*” the words “and at least one daily newspaper in circulation in Trinidad and Tobago”.

10. Section 27 of the Act is repealed and the Section 27 repealed
following section is substituted: and substituted

“ 27. (1) A person to whom this Part applies shall not accept a fee, gift or personal benefit, except compensation authorized by law, that is connected directly or indirectly with the performance of the duties of his office.

(2) Subsection (1) does not apply to a gift or personal benefit that is received as an incident of the protocol or social obligations that normally accompany the responsibilities of office.

(3) Where a gift or personal benefit referred to in subsection (2) exceeds five thousand dollars in value or where the total value received directly or indirectly from one source in any twelve-month period exceeds five thousand dollars, a person in public life shall file with his declaration, a statement indicating the nature of the gift or benefit, its source and the circumstances under which it was given or accepted.

(4) For the purposes of this section, the amount of a gift comprising property, other than money, shall be deemed to be an amount equal to the value of the property.”

Section 34
amended

11. Section 34 of the Act is amended by renumbering subsection (5) as subsection (7), deleting subsections (3) and (4) and substituting therefor the following new subsections:

“ (3) Where a person fails or refuses to disclose any information or to produce any documents required under subsection (2), the Commission may apply to the High Court for an order to require the person to comply with the request.

(4) A person who refuses to comply with an order of the Court commits an offence and is liable to a fine of one hundred and fifty thousand dollars and to imprisonment for three years.

(5) A person who knowingly—

(a) makes or causes to be made a false complaint to be Commission; or

(b) misleads the Commission or an investigating officer by giving false information or making false statements or accusations,

commits an offence and is liable on summary conviction to a fine of two hundred and fifty thousand dollars and to imprisonment for five years.

(6) Where during the course of an investigation, the Commission is satisfied that there are insufficient grounds for continuing the investigation or that the complaint is frivolous, vexatious or not made in good faith, it may terminate the investigation.”.

12. Insert after section 34 the following new section: New section 34A inserted

“ 34A. (1) The Commission may, on receipt of a complaint and after examining same, reject the complaint if the Commission is of the opinion that the complaint—

- (a) is frivolous or vexatious;
- (b) was not made in good faith;
- (c) is devoid of sufficient grounds for an investigation; or
- (d) is not supported by evidence of probative value.

(2) Where the Commission has rejected a complaint it shall—

- (a) inform the complainant in writing of the decision within fourteen days of the date the decision was made; and
- (b) provide the complainant with the reasons for its decision.”.

13. No personal liability shall be attached to any Section 39 amended member of the Commission in the discharge of functions of the Commission under this Act unless it is shown that the member acted recklessly or in bad faith.

Section 42A
inserted

14. The Act is amended by inserting after section 42 the following section:

^{“Protection of employees} 42A. An employee of the State, a public authority or any other body shall not be dismissed, suspended, demoted, disciplined, harassed, denied a benefit or otherwise negatively affected because—

(a) he, acting in good faith and on the basis of a reasonable belief, has—

(i) notified the Commission that his employer or any other person has contravened or is about to contravene this Act;

(ii) done or stated the intention of doing anything that is required to be done in order to avoid having any person contravene this Act; or

(iii) refused to do or stated the intention of refusing to do anything that is in contravention of this Act; or

(b) his employer or any other person believes that he will do something described in paragraph (a).”.

Passed in the House of Representatives this
4th day of May, 2009.

N. JAGGASSAR
Acting Clerk of the House

Passed in the Senate this 5th day of January, 2010.

N. ATIBA-DILCHAN
Acting Clerk of the Senate

Senate amendments agreed to by the House of
Representatives on the 7th day of January, 2010.

N. JAGGASSAR
Acting Clerk of the House