



REPUBLIC OF TRINIDAD AND TOBAGO

FIFTEENTH ANNUAL REPORT
TO PARLIAMENT

by

THE INTEGRITY COMMISSION FOR
TRINIDAD AND TOBAGO
ON ITS ACTIVITIES
FOR THE YEAR
2002

(Pursuant to section 10 of the Integrity in Public Life Act, 2000)

A N N U A L R E P O R T

O F T H E

T H E I N T E G R I T Y C O M M I S S I O N

F O R T R I N I D A D A N D T O B A G O

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The Integrity Commission for Trinidad and Tobago comprises:

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| Mr. Justice Gerard des Iles, C.M.T. (g) | - | Chairman |
| Mr. John B.C. Martin | - | Deputy Chairman |
| Mr. Justice Shafeyei M. Shah | - | Member |
| Mr. Gordon Deane | - | Member |
| Mr. Subhas Ramkhelawan | - | Member |

Their appointments commenced on 2000 July 20 for a period of three (3) years.

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1.0 INTRODUCTION

In accordance with section 10 of the Integrity in Public Life Act, 2000 (hereinafter called the Act) the Integrity Commission submits its annual Report to Parliament. This is the Commission s fifteenth annual Report, and, as required by the Act, it presents a review of the Commission s activities over the past year, 2002.

1.1 Functions of the Commission

The Act applies to persons in public life ; persons exercising public functions ; public officers and public bodies (see Appendix hereto for the meanings of these terms as specified in the Act). Section 5 (1) of the Act provides the frame of reference within which the Commission conducts its activities. Section 5 (1) states as follows:

The Commission shall —

- (a) carry out those functions and exercise the powers specified in this Act;
- (b) *receive, examine and retain all declarations filed with it under this Act;*
- (c) make such enquiries as it considers necessary in order to verify or determine the accuracy of a declaration filed under this Act;
- (d) compile and maintain a Register of Interests;
- (e) receive and investigate complaints regarding any alleged breaches of this Act or the commission of any suspected offence under the Prevention of Corruption Act;
- (f) investigate the conduct of any person falling under the purview of the Commission which, in the opinion of the Commission, may be considered dishonest or conducive to corruption;
- (g) examine the practices and procedures of public bodies, in order to *facilitate the discovery of corrupt practices;*
- (h) instruct, advise and assist the heads of public bodies of changes in practices or procedures which may be necessary to reduce the occurrence of corrupt practices;
- (i) carry out programs of public education intended to foster an understanding of standard of integrity;
- (j) perform such other functions and exercise such powers as are required by this Act.

No. 11 of 1987

2.0 CHAIRMAN S REMARKS

2.1 Confidentiality of the Commission s Records

The Integrity legislation has given the responsibility to the Commission to ensure that **persons in public life** conduct their affairs in an upright manner, marked by integrity. It is in this context that such persons are mandated by sections 11 and 14 of the Act, to file annually, declarations of income, assets and liabilities and Statements of Registrable Interests. Opportunity is hereby taken to dwell briefly on the provisions of the Act which determine the degree of secrecy and confidentiality with which those annual declarations of income, assets and liabilities must be handled.

Section 20 (1) of the Act imposes a duty of secrecy on the Commission in respect of those annual declarations filed with the Commission and states in full:

Declarations filed with the Commission and the records of the Commission in respect of those declarations are secret and confidential and shall not be made public, except where a particular declaration or record is required to be produced for the purpose of or in connection with any court proceedings against, or enquiry in respect of a declarant under this Act, the Perjury Act, the Prevention of Corruption Act, the Exchange Control Act or the Commissions of Enquiry Act

The declarations are secret and confidential, and must not be made public, except under prescribed conditions. (The Statement of Registrable Interests is to be compiled into a Register by the Registrar of the Commission. That Register is to be made available to the public for inspection in accordance with section 14 (2) of the Act).

Section 20 (4) requires all Commissioners and members of staff of the Commission, or any person performing any function in the service of the Commission, **to make and subscribe to an oath of secrecy** before a Justice of the Peace.

Section 20 (5) prescribes heavy penalties of **two hundred and fifty thousand dollars (\$250,000.00) and ten years imprisonment** for any member of the Commission or member of staff of the Commission who is found guilty of communicating or attempting to communicate any information contained in the declarations.

