



REPUBLIC OF TRINIDAD AND TOBAGO

# REPORT TO PARLIAMENT

by

THE INTEGRITY COMMISSION

on its activities for the year

1993

**(Pursuant to section 10 of the Integrity in  
Public Life Act, 1987)**

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**SIXTH ANNUAL REPORT  
OF THE  
INTEGRITY COMMISSION**

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**ANNUAL REPORT  
OF THE  
INTEGRITY COMMISSION  
FOR THE YEAR  
1993**

***INTRODUCTION***

On the 31st March, 1994 the term of office of the current Integrity Commission will come to an end. Our Commission, it will be remembered, came into being by instruments under the hand of the President dated 31st December, 1987, appointing the members of the Commission for a period of three years, and the Commissioners took the oath of office before His Excellency the President on the 7th January, 1988. On the expiration of that term of office, His Excellency was pleased to extend the life of this Commission for a further term, ending on 31st March, 1994.

As in previous years, the Commission continued its procedure of holding weekly sittings, its main function being the monitoring of the correctness of Returns of "Persons in Public Life", and also to ensure that there was compliance by such persons in the submission of Returns. The Commission held 38 such sittings, and we are once more pleased to announce that the level of compliance by "persons in public life" has been satisfactory.

The only "caveat" we would enter is that it does not always appear that the deadline for the submission of Returns fixed by Parliament is being strictly complied with - though our Commission recognizes that in a number of instances there are legitimate reasons where circumstance makes it necessary for extensions to be granted by the Commission. In all those instances, our Commission feels that the persons concerned should take the Commission into its confidence so that a proper time-table could be set for the completion of the exercise.

We are pleased to record also, that in all those instances in which the Commission has found it necessary to require clarification of certain matters on a Return, there has been co-operation by all the persons concerned. The Commission once more has not found it necessary, therefore, to hold any formal enquiry under the provisions of Section 23 of the Integrity in Public Life Act.

The Commission would invite the further co-operation of members who for any reason experience some difficulty in completing their Returns, to report the matter to us when our staff would be pleased to render such assistance as we are able to give.

### ***RECORD OF RETURNS***

For the year ended 31st December 1993 our record of the receipt and certification of Returns is as follows:

Declarations filed and certified...	...	79
Declarations filed and not certified	...	18
Declarations not filed	... ..	03

Since 31st December 1993, and up to the time of the filing of this Report, our record is as follows:

Declarations filed and certified	... ..	95
Declarations filed and not certified	...	04
Declarations not filed	... ..	01

### ***BLIND TRUSTS***

The Commission wishes, in this regard, to quote from our 1988 Report to Parliament in which we said:

"The Commission notes the provisions of Section 21 of the Act for the creation of a Blind Trust, whereby a person entering public life may divest himself of the responsibility for the management and control of any enterprise in which he was concerned, and vest it in trustees, who would be required to manage the enterprise without recourse to the beneficiary under the trust.

We have had only one instance of a declarant who availed himself of this procedure, and in our view the better practice should be for persons to avail themselves of this facility where this can conveniently be done, rather than to maintain control of an enterprise where conceivably there could arise a conflict of interests."

While it is to be noted that our Integrity in Public Life Act does not place any specific restriction on any person from performing a public duty when there may arise a conflict of interest with his private affairs, yet it should be clear from the provisions of section 21 that the spirit of the Act recognizes that a member should not be so placed that such a conflict may arise.

During the past year, we have had no instance in which recourse was had to the provisions of Section 21.

### *STAFF*

The only change effected in our Staff is that Miss Angela Brathwaite, who was an Administrative Officer Grade IV, and had been acting in the position of Secretary, has now been appointed to the post of Secretary. No appointment to the post of Administrative Officer IV has been made - nor indeed has been sought by the Commission. The Commission is of the view that at present there is no need for there to be any demand for additional members of staff. As and when officers need to go on leave, we would invite the assistance of the Public Service Commission to provide suitable leave reliefs.

Of course, if the present powers and duties of the Commission were to be increased, then clearly some review of the existing arrangements would need to be made.

### *ACCOMMODATION*

We wish to state once more for the record, that this Commission occupies offices in the Hall of Justice through the kind courtesy of the Judges of the Supreme Court, and it has been brought home to us on a number of occasions that, with an expanded Judiciary, the office space occupied by this Commission is needed for judicial accommodation.

