A PUBLICATION OF
THE INTEGRITY COMMISSION FOR
TRINIDAD AND TOBAGO

PRINCIPLES OF INTEGRITY
FOR PERSONS IN PUBLIC LIFE AND THOSE
EXERCISING PUBLIC FUNCTIONS

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FOREWORD

I have been invited as Chairman of the Integrity Commission, to write a foreword for a Guide entitled "Principles of Integrity for Persons in Public Life and those exercising Public Functions." This has been produced by the Integrity Commission for Trinidad and Tobago with the able assistance of the firm of PricewaterhouseCoopers and it is with much pleasure that I do so now.

On the 6th November 2002, the Integrity in Public Life Act, 2000 (No. 83 of 2000) came into operation by Proclamation by the President (hereinafter called "the Act"). It is by the operation of this Act that the Integrity Commission hopes to carry out, its duty of public education intended to foster an understanding of Integrity in Public Life.

The beautiful expression "integrity" conjures up all that is good, whole, sound, upright, honest, noble and true and it describes the action of human perfection. Whereas by the use of the term "corruption" is meant the deterioration of sound moral principle, loss of purity or integrity, dishonesty in whatever form.

It is therefore essential that in public life the principles of such goodness, lead and enlighten all human activity in order to carry out programmes of public education intended to foster a Code of Ethics in the Public Service.

I wish to offer my sincere thanks to Mr. Justice Shafeyei Shah, Chairman of the sub-committee charged with the production of the work, as well as to Mr. Subhas Ramkhelawan, Member, for their many hours of unselfish work in bringing this project to a successful conclusion.

I also wish to thank the consultants, PricewaterhouseCoopers for their most valuable input.

Gerard des Iles C.M.T. (g)
THE INTEGRITY COMMISSION FOR TRINIDAD AND TOBAGO

CHAIRMAN  -  Mr. Justice Gerard des Iles, C.M.T. (g)

A retired Senior Justice of Appeal, Justice des Iles has also served as Senior Crown Counsel, Solicitor General in Trinidad and Tobago as well as in senior legal positions in Grenada and Dominica, West Indies. He also commanded a Company in the Trinidad and Tobago Regiment.

DEPUTY CHAIRMAN  -  Mr. John B. C. Martin, F.C.A., C.A.

Mr. Martin is a Director of C. L. Financial Limited, Colonial Life Insurance Company (Trinidad) Ltd., Republic Bank Ltd, and Furness Trinidad Ltd. He is also Chairman of the Trinidad Building and Loan Association.

MEMBER  -  Mr. Justice Shafeyei M. Shah.

Justice Shah is a Director of the Haji Ruknuddeen Institute and has also served as a member of the Statutory Authorities Appeal Board, a member of the Parliament, Vice-President of the Law Society and was a founding member and the first Honorary Secretary of the Assembly of Southern Lawyers.

MEMBER  -  Mr. Gordon Deane, F.C.I.I.

The first Trinidadian to obtain the F.C.I.I. designation. He is the Vice-Chairman of ALGICO with responsibility for all Caribbean and Netherland Antilles operations of ALGICO. He has served as President/Chairman of several organisations, including, the Trinidad and Tobago Insurance Institute, The Association of Trinidad and Tobago Insurance Companies, the National Insurance Board, the Trinidad and Tobago Chamber of Industry and Commerce, the Trinidad and Tobago Stock Exchange and the Rotary Club of Port of Spain.

MEMBER  -  Mr. Subhas Ramkhelawan, B.Sc., MBA.

The founder and Managing Director of Bourse Securities Ltd., a stock brokering and financial services company. He is also a Director of the Stock Exchange. He has served at senior management levels in public and private sectors as well as Director of several Boards in Trinidad and Tobago, Barbados, Jamaica and the Cayman Islands.
1. **Definitions**

The definitions set out below apply throughout this document unless the context requires otherwise.

- **the Act** The Integrity in Public Life Act, 2000
- **the Authorities** All Local Government Authorities and Municipalities including all City, Borough and Regional Corporations and the Tobago House of Assembly, as well as any sub-committees established by these bodies.
- **the Commission** The Integrity Commission for Trinidad and Tobago
- **the Government** The Government of the Republic of Trinidad and Tobago
- **Local government officials** Members of Local Government Authorities and Municipalities including all City, Borough and Regional Corporations and the Tobago House of Assembly, as well as any sub-committees established by these bodies.
- **Parliamentarians** Members of the House of Representatives and the Senate and Cabinet Ministers
- **Persons exercising public functions** All persons holding office under the following:
  - Public Service;
  - Judicial and Legal Service;
  - Police Service;
  - Teaching Service;
  - Statutory Authorities’ Service Commissions;
  - Member of the Diplomatic Service; and
  - Advisers to the Government.
- **Personal/ Private Interest** All interests held by a person in public life, their family or friends, that would be affected particularly or significantly by the government’s actions in which they participate, to a greater extent than it would others.
1. **Definitions (continued)**

| Personal/Private Interest (continued) | These shall be taken to include those of a person’s family including spouse, partner (member of a couple who live together), parent, parent-in-law, son, daughter, step-son, step-daughter, child of a partner, brother, sister, grandparent, grandchild, uncle, aunt, nephew, niece, of a spouse or partner of any of the preceding people, and friends, as well as those arising through memberships in or associations with, clubs, societies and other organisations including trade unions and other voluntary bodies. |
| Prejudicial Interest | One in which a member of the public with knowledge of the relevant facts would reasonably regard as being significant and likely to prejudice a person’s judgment of the public interest. |
| Persons in public life | A person referred to or listed as follows: - |
| | Members of the House of Representatives; Ministers of Government; Parliamentary Secretaries; Members of the Tobago House of Assembly; Members of Municipalities; Members of Local Government Authorities; Senators; Judges and Magistrates appointed by the Judicial and Legal Service Commission; Members of the Boards of all Statutory Bodies and State Enterprises including those bodies in which the State has a controlling interest; and Permanent Secretaries and Chief Technical Officers. |
| Public body | Cabinet, the House of Representatives, the Senate, the Tobago House of Assembly, Local, Statutory and Public Authorities of all descriptions and all State Enterprises and the boards thereof. |
1. **Definitions (continued)**

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<td>Public office</td>
<td>Any office or employment of a person as a member, officer or servant of a public body.</td>
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<td>Public officer</td>
<td>Holder of any public office and any person appointed to act in such office.</td>
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<td>Public servants</td>
<td>The service of the Government of Trinidad and Tobago and the Tobago House of Assembly, in a civil capacity.</td>
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<td>Permanent Secretaries and Chief Technical Officers.</td>
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2. **Purpose and Scope**

**Purpose**

This guide has been published by the Integrity Commission for the benefit of persons in public life and those exercising public functions who are subject to the Integrity in Public Life Act, 2000.

It is seen as a benchmark tool as to acceptable conduct and best practice, and expands on the legal framework provided by the Act and applicable Codes of Conduct, established under various pieces of Legislation.

It is intended to guide those in public life and those persons exercising public function in their duties so as to ensure that their actions do not constitute either the offence of misbehaviour or misconduct in public office, other criminal offences or a breach of the Act.

**Scope**

This guide is not intended to provide a comprehensive statement on corporate governance in the public sector. Corporate Governance includes the systems by which people are appointed, the constitution under which they act and the reporting, audit and accountability functions of an enterprise as a whole.

Its focus is primarily on the behaviour of individuals in positions of public responsibility and seeks to document the actions both expected and prohibited by those in public life.

The contents of this guide are separated into several sections covering

1. Current legislative requirements (Section 3);
2. The framework required for establishing integrity in public life (Sections 4 & 5);
3. Practical applications of the framework (Section 6); and
4. The roles and function of the Boards of State Enterprises and Statutory Bodies (Section 7).
2. **Purpose and Scope of the Code (continued)**

**Scope (continued)**

Though certain sections of this guide are applicable to all those who hold public office, or work in the public service in general, it is specifically geared towards those persons in public life and those exercising public functions whose actions and behaviour are subject to monitoring by the Commission.

It is not intended to cover Judges and Magistrates appointed by the Judicial and Legal Service Commission whose responsibilities and duties are covered elsewhere, as well as those persons exercising public functions whose actions are guided by specific Service Commissions (e.g. the teaching and police service), with the exception of those specifically identified as a person in public life.

A listing of all Statutory, State and Municipal Bodies subject to the Act is included as Appendix V.
3. Overview of Governing Legislation

Integrity in Public Life Act, 2000

The Integrity in Public Life Act, 2000 was proclaimed into law on November 6, 2000. The Act addresses the issue of prevention of corruption by persons in public life by providing for public disclosure and regulation of conduct. The Act applies to every person in public life and to those exercising public functions as defined under the Act and as laid down in Section 1 of this guide.

All persons in public life are required under the Act to comply with two main provisions namely:

(1) To declare on an annual basis, their income, assets and liabilities (along with that of their spouse and dependent children); and

(2) To file a statement of registrable interest in respect of the following: -

- Particulars of any directorships held in any company or other corporate body;
- Particulars of any contract made with the State;
- The name and description of any company, partnership or association in which they are an investor;
- A concise description of any trust to which they are a beneficiary or trustee;
- Beneficial interest held in any land;
- Any fund to which they contribute;
- Particulars of any political, trade or professional association membership;
- Particulars relating to sources of income; and
- Any other substantial interest whether of a pecuniary nature or not, which they consider may appear to raise a material conflict between their private interest and their public duty.

Contravention of this part of the Act is liable to a maximum fine of five hundred thousand dollars ($500,000) and imprisonment for a term of up to ten years.

Part IV of the Act also encompasses a Code of Conduct which all persons in public life and those exercising public functions are required to abide by.
3. **Overview of Governing Legislation (continued)**

**Integrity in Public Life Act, 2000 (continued)**

This Code of Conduct addresses specifically the issues of:

**Use of Office** – By requiring those subject to the code to:

- Perform their functions and administer public resources in an effective and efficient manner;
- Be fair and impartial in exercising their public duty;
- Afford no undue preferential treatment to any group or individual;
- Arrange their private interests in such a manner so as to maintain public confidence and trust in their integrity;
- Not use their office for the improper advancement of their own personal or financial interest;
- Not engage in any transaction that is incompatible with their office;
- Not to use public property or services for activities not related to official work;
- Not to either directly or indirectly use their office for private gain; and
- Not to use public funds in disregard of the Financial Orders or other regulations applicable to such funds.

**Insider Information** – By requiring those under its influence not to use information gained in the execution of their office and that is not available to the general public to further private interest.

**Influence** – By requiring those under its influence not to seek to influence decisions that further their own private interests.

**Gifts** – By requiring those under its influence not to accept fees, gifts or personal benefits, except if such is received as an incident of social protocol that normally accompanies the responsibility of the office. Gifts in excess of two thousand dollars in value are to be declared as part of a person’s declaration of assets.

**Confidentiality** – By requiring those under its influence to keep all matters of a confidential nature, confidential, and to do so even after separation from the service (except if the performance of his duties or justice requires otherwise).
3. Overview of Governing Legislation (continued)

Integrity in Public Life Act, 2000 (continued)

Conflicts of Interest – By requiring those under its influence to disclose all conflicts of interest and disqualify themselves from the relevant decision making processes.

Code of Conduct for Parliamentarians, Ministers and Parliamentary Secretaries

Parliamentarians, Ministers and Parliamentary Secretaries are also to be guided in their actions by the Code of Ethics for Parliamentarians including Ministers and the Code of Ethics for Ministers and Parliamentary Secretaries laid down by Parliament.

These Codes establishes guidelines with respect to; the declaration of conflicts of interest at debates or proceedings of the House and any of its committees; the disclosure of private interests in the register of interests; the duties of Parliamentarians to be impartial and to be frank and honest in their dealings; and the establishment in each House of Parliament of a Standing Ethics Committee. It also sets out a Code of Ethics for Ministers concerning the receipt of gifts and the maintenance of a register of gifts.

The Civil Service Act

The Civil Service (Amendment) Regulations 1996, also lays out a Code of Conduct for members of the civil service. This Code of Conduct is applicable to Permanent Secretaries and Chief Technical Officers and members of the civil service generally. Its does not however specifically apply to Members of Parliament, Parliamentary Secretaries and members of the boards of Statutory Bodies and State Enterprises.

The code lays down specific regulations governing:

- General conduct
- Duties
- Absence without leave
- Lectures/ talks
- Indebtedness
- Bankruptcy
3. **Overview of Governing Legislation (continued)**

**The Civil Service Act (continued)**

- Activities outside the service
- Disclosure of information
- Comments on public policy
- Gifts
- Bribery
- Reporting criminal charges

Section 149 of this act also sets out a definition of misconduct as it applies to civil servants in relation to the duties and responsibilities of their office.

**The Prevention of Corruption Act, 1987**

This act provides for the prevention of corruption by any person in relation to any dealings in which the state or a public body is concerned.

It provides for penalties for persons who either corruptly gives, receives or agrees to receive for himself or any other person, any gift, loan, fee, reward, advantage etc. It also provides for penalties for any person who corruptly uses or communicates official information.

Those found guilty of an offence under this act are liable: -

1. to a fine of five hundred thousand dollars ($500,000) and imprisonment of ten years;
2. to pay to the public body in question, the amount of value received by him;
3. upon a second conviction, to be adjudged incapable for a period of seven years of being registered as a elector or voting at any election of any public member; and
4. if an officer or servant of any public body, to forfeit a right to claim any compensation of pension to which they otherwise would have been entitled.

This act also provides for the power of the police to inspect financial and other records of the person in question as well as their spouse.

For ease of reference copies of applicable legislation are included as Appendices I to IV.
4. **Principles for Managing Ethics in the Public Service**

The basic principles of good corporate governance provide for appropriate disclosure, the development of codes of conduct and the development of internal structures, which provide for an independent review of processes and decision-making within an organisation. These basic principles are laid out by the Organisation for Economic Cooperation and Development (OECD) and were developed to assist both member and non-member governments in their efforts to evaluate and improve the legal, institutional and regulatory framework for corporate governance in publicly traded companies.

The OECD through their Public Management Committee (PMC) arm, has also published a set of principles for Managing Ethics in the Public Service. These principles, designed to assist countries in reviewing the institutions, systems and mechanisms in place for promoting public service ethics, are seen as a way of integrating ethics management into the broader public management environment.

These principles stated as follows, draw on the experience of OECD member countries and provides a framework for encouraging and maintaining integrity in public life.

- **Ethical standards for public servants should be clear** – Public servants need to know the basic principles and standards by which they are to effect their work and where the boundaries of acceptable behaviour lie. The outcome of this should be a concise statement of core ethical standards and principles.