Moreover, the Commission must adhere to the provisions of section 10 of the Act which forbid it from disclosing, in its annual Report to Parliament, the particulars of any declaration filed with the Commission.

It can be appreciated, therefore, that the Commission must utilize considerable resources including the security of vaults and safes and maintain strict procedures to ensure that the secrecy and confidentiality of the Commission s records concerning those declarations remain inviolable.

2.2 Staffing of the Commission

The legislated authority and responsibilities of the Commission have grown considerably under the Act when compared with what prevailed under the former Integrity in Public Life Act, 1987, (No. 8 of 1987 hereinafter referred to as the former Act). However the staff size has remained the same.

The Act has so expanded the list of persons in public life that the number of such persons has more than quadrupled, to over one thousand. Each one of those persons will be required to file an annual declaration of income, assets and liabilities. These are detailed accounts, which need to be properly examined to ensure compliance with the requirements of the Act. Section 5 (1) of the Act has also expanded the core duties of the Commission to include undertaking investigations (both on its own initiative or arising from public complaints), as well as mounting public education programs on integrity.

The Commission is cognizant of the need to recruit professional staff with the necessary qualifications and expertise to render support in the various areas of its expanded mandate. Steps are being taken to address the increased staffing requirement. This subject will be further commented on in Section 3.5.1 of the Report.

Nevertheless, in spite of inadequate staff size, there is no shortage of commitment from current staff members. In this regard, I wish to acknowledge the Acting Registrar and staff of the Secretariat.

2.3 Assistance from Other Government Departments

Mention must be made of the able assistance provided by the Commissioner of Police and the other Government agencies to which the Commission has turned for advice in accordance with section 5 (2) (b) of the Act. The Commission extends its thanks for their help and hopes to be able to continue receiving their assistance in the future.

2.4 Accommodation

The Commission has been relocated from the Industrial Court Building to new offices in the UTC Financial Centre, Independence Square, Port of Spain. The offices are quite adequate for the present needs of the Commission. The Commission extends its thanks to all those who assisted with the relocation of its offices.

2.5 Public Integrity

I have been heartened by a recent media report of an example of honesty shown by one of our nation's youth, who having found a sum of money, sought to have it returned to its rightful owner. This is to be encouraged at every opportunity since it augurs well for our country. As Chairman of the Integrity Commission, I wish to commend such displays of public integrity and I have sent a letter of commendation to the child through the Principal of the San Fernando Seventh Day Adventist Primary School. At my request, the Acting Registrar conveyed the Commission's congratulations to the Principal and teachers for imparting such values to their students.

2.6 The Commission

Finally, I wish to express my deep gratitude and appreciation to the Deputy Chairman as well as to each Member of the Commission which I have the honour to lead. They have given their unstinting support and whole-hearted commitment to the work of the Commission during this past year.

The Commission is comprised of professionals in the fields of law, accountancy, banking, finance and insurance and each member is an expert in his field. Each member is a person of integrity and high standing as required by Section 4(1) of the Act, and as such is eminently qualified to examine the declarations of income, assets and liabilities as well as to perform the other functions required by the Act.



Gerard des Iles
Chairman

3.0 OVERVIEW OF THE YEAR S ACTIVITIES

3.1 Meetings

The Commission held forty-three (43) regular meetings and one (1) special meeting during the year under review. On twelve occasions, the Commission met with declarants, public complainants or other persons required to be consulted by the Commission in the discharge of its duties. Committees of the Commission, comprising Members with specific expertise, also met frequently to advance undertakings of the Commission as well as to review, in detail, particular aspects of declarations after which they would report to the Commission.

3.2 Declarants

During the year, the names of six (6) declarants were published in the Gazette and daily press in accordance with section 11 (6) of the Act. This action by the Commission became necessary by the Commission due to the failure of these persons to file declarations of income, assets and liabilities for either some or all the years for which they were liable to file such declarations. It is hoped that publication of the names will encourage compliance without recourse to the mechanisms prescribed in sections 11 (7) and (8). There were seven (7) declarations certified for the years 1997, 1998 and 1999. There are still 75 declarations which are outstanding or under query from 39 declarants.

