



Republic of Trinidad and Tobago

**17<sup>th</sup>**  
**ANNUAL REPORT**  
**TO PARLIAMENT**

By

**The Integrity Commission of  
Trinidad and Tobago  
for the Year 2004**

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

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## 1.0 INTRODUCTION

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### REPORT OF THE INTEGRITY COMMISSION FOR THE YEAR 2004

This report of the Integrity Commission is submitted in accordance with Section 10, *Integrity in Public Life Act, 2000*. Section 10 states:

*“The Commission shall not later than 31<sup>st</sup> March in each year, make a report to Parliament of its activities in the preceding year and the report shall be tabled in the Senate and the House of Representatives not later than 31<sup>st</sup> May, so, however, that the reports shall not disclose particulars of any declaration filed with the Commission.”*

It is the 17<sup>th</sup> Annual Report of the Commission and highlights the main activities and achievements of 2004. It does not disclose any specific details relative to declarations filed with the Commission or on any matter related thereto. Thus, any reference to information concerning declarations or persons in public life is reported in the aggregate. In accordance with the provisions of Section 20 of the Act, declarations filed with the Commission and all records of the Commission in respect of these declarations are **secret and confidential** and shall not be made public, except under prescribed conditions.

The independence of the Commission is made clear in Section 5 (2)(a):

*“In the exercise of its powers and performance of its functions under this Act, the Commission –*

*(a) shall not be subject to the direction or control of any other person or authority.”*

## **2.0 RESPONSIBILITIES OF THE COMMISSION**

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Section 5 (1) of the Act provides the frame of reference within which the Commission carries out its various responsibilities:

“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 recurrence of corrupt practices;
- (i) Carry out programs of public education intended to foster an understanding of standards of integrity;
- (j) Perform such other function and exercise such powers as are required by this Act.”

### **3.0 MEMBERSHIP OF THE COMMISSION**

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On June 1, 2004, Madam Justice Jean Permanand resigned as a Member of the Integrity Commission to take up the appointment as Chairman of the Law Reform Commission. Mr. Justice Ralph Narine was subsequently appointed a Member of the Commission with effect from June 25, 2004. The term of office of the present Commission will end on August 12, 2006.

The Chairman and member Commissioners extend best wishes to Madam Justice Jean Permanand who made an invaluable contribution to the work of the Commission during her tenure.

## 4.0 CHAIRMAN'S REMARKS

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### 4.1 ROLE OF INTEGRITY COMMISSION

The major function of the Integrity Commission is to promote integrity among “persons in public life” as defined in the *Integrity in Public Life Act, 2000*. The Act also provides for the prevention of corruption of persons in public life by providing annually, for the public disclosure of income, assets and liabilities, and to solicit public participation with the establishment of a Register of Interests that can be examined at any time, by any member of the public.

Persons who fall under the purview of the Commission include Members of the House of Representatives and the Senate, Ministers of Government, Parliamentary Secretaries, Members of the Tobago House of Assembly, Members of Municipalities and Local Government Bodies and members of the Boards of all Statutory Bodies and State Enterprises.

### 4.2 STRATEGIC FOCUS

In fulfilling its mandate of eliminating corruption and ensuring the highest ethical standards, the Commission has adopted a four-pronged approach as follows:

- (a) Prevention
- (b) Investigation
- (c) Enforcement
- (d) Public Education and Enlistment of Public Support

#### 4.2.1 *Prevention*

The filing of annual declarations of income, assets and liabilities is one of the major ways in which the Integrity Commission seeks to prevent corruption among “persons in public life.” It allows the Commission to monitor the

accretion in value of the net assets of an individual during his or her tenure in public office. The requirement of submitting the Register of Interests, a document which must be made available for public scrutiny, also provides another opportunity for conflict of interests or corrupt practices to be discovered. The public nature of this document creates a good opportunity for every citizen to get involved in ensuring that public officials are persons of the highest integrity.

#### **4.2.2 *Investigation***

The Integrity Commission is empowered to investigate declarations which it considers to be deliberately inaccurate or misleading as stated under Sections 21 (1) and (2).