- **Ethical standards should be reflected in the legal framework** – The legal framework should provide the basis for communicating the minimum obligatory standards and principles. It should also provide the framework for guidance investigation, disciplinary action and prosecution.

- **Ethical guidance should be available to public servants** – This includes training and internal consultation mechanisms that would assist public servants in applying basic ethical standards in the workplace.
4. Principles for Managing Ethics in the Public Service (continued)

- **Public servants should know their rights and obligations when exposing wrongdoing** – The rules and procedures involved in reporting suspected wrong doings should be clear. Protection available to whistleblowers should also be clearly stated and communicated.

- **Political commitment to ethics should reinforce the ethical conduct of public servants** - This is done by creating legislative and institutional arrangements that reinforce ethical behaviour and by creating sanctions against wrongdoing via the provision of adequate support and resources for ethics-related activities.

- **The decision-making process should be transparent and open to scrutiny** - The public has a right to know how public institutions apply the power and resources entrusted to them. This is facilitated by transparent and democratic processes, oversight by the legislature and access to public information.

- **There should be clear guidelines for interaction between the public and private sectors** – There should be clear rules defining ethical standards to guide the behaviour of public servants in dealing with the private sector (e.g. public procurement).

- **Managers should demonstrate and promote ethical conduct** – Those in senior positions within the public service should provide consistent leadership and serve as role models. An organisational environment where high standards of conduct are encouraged should also be fostered by providing appropriate incentives for ethical behaviour, such as adequate working conditions and effective performance assessment.

- **Management policies, procedures and practices should promote ethical conduct** – It is not sufficient for government to have only rule/compliance based structures that can inadvertently encourage misconduct. Government policy should outline the minimal standards below which a government official’s actions will not be tolerated as well as communicate a set of public service values that employees should aspire to.
4. Principles for Managing Ethics in the Public Service (continued)

- Public service conditions and management of human resources should promote ethical conduct - Employment conditions such as career prospects, personal development, adequate remuneration and human resource management policies should create an environment conducive to ethical behaviour.

- Adequate accountability mechanisms should be in place within the public service - Public servants should be accountable for their actions to their superiors and more broadly, to the public. Accountability should focus on compliance with rules and ethical principles as well as on the achievement of results.

- Appropriate procedures and sanctions should exist to deal with misconduct - There should also be reliable procedures and resources for monitoring, reporting and investigating breaches of public service rules as well as commensurate administrative or disciplinary sanctions to discourage misconduct.
5. **Core Values of Public Office**

Core values are required to guide persons in public office in their everyday operations. These values are based on social norms, democratic principles and those required to reflect a more results-based public service culture.

The values noted below are based on the Seven Principles of Public Life as enunciated in the First Report of the Committee on Standards in Public Life (1995). These values apply to all aspects of public office and are to be followed by all who serve the public in any way. Abidance by these values will ensure that persons in public office act in the manner intended by the Act and the Codes of Conduct established under various legislation.

Persons in public office have above all, a responsibility to:

- act within the letter and spirit of the law;
- act within their authority;
- follow lawful and reasonable directions; and
- uphold certain core values as follows: -

**Selflessness**

*Persons in public office should take decisions solely in terms of the public’s interest.*

Serving the public requires that those in public office:

- help the public understand their entitlement and obligations under the law;
- avoid waste of property under their control;
- not take decisions in order to gain financial or other material benefits for themselves, their family or friends;
- report any doings of fraud, corruption or maladministration of which they are aware; and
- not act, even after they leave public office, in such a manner as to take improper advantage of their previous office.

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1 The Committee on Standards in Public Life was established by the UK House of Commons in 1994 to examine the standards of conduct of all holders of public office and to make recommendations as to changes required to ensure the highest standards of propriety in public life.
5. Core Values of Public Office (continued)

Selflessness (continued)

On appointment to public office and thereafter, persons in public life should arrange their private affairs in a manner that will prevent any real, potential or apparent conflicts of interest from arising. If conflicts between private interest and official duties should arise, those conflicts are to be resolved in favour of the public’s interest.

The governing principle is, however, that persons in public life should not have any private interests other than those permitted under the Act.

Integrity

*Persons in public office should act with the highest ethical standards so that public confidence and trust in the integrity, objectivity and impartiality of government are conserved and enhanced.*

Acting with integrity requires those in public life to:

- act honestly;
- give free, frank and comprehensive advice;
- be non-partisan and free from bias;
- avoid and manage conflicts of interest;
- serve the public interest and not take personal benefit from their official position or information acquired through work.

Those in public office should not place themselves under any financial or other obligation to outside individuals or organisation that might influence them in the performance of their official duties.
5. Core Values of Public Office (continued)

Integrity (continued)

Ensuring integrity in the public service entails: -

- Setting standards for timeliness;
- Requesting reasons for decisions;
- Providing redress against decisions;
- The identification of conflicts of interest; and
- Recruitment and promotion based on merit.

As part of their duties and responsibilities, those in authority must ensure that these systems are in place.

Objectivity

*Persons in public office should make their decisions in the public interest and with regard to the merits of each case.*

In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, those in public life should make their decisions in the public interest and with regards to the merits of each case.

Accountability

*Persons in public office are accountable for their decisions and actions to the general public and must submit themselves to whatever scrutiny is appropriate to their office.*

In so doing, persons in public life have an obligation to perform their official duties and arrange their private affairs in a manner that will bear the closest public scrutiny. This is not an obligation that is fully discharged by simply acting within the law, but rather, by acting within both the letter and the spirit of the law as well as other applicable guidelines.
5. **Core Value of Public Office (continued)**

**Openness**

*Persons in public office should be as open as possible about the decisions and actions that they take.* Reasons for decisions should be given and information restricted only when wider public interest clearly demands this.

**Honesty**

*Persons in public office have a duty to arrange their private affairs in a manner that will prevent real, potential or apparent conflicts of interest from arising.* If such conflicts do arise, those in public life have a duty to declare such interests and to take any steps necessary in order to resolve the conflict in a way that protects the public’s interest.

Persons in public life should not sell or transfer any private interest under any terms and conditions that have as their purpose the circumvention of any of the guidance included herein and by extension, the Integrity in Public Life Act, 2000 and any other applicable legislation.

**Leadership**

*Persons in public office should promote and support these values by leadership and example.*
6. Application and General Obligations

For the purposes of this Guide, persons in public life have been grouped as follows: -

- Parliamentarians
- Senior Public Servants
- Local Government Officials
- Members of Statutory Bodies and State Enterprises

What follows, is by no means a comprehensive list of all aspects of public life, and is used primarily to illustrate how the core values expressed under Section 3, can be applied to the duties and responsibilities of those in public life.

Where applicable, specific reference is made to each of the above-mentioned categories.

6.1 Performance of Duties

Guidance with respect to the duties of persons in public office can be found under Section 24 (1) and (2) of the Integrity in Public Life Act, 2000 and Section 135 (1), (2) and (3) of The Civil Service (Amendment) Regulations, 1996. In addition to the above, Parliamentarians can find further guidance in the Code of Ethics established for Parliamentarians including Ministers and in the Code of Ethics governing Ministers and Parliamentary Secretaries. See Appendices I to III.

Members of Statutory Bodies and State Enterprises are also to be guided by the various Acts under which the respective public bodies were established.

In addition to the guidelines established hereunder, Local Government Officials should also be guided by the Code of Conduct set out under Appendix VI.

The above-mentioned provisions require persons in public life to:

- carry out their duties with integrity, fairness and impartiality;
- carry out their duties in a prompt and effective manner; and
- conduct themselves in a manner that does not bring their organisation or office into disrepute.
6. Application and General Obligations (continued)

6.1 Performance of Duties (continued)

More specifically, this is taken to mean that at all times, those in public life:

- perform with skill, care, diligence and impartiality the duties of their office, or any other office whose duties they are directed to perform, to the best of their ability. This includes:
  - taking reasonable steps to ensure that the information on which decisions or actions are based is factually correct;
  - exercising a duty of care when giving information and advice;
  - being consistent in the treatment of others;
  - not acting in ways which are unreasonable or discriminatory; and
  - taking decisions based on their merits.

Parliamentarians, Senior Public Servants, Members of Local Government Authorities and Member of Statutory Bodies and State Enterprises are all in a position to influence the granting of benefits to, or the exercise of administrative discretion in favour or individuals, organisations and firms. These include the letting of contracts, the administration of government programs and employment decisions such as appointments and promotions. Absolute impartiality, fairness, openness, and accountability should be exercised in such processes.

This requires at times that a balance be struck between the genuine value of established, continuing business-partner type relationships with particular firms or suppliers and the need, for reasons of probity, public confidence, and conspicuous evenhandedness, to test existing arrangements by periodic tender and re-negotiation processes.

- comply with all enactments, regulations, or departmental instructions applicable to the performance of their duties;
- comply with all lawful and reasonable direction given by a person having authority to give such directions;
6. Application and General Obligations (continued)

6.1 Performance of Duties (continued)

• ensure that they are familiar with the rules of personal conduct that the law and other governing regulations require, as well as the penalties for breaches;

• in the course of his or her duties, treat members of the public and other officers with courtesy and sensitivity to their rights, duties and aspirations.

This is taken to mean that those in public life:

- avoid behavior which might endanger or cause distress to their colleagues or otherwise contribute to disruption in the workplace;
- refrain from allowing workplace relationships to adversely affect the performance of official duties;
- respect the privacy of others when dealing with personal information; and
- promote equality by not discriminating against others on the basis of sex, marital status, colour, race, ethnic of national origin, political opinion, employment status, family status, disability or religious beliefs.

• provide reasonable assistance to members of the public in their dealings with the Public Service and help them understand their entitlements and requirements;

• avoid actions which compromise or are likely to compromise the impartiality of those who work for, or on behalf of, any public body;

• conduct themselves in a manner which would not be reasonably thought by others as bringing their office or authority into disrepute;

• not influence, or try to influence their colleagues by making gifts to them, or by entering into financial or other arrangements, so as to be able to exert pressure on them.
6. Application and General Obligations (continued)

6.1 Performance of Duties (continued)

The above is not meant to include the granting of loans, or the passing of
gifts between those in public life in the way of ordinary behaviour between
friends, provided that it is not connected with official duties and there is no
question of influence on official duties. And

- avoid any activities, whether connected with their official duties or
otherwise, which might bring their department, the public service or any
other public body into disrepute, or jeopardise relationships with ministers,
clients or the general public.

In making judgements of this kind, the following should be considered: -

- the nature of the activity;
- the position, duties and responsibilities of the person in public life;
- the consequence of the activity on the ability to fulfil their duties and
relationships; and
- the effects of the activity or its consequences on the department,
relationship with the government, clients or the general public.

Cabinet Ministers in particular, have a duty to give fair consideration and due
weight to informed and impartial advice from public servants, in reaching
policy decisions. They have a duty to uphold the political impartiality of the
Public Service and not to ask public servants to act in any way, which would
conflict, with the Civil Service Act. Public Servants should not be asked to
engage in activities likely to call into question their political impartiality, or to
give rise to the criticism that people paid from public funds are being used for
party political purposes.

Cabinet Ministers also have a duty to Parliament to account for the policies,
decisions and actions of the ministries and other bodies under their control.
While Cabinet Ministers need to be in contact with the public bodies within
their portfolio on a broad range of matters, governing statutes give some bodies
a certain degree of independence from ministerial direction. A Minister’s
degree of control and responsibility for these organisations is usually defined
under the Act that establishes them and Ministers should know both the details
of their responsibilities and the limits of their power over these bodies.
6. Application and General Obligations (continued)

6.1 Performance of Duties (continued)

The role of the Public Servant is to provide advice and give effect to the policies of the government of the day, whatever its political make-up. In performing these duties, Senior Public Servants have a responsibility to the government of the day to:

- carry out decisions and implement programs promptly, conscientiously and effectively;

- provide advice which represents the facts accurately, is impartial and maintains a high standard of professional integrity, is sensitive to the intent and direction of government policy and is comprehensive and practicable in setting out the advantages and disadvantages of the main options available and their consequences; and

- conduct themselves and tender advice impartially, without fear and favour to any political interest or particular administration.

Senior Public Servants should ensure that their participation in political matters do not bring them into conflict, or appearance of conflict, with their duty as a Public Servant to act in a politically neutral manner and should therefore avoid:

- any activities or actions that might diminish the political neutrality of the Public Service;

- any adverse political comment on government policy, either in an official or private capacity;

- any open acknowledgement of, or public allegiance to, a particular political party; and being appointed in a personal capacity to any position of significant responsibility in a public, professional or voluntary body which is likely to become involved in making representations to the government on policy issues or being openly critical or supportive of the actions and policies of government.
6. Application and General Obligations (continued)

6.1 Performance of Duties (continued)

In carrying out their duties and responsibilities, those in public life should ask themselves the following key questions: -

- Is the action/decision within the spirit of the law?

- Is the action/decision in accordance with approved guidelines?

- Can the action/decision be adequately defended to the government and the public if it became publicly known?

- Is it possible that another person or organisation may expect something in return? Has my independence in any future dealings been compromised? Even if not the case, does the action/decision create such an appearance?

- Would I like to be on the receiving end of such an action/decision?

- What action/decision would be taken if it involved personal money, time and equipment?
6. Application and General Obligations (continued)

6.2 Conflicts of Interest

*General principle*

Under the Integrity in Public Life Act, 2000, a conflict of interest is deemed to arise if a person in public life or those exercising public functions, “were to make or participate in the making of a decision in the execution of his office and at the same time knows or ought to have known that in the making of the decision, there is an opportunity either directly or indirectly to further his private interest or that of his family or any other person”.

The key question to consider in assessing whether an interest might create, or appear to create a conflict, is whether or not the interest creates an incentive to act in a way that may not be in the best interest of the government body in question. If the answer is yes, then a conflict of interest is seen to exist.

The existence of an incentive and whether or not the public might reasonably think that a person in public life would be influenced by it, is sufficient enough to create a conflict. Whether or not a person would actually act upon the incentive is irrelevant.

In identifying conflicts of interest, focus should be placed on interests that are specific rather than generic (those held in common with the general public) in nature.

Two ways in which a conflict of interest, or the perception of it, can arise are:

- from the exercise of power or other influence in a way that does or could be considered to affect the value an interest held; or

- from using special knowledge acquired in the course of public duties in ways which bring benefit or avoid loss (or could arouse reasonable suspicion of this) in relation to private interests.
6. Application and General Obligations (continued)

6.2 Conflicts of Interest (continued)

Responsibility for avoiding a conflict

Ultimately, it is the responsibility of individuals to order their own private lives in such a way as to avoid criticism and to decide whether and what action is needed to avoid a conflict or the perception of a conflict. Persons should be able to defend that decision if necessary by accounting for it to the relevant authorities.