3.3 Public Education

As part of its requirement to carry out programs of public education to foster an understanding of standards of integrity, the Commission responded to invitations to make presentations at seminars and meetings. This is all in keeping with the Commission s objective to promote awareness about integrity and corruption.

3.4 Relocation of the Commission

The Commission s offices moved into new quarters in the Unit Trust Building on Independence Square, Port of Spain. Its new address is:

**Fourth Floor
UTC Financial Centre
82 Independence Square
Port of Spain**

**Telephone: 624-4736 Fax: 624-5415
E-mail: integ@tstt.net.tt**

3.5 Special Projects

3.5.1 *Administrative Improvement & Institutional Strengthening*

The Commission, through one of its committees, has invested much time and effort in structuring the organization to meet the requirements of the Act. Following up our own internal assessment, a formal project was designed and approved. Subsequently, the Central Tenders Board invited tenders to provide consultancy services to the Commission for the creation of an organization with the administrative structure, policies, regulations, systems, practices and controls to ensure the effective implementation and administration of the Act. Among the results anticipated from the consultancy is the creation of a new and dynamic secretariat properly staffed with the required professional and administrative staff, able to assist and respond to the needs of the Commission.

Tenders for this consultancy have been received by the Central Tenders Board, but a contract has not yet been awarded. This is expected to be done early in the new year.

In the meantime, the Commission is moving to employ, on two-year contracts, professional officers in the areas of law, accounting, investigations and communications. These persons are expected to be contracted shortly. But this is a short-term solution to a human resource problem which, it is expected, will be adequately addressed and resolved by the consultancy.

3.5.2 *Principles of Integrity*

Another sub-committee, with the assistance of a consultant, is in the final stages of preparing its publication *Principles of Integrity for Persons in Public Life and those Exercising Public Functions* .

This publication is being prepared for the benefit of persons in public life and those exercising public functions and is intended to be a benchmark 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.

4.0 THE WAY FORWARD

4.1 Regulations of the Commission

Section 41 (2) of the Act requires that the regulations of the Commission be subject to the affirmative resolution of Parliament. The prescribed declaration form of income, assets and liabilities, to be annually submitted by persons in public life, is one of the regulations which has been forwarded through the relevant channels for submission to Parliament. However, the resolution has not yet taken place, hence those deemed persons in public life have been unable to file, on the prescribed form, their declarations of income, assets and liabilities. The Commission looks forward to the earliest affirmative resolution of the regulation so that that aspect of its work may progress.

4.2 Public Education

The Commission is ever mindful of its role to carry out programs of public education in accordance with section 5 (1) (i) of the Act. It expects to embark on a series of seminars primarily to educate persons in public life about their expectations under the Act. It also intends to embark on public communication campaigns using the various media and other communication outlets to reach members of the public and raise awareness about the role of the Integrity Commission. Moreover, in keeping with modern techniques of communication, the Commission intends to establish a web site in the year ahead so as to provide access to information which can be made available to the public, under the Act.

4.3 Public Complaints

In accordance with section 32 (1) a member of the public who wishes to allege or make a complaint that a person in public life is in contravention of the Act, may do so in writing to the Commission. It must be pointed out, however, that section 32 (2) prescribes a fine of five hundred thousand dollars (\$500,000.00) and ten years imprisonment for anyone who is found guilty of knowingly and mischievously making or causing such a report to be made.

The Freedom of Information Act gives members of the public the statutory right to access official information held by public authorities. This, together with the Register of Interests, when established, will give to the public information upon which mature and responsible opinion can be formed and avoid speculation and rumours.

5.0 CONCLUSION

The Integrity Commission for Trinidad and Tobago was created by section 138 (1) of the Constitution to safeguard the citizens of the Republic from corrupt and deviant public officials. The Integrity in Public Life Act, 2000 has also bestowed responsibility on the Commission for providing guidance to those who come under the purview of the Integrity in Public Life Act, 2000. In addition, the Commission has a duty to promote public awareness about integrity among the populace of Trinidad and Tobago.

The Integrity Commission is prepared to accept, without hesitation, but with humility, the challenges created by the integrity legislation to regulate the conduct of persons in public life, with the aim of preventing corruption and promoting integrity in public officials and institutions. Our democracy can only be strengthened by such pursuit of high ethical standards in the conduct of our public affairs.