#### **4.2.3 *Enforcement***

The intention of this aspect of the Commission's approach with respect to dealing with corruption among public officials is aimed at bringing the wrongdoer to public notice and punishment. A declarant found guilty of failing to file a declaration or knowingly making a false declaration can be liable on summary conviction to a fine \$250,000 and imprisonment for a term of ten years. However, no prosecution may be instituted without the written consent of the Director of Public Prosecutions.

#### **4.2.4 *Education and Enlistment of Public Support***

The aim of the Integrity Commission's education programme is to promote an atmosphere of ethical behaviour so that all persons in public life will be noted for acting honestly, honourably and in good faith.

Every citizen has a significant role in the campaign against corruption. Any member of the public is free to lodge a complaint with the Integrity Commission and the Commission is empowered to authorize an investigating officer to conduct an enquiry. Members of the public are also free to inspect the Register of Interests and to bring to the attention of the Commission any inaccuracy or conflict of interest on the part of a declarant of which they may be aware.

Section 14 (2) states:

*“The Registrar of the Commission shall compile and cause to be entered in a Register of Interests, all information furnished pursuant to subsection (1) and shall at the request of any member of the public, permit the inspection of such Register.”*

#### **4.3 CHALLENGE**

Trinidad and Tobago has a unique opportunity to be a leader in the creation of an independent and non-partisan institution that is specifically geared towards the promotion of integrity in public life. In that regard, the opportunity exists to create a world class organization capable of performing its duties to the highest standard. This task will require tremendous sacrifice and unswerving commitment. The Integrity Commission commits itself to this mission and invites leadership in every sector, and at all levels, to participate in the task of eliminating corruption.



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**Gordon Deane, F.C.I.I.**  
**Chairman**

## 5.0 ACHIEVEMENTS OF 2004

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### 5.1 THE ROLE OF THE INTEGRITY COMMISSION

The year 2004 has been for the Commission a significant one indeed. In its 18-year history, the Commission received the largest number of declarations of income, assets and liabilities as well as statements of registrable interests in respect of the year 2003. This was the first time that persons in public life were filing declarations of income, assets and liabilities under *the Integrity in Public Life Act, 2000* and the relevant regulations governing the Act, which became effective on December 12, 2003.

In order to ensure that persons who were required to file were aware of their obligations, the Commission published an advertisement in the daily newspapers outlining who should file and the relative deadline.

#### 5.1.1 Meetings

The Integrity Commission held 46 regular weekly meetings during 2004. In addition, a number of sub-committees which had been formed to deal with many issues engaging the attention of the Commission have held meetings regularly during the year.

#### 5.1.2 Staffing

Since the passage of the 2000 Act, there has been a considerable increase in the responsibilities of the Commission and a corresponding increase in the workload of staff at the Office of the Integrity Commission. The expanded responsibilities of the Commission required a re-examination of the organization systems, the processes of the Office of the Integrity Commission and its staffing needs.

As a result, in 2004, the Commission hired on contract:

- Three (3) Investigating Analysts;
- One (1) Project Manager;
- One (1) Legal Officer; and
- One (1) Communications Officer.

An Information Technologist was contracted in 2003.

### **5.1.3 *Declarations***

**(Filed under the 1987 Act)**

Forty-three declarations from 19 declarants required to be filed under the 1987 Act are still outstanding or uncertified.

**(Filed under the 2000 Act)**

Under the 2000 Act, 728 declarations for the year ending December 31, 2003, were submitted in 2004. A substantial number of the declarations submitted were incomplete or contained inaccurate information. Every effort has been made to provide declarants with the opportunity to clarify any discrepancy detected by the Commission, during examination of the declaration.

Declaration forms will also be made available on the soon-to-be-launched official website of the Integrity Commission. It is to be noted that these forms must be completed and signed by the declarant and delivered to the Commission's office by registered mail, by TTPost courier, or by hand, only. Declaration forms along with a sample completed form and updated lists of Frequently Asked Questions will also be made available on the website.

#### 5.1.4 *Determination of Persons in Public Life*

Though the Act seeks to set out in the Schedule thereto the persons to whom the law applies, judging from the number of enquiries to the Commission there seems still to be some uncertainty as to who are persons in public life.

Perhaps consideration should be given to the enactment of appropriate amending legislation –

- (1) to identify the public offices, the holders of which are persons in public life; and
- (2) to specify which statutory or public bodies the Board Members of which are persons in public life.

