



**OFFICE OF THE OMBUDSMAN
2ND FLOOR, TRIDENT HOUSE, BROAD STREET
BRIDGETOWN, ST. MICHAEL, BB11129**

[E.mail ombudsman@caribsurf.com](mailto:ombudsman@caribsurf.com)

Ref. No: _____

**Tel. No. (246) 436-8179
Fax No. (246) 426-4444**

When replying to this
correspondence please quote the
Reference number shown above

24th August, 2018

Clerk of Parliament
Parliamentary Building
Bridgetown

Dear Sir

I hereby forward my comments on the Integrity in Public Life Bill for your consideration. Please accept my best wishes.

Yours faithfully

Valton Bend
VALTON BEND
Ombudsman

VB/da

COMMENTS ON THE INTEGRITY IN PUBLIC LIFE BILL 2018

Clause 2

There is no definition of the term "Integrity". An indication of uprightness, trustworthiness and sincerity could be included. An absence of the definition would not effect the operation of the Bill or Act.

Clause 4(1)3

This provision ought to be strengthened. It speaks to the reduction of corrupt acts. This provision should speak to not only the reduction but the elimination of corrupt acts.

Clause 4(2)

This relates to the independence of the Commission. It states that the Commission "may not be subject to the direction or control of any person or authority".

Is this in conflict with clause 4(3): Where the Governor General may in writing request the Commission to investigate any matter?

Could the Governor General refer a matter for investigation?

Clause 11(5)(a)

A person who gives evidence before the Commission should not be compelled to incriminate himself. This should be substituted for "compeltable".

Clause 4(2)

This stipulates that the Commission may not be subject to the direction or control of any person or authority. However Clause 23(2) and Clause 23(2)e prescribe that a panel can take a measure: (1) to investigate a complaint further and (2) to institute a hearing to inquire into a complaint; while there is no objection to a review process it ought to be made certain that the Commission is not subject to any authority, body or person.

Clause 60(2)

This stipulates that a complaint may be sent to the Chairman of the Commission. The usual standard is to send complaints to the secretary.

Clause 79(3)

There would be difficulty in enforcing this provision. Firstly, it runs counter to the provision against self incrimination. Secondly, the receipt of information is subjective. The divulgence of information would be the basis of a breach of confidentiality. Enforcement and penalties would relate to the divulgence and breach rather than the receipt of information.

Clause 83 and Clause 84(1)

Does Clause 83 clash with Clause 84 (1)?

The Attorney General is empowered to make regulations. Yet the Commission can make rules for its own procedure. A resolution can be found: Notwithstanding the power of the Attorney to make regulations, the Commission may make rules for its own procedure.

General Observations

Public Officials are defined in Clause 2. References are made to public officials in Clauses 51, 52, 53, 68, 69, 70, 71, 72, 73, 74 and 75.

Public officers are defined in Clause 2. References are made to public officer in Clause 63(b) and Clause 67 (3).

The penalties relating to public officials should also apply to public officers. I do not suspect that public officers are exempt from the majority of these provisions. Perhaps the provisions should include public officials, public officers and other employees of the government. It would seem that public officers might escape the rigours of this legislation.

The independent contractor is not included in the legislation. In this age of information technology, installation of high-end technology and servicing of equipment are contracted out by government. Outside contractors may be exposed to the state secrets and confidential matters. Tightening up of state security should be enhanced by removing this loophole and possibility of breach.