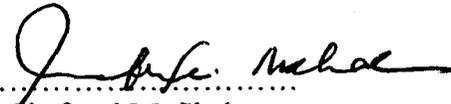
This Report is respectfully submitted to Parliament, (*Pursuant to section 10 of the Integrity in Public Life Act, 2000*), on this 28th day of March 2003.



Gerard des Iles
Chairman



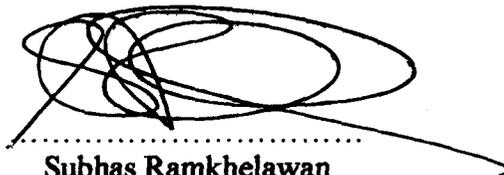
John Martin
Deputy Chairman



Shafeyei M. Shah
Member



Gordon Deane
Member



Subhas Ramkhelawan
Member

6.0 THE COMMISSIONERS

CHAIRMAN — The Honourable Mr. Justice Gerard des Iles, C.M.T. (g)

Mr Justice des Iles retired from the Bench of the Supreme Court of the Republic of Trinidad and Tobago on 1990 December 31, as the Senior Justice of Appeal. Four months prior to his retirement he was awarded the Chaconia Medal (Gold) for long and meritorious service to Trinidad and Tobago in the sphere of Law.

After graduating from St Mary's College in Port of Spain with a Senior Cambridge School Certificate, he served in the 1st Battalion, the Trinidad Regiment with the war substantive rank of Lieutenant No. 316941, British Army. He was subsequently appointed to the command of an Infantry Company in Trinidad.

In 1949, he joined the Hon. Society of the Middle Temple, London, England to read Law and obtained 2nd Class Honours, placing 7th in the Bar Examination in criminal law. In 1953, he was called to the English Bar and admitted to practise as a Barrister-at-Law in Trinidad and Tobago in December of that year. He joined the chambers of Sir Hugh Wooding, T.C., Q.C., and later served from 1956 to 1957 in senior legal capacities in Grenada and Dominica, West Indies.

In Trinidad and Tobago, he was appointed as Senior Crown Counsel in 1959, and as Solicitor General in 1967. He was appointed Judge of the High Court of Justice in 1969 and Justice of Appeal in 1983.

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

Mr John Martin is a Chartered Accountant with over thirty-six years experience. Since 1966 he has held appointments as president, chairman and member of numerous Boards and Associations. He currently holds the position of Director on the Boards of the following Companies:

C.L. Financial Limited, Colonial Life Insurance Company (Trinidad) Limited, Republic Bank Limited, and Furness Trinidad Limited.

He is also Chairman of the Trinidad Building and Loan Association and Trustee of the Mount Hope Patients Trust Fund.

He is a Past President of the Trinidad and Tobago Chamber of Industry and Commerce and of the Lions Club of Port of Spain Central, and has served as Chairman of the Board of Directors of the Trinidad and Tobago Stock Exchange.

MEMBER — *The Honourable Mr. Justice Shafeyi M. Shah*

Mr Justice Shah retired from the Bench of the Supreme Court of the Republic of Trinidad and Tobago in 1997, after being assigned as Judge of the High Court of Justice from 1993.

His professional career, prior to his assignment to the High Court, spanned a period of thirty-three years from 1959 as Solicitor, and Conveyancer and then Attorney-at-Law in private practice. Since the year 2000, he has been a Legal Consultant and Director of the Haji Ruknudeen Institute.

He has been the recipient of several awards. He was honoured and presented with a Certificate for *Outstanding and meritorious service* in the field of Law by the City of San Fernando, (*the city of his birth*), and was also honoured in recognition of his sterling contributions to the judiciary of the Republic of Trinidad and Tobago, by the Assembly of Southern lawyers.

He received, from the Scout Association of Trinidad and Tobago, the distinguished *Medal of Merit and Thanks Badge* and, from the St John's Ambulance Brigade, a medal for *long and meritorious service*. The Jaycees also presented him with a trophy for the establishment of Junior Jaycees in Secondary Schools.

He graduated in 1951 from Naparima College with School Certificate (Grade I) and Higher School Certificate with exemption from Intermediate Bachelors of Arts (University of London). In 1964, he received a scholarship to pursue Courses at the University of Chicago.