It may also be useful if in the letters of appointment of persons to these offices or Boards, it is clearly stated that upon appointment, the appointee becomes a person in public life within the meaning of the *Integrity in Public Life Act, 2000*.

#### 5.2 INVESTIGATIONS

The provisions of the Act which allow the Commission to investigate public complaints provide a very useful mechanism for discovering corrupt practices and for involving the general public in this matter. Section 32 of the Act provides for a member of the public to make a complaint to the Commission, of alleged breaches of the Act, conflict of interest or corruption by a person in public life or by any person who exercises public functions. Section 33 of the Act requires the Commission to conduct enquiries on receipt of a complaint from any member of the public.

However, the Act also provides safeguards against frivolous, vexatious and/or groundless complaints with the imposition of fines and imprisonment on anyone who makes such false reports. This should act as a deterrent against spurious allegations.

In keeping, therefore, with the provisions of the Act, a number of complaints and allegations brought to the attention of the Commission have been or are being investigated. The matters under investigation relate to allegations of:

- Improper conduct
- Unfair exercise of public authority
- Conflict of interest
- Corruption

Some of these investigations are expected to be concluded in 2005.

While the provisions of the *Integrity in Public Life Act, 2000*, have forbidden public disclosure of the results of these investigations, should the Commission have the view that an offence has been committed, “it shall forthwith refer the matter to the Director of Public Prosecutions together with a certified copy of the declaration in question and a report of its findings,” as stated in Section 17 (1).

### **5.3 EDUCATION AND ENLISTMENT OF PUBLIC SUPPORT**

#### **5.3.1 Meetings**

The Commission held meetings with the Leader of the Opposition, Opposition Members of Parliament and a number of Mayors and Councillors from several regional corporations with respect to questions raised on the filing of declarations. Meetings were also held with other persons and organizations who fall under the purview of the Commission.

Staff of the Commission have also conducted a number of individual consultations – at the Commission’s office and at meeting venues organized by persons who requested additional assistance with the filing of their declarations. Several issues raised by declarants at these meetings have resulted in the creation of an expanded listing of Frequently Asked Questions. *(See Appendix)*

### **5.3.2 *The Register of Interests***

There was an increase in public interest in the Register of Interests filed by declarants.

Section 14 (2) of the Act states that:

*The Registrar of the Commission shall compile and cause to be entered in a Register of Interests, all the information furnished pursuant to subsection (1) and shall at the request of any member of the public, permit the inspection of such a Register.*

During 2004, the Commission prepared and approved a procedure for members of the public wishing to inspect the Register of Interests. *(See Appendix on Procedure)*. The Commission anticipates that with greater emphasis on public education in the coming months, more persons will take advantage of the opportunity to ensure that persons who hold public office adhere to the highest standards, by visiting the Commission, inspecting the Register of Interests and registering any concerns which they may have as a result of their inspection.

### 5.3.3 *Public Education*

#### Website

Public education is one of the major functions of the Integrity Commission. This is clearly stated in Part II of the Act.

Section 5 (1) The Commission shall –

- (i) carry out programs of public education intended to foster an understanding of standards of integrity.*

In keeping with this mandate, the Commission has planned a series of activities to educate the public on its role and function with regard to the promotion of integrity in the nation.

One project geared to take the Commission closer to this goal is the development of a website. The contract for the development of the website has been awarded to one of the leading providers of websites in the country and there is significant advancement towards the final setting up of the site. The intention is to have a website that provides information for all persons in public life as well as the general public. It will also allow “persons in public life” to access Declaration Forms for the annual filing of declarations.

The website will include information on:

- The role and function of the Commission
- Members of the Commission
- Profiles on the Commissioners
- Persons in public life who are required to file
- Frequently Asked Questions
- Speeches and publications of the Integrity Commission
- Annual Reports
- Links to other official integrity websites of States

#### 5.3.4 OUTREACH

All Government and Government-assisted secondary schools in Trinidad and Tobago – approximately 136 schools – received copies of the document *“Principles of Integrity”*. The rationale behind this activity is the fact that building integrity in a nation’s peoples must of necessity involve reaching out to and interacting with the more than 300,000 children who comprise our school population. They will be the leaders of tomorrow. It is on their shoulders the future of the nation rests. A number of other initiatives specifically geared to schools and the population as a whole are also being planned.