It is also the responsibility for those in a position to do so, to ensure that proper systems are established so that potential conflicts of interests are identified and managed. This is necessary in order to protect the decision-making integrity of the bodies concerned and the public’s confidence in them.

Procedure

The Act lays out the procedures to be followed by all persons in public life with regards to the filing of Declaration of Assets (covering the assets of themselves, their spouse and dependent children) and Statements ofRegistrable Interests.

While the Act does not require the filing of interests based on those of family members or close personal links based on friendships or common memberships or organisations, these can be very influential and should be declared and managed in the same way as those of a person themself, so as to avoid any possibility of misinterpretation and partisanship.

Where it is proper for a person in public life to retain a personal interest, that interest should be disclosed in accordance with the procedures prescribed under the Act. The person in question should also disqualify themselves from any decision making process involving the interest in question.
6. Application and General Obligations (continued)

6.2 Conflicts of Interest (continued)

*Types of conflicts of interest*

Conflicts of interest are likely to arise in the following situations and care should be taken to identify and manage any such conflicts.

- Directorships or other employment;
- Interests in business enterprises or professional practices;
- Share ownership;
- Beneficial interest in trusts;
- Existing professional association with a public body or personal association with a person in public office;
- Professional associations or relationships with other groups or organisations; or
- Family and other close relationships.

Persons in public office should scrupulously avoid any danger of an actual or apparent conflict of interest between their professional duties and their private interests. In order to avoid such a danger, they should be guided by the general principle that they should either dispose of any financial interest giving rise to the actual or apparent conflict or take alternative steps to prevent such conflict.

*Directorships*

In considering whether a conflict of interest may exist, or appear to exist, a person in public life and those seeking to enter public life, should consider whether:

- the company, of which they are currently a director, is in, or is in the process of entering into, a contractual relationship with the Government or any public body;
- the company, of which they are currently a director, is in receipt of Government assistance;
6. Application and General Obligations (continued)

6.2 Conflicts of Interest (continued)

*Types of Conflicts of Interest (continued)*

*Directorship’s (continued)*

- their department or agency is in a regulatory relationship with the company; and

- granting approval could give a rival business, including a government business enterprise, reasonable grounds for perceiving a conflict of interest to exist.

These considerations should be applied in relation to directorships in both public, private as well as charitable organisations, regardless of whether or not the position carries a remuneration or is honorary.

Best practice would have officers resign their previous position when taking up public office.

*Partnerships*

Persons in public life, more specifically Parliamentarians and members of the Boards of Statutory Bodies and State Enterprises, who are partners, whether in professional firms (e.g. attorney’s at law, accountants etc.), or in other businesses, should, on taking up office, cease to practise or to play any part in the day-to-day management of the firm’s affairs.

The above is not intended to require those to whom it applies to dissolve their partnership or to allow, for example, their annual practising certificate to lapse. Any continuing financial interest in a firm though would make it necessary for steps to be taken so as to avoid any involvement in relevant decisions that could be perceived as a conflict of interest.
6. Application and General Obligations (continued)

6.2 Conflicts of Interest (continued)

*Types of Conflicts of Interest (continued)*

**Non-public bodies**

Those in public life should ensure that they do not become associated with non-public organisations whose objectives may in any degree conflict with government policy and thus give rise to a conflict of interest. Those in public life should not accept invitations to act as patrons of, or otherwise offer support to pressure groups or organisations dependent in whole or in part on government funding.

**Trade unions and other professional organisations**

Where memberships in trade unions and other professional organisations are retained, those in public life should arrange their affairs so as to avoid any suggestion that a union or any other organisation, of which they are a member, has any undue influence on their actions or decisions. Conflicts of interest can be avoided by taking no active part in the conduct of affairs, by resigning from any office held, and by not accepting any remuneration.

**Family relationships**

When considering what constitutes a private or personal interest, consideration should also be placed on those interests held by family members, including a spouse, partner (member of a couple who live together), parent, parent-in-law, son, daughter, step-son, step-daughter, child of a partner, brother, sister, grandparent, grandchild, uncle, aunt, nephew, niece, of a spouse or partner of any of the preceding people, and friends, as well as those arising through memberships in, or associations with, clubs, societies and other organisations including trade unions and other voluntary bodies.
6. Application and General Obligations (continued)

6.2 Conflicts of Interest (continued)

Types of Conflicts of Interest (continued)

Government Contracts

The following situations give rise to conflicts of interest and should thus be avoided:

- knowingly and willingly, directly or indirectly, being a party to a contract with the Government or any public body; and
- having an interest, whether directly or indirectly (through family, friends or other associations), in a company that is a party to a contract with the Government or any public body.

Mechanisms for avoiding or managing the risk of conflicts of interest

Various methods that can be used for dealing with conflicts of interest include:

- Divestment;
- Blind trusts - where investments are placed into a blind trust, it must be remembered that it could be assumed that knowledge of the contents of the portfolio would exist for a period after its creation. The protection that a trust offers against conflicts of interest is therefore not complete and those in question should consider refraining from dealing in the relevant investments for a period of time.
- Severing connections;
- Confidentiality agreements;
- Declaration of interests – the principles of disclosure should be applied to both formal meetings such as sittings of the various Houses of Parliament, board meetings and other such meetings at which the respective person is present, as well as in unofficial relations with those concerned; and
- Withdrawal and abstaining from discussions and voting.
6. Application and General Obligations (continued)

6.3 Acceptance of Gifts and Benefits

The provisions of Section 27 of the Act, Section 144 of the Civil Service (Amendment) Regulations and the Code of Ethics for Parliamentarians including Ministers, all lay down guidance with respect to the receipt of gifts by those in public office.

It is generally noted, that no person in public life or any person exercising public functions should accept fees, gifts or other benefits with the exception of those that may be connected directly or indirectly with the performance of their duties.

Gifts and benefits, which in any way may relate to the duties of a person in public life are seen to include both tangible gifts and other benefits such as tickets to sporting and cultural events, relief from indebtedness, loan concessions and provision of services.

Gifts should also be taken to mean those given free of charge or at a cost generally below that available to members of the public as well as gifts received by any company or organisation in which the person in public life or his or her spouse has an interest. Benefits received by another person together with or on behalf of a person in public life should be looked at as if received by the person in public life.

Those in public office are personally responsible for all decisions connected with the acceptance or offer of gifts or hospitality and for avoiding the risk of damage to public confidence in government.

Gifts, even those permissible and registrable under the Act, should only be accepted where they represent a normal expression of courtesy, protocol and hospitality that accompanies the office. Gifts should not, by its acceptance, be seen as being able to influence the judgement and performance of the person in their official duties and thus seen as compromising the integrity of the government.
6. Application and General Obligations (continued)

6.3 Acceptance of Gifts and Benefits (continued)

Guidelines for determining whether a gift is in any way related, or could reasonably be thought by others to be related to a person’s office, is a matter of judgement. Both the possible motive of the giver and the use to which the gift is to be put should be considered.

Hospitality should also not be accepted at any time when the company concerned is seeking, or may soon be seeking, to expand or confirm business relationship with the government or any other public body (e.g. through a tender or contract).

Those in public office should not derive personal benefit from business promotions associated with repeated use of particular goods and services provided to the departments or at the department expense. These benefits should be for use by the department in the performance of future activities.

The actions of those in public office should also not be interpreted by others as soliciting hospitality or other such benefits.

6.4 Use of Government Resources

Persons in public life, and those in the public service in general, have a duty to avoid waste and extravagance in the use of public resources. They have a duty to be scrupulous in their use of government information, money, property, goods and services and should endeavor to ensure the proper, efficient and effective use of public money. These duties are also manifested by the following actions:

*Government Property*

Those in public life should always ensure that any facilities (property, transport, stationary, secretarial services etc.) provided by the Government for use in his or her duties are used strictly for those duties and for no other. When using or authorising the use by others of the resources of any public body, those in question should always act in accordance with the specific requirements of the public body.
6. Application and General Obligations (continued)

6.4 Use of Government Resources (continued)

*Expenses and Allowances*

Persons in public life should pay careful observance to the rules regarding expenses and allowances, which they are allowed to claim in connection with their duties.

*Travel*

With regards to foreign travel, persons in public life should always make it their personal responsibility to review the size and composition of any delegation for which their department is responsible. Senior government and public service officials should always give a lead in keeping down the size of parties involved in foreign travel by keeping their own parties as small as possible and by avoiding any undue extravagance when on such visits.

Accepting offers of free travel can be misinterpreted and any such acceptance must not create or appear to create any undue obligations. Any offer should only be accepted if it does not create any undue obligation and where it provides an opportunity to conduct official business.

The expense of a spouse/partner when accompanying a person on official duties should only be paid from public funds, provided that it is clearly in the public interest that he or she should accompany that person, or if allowed by law.

6.5 Public Appointments

In making such appointments, those in public life should always have regard for the need for public accountability, the requirements of the law, merit, independent scrutiny, equal opportunity, probity, openness and transparency and should generally ensure that their influence over appointments is not abused for partisan purposes. Those in public life should not let their political or personal preferences influence their judgement.
6. Application and General Obligations (continued)

6.5 Public Appointments (continued)

In making such a process transparent, information about the requirements of the post, the attributes essential for a candidate, the extent to which candidates meet such requirements and other factors bearing upon the appointment (e.g. conflicts of interest, ethical considerations) should be laid out for all concerned.

Further guidance with respect to public appointments to the boards of Statutory Bodies and State Enterprises is included under Section 7 as well as Appendix VII.

6.6 Insider Information

Those in public life and those in the public service in general, should not:

- disclose information given to them in confidence by anyone, or information acquired, which they believe, is of a confidential nature, without the consent of the person authorized to give it, or unless required by law to do so;

- prevent another person from gaining access to information to which that person is entitled by law; and

- knowingly take advantage of, or benefit from, information obtained in the course of their official duties and not generally available to the public. Such information is not to be used for their own personal advantage or for the personal advantage of anyone known to them or to the disadvantage or discredit of others.
6. **Application and General Obligations (continued)**

6.7 **Preferential Treatment**

Persons in public life should not step out of their official role to assist private entities or persons in their dealings with the government where this would result in the granting of preferential treatment to any such entity/person.

Those in public life should also avoid being placed, or creating the appearance of being placed, under an obligation to any person or organisation that might profit from special consideration on their behalf.

6.8 **Comments on Public Policy**

Guidelines with respect to comments on public policy are included under Section 139 of The Civil Service (amendment) Regulations, 1996, which states that “an officer shall not respond to questions on public policy, in a manner that could reasonably be constructed as criticism, and which may call into question his ability to impartially implement, administer or advise on Government policy”.

Though the above is specific to civil servants, it is applicable to all in public life. Those in public life should bear in mind that however careful they may be to make it clear that they are speaking in a private capacity, they are nevertheless regarded as speaking with some authority. Discretion and responsibility should therefore be exercised when making statements, both on matters for which they may be responsible, as well as those which are the responsibility of others.
6. Application and General Obligations (continued)

6.9 Activities Outside of The Service and Post Employment Conflicts

Activities outside of the service

Under Section 137 of the Civil Service (Amendment) Regulations 1996, “an officer should not, directly or indirectly, be involved in any financial or other interest or undertaking which could compromise, or reasonably be said to compromise that officer’s job performance or office”.

Persons in public life and those in the public service in general, have an obligation not to undertake secondary employment, which in the opinion of others, might conflict with their official duties, or would lead to the perception that they have placed themselves in conflict with their official duties, or which is likely to affect their efficiency in the performance of their official duties.

Guidelines as to undertakings that may pose such a compromise include:

- employment in a business which is in the process of entering into, or has a contractual relationship with, any government ministry or public body;

- employment in an organisation which receives public funding;

- situations where the department concerned is in a regulatory relationship with the company offering employment;

- employment that may make demands on or compete for time that would otherwise be spent on government work;

- situations giving access to privileged, private or confidential information in the course of official duties pertinent to the business, industry or client base of the company in question and which might reasonably be seen by the public or another company as involving a conflict of interests.
6. Application and General Obligations (continued)

6.9 Activities Outside of The Service and Post Employment Conflicts (continued)

Activities outside of the service (continued)

Conflicts or perceived conflicts of interest are also to be considered even if in relation to unpaid work and outside employment while on long service leave or leave without pay.

Persons in public office should also not accept payment for activities which would be regarded as part of their normal duties.

Post Employment Conflicts

When those in public life leave office they take with them two kinds of information:

- a general understanding of the way government and public administration operates; and secondly

- specific and sometimes confidential or sensitive information about aspects of government policy or about organisations associated with government, or about personalities in government.

While there is some good that derives from the former, there is likely to be some limitation on the extent of time (though it may be relatively short) that the latter remains sensitive, or even confidential.
6. Application and General Obligations (continued)

6.9 Activities Outside of The Service and Post Employment Conflicts (continued)

Post Employment Conflicts (continued)

Persons in public life therefore have a responsibility even after they leave public office, not to act in a manner so as to take improper advantage of their previous public office. This applies both to those who leave public office for work outside, and those who retire.

Persons in public life or former persons in public life as applicable, should not:

- allow prospects of outside employment to create a real, potential or apparent conflict of interest while in public office;
- obtain or seek to obtain, preferential treatment or privileged access to government after leaving public office;
- take personal advantage of information obtained in the course of official duties and responsibilities until it has become generally available to the public; and
- use their public office to an unfair advantage in obtaining opportunities for outside employment.

The perception of improper advantage is also likely to arise where persons formerly in public life accept within a short time frame (less than one year), appointment to a board of directors or employment with an entity with which they had direct and significant official dealings during the period immediately prior to the termination of their service in public office. It is also likely to arise where a person formerly in public life, makes representations for, or on behalf of, another person or entity, to any department with which they had direct and significant official dealings, during the period immediately prior to the termination of their service in public office.
6. Application and General Obligations (continued)

6.9 Activities Outside of The Service and Post Employment Conflicts (continued)

Post Employment Conflicts (continued)

Certain appointments should therefore only take place after an appropriate passage of time or alternatively, the person in question should stand aside from certain activities of their new employer.

In the absence of formal requirements, it remains a matter of judgment and good sense in particular circumstances. Those in public life should therefore be scrupulous in disclosing any possibility of employment with an organisation or firm they have official dealings with at the earliest possible stage so that any necessary steps can be taken to avoid potential areas of concern or difficulty.