He served from 1966 to 1971 as an Elected Member of the House of Representatives of the Parliament of Trinidad and Tobago, and in 1971 was the country's delegate to the Commonwealth Parliamentary Association Meeting in Sydney, Australia.

He was a Member of the Disciplinary Committee of the legal profession for twelve years and was the founding member and First Honorary Secretary of the Assembly of Southern Lawyers. He was also a Member of the Statutory Authorities Appeal Board for two (2) terms, and in 1996 had judicial contact with the Judges of the Supreme Court of India.

MEMBER — Mr. Gordon Deane, F.C.I.I.

Mr Deane, a highly respected Chartered Insurer and businessman, is the Vice Chairman of American Life and General Insurance Company (Trinidad & Tobago) Limited, with Regional Executive responsibility for the Caribbean and Panama since 17 October 1994. He has had a very successful career in the financial services sector, a career which began soon after he graduated from Fatima College in 1966.

He was the first Trinidadian to obtain the F.C.I.I. (Fellow of the Chartered Insurance Institute). He achieved this designation in 1975, having qualified in 1972 as an Associate of the Chartered Insurance Institute (A.C.I.I.). He received additional training in the United States of America (Harvard Business School) and on the job training in England and Canada, respectively.

Mr Deane has held positions of Managing Director and Chief Executive Officer in several Insurance Companies in Trinidad and Tobago and has been responsible for successful *turnaround* situations in many of them.

Since 1975, he has held appointments as President, Chairman and Member of numerous Boards and Associations. Some of these include:

President of the Trinidad and Tobago Insurance Institute; President of the Association of Trinidad and Tobago Insurance Companies (ATTIC); President of the Trinidad and Tobago Chamber of Industry and Commerce; Chairman of the National Insurance Board and NIPDEC; Chairman of the Board of Directors of the Trinidad and Tobago Stock Exchange; Member of the Board of Directors of the Trinidad and Tobago Mortgage Finance Company; Member of TIDCO and President of the Rotary Club of Port of Spain.

MEMBER — Mr. Subhas Ramkhelawan, B.Sc. (Mgt.), MBA

Mr Ramkhelawan has been the Managing Director of Bourse Securities Limited since its inception in 1996. He is the founder of this financial services firm which trades and deals in financial securities.

After completing the B.Sc. in Management at the University of the West Indies, Mr Ramkhelawan was awarded a Canadian Commonwealth Scholarship for business. He pursued an MBA concentrating in finance and strategic planning at the University of Western Ontario and subsequently, pursued specialist training in mutual fund operations, securitization, mergers and acquisitions, international capital markets and treasury management.

His work experience has traversed the Public and Private Sectors, all at senior management levels and he has served as Director on several Boards including:

Arawak Cement Company of Barbados; Republic Securities Limited; the Export Credit and Insurance Company Limited and National Flour Mills Limited.

He is currently a Director on the Board of the Trinidad and Tobago Stock Exchange Limited; Grace Kennedy Capital Services Limited (Cayman Islands); I.G.L Limited (Jamaica) and Bourse International Asset Management Limited (St. Kitts).

He has lectured extensively in matters of financial and investment management and has published several related papers. For six years he lectured in Financial Management in the M.Sc. Accounting degree programme at the University of the West Indies.

APPENDIX

Persons in Public Life

The categories of persons who are deemed to be persons in public life are listed in the schedule of the Act and are required to file declarations of income, assets and liabilities in accordance with section 11 of the Act, are:

1. Members of the House of Representatives;
2. Ministers of Government;
3. Parliamentary Secretaries;
4. Members of the Tobago House of Assembly;
5. Members of Municipalities;
6. Members of Local Government Authorities;
7. Senators;
8. Judges and Magistrates appointed by the Judicial and Legal Service Commission;
9. Members of the Boards of all Statutory Bodies and State Enterprises including those bodies in which the State has a controlling interest;
10. Permanent Secretaries and Chief Technical Officers.

Persons Exercising Public Functions includes all persons holding office under the Public Service, Judicial and Legal Service, Police Service, Teaching Service, and Statutory Authorities Service Commission, as well as members of the Diplomatic Service and Advisers to Government.

Public Officer has the meaning ascribed to it in section 3 of the Constitution.

Public Body includes local and public bodies of all descriptions.