As part of its own outreach activities, the Commission handed over 30 copies of the *“Principles of Integrity”* document to Transparency International for their public education programme in schools throughout the country.

With regard to its interface with the public through the media, the Commission issued a number of releases and advertisements. The issues addressed ranged from reminding persons of the need to file declarations to the location of the Integrity Commission. The Commission also published an article on the *“Disclosure of Information”* as a full-page advertisement in the daily newspapers. To further enhance its education drive, the Commission has proposed a series of newspaper features that will cover several aspects of the work and function of the Commission as follows:

- Impact of public corruption on the poor
- Public responsibility and integrity
- Conflict of interest paradigm
- When is a gift not a bribe

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Three public speeches were delivered by the Integrity Commission to different groups of persons in the society, from school children to persons in professional life.

## 6.0 LEGAL ACTIONS

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Legal Actions were pursued against the Integrity Commission in the following matters:

- High court action (HCA) against the Commission by Mr. Roodal Moonilal with respect to the unpaid travel benefits to the Prime Minister has been withdrawn. The Court however ordered the Commission to pay the applicant's costs.
- HCA 2006 of 2004 – Legal action by Mr. Azad Mohammed concerning a request under the *Freedom of Information Act*. In this matter, hearing is fixed for May 2, 2005.
- HCA 2005 of 2004 – Legal action against the Commission arising out of a request by Mr. Chandresh Sharma for official documents under the *Freedom of Information Act*. In this matter, hearing has been concluded and the Integrity Commission awaits the court's decision.
- HCA 1445 of 2004 – Legal action against the Commission by Mr. Chandresh Sharma: Failure to compile Register of Interests; Failure to make Regulations; Exemption of persons from filing for the year 2002. The court's decision in this matter has been set for April 20, 2005.
- HCA 425 of 2004 – Legal action against the Commission by Mr. Dhanraj Singh with respect to the declaration of income, assets and liabilities for the year 1999. This matter was determined in favour of the Commission.

## 7.0 PLANS FOR 2005

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### 7.1 INSTITUTIONAL STRENGTHENING

In 2005, the Integrity Commission will embark on a project to implement a wide-ranging suite of systems that will enable it to administer the *Integrity in Public Life Act, 2000*, in an efficient manner. This exercise will be carried out by a number of experienced and skilled local and foreign consultants. Areas of focus include legal, forensic, investigative, public education, administrative and information systems functions.

The Commission is very mindful of its responsibility to maintain confidentiality, particularly in those aspects of its operations that concern data relating to declarations. Also, as part of the exercise, great emphasis is to be placed on ensuring document and data integrity and security.

The Integrity Commission will give a high priority to the development of public education systems that will persuade those in public life and the population as a whole to strive towards accepting high levels of integrity as a norm in our society. The project which is scheduled for completion within twelve months, was awarded to Fujitsu Transactions Solutions (T'dad) Ltd.

## 8.0 CONCLUSION

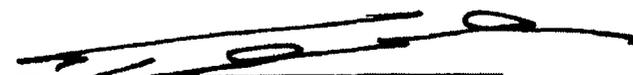
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Since its establishment by an Act of Parliament in 1987, the Integrity Commission has seen the categories of persons covered by the Act increase to include a wider cross section of persons in public life who are required to file annual declarations of income, assets and liabilities. One of the primary reasons for this must be a growing consciousness not only by the legislature but the citizenry as a whole that much more needs to be done to promote high ethical values among persons who hold public office.

The Integrity Commission is well aware of the seemingly daunting nature of this task but it is also strongly persuaded that this is a sacred duty that cannot be shirked. The nation demands it. For 2005 and beyond, the Commission therefore pledges to continue working unstintingly with all parties to provide the necessary leadership to ensure the success of anti-corruption initiatives.

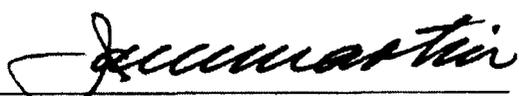
The Commission's objective is to make it easier for the well-intentioned to do what is right and to help to ensure quick and effective exposure and prosecution for those who engage in corrupt conduct. Integrity in public life is a pre-condition to the goal of strengthening the institutions in society which form the pillars of our democracy.