Persons formerly in public life should exercise particular restraint in subsequent dealings with former colleagues to avoid any suggestion that they may be seeking to take undue advantage of established relationships. For their part, those still in public life should be conscious of the need to deal with former colleagues on a fair and impartial basis.
7. **The Role of the Public Board**

7.1 **Board Appointments**

This section sets out a framework for public appointments. It’s aim is to provide those with this responsibility, with a clear and concise guide as to the steps that should be followed in order to ensure a fair, open and transparent appointment process, that produces a quality outcome and that can command public confidence.

For the purposes of this guide, the term public appointment refers specifically to board appointments to Statutory Bodies and State Enterprises, though guidelines provided can be applicable to any appointment to a public body.

**Ministerial responsibility**

Ministers are ultimately responsible for public appointments and thus for ensuring that: -

- the Government (and Parliament’s) policy objectives are being advanced;
- the Government’s interest and risks are properly managed; and
- there is proper accountability and control of public organisations that spend public money and exercise public powers.

In order for this role to be properly fulfilled, Ministers should ensure either directly or through the relevant ministry or its representative, that:

- an appointment process has been developed and stated at the outset;
- new board members have adequate induction and training to understand their role and the expectations of Government; and
- meaningful appraisal systems for board members are established.
7. The Role of the Public Board (continued)

7.1 Board Appointments (continued)

Basis of appointments

All public appointments should be governed by the following principles:

- Merit

All public appointments should be governed by the overriding principle of selection based on merit, by the well-informed choice of individuals who through their abilities, experience and qualities match the needs of the public body in question.

- Independent scrutiny

Best practice indicates that public appointments take place in consultation with independent advisors and by a transparent process. (e.g. in some jurisdictions appointments are subject to approval by legislative committees or the President of the Republic).

Independence should be taken to mean that such a person/group of persons have no operational role to play within the bodies or the government ministry concerned.

- Equal opportunity

Care must be taken at every stage of the appointment process not to discriminate on the grounds of sex, marital status, colour, race, ethnic or national origin, political opinion, employment status, family status, disability or religious beliefs.

- Probity

Conflicts of interest with respect to candidates in relation to the post for which they are applying should be identified and addressed as early as possible in the appointment process.
7. The Role of the Public Board (continued)

7.1 Board Appointments (continued)

Basis of appointments (continued)

- Probity (continued)

  Those appointed to public office should be fully aware of the expectations placed upon them before accepting the position. Appointments must be accepted on the basis of an informed appreciation of the skills and commitment required to be effective.

- Openness and transparency

  The workings of the appointment process must be transparent and information provided to the general public about the positions available as well as the appointments made.

- Proportionality

  The procedures surrounding public appointment should be subject to the principle of proportionality. They should be appropriate for the nature of the post and the size and weight of its responsibilities.

Further guidance on public appointments to the Boards of State Enterprises and Statutory Bodies, is included under Appendix VII.
7. The Role of the Public Board (continued)

7.2 Conflicts of Interest

Conflicts of interest are likely to arise in four main areas, namely:-

(1) financial interests or share ownership;

(2) candidates who are actively sought from within a field of expertise in which the public body works;

Such a connection should not preclude an appointment, but might be perceived by the public as a conflict of interest and should be addressed.

(3) membership in societies and associations;

In some instances, such membership may be cited as creating an obvious conflict of interest, but should not be an automatic bar to appointment. It should be established whether there is a genuine conflict and whether or not it would hamper the individual in carrying out the requirements of the post.

(4) personal relationships;

candidates must be assessed on merit and not treated more or less advantageously because of the activities, associations or employment of a partner or friend, nor must that relationship influence their actions if appointed. Again, such relationships should not automatically preclude appointment.

Whenever an appointment to a public office is being made, those responsible for selection should be confident that actual or potential conflicts of interest that can reasonably be identified, have been identified, and that an acceptable system has been proposed or established to manage the conflict appropriately.
7. The Role of the Public Board (continued)

7.2 Conflicts of Interest (continued)

A systematic approach for identifying potential conflicts of interest follows:

- ensure that candidates are provided with information about the Statutory Body or State Enterprise to which the appointment relates, including functions and areas of operation, the statutory framework under which it operates and a description of the duties relating to the appointment;

- request from candidates whether there are any financial, professional or personal interests that might create a conflict if they were to be appointed to the board. Specific reference should be made to those interests as identified under Section 6.2 above. Candidates should also be asked to advise immediately of any change to their interests that occur in the course of the appointment process;

- if a conflict of interest is identified, consideration should be given as to whether it is so fundamental in nature that the candidate is unsuitable for appointment, or whether the conflict can be managed with appropriate systems;

- ensure that any such system arrived at for managing conflicts of interest is discussed with the candidate and agreement obtained;

- provide those responsible for the final selection with comprehensive information about any conflicts of interest, including details of any proposal for managing the conflict, an indication of the candidate's position in respect of any conflict, details of any legal advice obtained in relation to the conflict, and free and frank advice in respect of the adequacy of any arrangements proposed; and

- ensure that the relevant documentation includes all information relating to conflicts of interest and how they have been addressed.
7. The Role of the Public Board (continued)

7.2 Conflicts of Interest (continued)

In assessing conflicts of interest, attention should also be placed on those arising out of the political activity of candidates. Information requested in this regard should however be limited to that already in the public domain and should not include any personal information such as membership in political parties or voting preferences.

Information disclosed should include details of any appointment and the party or body involved. This is likely to include appointments in respect of the following:

- holding office as a Local Councilor, MP etc;
- standing as a candidate for one of the above offices;
- speaking on behalf of a party or candidate;
- acting as a political agent;
- holding office such as Chair, Treasurer or Secretary of a party;
- canvassing on behalf of a party or assisting at elections;
- undertaking any other political activity which may be considered relevant; and
- making a recordable donation to a political party.

Board members, whether full or part-time, should not occupy paid party political posts or hold particularly sensitive or high profile unpaid roles in any political party.
7. The Role of the Public Board (continued)

7.3 General Duties of Board Members

Board members are bound by and committed to decisions legitimately taken by the board. In order to provide quality advice or direction, all board members should have a sound understanding of the organisation’s operation, keep their relevant skills and knowledge up to date and be conversant with relevant issues and trends.

Statutory Bodies, State Enterprises and their Boards must at all times:

- observe the highest standards of propriety involving impartiality, integrity and objectivity in relation to the stewardship of public funds and the management of the bodies concerned;

- maximise value for money through ensuring that services are delivered in the most economical, efficient and effective way, within available resources, and with independent validation of performance achieved wherever practicable; and

- be accountable to Parliament, users of services, individual citizens and employees for the activities of the bodies concerned, their stewardship of public funds and the extent to which key performance targets and objectives have been met.

Board members should be fully aware of the existing legislation and other regulations governing their duties and responsibilities to the entity to which they have been appointed, to the Government of the day and to the public as a whole. These are generally laid down in the various Acts of Parliament governing the establishment of the respective State Enterprise/Statutory Body, The Company’s Act 1995 as well as other ministerial directives and internal regulations provided by the State Enterprise/Statutory Body in question.
7. **The Role of the Public Board (continued)**

7.3 **General Duties of Board Members (continued)**

Due to the large number of public bodies and their varying roles and functions, it is not possible to draw up a code that can be uniformly applied to all. Individual organisations should be encouraged to construct their own Code of Conduct based on existing legislation as well as the guidance provided within these pages, that take account of their own particular characteristics and circumstances.

The guidelines stated below fall out of the core public service principles identified under Section 5 above and would in some cases mirror the applications noted under Section 6.

Generally speaking, board members of state enterprises and statutory bodies should: -

- act honestly and in good faith with the highest order of due care and diligence in the performance of their duties. Specifically, board members should: -
  - exercise the care, diligence and skill that a reasonably prudent person would exercise in comparable circumstances;
  - not delegate decisions, except as permitted by law;
  - not act under another direction, except as permitted by law;
  - not act for their own benefit or for the benefit for any other third person; and
  - not act capriciously or unreasonably.

- be aware of the role of the Board;

- be aware of the role of the Minister and Ministry to which they report.
7. The Role of the Public Board (continued)

7.3 General Duties of Board Members (continued)

The board of directors should ensure that the information provided to the relevant ministry and government in general, is sufficient to allow an evaluation of how well the organisation has fulfilled its objectives. The legislation governing each organisation and other ministerial directives generally prescribes some minimum level of information disclosure, though board members should ensure that the organisation’s reporting exceeds these minimum requirements.

- be well informed about the operations of the entity it governs;
- be well informed about the relevant regulations which govern the entity, including those governing the use of public funds;
- make appropriate arrangements for induction and training in conjunction with the relevant ministry;
- review their own performance and that of the organisation for which they are responsible;
- act in the best interest of the organization it governs. This is taken to mean that board members should: -
  - not represent any sectional interest at the expense of the interest of the organization. In determining what are the best interests of the organisation, the board shall have regard to the interests of its employees, its shareholders (in this case the government) and the general public;
  - not misuse property held in a fiduciary capacity;
  - not place themselves in a position where their duty as a board member and personal interest conflict. Any such conflict must be resolved in favor of their duties as a board member;
7. The Role of the Public Board (continued)

7.3 General Duties of Board Members (continued)

- not promote personal interest by making or pursuing a gain in circumstances in which there is a conflict or a real or substantial possibility of a conflict, between their personal interest and those whom they are bound to protect (i.e. employees, government and the general public); and
- not misuse information gained in the course of their public service for personal gain or for political purpose, nor seek to use the opportunity of public service to promote their private interests or those of connected persons, firms, businesses or other organisations. Information should only be disclosed for the purposes of the exercise or performance of their functions, for the purposes of any legal proceedings pursuant to the requirements of any written law, or when authorized by the organisation.

- disclose personal interest in any matter before the board and abstain from any discussion or voting in relation to such matters. In considering whether a real danger of bias exists in relation to a particular decision, board members should assess whether they, a close family member, a person living in the same household, or a firm, business or organisation with which they are connected is likely to be affected more than the generality of those affected by the decision in question;

- be mindful of the requirement to file an annual statement of assets and liabilities and a statement of registrable interest as contained in the Act. Board members are encouraged to register in addition to any pecuniary interest, non-pecuniary interests which relate closely to the organisation’s activities as well as those interests of close family members;

- ensure that they comply with the Board's, the Act and any other regulations that provide guidance on the acceptance of gifts and hospitality.
7. The Role of the Public Board (continued)

7.4 Corporate Responsibilities of Board Members

It is also the responsibility of board members to:

- ensure that high standards of corporate governance are observed at all times. This entails that the following be in place:
  - ethical structures that provide assurance that there is consistent ethical behaviour throughout the organization (e.g. Code of Conduct);
  - internal accountability structures that provide assurance on internal controls and management of the organization;
  - external accountability and reporting structures that make the organization’s performance visible; and
  - financial and resource management structures that provide assurance that resources are being managed efficiently, effectively and ethically.

- ensure that public bodies comply with all statutory or administrative requirements for the use of public funds;

All major decisions involving a corporation’s assets and their financing (annual operating and capital budgets, new project proposals and borrowing requests etc.) must be reviewed and approved by the board.

- establish the overall strategic direction of the organisation (through a Corporate Plan) within the policy and resources framework agreed with the relevant Minister and after consultation with management;

- ensure that the board operates within the limits of its statutory authority and any delegated authority agreed with the relevant ministry; and
7. The Role of the Public Board (continued)

7.4 Corporate Responsibilities of Board Members (continued)

- ensure that all dealings with the public are conducted in an open and responsible manner.

Board members should ensure they can demonstrate that they are using resources to good effect, with propriety, and without grounds for criticism that public funds are being used for private, partisan or party political purposes.

7.5 The Workings of the Board

Good practices for an effective board include:

- a working partnership between the board and executive management, with the board providing the oversight and guidance and management responsible for the day to day operations;

- a strong independent element on the board who are able to bring an objective view to board deliberations. Independence should be taken as independent of management and free from any business or other relationship which could materially interfere with the exercise of their judgement;

- a board size small enough for effective decision making. To provide a more focused debate on important issues such as financial reporting, etc. various sub-committees should be established; and

- a chairman who ensures full discussion of agenda items at meetings.

It is understood that not all boards are identical. The enabling legislation of Statutory Bodies and Sate Enterprises as well as various other ministerial directives normally specify the number of directors, the powers and duties of the board, and the conditions governing their appointment.
7. The Role of the Public Board (continued)

7.5 The Workings of the Board (continued)

Board members should request in advance of a board meeting, the draft agenda, minutes of the previous meeting and the relevant information relating to matters to be discussed, well in advance. Board meetings are the main forums for board members to fulfil their responsibilities, providing an opportunity to receive information, develop an understanding of important issues and influence the direction of the organisation. Board members should therefore fully understand their specific roles and responsibilities, prepare well and actively participate in such meetings.

There are no set requirements as to how and when board meeting are to be conducted, beyond those of an organisation’s enabling legislation and company law. The most important factor is to maintain an open and inclusive atmosphere.

The frequency of meetings will depend on an organisation’s specific situation, and on internal and external events and circumstances. As a general rule, full board meetings should be held no less than quarterly. Board committees may meet less frequently, perhaps three or four times a year, but again this will vary with circumstances.

The papers prepared for each meeting will vary depending on the organisation and the circumstances of the meeting itself. Basic papers seen as necessary to enable board members to play a useful part include:

- the agenda (generally prepared or approved by the Chairman);
- minutes of the previous meeting (usually provided by the Company Secretary);
- the CEO’s operational report, giving an overview of major events affecting the organization since the previous meeting;
- the financial report, presenting up-to-date statements of operating profit or loss, cash flow and availability of finance; and
- any other report relevant to the agenda facing the board.
7. The Role of the Public Board (continued)

7.6 Accountability for Public Sector Resources

Board members have a duty to ensure the safeguarding of public funds and resources. This can be taken to include all forms of receipts from fees, charges and other sources, and the proper custody of assets, which have been publicly funded. Appropriate measures should be taken to ensure that the organisation in question at all times conducts its operations as economically, efficiently and effectively as possible, with full regard to the relevant statutory provisions, including those under any Standing Financial Instructions and any other line ministry directions.

Public sector resources fall into four categories, namely: -

- assets and liabilities;

  Sound asset management requires that assets contribute to achieving the desired outcomes and be used at the optimal level. Furthermore, assets should be adequately maintained and protected against loss or damage through appropriate risk management initiatives. The cost of owning, operating and maintaining assets should also be minimised.

- human resources;

  Sound human resource management requires all roles and responsibilities to be clearly defined. Staff should have the appropriate skills to perform their job effectively and be given developmental opportunities. Performance appraisals should be regularly undertaken to determine competency and required skills development. Furthermore, a succession plan for key positions should be in place and periodically reviewed.