We think, therefore, that the need of this Commission for a permanent home should be kept firmly on the government's agenda.

## ***COMPUTERIZATION OF RECORDS***

The Commission once more acknowledges its debt to the Department of Organization and Management for its assistance in the preparation of a Programme for the recording of Returns on computer; and our staff is now in the process of carrying out the exercise of placing on computer all our records of Returns.

## ***SYMPOSIUM ON INTEGRITY LEGISLATION***

The Commission hosted a Symposium on the theme "Whither Integrity Legislation" at the Central Bank from the 1st to the 3rd September 1993. The Opening Ceremony took place at the Central Bank Auditorium on the morning of the 1st September, when the symposium was declared open by His Excellency the President. The feature address was given by His Honour Mr. Gregory Evans, the current Commissioner on Conflict of Interest for the Province of Ontario in Canada; and included in the audience were the Honourable Prime Minister, and other Members of Parliament, Members of the Diplomatic Corps, Judges and other dignitaries.

Our Commission wishes to quote from the closing remarks of His Excellency the President when he declared the Symposium open. He said:

"I Trust the Seminar will:

- (a) identify aspects of Integrity not covered by legislation, and consider whether the scope of the existing Integrity legislation ought to be and can be expanded;
- (b) consider an outline of public education process designed to promote a national concept of Integrity; and
- (c) emphasize to office holders that they are and ought to consider themselves as vested primarily with *responsibility*, and only such power as is incidental to and necessary for the due discharge of that *responsibility*.

May God guide you in all your deliberations and in the conclusions which you reach in your endeavours to promote in your respective countries integrity in the citizen's behaviour - in his private life as well as in his public life."

The remaining sessions of the Symposium were conducted in the Conference Rooms of the Central Bank on the 16th Floor, and there was participation by a wide cross section of the community, including members of the Government, members of the Senate and Opposition members.

In December of 1993, the Commission hosted a small function at which the invited guests were His Excellency the President and Mrs. Hassanali, the Honourable Attorney General, the Chairmen of the Service Commissions, Messrs Lalla, Lee, and De Peiza, the Chairman of the Inter-Religious Organization, Dr. Farabi, and the President of the Bar Association, Mr. Allan Alexander.

At this gathering, the Chairman of the Integrity Commission, speaking on behalf of the Commission, expressed the view that the purpose of the gathering was to allow for the expression, in the convivial atmosphere of Christmas, of the concerns in which there was a "community of interest" with all the invited guests; and it was in that context that the following remarks were addressed to the Honourable Attorney General:

"As it has been oft expressed in several forums, our present Integrity in Public Life Act, which was enacted into law in 1987, does not meet the popular expectation for the control of integrity in public life; and no one who had attended our Symposium in September would have been left in any doubt as to the depth of feeling in the public's mind as to the need for more effective integrity control over the persons charged with the responsibility for governing our destinies.

Our Commission is now in the sixth year of its existence, and during that time we have not just sat idly by and gone through the motions of receiving and monitoring returns. We have felt acutely sensitive to the general feeling of dissatisfaction with the scope of the present arrangements, and we have been looking outwards to learn what is taking place in the world around us in these matters.

Last year your government was pleased to fund my visit to Toronto to attend a meeting of the Council on Government Ethics (COGEL) which is a body that meets annually in different sites in North America; and at that conference I was exposed to the enormous activity that is taking



place in scores of commissions across the North American continent, each with powerful measures of control over the persons within their purview. I was a representative of the only commission without such powers.

What my commission has attempted to do since that time has been to put together those proposals which we considered appropriate to our situation, and we drew our inspiration for those proposals from the wide ranging powers now being exercised abroad.

The facts of our symposium are now history, which history, as I have mentioned, we are in the process of compiling for our study. Where do we go now from here? you may ask. We think that the expectation of the general public now is that some action will follow all our deliberations; and our hope is that having come so far along the road, our commission will now have an opportunity of making our further contribution in the matter of bringing effective integrity legislation into being.