This Report is respectfully submitted to Parliament, (*Pursuant to section 10 of the Integrity in Public Life Act, 2000*), on this 31<sup>st</sup> day of March 2005.



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Gordon Deane, F.C.I.I.  
Chairman



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John B.C. Martin, C.A., F.C.A.  
Deputy Chairman



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Madam Justice Monica Barnes, S.C.  
Member



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Terrence A. Martins  
Member



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Mr. Justice Ralph Haniff Narine, C.M.T. (Gold)  
Member

## 9.0 PROFILE OF COMMISSIONERS

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### **Mr. Gordon Deane, F.C.I.I.**

#### *Chairman*

Mr. Gordon Deane is Chairman Audit Committee.

Mr. Deane is a Fellow of the Chartered Insurance Institute (FCII) and a graduate of Harvard Business School – International Senior Management Programme. He has considerable experience in the financial and insurance sectors – 38 years – having of the Integrity Commission for Trinidad and Tobago. He also serves as Non Executive Vice Chairman of American Life and General Insurance Company (Trinidad & Tobago) Limited (ALGICO) and Chairman of that Board's served locally as Chief Executive Officer of three major insurance companies. His commitment to the development of the local insurance industry is reflected in the fact that he has served as President of both the Trinidad and Tobago Insurance Institute (TTII) and the Association of Trinidad and Tobago Insurance Companies (ATTIC).

He has also served on several private and public sector boards including President of the Trinidad and Tobago Chamber of Industry and Commerce; Chairman of the Board of Directors of the Trinidad and Tobago Stock Exchange and Chairman of the National Insurance Board.

Mr. Deane is actively involved in his community and is the Past President of the Rotary Club of Port of Spain.

### **Mr. John B.C. Martin, C. A., F.C.A.**

#### *Deputy Chairman, Integrity Commission*

Mr. Martin is a Chartered Accountant with over 36 years experience. He is currently Director of C. L. Financial Limited, Colonial Life Insurance Company (Trinidad) Limited, Republic Bank Limited, Furness Trinidad Limited and Chairman of the Board of Directors, Trinidad Building & Loan Association. He has also served as President of the Trinidad and Tobago Chamber of Industry and Commerce and Chairman of the Board of Directors of the Trinidad and Tobago Stock Exchange.

**Madam Justice Monica Barnes, S.C.**

*Member, Integrity Commission*

Madam Justice Monica Barnes is a retired Supreme Court Judge. Prior to holding that office, she was Chairman of the Tax Appeal Board and before that, Chief Parliamentary Counsel. She has been a member of several key commissions such as the Law Reform Commission, the Law Revision Commission, the Constitution Commission and the CARICOM Company Law Task Force.

**Mr. Terrence A. Martins**

*Member, Integrity Commission*

Mr. Martins is a former banker with over 43 years in the financial services sector in the Caribbean and the United Kingdom. He has held several directorships within the RBTT Financial Holdings Group and is the current Chairman of Caribbean Information & Credit Rating Services Ltd. He serves on the Board of Directors of Sagicor Financial Corporation and Sagicor Life Inc. and is Chairman of Label House Group.

**Mr. Justice Ralph Haniff Narine, C.M.T. (Gold)**

*Member, Integrity Commission*

Mr. Justice Narine is a Barrister-at-Law and was engaged in private practice for 16 years before accepting a judicial appointment. He retired from the Court of Appeal in 1987.

While in the judicial service, he served with distinction in the sporting arena. He headed a Commission of Enquiry into the organization, promotion and administration of all major sports (except cricket and horse racing) in Trinidad and Tobago; chaired a committee for the establishment of a national sporting authority and was Chairman of the Sport and Culture Fund.

Justice Narine also headed an enquiry into the Marine Division of the Port Authority and was the Government's representative on the Council of the University of the West Indies.