- information;

  Sound management of information for decision making and service delivery requires public records to be properly kept and privacy of information (where required) to be maintained.
7. The Role of the Public Board (continued)

7.6 Accountability for Public Sector Resources (continued)

- finances;

Sound management of finances requires the accounting processes to be efficient and effective. The administration of the organisation’s finances should be done in a timely and accurate manner.

Key to the accountability function of boards is the preparation of annual budgets outlining planned performance and the proposed allocation of available resources among the competing priorities. These should be prepared annually along with a corporate plan, including a capital budget and borrowing plan. Audited financial statements should also be prepared annually and presented to the board for approval.

Board Members should ensure that they receive periodic reports prepared by management that outline and explain how the corporation has performed relative to the objectives set out in the approved plan and the actual results for the period under review. The board should also request the CEO and management to provide additional information where necessary.

Underlying all of the above is also the responsibility of a board of directors to ensure the establishment of a system of internal controls that:

- enable the business to identify, measure, monitor and respond appropriately to significant business, operational, financial and compliance risks;
- safeguard assets from inappropriate use and loss from fraud or error;
- ensure the quality of internal and external reporting through the proper maintenance of records and information flows; and
- facilitate compliance with applicable laws and regulations and internal policies.
7. The Role of the Public Board (continued)

7.7 The Role of Audit Committees

Audit Committees can play a key role in the areas of external financial reporting and internal financial control. Audit Committees undertake on behalf of the board responsibility for the oversight of internal controls, financial reporting and compliance with regulatory matters. The specific responsibilities of a committee will vary depending on the particular circumstances of the organisation in question. However, in general, Audit Committees are usually responsible for reviewing the:

- Adequacy of the organisation’s internal control and risk management systems;
- Interim financial statements and the process management uses to prepare such periodical financial information;
- Process for monitoring compliance with relevant laws and regulations and its impact on an organisation’s financial statements;
- Process for monitoring compliance with any internal code of conduct;
- Year-end financial reporting package, including annual financial statements, any accompanying narrative with respect to the financial position of the company, significant accounting and reporting issues and the audit findings, including any significant suggestions for improvements provided to management; and
- Appointment of external auditors and agreement of their fees.
7. The Role of the Public Board (continued)

7.7 The Role of Audit Committees (continued)

Regardless of how the functions of an audit committee are organised, there are several steps which an organisation can take that will contribute to their effectiveness, including:

- Establishing a written terms of reference that provide a clear understanding of the committee’s role;
- Selecting qualified committee members;
- Considering the independence and objectivity of committee members;
- Determining the term of office of committee members;
- Appropriately scheduling meetings;
- Allocating sufficient resources; and
- Providing orientation for new committee members.

While responsibility for the composition of an organisation’s Audit Committee rests with the Board of Directors and possibly the Minister to which the organisation directly reports, a key requirement is that there be some form of independent involvement in the review of financial reporting processes and internal controls.

Appendices VII to IX contain a number of checklists that can be used by board members and those involved in the public appointments process, to ensure that they live up to the responsibilities required of them under the tenet of good corporate governance. Improved governance should result from addressing any identified weaknesses.
Appendix I

Code of Ethics for Parliamentarians including Ministers
GOVERNMENT OF
THE REPUBLIC OF TRINIDAD
AND TOBAGO

CODE OF ETHICS

for

PARLIAMENTARIANS
INCLUDING
MINISTERS

April, 1987
Appendix I - Code of Ethics for Parliamentarians including Ministers

1. In any debate or proceeding of a House or its committees, or in any transactions, or communications which a Member may have with other Members or with Ministers or servants of the Crown, he shall disclose any relevant pecuniary interest or benefit of whatever nature, whether direct or indirect, that he may have had, may have or may be expecting to have.

2. A declaration of interest should be made at the earliest opportunity when speaking in debate or taking part in committee proceedings.

3. Such declarations should be automatically recorded as part of the official record and indexed in *Hansard* for convenience of reference.

4. A parliamentarian (i.e. all members, including Ministers) should perform the duties of his office impartially, uninfluenced by fear or favour.

5. A parliamentarian should be frank and honest in official dealings with colleagues.

6. A parliamentarian should avoid situations in which his private interest, whether pecuniary or otherwise, conflicts or might reasonably be thought to conflict with his public duty.

7. When a parliamentarian possesses, directly or indirectly, an interest which conflicts or might reasonably be thought to conflict with his public duty, or improperly to influence his conduct in the discharge of his responsibilities in respect of some matter with which he is concerned, he should disclose that interest in accordance with prescribed procedures. Should circumstances change after an initial disclosure was made, so that new or additional facts become material, the parliamentarian should disclose the further information.

8. When the interests of members of his immediate family are involved, the parliamentarian should disclose those interests, to the extent that they are known to him. Members of the immediate family will ordinarily comprise only the parliamentarian's spouse and dependent children, but may include other members of his household or family when their interests are closely connected with his.

9. A parliamentarian should not use information obtained in the course of official duties to gain directly or indirectly a pecuniary advantage for himself or for any other person. In particular, a parliamentarian should scrupulously avoid investments or other transactions about which he has, or might reasonably be thought to have, early or confidential information which might confer on him an unfair or improper advantage over other persons.
10. A parliamentarian should not:

(a) solicit or accept from any person any remuneration or benefit for the discharge of the duties of his office over and above the official remuneration;
(b) solicit or accept any benefit, advantage or promise of future advantage whether for himself, his immediate family or any business concern or trust with which he is associated from persons who are in, or seek to be in, any contractual or special relationship with government; and
(c) except as may be permitted under the rules applicable to his office, accept any gift, hospitality or concession travel offered in connection with the discharge of the duties of his office.

11. A parliamentarian should be scrupulous in his use of public (official) property and services and should not permit their misuse by other persons.

12. A parliamentarian should not allow the pursuit of his private interests to interfere with the proper discharge of his public duties.

13. (a) There should be established in each House of Parliament a Standing Ethics Committee empowered to:

(1) report to the House from time to time on any changes in the Code of Ethics that it deemed desirable; and
(2) receive, investigate and report upon any complaints or departures by Members from the Code of Ethics, and in particular, upon allegations involving conflict of interests; and

(b) determine the procedures for the operation of the Committee and the extent of its powers.

14. (a) At meetings of the Cabinet and its committees, a Minister should disclose to his colleagues when he has an interest which does, or might reasonably be thought likely to, conflict with his public duty as a Minister;

(b) his declaration should be noted in the Cabinet records, and

(c) the Minister should then either indicate that he will not take part in the discussion in question or else secure the explicit authorisation of his colleagues for taking part.
Appendix I - Code of Ethics for Parliamentarians including Ministers

15. (a) When directing the business of the department which he administers a Minister should inform the Prime Minister of any real or apparent conflict of interest that arises;

(b) the Prime Minister, unless he asks the Minister to divest himself of the interest, should either arrange for another Minister to deal with the matter or else give explicit authorisation to the original Minister to proceed with it; and

(c) in any event, the Prime Minister should have the matter recorded.

16. (a) A Code of Ethics concerning gifts received by Ministers should be established; and

(b) guidelines concerning acceptance of sponsored overseas travel be drawn up.

17. (a) The returns of Ministers' disclosures of interests should be kept, on a confidential basis, by the Secretary to Cabinet; and

(b) consideration should be given to determining whether a small committee of senior Ministers, appointed by the Prime Minister or by Cabinet, should be established to have immediate responsibility for the register of Ministers' interests, but with ultimate responsibility for the register remaining with the Prime Minister.

18. Ministers should disclose in their register of interests the following additional information:

(a) the beneficial interest of the Minister, or a member of his immediate family, under any trust, and in any nominee company, with a statement of the nature of operations of the trust or company;

(b) any trust of which the Minister is a trustee, with a statement of the beneficiaries and the nature of the operations of the trust;

(c) partnership and joint venture interests with a statement of the nature of their operations;

(d) liabilities; and

(e) shareholdings, under procedures which will disclose the ultimate interest in circumstances where private companies are used as a screen to mask holdings directly or indirectly in other companies.

19. When the Prime Minister or the Cabinet authorises a Minister to continue to carry out his Cabinet or ministerial duties in relation to a matter in which he has declared an interest, a record of that authorisation should be made.
Appendix I - Code of Ethics for Parliamentarians including Ministers

20. (a) Ministers should resign directorships in public companies, but they may retain directorships in private companies provided that:

   (1) they make a full disclosure under the rules relating to registration of interests concerning the assets, liabilities and activities of such companies; and
   (2) such companies operate family farms, pastoral holdings or investments.

   (b) they should cease to engage in professional practice; and

   (c) they should cease to be involved in the daily routine work of any business.

21. A Minister should divest his shares and similar interests in any company business involved with his department.

22. It should be unacceptable for a Minister who is required to divest to transfer his interests to certain other persons or bodies, for example to his spouse, to another member of his family, or to a nominee company or trust.

23. It should be an undesirable and unacceptable practice that a Minister should, whether orally or in writing, request another Minister to use his office to provide employment for anyone, whether or not a supporter of a political party.

CODE OF ETHICS FOR MINISTERS CONCERNING THE RECEIPT OF GIFTS

(a) A Minister is required to promptly report in writing to Cabinet or in a committee thereof the receipt by him in the course of his official duties of any gift from any foreign government, any corporate or unincorporated body engaged in business, or individual.

(b) Gifts above the value of $100.00 shall be deemed the property of the State.

(c) There shall be maintained by the Cabinet Secretariat a register in which shall be recorded the receipt of all gifts to Ministers.

(d) The Secretary to the Cabinet shall cause a list of such registered gifts to be published in the Gazette not later than the 30th day of April in each year.

(e) Appropriate arrangements shall be made by the Cabinet for the proper custody of all gifts, deemed to be the property of the State.
Appendix II

Code of Ethics for Parliamentarians including Parliamentary Secretaries
Appendix II - Code of Ethics for Ministers and Parliamentary Secretaries

In this Code where the context so admits the word "Minister" shall apply to Cabinet Ministers, other Ministers and Parliamentary Secretaries.

1. (a) At meetings of the Cabinet and its committees, a Minister shall disclose to his colleagues when he has an interest which does, or might reasonably be thought likely to, conflict with his public duty as a Minister;

(b) his declaration shall be noted in the Cabinet records; and

(c) the minister shall then either indicate that he will not take part in the discussion in question or else secure the explicit authorisation of his colleagues for taking part.

2. (a) When directing or dealing with the business of the department which he administers, a Minister shall inform the Prime Minister of any real or apparent conflict of interest that arises;

(b) the Prime Minister, unless he asks the Minister to divest himself of the interest, shall either arrange for another Minister to deal with the matter or else give explicit authorisation to the original Minister to proceed with it and

(c) in any event, the Prime minister shall have the matter recorded.

3. It shall be unacceptable for a Minister who is required to divest to transfer his interests to certain other persons or bodies, for example to his spouse, to another member of his family, or to a nominee company or trust.

4. The returns of Ministers' disclosures of interests shall be made to the Prime Minister and shall be kept in a Register of Interests, on a confidential basis, by the Secretary to Cabinet.

5. Ministers shall disclose to the Prime Minister for the Register of interests the following additional information:

(a) the beneficial interest of the Minister, or a member of his immediate family, under any trust, and in any nominee company, with a statement of the nature of operations of the trust or company;

(b) any trust of which the minister is a trustee, with a statement of the beneficiaries and the nature of the operations of the trust;

(c) Partnership and joint venture interests with a statement of the nature of their operations;

(d) liabilities;
Appendix II - Code of Ethics for Ministers and Parliamentary Secretaries

(e) shareholdings, under procedures which will disclose the ultimate interest in circumstances where private companies are used as a screen to mask holdings directly or indirectly in other companies.

(f) land and property owned by the minister.

6. (a) ministers shall resign directorships in all companies;

(b) they shall cease to engage in professional practice; and

(c) they shall cease to be involved in the daily routine work of any business.

7. (a) A Minister is required to promptly report in writing to Cabinet or in a committee thereof the receipt by him in the course of his official duties of any gift from any foreign government, any corporate or unincorporated body engaged in business, or individual;

(b) Gifts above the value of Five Hundred Dollars ($500.00) shall be deemed the property of the State;

(c) There shall be maintained by the Cabinet Secretariat a Register in which shall be recorded the receipt of all gifts to Ministers.

(d) The Secretary to the Cabinet shall cause a list of such registered gifts to be published in the Gazette not later than the 30th day of April in each year.

(e) Appropriate arrangements shall be made by the Cabinet for the proper custody of all gifts, deemed to be the property of the State.

8. A Minister shall not accept or receive either directly or indirectly any fee, compensation, gift or reward for or in respect of or in connection with the promotion of or opposition to any matter or thing submitted or intended to be submitted for the consideration of Cabinet or any of its committees.

9. A Minister shall seek approval from the Prime minister before leaving the Republic of Trinidad and Tobago and for overseas visits relating to or arising out of membership of the Government where the cost of any such visit will not be wholly borne by the Minister or by public funds.
Appendix III

Legal Notice No. 217 – The Civil Service (Amendment) Regulations 1996 Chapter XI – Code of Conduct
LEGAL NOTICE No. 217

REPUBLIC OF TRINIDAD AND TOBAGO

THE CIVIL SERVICE ACT, CHAP. 23:01

REGULATIONS

MADE BY THE MINISTER UNDER SECTION 28 OF

THE CIVIL SERVICE ACT

THE CIVIL SERVICE (AMENDMENT) REGULATIONS, 1996

1. These Regulations may be cited as the Civil Service (Amendment) Regulations, 1996.

2. The Civil Service Regulations are amended by inserting after Chapter X, the following new Chapter:

"CHAPTER XI
CODE OF CONDUCT

134. An officer's conduct shall be such at all times as not to bring the Service into disrepute.

135. (1) An officer shall, with integrity, promptly and effectively discharge the duties of the office to which he is appointed and any other related duties that the Permanent Secretary or Head of Department requires of that officer.

(2) In the discharge of those duties, an officer shall be courteous and polite both to members of staff and to the public.

(3) An officer shall not wilfully refuse, or wilfully omit, to perform those duties.

136. (1) An officer shall not be absent from duty without leave or reasonable excuse.

(2) An officer, when leaving the country, shall inform the Permanent Secretary or Head of Department in writing or, in cases-of emergency, a superior officer who shall report forthwith, in writing, to the Permanent Secretary or Head of Department.
137. (1) An officer shall not, directly or indirectly, be involved in any financial or other interest or undertaking which could compromise, or reasonably be said to compromise that officers job performance or office.