We are cognizant of the need to have the specified legislative majority laid down in the Constitution having regard to the matters touched on in this legislation, but we do not consider this to be necessarily an impassible obstacle. The nature of this subject matter is such that it must be of paramount concern to members on both sides of the House; and it is in essence a compact between persons who offer themselves for public service and the persons whom they represent as to the standards of conduct which they will maintain during their term of office. Should it not, therefore, be a matter which should cut across political affiliations so as to reflect a general consensus as to its provisions ?"

## ***CONCLUSION***

Finally, therefore, while our Commission has recognized all along the need for the strengthening of its powers so as to meet the expectation of the people for the exercise of more effective powers of control, yet we would re-iterate the view that the present provisions are by no means without

effect, for in all the Commissions that we have studied, there are to be found the very requirements for the monitoring of the returns of persons in public life, which have been seen to be a necessary safeguard against any sudden and unexplained accretion of wealth during a person's term of public office.

As one parliamentarian put it during the debate on the Integrity In Public Life Bill before Parliament, the present arrangements are but a "first step" along the road towards the establishment of effective integrity legislation. Our Commission has now been re-inforced in its view that the time is now ripe for the necessary further steps to be taken, by the resounding clamour for more effective integrity legislation that was forthcoming in the recently concluded Integrity Symposium.

The theme of that Symposium was "Whither Integrity Legislation" and the seminar discussions centred around areas of study that extended far beyond the confines of the present legislation. In this our final Report, our Commission can do no more than commend those views to Parliament.

Arising out of the Symposium was the expression of a strong concern on the part of the public that there should be established firm standards of ethical conduct which should guide and inform the behaviour of all persons who perform public service; and that these standards should be constantly monitored and safeguarded by an Integrity Commission.

The Integrity Commission has attempted to reflect this concern in a Memorandum in which it sets out its views as to the manner in which those concerns might be addressed, and we append some of our conclusions as follows:

"We consider that there should now be three enactments which would serve to put in place what is required for the establishment of satisfactory integrity standards, viz:

- A. - an Act to establish the ethical standards that should apply across the board to all public service activity, which might be entitled the "Ethics in the Public Sector Act";
- B. - an Act to amend the Integrity in Public Life Act so as to give enabling powers to carry out the functions of the "Ethics in The Public Sector Act"; and

- C. - an Act to amend the Constitution so as to enable the purposes of the above Acts to be carried out.

#### *PROJECTED STRUCTURE FOR INTEGRITY LEGISLATION*

The new structure which our Commission would project for Integrity Legislation is as follows:

- There should be promulgated a common code of conduct applicable to all persons falling within the purview of -

The Judicial and Legal Service Commission;  
The Public Services Commission;  
The Teaching Service Commission;  
The Police Service Commission; and  
The Statutory Authorities Services Commission,

and each should be charged with the responsibility of monitoring and ensuring compliance with the Code; and be given the power to enact regulations adequate to the needs of each service.

- *Only persons in public life* as defined in the Integrity In Public Life (Amended) Act should submit declarations of income assets and liabilities to the Integrity Commission; but
- *All persons* covered by ethics legislation should be subject to the Supervisory Jurisdiction of the Integrity Commission for the monitoring of their adherence to integrity standards. The function of the Integrity Commission in this regard should be to carry out an enquiry into any allegation of breach and then submit its opinion as to the breach to the body concerned, with its recommendation as to the appropriate action that should be taken."

By way of a footnote, we would say finally that in those countries in which we have observed similar powers of control by Ethics Commissions, the results have been threefold, viz.:

- (a) Breaches of ethical standards can be brought to light by thorough investigation, and dealt with appropriately;

- (b) Persons who wish may seek guidance as to their conduct before any breach can occur, and so avoid falling into error; and
- (c) Allegations of breaches of ethics can be examined by an impartial body in a fair enquiry, and false accusations will be dismissed, so that a person wrongly accused can have his name vindicated. Without such an enquiry, a false accusation may often be bandied about with impunity, and so gain currency in the public mind from the sheer frequency with which it is repeated.

Our Report is respectfully submitted to Parliament this  
...~~23~~<sup>24</sup>..... day of MARCH 1994.

GEORGE COLLYMORE  
Chairman

J. O'NEIL LEWIS  
Deputy Chairman

JOHN MARTIN  
Member

JOHN OTTLEY  
Member

BRIAN DES VIGNES  
Member