## FREQUENTLY ASKED QUESTIONS

*When completing the Declaration of Income, Assets and Liabilities and the Statement of Registrable Interests*

Reference in Forms A and B	Question	Answer
<b>Form A</b> <i>General Question</i>	Can a declarant request copies of his or her filed declaration forms?	The Commission will not provide copies of a declaration form to anyone, including the declarant, except as provided in the <i>Integrity in Public Life Act, 2000</i> . However, the Commission will allow a declarant, upon his request in writing, to view his filed declaration under supervision at the Office of the Integrity Commission.
<b>Form A Page 1</b> <i>Identification</i>	Is a child who is not maintained by the declarant but by the declarant's spouse, a dependent child?	This child is not a dependent child of the declarant. However, you are reminded that if any assets of the declarant are held in the child's name, those assets should be declared.
<b>Form A Page 1</b> <i>Identification</i>	Is a boyfriend or 'child father', a spouse?	"Spouse" is defined at Section 2 of the <i>Integrity in Public Life Act, 2000</i> . The provisions of the Act apply to any person who falls within that definition.
<b>Form A Page 2</b> <i>Dependent Child</i>	How will one deal with a situation, for example, where a dependent child is attending a school abroad and works part time to pay for board and food and the parent is paying the fees?	If the child is partially maintained, he/she is still dependent.
<b>Form A Page 3</b> <i>Income</i>	Should a loan be reported as income?	Loans are not income.
<b>Form A Page 3</b> <i>Income from Employment</i>	When someone goes on foreign travel is the non-accountable advance income?	Yes.
<b>Form A Page 4</b> <i>Income from Trade</i>	I am joint owner with my wife of a shop. No formal accounting records pertaining to the shop have ever been kept. How should this be treated in my declaration of income, assets and liabilities?	In the absence of formal accounting records, the declaration should be prepared on the basis of the informal records that are available.
<b>Form A Page 5</b> <i>Interest Income</i>	What is meant by interest income? Is it interest on a Fixed Deposit in a bank? Does it include interest earned from money lent to a friend?	Interest income means all interest received. From a Fixed Deposit —Yes. From a Friend —Yes.

Reference in Forms A and B	Question	Answer
<b>Form A Page 6</b> <i>Gains/profits on sale of assets</i>	Does “gain” or “profit” mean “net profit”?	Gains or profits should be reported net, i.e. after taking into account any expenses incurred relative to the sale, for example, commissions. Where the sale of the asset results in a loss, this should be enclosed in brackets.
<b>Form A Page 6</b> <i>Gains/profits on sale of assets</i>	What is meant by “ <b>additional capital expenditure</b> ”?	Any amount spent to improve the value of the asset which is being sold.
<b>Form A Page 6</b> <i>Other benefits from employment</i>	Are tax concessions on motor vehicles a benefit? Should such concessions be declared?	Tax concessions on motor vehicles are a benefit and should be declared under “other benefits from employment” on Page 6 No.7 in the year in which the vehicle is purchased. The value of the benefit should also be taken into account in arriving at the value of the vehicle which is required to be declared under “Other Assets” on Page 17 No.8.1.
<b>Form A Page 6</b> <i>Other benefits from employment</i>	Are subsidised mortgages or other loans to be included as a benefit from employment?	The amount of the loan, its term and the interest rate charges along with any other relevant information should be provided under the description of benefit.
<b>Form A Pages 7 &amp; 19</b> <i>Other Income-pension</i> <i>Other Assets</i>	Should contributions to the Parliamentary Pension Fund be included?	If the declarant is in receipt of benefits from the Fund it has to be declared as income. However, contributions are an expense and do not have to be included. The declarant should state on Page 19 that contributions are being made to the Fund and benefits will accrue in the future.
<b>Form A Page 8</b> <i>Gift, Fee or Personal Benefit</i>	How do you measure the value of a gift?	Have the gift valued or make an estimate or check the price in the store.
<b>Form A Page 9</b> <i>Details of Assets</i> — <i>Real Property</i> — <i>Land and Buildings</i>	Under the item “Cost of Additions” is it from the day of purchase or during the year?	Cumulative cost of additions.
<b>Form A Page 9</b> <i>Details of Assets</i> — <i>Real Property</i> — <i>Land and Buildings</i>	What is an addition to land and building or improvement to land?	Any sum spent that would improve the capital value of the property, for example, additions to a building or development work on land.