(2) Where an actual or potential compromise arises, the officer shall inform the Permanent Secretary or Head of Department.

(3) The Permanent Secretary or Head of Department shall determine the nature and degree of compromise, decide upon an appropriate course to resolve it which may include assigning the officer to other duties, and advise the officer accordingly.

(4) An officer who is aggrieved by a decision made under subregulation (3) may appeal to the Chief Personnel Officer who shall review that decision.

(5) Where the officer is aggrieved by the outcome of the review of the Chief Personnel Officer, the matter may be pursued on his behalf by the appropriate recognised association as a grievance to be dealt with under Part III of the Act.

138. (1) An officer shall not make any unauthorized disclosure or make copies, for purposes unrelated to the performance of his duties, of official documents, papers or information of which that officer may have become aware in the course of the performance of duty.

(2) Unauthorised disclosure does not include the reporting by an officer of complaints to the Chief Personnel Officer, Auditor General or the Public Service Commission with regard to the conduct of the Public Service, where such complaints have been reported to senior officers without redress.

139. (1) An officer shall not respond to questions of public policy, in a manner that could reasonably be construed as criticism and which may call into question his ability to impartially implement, administer or advise on Government policy.
Civil Service (Amendment) Regulations, 1996

(2) Subregulation (1) shall not apply to an officer acting in his capacity as a representative of a recognised association.

140. (1) No officer shall, on his own behalf or on behalf of the Ministry he represents receive payment for the preparation or delivery of a lecture or talk done in pursuance of his duties or the duties of the Ministry.

(2) Lectures or talks which are not necessary for departmental purposes may be given by an officer who is knowledgeable in a particular subject, whether or not he has specialised in the subject in his official capacity.

(3) Where the subject matter of the lecture or talk referred to in subregulation (2) is related to the work of his department or if the officer is to be announced by his departmental title, the prior authority of the Permanent Secretary or Head of Department is required to ensure that—

(a) there is nothing in the lecture or talk contrary to the public interest or inconsistent with the status of the officer; and

(b) the standing of the officer is sufficient to justify the delivery of the lecture under his departmental title.

(4) In respect of a lecture or talk given by an officer in accordance with subregulations (2) and (3) the officer shall make his own private arrangements for remuneration and in every case such lecture or talk shall be prepared and delivered outside of official hours.

141. An officer shall not incur indebtedness to the extent that it compromises that officer's job performance or brings the Service into disrepute.

142. An officer against whom bankruptcy proceedings have been taken or who becomes insolvent or who has been declared a bankrupt shall within seven days report that fact to the Permanent Secretary or Head of Department.
Civil Service (Amendment) Regulations, 1996

143. An officer shall not solicit the intervention or influence of members of Parliament, Ministers, members of a Commission, or prominent members of the community to support or advance his individual claims in the Service.

144. Except with the permission of the Permanent Secretary or Head of Department, an officer shall not accept any gift or reward from any member of the public or from any organisation for services rendered in the course of performing official duties.

145. Notwithstanding regulation 144, an officer may accept a present offered by—

(a) a representative of a foreign government on the occasion of an official visit to that country;

(b) a community organisation, on a social occasion where the gift represents the work or achievement of that organisation;

(c) fellow officers, on marriage, retirement, transfer or other social or celebratory occasion.

146. An officer who is offered a bribe shall immediately inform his senior officer, in writing, who shall notify the Permanent Secretary or Head of Department who shall cause the matter to be reported to the Police.

147. An officer who desires to initiate legal proceedings against another officer or against a member of the public with respect to any matter which arose out of, or in the course of, the execution of duty shall inform the Permanent Secretary or Head of Department.

148. An officer who is charged with a criminal offence which carries a penalty of imprisonment shall report the matter without delay to the Permanent Secretary or Head of Department.
149. (1) An officer who without reasonable excuse does an act which—
(a) amounts to failure to perform any required lawful duty in a proper manner;
(b) contravenes any of the Regulations;
(c) contravenes any law relating to the performance of the duties of his office; or
(d) is otherwise prejudicial to the efficient conduct of the Service or tends to bring the Service into disrepute, commits an act of misconduct.

(2) Without prejudice to the generality of subregulation (1), an officer who—
(a) is absent from office or official duties without leave or valid excuse, or is habitually irregular in the time of arrival or departure from the place of employment;
(b) wilfully disobeys or disregards any lawful order made or given by any person having authority to make or give the order;
(c) is unfit for duty through drunkenness or the illicit use of drugs;
(d) is inefficient or incompetent through causes which are within that officer's control;
(e) commits any immoral, obscene or disorderly conduct in office;
(f) performs the required duties in a negligent manner;
(g) exercises authority unreasonably or abuses that authority in the course of performing the required duties;
(h) having made or subscribed an oath or affirmation for the purposes of office does or says anything in violation of that oath or affirmation;
(i) uses, without the authority of the Permanent Secretary or Head of Department, any property or facilities provided for the purposes of the Service, for a purpose not connected with that officer's official duties;
Civil Service (Amendment) Regulations, 1996

(j) has a criminal charge proved against him;
(k) participates, in the meetings of any political organization while on duty, while on official business or while wearing official uniform,

commits an act of misconduct.”.

Made this 30th day of December, 1996

W. MARK
Minister of Public Administration and Information
Appendix IV

Act No. 11 of 1987 – The Prevention of Corruption Act
AN ACT to provide for the Prevention of Corruption

[L.S.]

WHEREAS it is enacted by section 13(1) of the Constitution that an Act of Parliament to which that section applies may expressly declare that it shall have effect even though inconsistent with sections 4 and 5 of the Constitution and, if any Act does so declare, it shall have effect accordingly:

And whereas it is provided in the said section 13(2) of the Constitution that an Act of Parliament to which that section applies is one the Bill for which has been passed by both Houses of Parliament and at the final vote thereon in each House has been supported by the votes of not less than three-fifths of all the members of that House:
And whereas it is necessary and expedient that the provisions of this Act shall have effect notwithstanding sections 4 and 5 of the Constitution:

**Enactment**

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

1. (1) This Act may be cited as the Prevention of Corruption Act, 1987.

2. In this Act -

   "advantage" includes any office or dignity, and any forbearance to demand any money or money's worth or valuable thing, and includes any aid, vote, consent, or influence, or pretended aid, vote, consent or influence, and also includes any promise or procurement of, or agreement or endeavour to procure or the holding out of any expectation of, any gift, loan, fee or reward;

   "agent" includes any person employed by or acting for another and any person serving under the State or other public body or holding a public office;

   "consideration" includes valuable consideration of any kind;

   "principal" includes an employer;

   "public body" includes the Cabinet, the House of Representatives, the Senate, the Tobago House of Assembly, local, statutory and public authorities of all descriptions and all State Enterprises and the boards thereof;

   "public office" means any office or employment of a person as a member, officer or servant, of a public body;

   "State Enterprises" means all enterprises referred to in section 119(9) of the Constitution.
3. (1) Every person who, by himself or by or in conjunction with any other person, corruptly solicits or receives, or agrees to receive, for himself or for any other person, any gift, loan, fee, reward, or advantage whatsoever, as an inducement to, or reward for, or otherwise on account of, an agent doing or forbearing to do anything in respect of any matter or transaction whatsoever, actual or proposed, in which the State or a public body is concerned, is guilty of an offence.

(2) Every person who, by himself or by or in conjunction with any other person, corruptly gives, promises or offers any gift, loan, fee, reward, or advantage whatsoever, to any person, whether for the benefit of that person or of another person, as an inducement to, or reward for, or otherwise on account of, an agent doing or forbearing to do anything in respect of any matter or transaction whatsoever, actual or proposed, in which the State or a public body is concerned, is guilty of an offence.

4. Any person who—
   (a) being an agent, corruptly accepts or obtains, or agrees to accept or attempts to obtain, from any person, for himself or for any other person, any gift or consideration as an inducement or reward for doing or forbearing to do, or for having after the commencement of this Act done or forborne to do, any act in relation to his principal's affairs or business, or for showing or forbearing to show favour or disfavour to any person in relation to his principal's affairs or business;
   (b) corruptly gives or agrees to give or offers any gift or consideration to any agent as an inducement or reward for doing or forbearing to do, or for having after the commencement of this Act done or forborne to do, any act in relation to his principal's affairs or business, or for showing or forbearing to show favour or disfavour to any person in relation to his principal's affairs or business; or
   (c) knowingly gives to an agent, or being an agent knowingly uses, with intent to deceive his principal, any receipt, account, or other document, in respect of which the principal is interested, and which contains any statement which is false or erroneous or defective in any material particular, and which to his knowledge is intended to mislead the principal, is guilty of an offence.
5. (1) Any person who being an agent—
   (a) corruptly uses official information for the
       purpose of obtaining any gift, loan, fee,
       reward or advantage whatsoever for himself
       or any other person, or
   (b) corruptly communicates official information
       to any other person with a view of enabling
       any person to obtain any gift, loan, fee,
       reward or advantage whatsoever,

       is guilty of an offence.

       (2) For the purposes of this section "official informa-
           tion" means any fact or document which comes to a person's
           knowledge or into his possession by virtue of his position
           as a person serving under the State or being a member of a
           public body or holding any other public office.

6. (1) A person who commits an offence under sections 3,
       4 or 5, notwithstanding section 100(5) of the Summary
       Courts Act, is liable, whether upon summary conviction
       or upon conviction on indictment, to a fine of five hundred
       thousand dollars and to imprisonment for ten years and,
       in addition, shall be ordered to pay to such public body and
       in such manner as the court directs, the amount or value of
       any gift, loan, fee, or reward received by him. Such person
       shall also be adjudged forever incapable of being elected
       or appointed as a member of a public body or of holding
       any other public office and shall forfeit any such office
       held by him at the time of his conviction.

       (2) In the event of a second conviction for a like
           offence such person shall, in addition to the foregoing
           penalties, notwithstanding section 15 of the Representation
           of the People Act, be adjudged to be incapable for seven
           years of being registered as an elector, or voting at any
           election of members of any public body.

       (3) If such person is an officer or servant in the employ
           of any public body, upon such conviction, he shall at the
           discretion of the court be liable to forfeit his right to claim
           to any compensation or pension to which he would otherwise
           have been entitled.
7. Where, in any proceedings against a person for an offence under this Act, it is proved that any money, gift, other consideration has been paid or given to or received by an agent by or from a person, or his representative, holding or seeking to obtain a contract from the State or any Government department or public body, the money, gift, or consideration shall be deemed to have been paid or given and received corruptly, as such inducement or reward as is mentioned in this Act, unless the contrary is proved.

8. Proceedings instituted with a view to obtaining a summary conviction for an offence under this Act may be commenced at any time within one year after the first discovery, of the offence by the prosecutor.

9. (1) If a judge in Chambers is satisfied on an ex parte application made by the Director of Public Prosecutions and supported by evidence on affidavit that there is reasonable cause to believe that a person has committed an offence under this Act, the judge may make an order authorising any police officer not below the rank of inspector to enter and search any premises named in the order with such assistance as may be necessary and to inspect and make copies—

(a) of the relevant financial records of such person; and

(b) of such other relevant documents as may be specified in the order.

(2) Where an order is made under subsection (1) and the judge is satisfied that there is reasonable cause for so doing, he may make a further order authorising the police officer to enter and search any premises named in the order with such assistance as may be necessary and to inspect and make copies—

(a) of the relevant financial records of the spouse of the person against whom the order is made—

and

(b) of such other relevant documents as may be specified in the order.

10. A person shall not be exempt from punishment under this Act by reason of the invalidity of the appointment or election of a person as a member of a public body or to hold any other public office.
11. A prosecution for an offence under this Act shall not be instituted except by or with the consent of the Director of Public Prosecutions.

12. The Second Schedule of the Summary Courts Act is amended by repealing and replacing paragraph 9 as follows: 
"9. Offences under sections 3, 4 and 5 of the Prevention of Corruption Act."

13. The Prevention of Corruption Act is repealed.

Passed in the House of Representatives this 20th day of March, 1987.

J. E. CARTER
Clerk of the House

IT IS HEREBY CERTIFIED that this Act is one the Bill for which has been passed by the House of Representatives and at the final vote thereon in the House has been supported by the votes of not less than three-fifths of all the members of the House that is to say by the votes of 30 members of the House.

J. E. CARTER
Clerk of the House

Passed in the Senate this 7th day of April, 1987.

R. L. GRIFFITH
Clerk of the Senate

IT IS HEREBY CERTIFIED that this Act is one the Bill for which has been passed by the Senate and at the final vote thereon in the Senate has been supported by the votes of not less than three-fifths of all the members of the Senate that is to say by the votes of 28 Senators.

R. L. GRIFFITH
Clerk of the Senate

Senate amendments were agreed to in the House of Representatives on Friday, 24th April, 1987.

J. E. CARTER
Clerk of the House
Appendix V

List of Statutory, State and Municipal Bodies subject to the Integrity in Public Life Act, 2000
Appendix V - List of Statutory, State and Municipal Bodies covered under the Integrity in Public Life Act, 2000

Foreword

The Integrity in Public Life Act, 2000 does not contain a stated definition as to what constitutes a statutory body, nor is there a complete list of such bodies that are subject to their authority in any existing piece of legislation. For the purposes of this guide therefore, the following list was compiled from three sources, namely:

a) Statutory Authorities listed in the Statutory Authorities Act Ch 24.01;

b) The estimates of Revenue and Expenditure of Statutory Boards and Similar Bodies and the Tobago House of Assembly; and

c) The Statutory Boards and Other Bodies listed in the portfolios of Ministers of Government as published in the Gazette.

State Enterprises and Statutory Bodies

| Agricultural Development Bank |
| Small Business Development Company Ltd |
| SBDC Leasing Company Ltd |
| Caroni (1975) Ltd |
| Best Beef Products Ltd |
| Caroni Cane Cultivation Ltd |
| Caroni Sugar Processing Ltd |
| Jucit Enterprises Ltd |
| Caroni Sugar Refinery Ltd |
| Diary Champ Ltd |
| Rice Enterprises Ltd |
| Rum Distillers of Trinidad and Tobago Ltd |
| Export Centres Company Ltd |
| Export-Import Bank of Trinidad and Tobago |
| First Citizens Holdings Ltd |
| First Citizens Bank Limited |
| Lake Asphalt of Trinidad and Tobago (1978) Limited |
| National Agricultural Marketing and Development Corporation |
| National Broadcasting Network Ltd |
| National Commission for Self-Help Ltd |
| National Enterprises Ltd |
| National Helicopter Services Limited |
| National Maintenance Training and Security Co. Ltd |
| National Quarries Company Ltd |
### Appendix V - List of Statutory, State and Municipal Bodies covered under the Integrity in Public Life Act, 2000

#### State Enterprises and Statutory Bodies (continued)

<table>
<thead>
<tr>
<th>Company Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Petroleum Company of Trinidad and Tobago Ltd</td>
</tr>
<tr>
<td>Petrotrin EAP Services Ltd</td>
</tr>
<tr>
<td>Trinidad and Tobago Marine Petroleum Company Ltd</td>
</tr>
<tr>
<td>Trinidad Northern Areas Ltd</td>
</tr>
<tr>
<td>Point Lisas Industrial Port Development Corporation Ltd</td>
</tr>
<tr>
<td>Solid Waste Management Company Ltd</td>
</tr>
<tr>
<td>Taurus Services Ltd</td>
</tr>
<tr>
<td>The National Gas Company of Trinidad and Tobago Ltd</td>
</tr>
<tr>
<td>National Energy Corporation of Trinidad and Tobago</td>
</tr>
<tr>
<td>La Brea Industrial Development Company Limited</td>
</tr>
<tr>
<td>NGC Trinidad and Tobago LNG Ltd</td>
</tr>
<tr>
<td>NGC Iron Company Limited</td>
</tr>
<tr>
<td>Trinidad Iron Carbide Inc.</td>
</tr>
<tr>
<td>The Vehicle Maintenance Corporation of Trinidad and Tobago Ltd</td>
</tr>
<tr>
<td>Tourism and Development Company of Trinidad and Tobago</td>
</tr>
<tr>
<td>Property and Development Company of Trinidad and Tobago Limited</td>
</tr>
<tr>
<td>Trinidad and Tobago Free Zones Company Limited</td>
</tr>
<tr>
<td>Trinidad and Tobago Forest Products Company Ltd</td>
</tr>
<tr>
<td>Trinidad and Tobago National Petroleum Marketing Co. Ltd</td>
</tr>
<tr>
<td>National Agro Chemicals Ltd</td>
</tr>
<tr>
<td>Natstar Manufacturing Company Ltd</td>
</tr>
<tr>
<td>Natpet Investments Company Ltd</td>
</tr>
<tr>
<td>Urban Development Corporation of Trinidad and Tobago Ltd</td>
</tr>
<tr>
<td>Rincon Development Ltd</td>
</tr>
<tr>
<td>Oropune Development Ltd</td>
</tr>
<tr>
<td>Port of Spain Waterfront Ltd</td>
</tr>
<tr>
<td>Urban Development Company of San Fernando Ltd</td>
</tr>
<tr>
<td>Youth Training and Employment Partnership Programme Ltd</td>
</tr>
<tr>
<td>Adoption Board</td>
</tr>
<tr>
<td>Advisory Town Planning Panel</td>
</tr>
<tr>
<td>Agricultural Society of Trinidad and Tobago</td>
</tr>
<tr>
<td>Air Transport Licensing Authority</td>
</tr>
<tr>
<td>Airports Authority of Trinidad and Tobago</td>
</tr>
<tr>
<td>Archaeological Committee</td>
</tr>
<tr>
<td>Association of Local Government Authorities</td>
</tr>
<tr>
<td>Betting Levy Board</td>
</tr>
<tr>
<td>Board of Film Censors</td>
</tr>
<tr>
<td>Board of Industrial Training</td>
</tr>
<tr>
<td>Boards regulating the Practice of Medicine and Related Professions</td>
</tr>
<tr>
<td>Boilers Examiners Board</td>
</tr>
</tbody>
</table>

(74)
Appendix V - List of Statutory, State and Municipal Bodies covered under the Integrity in Public Life Act, 2000

State Enterprises and Statutory Bodies (continued)

<table>
<thead>
<tr>
<th>Body</th>
</tr>
</thead>
<tbody>
<tr>
<td>Caribbean Agriculture Research and Development Institute (CARDI)</td>
</tr>
<tr>
<td>Caribbean Industrial Research Institute (CARIRI)</td>
</tr>
<tr>
<td>Carnival Institute</td>
</tr>
<tr>
<td>Central Tenders Board</td>
</tr>
<tr>
<td>Chaguaramas Development Authority</td>
</tr>
<tr>
<td>Cipriani College of Labour and Co-operative Studies</td>
</tr>
<tr>
<td>Civic Council on Social Equity</td>
</tr>
<tr>
<td>Cocoa and Coffee Industry Board</td>
</tr>
<tr>
<td>College of Science, Technology and Applied Arts (COSTAATT)</td>
</tr>
<tr>
<td>Corruption Investigation Bureau</td>
</tr>
<tr>
<td>Council of Legal Education</td>
</tr>
<tr>
<td>Counter Drug Crime Task Force</td>
</tr>
<tr>
<td>East Side Plaza</td>
</tr>
<tr>
<td>Eastern Regional Health Authority</td>
</tr>
<tr>
<td>Environmental Commission</td>
</tr>
<tr>
<td>Environmental Management Authority</td>
</tr>
<tr>
<td>Friendly Societies</td>
</tr>
<tr>
<td>Hugh Wooding Law School</td>
</tr>
<tr>
<td>Industrial Court</td>
</tr>
<tr>
<td>Institute of Marine Affairs</td>
</tr>
<tr>
<td>Land Settlement Agency</td>
</tr>
<tr>
<td>Law Revision Commission</td>
</tr>
<tr>
<td>Legal Aid and Advisory Authority</td>
</tr>
<tr>
<td>Livestock and Livestock Products Board</td>
</tr>
<tr>
<td>Local School Boards</td>
</tr>
<tr>
<td>Maritime and Fisheries Institute of Trinidad and Tobago</td>
</tr>
<tr>
<td>Minimum Wages Board</td>
</tr>
<tr>
<td>Naparima Bowl</td>
</tr>
<tr>
<td>National Agricultural Marketing and Development Corporation (NAMDEVCO)</td>
</tr>
<tr>
<td>National Carnival Commission of Trinidad and Tobago</td>
</tr>
<tr>
<td>National Cultural Commission</td>
</tr>
<tr>
<td>National Drug Council</td>
</tr>
<tr>
<td>National Emergency Management Authority (NEMA)</td>
</tr>
<tr>
<td>National Energy Skills Centre</td>
</tr>
<tr>
<td>National Housing Authority (NHA)</td>
</tr>
<tr>
<td>National Institute of Higher Education, Research , Science and Technology (NIHERST)</td>
</tr>
<tr>
<td>National Insurance Appeals Tribunal</td>
</tr>
<tr>
<td>National Insurance Board</td>
</tr>
<tr>
<td>National Library and Information Service (NALIS)</td>
</tr>
</tbody>
</table>
## Appendix V - List of Statutory, State and Municipal Bodies covered under the Integrity in Public Life Act, 2000

### State Enterprises and Statutory Bodies (continued)

<table>
<thead>
<tr>
<th>National Lotteries Control Board</th>
</tr>
</thead>
<tbody>
<tr>
<td>National Museum and Art Gallery</td>
</tr>
<tr>
<td>National Population Council</td>
</tr>
<tr>
<td>National School of Music</td>
</tr>
<tr>
<td>National Social Development Council</td>
</tr>
<tr>
<td>National Sports Council</td>
</tr>
<tr>
<td>National Stadia Board of Management</td>
</tr>
<tr>
<td>National Training Agency</td>
</tr>
<tr>
<td>New City Mall</td>
</tr>
<tr>
<td>North West regional health Authority</td>
</tr>
<tr>
<td>Pilotage Authority</td>
</tr>
<tr>
<td>Police Complaints Authority</td>
</tr>
<tr>
<td>Port Authority of Trinidad and Tobago</td>
</tr>
<tr>
<td>Princes Elizabeth Home for Handicapped Children</td>
</tr>
<tr>
<td>Public Transport Service Corporation</td>
</tr>
<tr>
<td>Public Utilities Commission</td>
</tr>
<tr>
<td>Queen’s Hall Board</td>
</tr>
<tr>
<td>Regional Complexes</td>
</tr>
<tr>
<td>Registration, Recognition and Certification Board</td>
</tr>
<tr>
<td>Regulated Industries Commission</td>
</tr>
<tr>
<td>Rent Assessment Board</td>
</tr>
<tr>
<td>Royal Victoria Institute</td>
</tr>
<tr>
<td>School Nutrition Board</td>
</tr>
<tr>
<td>Sentencing Commission</td>
</tr>
<tr>
<td>Social Welfare District Boards</td>
</tr>
<tr>
<td>South West Regional Health Authority</td>
</tr>
<tr>
<td>Sugar Industry Labour Welfare Committee</td>
</tr>
<tr>
<td>Sugar Industry Labour Welfare Fund Administration</td>
</tr>
<tr>
<td>Telecommunications Authority of Trinidad and Tobago</td>
</tr>
<tr>
<td>The University of the West Indies</td>
</tr>
<tr>
<td>Tobago Regional Health Authority</td>
</tr>
<tr>
<td>Transport Board</td>
</tr>
<tr>
<td>Trinidad and Tobago Association for Retarded Children</td>
</tr>
<tr>
<td>Trinidad and Tobago Association for the Hearing Impaired</td>
</tr>
<tr>
<td>Trinidad and Tobago Blind Welfare Association</td>
</tr>
<tr>
<td>Trinidad and Tobago Boxing Board of Control</td>
</tr>
<tr>
<td>Trinidad and Tobago Bureau of Standards</td>
</tr>
<tr>
<td>Trinidad and Tobago Civil Aviation Authority</td>
</tr>
<tr>
<td>Trinidad and Tobago Electricity Commission</td>
</tr>
</tbody>
</table>
Appendix V - List of Statutory, State and Municipal Bodies covered under the Integrity in Public Life Act, 2000

**State Enterprises and Statutory Bodies (continued)**

<table>
<thead>
<tr>
<th>Body Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Trinidad and Tobago Hospitality and Tourism Institute</td>
</tr>
<tr>
<td>Trinidad and Tobago Institute of Technology</td>
</tr>
<tr>
<td>Trinidad and Tobago National Commission for UNESCO</td>
</tr>
<tr>
<td>Trinidad and Tobago National Steel Orchestra</td>
</tr>
<tr>
<td>Trinidad and Tobago Racing Authority</td>
</tr>
<tr>
<td>Trinidad and Tobago Telecommunications Authority</td>
</tr>
<tr>
<td>Village Councils</td>
</tr>
<tr>
<td>Water and Sewerage Authority (WASA)</td>
</tr>
<tr>
<td>Water Resources Management Unit</td>
</tr>
<tr>
<td>Zoological Society of Trinidad and Tobago</td>
</tr>
</tbody>
</table>

**Municipal Bodies**

<table>
<thead>
<tr>
<th>Corporation Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Port of Spain City Corporation</td>
</tr>
<tr>
<td>San Fernando City Corporation</td>
</tr>
<tr>
<td>Arima Borough Corporation</td>
</tr>
<tr>
<td>Point Fortin Borough Corporation</td>
</tr>
<tr>
<td>Chaguanas Borough Corporation</td>
</tr>
<tr>
<td>Regional Corporation of Diego Martin</td>
</tr>
<tr>
<td>Regional Corporation of San Juan/ Laventille</td>
</tr>
<tr>
<td>Regional Corporation of Princess Town</td>
</tr>
<tr>
<td>Regional Corporation of Sangre Gande</td>
</tr>
<tr>
<td>Regional Corporation of Tunapuna/ Piarco</td>
</tr>
<tr>
<td>Regional Corporations of Mayaro/ Rio Claro</td>
</tr>
<tr>
<td>Regional Corporation of Couva/ Tabaquite/ Talparo</td>
</tr>
<tr>
<td>Regional Corporation of Penal/ Debe</td>
</tr>
<tr>
<td>Regional Corporation of Siparia</td>
</tr>
</tbody>
</table>
Appendix VI

Code of Conduct for Local Government Officials
Appendix VI - Code of Conduct for Local Government Officials

The Code is applicable to all members of Local Government Authorities and Municipalities including all City, Borough and Regional Corporations and the Tobago House of Assembly as included under Appendix IV. The Code is also applicable to all members of any committees established by these bodies regardless of whether or not they are voting members of these bodies. Collectively, these persons are herein referred to as Members.

The Code shall apply whenever a member is acting in his official capacity (i.e. conducting the business of the authority, the business of the office to which he has been elected or acting as a representative of the authority) and does not apply in other circumstances. All new members and those on re-election, should attest to the fact that they have read, understood and would observe the code.

The Law

Members shall at all times:

- act within the law;
- ensure that they are familiar with the rules of personal conduct that the law and other governing regulations require including the Integrity in Public Life Act 2000, Principles of Integrity for Persons in Public Life and those Exercising Public Functions and the Prevention of Corruption Act; and
- regularly review personal circumstances with the above in mind.

General obligations

Members shall at all times:

- promote equality by not discriminating unlawfully against any person;
- treat others with respect;
- avoid actions which compromise or are likely to compromise the impartiality of those who work for, or on behalf of, the authority; and
- conduct themselves in a manner, which would not be reasonably thought by others as bringing his office or authority into disrepute.
Appendix VI - Code of Conduct for Local Government Officials

Public duty and private interest

Members have an overriding duty to the whole community and shall:

- show a special duty to their constituents, including those who did not vote in their favour;
- never do anything as a member, which could not be justified to the public;

The conduct of a Member and what the public believes about their conduct affects the reputation of the Authority as well as the party to which they belong.

- at all times avoid any occasion for suspicion and any appearance of improper conduct;
- where applicable, comply with regulations regarding the filing and updating of the declaration of assets and statement of registrable interest;

The register of interests should list all pecuniary interest, those non-pecuniary interests which relate closely to the activities of the authority and any associated bodies, or which members of the public might reasonably think could influence a members judgement, as well as pecuniary interest of close family members and those living in the same house.

- where personal or prejudicial interest arise, whether of a pecuniary nature or not, disclose at the meeting at which the matter is being considered, the nature of such interest and not take part in any decision or discussion in relation to such interest, nor seek to improperly influence a decision about the matter;

- always apply the principles about disclosure in dealings with officers of the Authority and in unofficial relations with other members no less scrupulously that at formal meeting of the Authority, its committees and sub-committees;

- not use or allow the impression to be created that they are, or may be using their position to promote private or personal interest, both pecuniary or otherwise;

A personal/ private interest shall be taken as one where a decision upon it might reasonably be regarded as affecting the well being of a Member, their family or friends to a greater extent than it would others. These are taken to include those of a Members’ family including spouse, partner (member of a couple who live together), parent, parent-in-law, son, daughter, step-son, step-daughter, child of a partner, brother, sister, grandparent, grandchild, uncle, aunt, nephew, niece, of a spouse or partner of any of the preceding people, and friends, as well as those arising through memberships in or associations with, clubs, societies and other organisations including trade unions and other voluntary bodies.
Appendix VI - Code of Conduct for Local Government Officials

Public duty and private interest (continued)

A prejudicial interest shall be taken as one in which a Member of the public with knowledge of the relevant facts would reasonably regard as being significant and likely to prejudice the Members judgement of the public interest.