Reference in Forms A and B	Question	Answer
<b>Form A Pages 9 to 11</b> <i>Real Property and amounts held in Bank Accounts</i>	How do you treat with property/bank accounts owned by the spouse of a declarant and third party not covered by the declaration?	That portion of the asset which may be attributable to the spouse should be declared. The identity of the third party need not be disclosed.
<b>Form A Page 10</b> <i>Details of Assets</i> —Real property —Land (without buildings)	Where sums have been expended to improve the value of land without buildings, e.g., through infrastructural development, should this be reported?	Yes, this should be reported by way of a note particularly where, in whole or in part, it explains any difference between the original cost and the current value.
<b>Form A Page 10</b> <i>Land</i>	What is the meaning of “beneficial interest” in respect of land?	Any interest in land that would convey a benefit – co-ownership, life interest.
<b>Form A Page 11</b> <i>Amounts held in Bank Accounts</i>	A declarant may have Power of Attorney on some of his parent’s accounts. Is he required to declare them?	The declarant needs only to inform the Commission that such a Power of Attorney exists. However, he is reminded that Section 12(4) of the Act states – “ <i>For the purposes of a declaration under this Act, the income, assets and liabilities of a person in public life include the income, assets and liabilities acquired, held or incurred by any other person as his agent or on his behalf.</i> ”
<b>Form A Page 11</b> <i>Amounts held in Bank Accounts</i>	Is documentary evidence required to be attached to support the amounts held in bank accounts?	No. However, the Integrity Commission has the right to seek such confirmation if it considers it necessary.
<b>Form A Page 13</b> <i>Cash and valuables held in safety deposit boxes</i>	Does “safety deposit box” mean at a bank? Or at recognizable institutions?	At all sites.
<b>Form A Page 13</b> <i>Cash and valuables held in safety deposit boxes</i>	The term “valuables” is subjective. Could a price range be provided.	Items which are material in value in relation to the declarant’s assets should be declared. Care should be taken not to declare the same assets in different sections of the form, for example, jewellery which is held in safety deposit boxes should not be declared here but on Page 19 No. 8.5 where jewellery is specifically mentioned. And then, only one figure for the total value of jewellery owned by each person covered by the declaration should be declared.
<b>Form A Page 17</b> <i>Money loaned</i>	Clarification is needed on what is meant by “Money Loaned”?	The amount should be material in relation to the declarant’s assets. Remember that the income needs also to be declared on Page 5 No.4.

<b>Reference in Forms A and B</b>	<b>Question</b>	<b>Answer</b>
<b>Form A Page 19</b> <i>Any Other Assets</i>	I have a valuable tea service which has been in my family for generations. Should this be declared and, if so, where?	This should be declared on Page 19 No.8.5 – Any Other Assets. Its insured valued could be a guideline.
<b>Form A Page 19 or 21</b> <i>Other Assets or Other Liabilities</i>	Is a racehorse an asset or liability?	Some value must be placed on it and that value should be reflective of what an independent third party is willing to pay.
<b>Form B Page 2</b> <i>Directorship</i>	Does the term “hold Directorships” at page 2 of Form B mean the same as membership of a Board?	Yes.
<b>Form B Page 4</b> <i>No.7 Funds</i>	What is meant by “Funds”?	Funds mean all investment funds, including Mutual Funds.
<b>Form B Page 5</b> <i>No.9 Sources of Income</i>	Clarify the sources of income which must be covered.	All sources of income which have been declared in Form A – the Declaration of Income, Assets and Liabilities – should be repeated here but the amount of such income should not be included.

✦ **Updated and approved by the Integrity  
Commission as at 2004.11.25**

## **Procedure for public access to Register of Interests**

### **Public procedure to effect access:**

- all requests must be in writing/via email/fax, giving the following details of the person(s) making the request(s):
  - name
  - address – resident/business/postal or email address
  - date of request
  - purpose of the inquiry
  - signature of person/organization making request
  
- A member of the Commission is designated to sit with the public throughout the inspection exercise
  
- Additional requests made at the time of the visit would not be entertained
  
- No photographs or photocopies of document(s) will be allowed
  
- Personal notes can be taken during inspection of document

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July 30, 2004