In deciding whether an interest is material/substantial, Members should ask themselves whether members of the public, knowing the facts of the situation would reasonably think that they might be influenced by it.

These interests do not however refer to those that a Member shares with other members of the public generally as a taxpayer or inhabitant of an area.

Appointments

If a Member is called upon to take part in appointing an officer, the only question that shall be considered is which candidate would best serve the Authority.

Members shall not let their political or personal preferences influence their judgement.

Members shall not canvass the support of colleagues for any candidate and shall resist any attempt by others to canvass theirs.

Use of confidential or private information

Members shall not:

- disclose information given to them in confidence by anyone, or information acquired, which they believe is of a confidential nature without the consent of the person authorized to give it, or unless he is required by law to do so;

- prevent another person from gaining access to information to which that person is entitled by law; and

- never disclose or use confidential information for the personal advantage of themselves or anyone known to them, or to the disadvantage or the discredit of the Authority or anyone else.
Appendix VI - Code of Conduct for Local Government Officials

Gifts and hospitality

Members shall treat with caution any offer or gift, favour or hospitality that is made to them personally and shall have regards to the provisions of Section (27) of the Act which sets out guidelines on the acceptance and disclosure of gifts received.

Under the Act, personal benefits received as an incident of the protocol or social obligations that normally accompany the responsibility of the office are allowed. These should however be approved and no extravagance should be involved (e.g. working lunches).

Members are personally responsible for all decisions connected with the acceptance or offer of gifts or hospitality and for avoiding the risk of damage to public confidence in local government.

Expenses and allowances

There are rules regarding expenses and allowances which Members are allowed to claim in connection with their duties. These rules shall be carefully observed.

Dealings with the council

Members may have dealings with the Authority on a personal level. Members shall in this regard:

• never seek or accept preferential treatment in those dealing because of their position;

• avoid placing themselves in a position that could lead the public to think that they are receiving preferential treatment, when other members of the public would not have the opportunity to do so;

• never use their position to seek preferential treatment for friends or relatives, or any firm or body with which they are personally connected;

• never in their official capacity or any other circumstances, use their position to improperly confer or secure for themselves or any other person, an advantage or disadvantage.
Appendix VI - Code of Conduct for Local Government Officials

Use of council facilities

Members shall, when using or authorising the use by others of the resources of the authority, act in accordance with the authority’s requirements and ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate or be conducive to the discharge of the function of the authority or of the office to which they have been appointed/elected.

Members shall always make sure that any facilities (transport, stationary, secretarial services) provided by the Authority for use in their duties are used strictly for those duties and for no other purpose.
Appendix VII

A Guide to Public Appointments to the Boards of Statutory Bodies and State Enterprises
Appendix VII - Public Appointments to the Board of Statutory Bodies and State Enterprises

In ensuring an appointment process that follows the principles noted under Section 7.1, the following guidelines are suggested:

- Ensure that the selection criteria and the way in which the process is to be conducted, including the role of any independent advisors is established at the onset.

- In establishing the selection criteria, there should be, where appropriate, consultation with the relevant public bodies, independent advisors and the reporting Minister.

- Ensure the proper development, in consultation with the reporting Minister and the Chairman of the Board, of job descriptions and candidate requirements for the positions being filled. Job descriptions should be comprehensive and include details of remuneration, allowable expenses, conditions of service, the role of the board and its legislative framework and a realistic indication of the time commitment required. Any other specific issues relevant to the post are also to be highlighted (e.g. a particular residential qualification). The candidate requirements should address the qualities, experience, background, competencies and where applicable the professional qualifications sought.

- Those responsible for managing the appointment process should be familiar with the statutory requirements that govern appointments to the Statutory Body or State Enterprise concerned as these may include guidance with respect to board composition, appointments and reappointments.

- No candidate should be short listed unless they have been satisfactorily assessed against the published criteria.

- When considering the job description, account should be taken of the current composition of the board and the need for an appropriately balanced (between executive and non-executive directors and enabling legislation) board. Questions as to: What is the balance of skill, experience and relevant expertise already in existence and being sought, among others, should be addressed.
Appendix VII - Public Appointments to the Board of Statutory Bodies and State Enterprises

- There is an overriding responsibility to ensure a demonstrably fair and open process that is appropriate to the nature and degree of responsibility attached to the post being filled. To ensure an open process requires:

  - the public to be aware that an appointment is available through some form of publicity; and
  - that the relevant information (job descriptions, candidate requirements and full details of the body to be served), be circulated to all applicants.

- Practices such as advertising for candidates (in what circumstances, in what publications, how much lead time is needed), interviewing (determining the composition of the interview panel, how to shortlist), consultation (who with, what are the protocols, who should do it), complying with legislative requirements (both general and entity specific) and meeting government expectations, should also be established and clearly documented beforehand.

- Those involved in the selection process must be familiar with the principles upon which public appointments should be based as outlined under Section 7.1.
Appendix VIII

Self-Assessment Guide for the Boards of State Enterprises and Statutory Bodies
Appendix VIII - Board Self-Assessment Guide

Board members can use the prompts on the following pages to determine how effectively they are meeting their responsibilities. It has been from the PricewaterhouseCoopers publication The Board Agenda: Good Practices for Meeting Market Expectations.

Running the Board

Board Structure

• Is there is a working partnership between the board and senior management with the board providing strategic oversight and management responsible for operations?

• Is there is a strong independent element on the board?

• Are ‘Independent’ directors free of business or other relationships which could compromise their objective judgment or lead to factionalism?

• Is the board size small enough to provide for effective debate and decision-making?

• Where detailed objective consideration is needed of sensitive issues such as executive appointments, compensation and financial reporting are board sub-committees created?

Conduct of Board Meetings

• Does the chairman lead meetings and ensures full discussion of agenda items?

• Has consideration been given to separating the role of the Chairman and CEO, where these are combined?

• Are decisions based on consensus after due deliberation?

• Are board meetings held regularly (at least quarterly)?

• Is adequate notice given of meetings and papers circulated sufficiently well in advance of the meeting to enable members to prepare?

• Is the Chairman and other board members clear about their respective roles and responsibilities?
Appendix VIII - Board Self-Assessment Guide

Running the Board (continued)

Conduct of Board Meetings (continued)

- Do board members have a sound understanding of the operations of the Statutory Body/State Enterprise in question?
  - are board meetings fully attended;
  - do board members thoroughly read all board papers;
  - are board members familiar with the relevant legislation and the desired Government outcome;
  - do board members have an understanding of the organisation’s environment;
  - do board members read key industry publications.

Evaluation

- Is performance of the board evaluated using agreed criteria and aligned as far as possible with corporate objectives. Does the criteria include short and long-term measures and cover financial and non-financial performance indicators?

- Are processes in place to assess the Board’s performance?

- Is there a succession plan in place for identifying the next generation of executives to lead the organization?

Running the Business

Corporate Strategy and Planning

- Does the board ensure the establishment of the overall strategic direction of the organisation within the policy and resources framework agreed with the relevant Minster and after consultation with management?

- Has the board established formal procedural and financial delegation to govern the conduct of business?
Appendix VIII - Board Self-Assessment Guide

Running the Business (continued)

Internal Control, Compliance and Risk Management

- Does the board ensure the establishment of a system of internal controls designed to safeguard government as well as the public’s interest?

- Does the board ensure that management has a continuous process in place to identify, assess and manage risk?

- Is the effectiveness of the internal control and risk management systems reviewed at least on an annual basis?

- Are significant weaknesses in internal control identified during the period followed up by the board by asking what remedial action is required?

Financial Reporting and Performance Measurement

- Does the board understand the information demands of the relevant Ministry to which it reports?

- Does overall responsibility for the publication of financial statements rest with the board?

- Are directors with financial reporting responsibilities keeping abreast of changes in the accounting standards framework used for reporting?

- Has an audit committee (if required) been appointed to take senior level responsibility for reviewing financial information?

- In addition to the annual financial statement does the board or audit committee review interim financial results of the organization?

- Have performance targets been set?

- Have performance indicators been set for key result areas?
Appendix VIII - Board Self-Assessment Guide

Running the Business (continued)

Financial Reporting and Performance Measurement (continued)

- Has the board established a system of monitoring performance in areas such as:
  - Service delivery;
  - Asset management;
  - Information management;
  - Corporate planning;
  - Human resource management;
  - Financial management;
  - Contract management;
  - Official conduct.

Influencing the Environment

- Does the board debate the need for wider accountability and for the development of corporate ethical, social and environmental policies?

- Has a code of ethics or good business practice been developed and championed?

- Does the board ensure that there are processes for monitoring compliance and dealing with any instances of non-compliance with the code of conduct?

- Are directors keeping abreast of developments in regulations which may affect the business (including legal, fiscal, financial, employment, environmental, consumer and other industry-specific regulation)?
Appendix IX

Audit Committee Responsibilities
Appendix IX - Audit Committee Responsibilities

Audit Committee members can use the following prompts as a guide to ascertaining how effectively they are meeting their responsibilities. These have been adapted from the PricewaterhouseCoopers publications Audit Committees: Good Practices for Meeting Market Expectations and Audit Committees: Best Practice for Protecting Shareholder Interests.

These self assessment guidelines should be reviewed at least annually.

The key responsibilities of an Audit Committee and its board members are to: -

**Internal Controls**

- Evaluate whether management is setting the appropriate “control culture” by communicating the importance of internal controls and risk management and ensuring that all employees have an understanding of their roles and responsibilities;
- Consider how management is held to account for the security of computer systems and applications, and the contingency plans for processing financial information in the event of a system breakdown; and
- Gain an understanding of whether internal control recommendations made by internal and external auditors have been implemented by management.

**Financial Reporting**

- Gain an understanding of the current areas of greatest financial risk and how management is managing these effectively;
- Evaluate whether internal reporting processes provide timely, accurate, relevant and concise information (including performance information) to decision makers;
- Consider with the internal and external auditors any fraud, illegal acts, deficiencies in internal control or other similar issues;
- Review significant accounting and reporting issues, including recent professional and regulatory pronouncements and understand their impact on the financial statements;
- Ask management and the internal and external auditors about significant risks and exposures and the plans to minimise such risks; and
- Review any legal matters, which could significantly impact the financial statements.
Appendix IX - Audit Committee Responsibilities

Annual Financial Statements

- Review the annual financial statements and determine whether they are complete and consistent with the information known to committee members and assess whether the financial statements reflect appropriate accounting principles;
- Pay particular attention to complex and/or unusual transactions;
- Focus on judgmental areas, for example those involving valuation of assets and liabilities; warranty, product or environmental liability, litigation reserves, and other commitments and contingencies;
- Meet with management and the external auditors to review the financial statements and the results of the audit; and
- Review all other sections of the annual report before its release and consider whether the information is understandable and consistent with members’ knowledge about the organization and its operations.

Interim Financial Information

- Ascertain how management develops and summarizes interim financial information and the extent of any internal and external involvement in the review of such information;
- Assess the fairness of interim financial information and disclosures and obtain explanations from management and internal and external auditors on whether:
  - actual financial results for the interim period varied significantly from budgeted or projected results;
  - changes in financial ratios and relationships in the interim financial statements are consistent with changes in the organisation’s operations and financing practices;
  - international accounting standards have been consistently applied;
  - there are any actual or proposed changes in accounting or financial reporting practices;
  - there are any significant or unusual events or transactions;
  - the company’s financial and operating controls are functioning effectively; and
  - the interim financial information and any accompanying reports contain adequate and appropriate disclosures.
Appendix IX - Audit Committee Responsibilities

Internal Audit

Where such a function exists, it is the responsibility of the Audit Committee to:

• Review the activities and organisational structure of the internal audit function and ensure no unjustified restrictions or limitations are made;
• Review the qualifications of internal audit personnel and concur in the appointment, replacement, reassignment or dismissal of the director of internal audit;
• Review the effectiveness of the internal audit function;
• Meet separately with the director of internal audit to discuss any matters that the committee or auditors believe should be discussed privately;
• Ensure that significant findings and recommendations made by the internal auditors are received and discussed on a timely basis; and
• Ensure that management responds to recommendations by the internal auditors.

External Audit

• Review the external auditors proposed audit scope and approach and ensure no unjustified restrictions or limitations have been placed on the scope;
• Review the performance of the external auditors;
• Consider the independence of the external auditor, including reviewing the range of services provided in the context of all consulting services bought by the company;
• Make recommendations to the board regarding the reappointment of the external auditors;
• Meet separately with the external auditors to discuss any matters that the committee or auditors believe should be discussed privately;
• Ensure that significant findings and recommendations made by the external auditors are received and discussed on a timely basis; and
• Ensure that management responds to recommendations by the external auditors.

Compliance with Laws and Regulations

• Review the effectiveness of the system for monitoring compliance with laws and regulations as laid down by the enabling legislation, ministry directives and any standing financial instructions issued by the reporting ministry and the results of management’s investigation and follow-up (including disciplinary action) of any fraudulent acts or non-compliance;
• Obtain regular updates from management and company’s legal counsel regarding compliance matters;
• Be satisfied that all regulatory compliance matters have been considered in the preparation of the financial statements; and
• Review the findings of any examinations by regulatory agencies.
Appendix IX - Audit Committee Responsibilities

Compliance with the Organisation’s Code of Conduct

- Ensure that a code of conduct is in writing and that arrangements are made for all employees to be aware of it;
- Evaluate whether management is setting the appropriate “tone at the top” by communicating the importance of the code of conduct and the guidelines for acceptable behavior;
- Review the process for monitoring compliance with the code of conduct; and
- Obtain regular updates from management regarding compliance.

Reporting Responsibilities

- Regularly update the board about committee activities and make appropriate recommendations;
- Ensure the board is aware of matters which may significantly impact the financial condition or affairs of the business.

Other Responsibilities

- Perform other oversight functions as requested by the board;
- If necessary, institute special investigations and if appropriate, hire special counsel or experts to assist;
- Review and update the role and responsibilities of the committee; and
- Evaluate the committee’s own performance on a regular basis
Appendix X

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Appendix X - References


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