



The
Integrity
Commission
OF TRINIDAD AND TOBAGO

19th

**ANNUAL REPORT
TO PARLIAMENT**

by

**THE INTEGRITY COMMISSION OF
TRINIDAD AND TOBAGO
ON ITS ACTIVITIES
FOR THE YEAR
2006**

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

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Vision Statement

Trinidad and Tobago is a corruption-free nation with a high moral tone, where persons in public life are respected because of their integrity.

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Mission Statement

The Integrity Commission of Trinidad and Tobago will lead in promoting integrity, reducing corruption and increasing legal compliance among persons in public life, so that public resources are used fairly and for the benefit of all people of our nation.

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Key Message of Principle

“ Do the right thing always ”

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Logo of the Integrity Commission



The Logo is a three-bar symbol representing three areas of human society in which integrity is fundamental – **SELF, COMMUNITY, CIVILISATION.**

The Integrity Commission of Trinidad and Tobago comprises:

Mr. John Martin	...	Chairman
Madam Justice Monica Barnes	...	Deputy Chairman
Mr. Peter Clarke	...	Member
Mr. Brian Nicholson	...	Member
Mr. Vindar Dean-Maharaj *	...	Member

Members of the Commission were appointed by His Excellency The President Professor Maxwell Richards by instruments dated August 24, 2006 for a period of three (3) years.

* Mr. Vindar Dean-Maharaj was appointed on September 01, 2006.

1.0 CHAIRMAN'S REMARKS

The Integrity Commission of Trinidad and Tobago submits its Nineteenth Annual Report to Parliament on its activities for the year ending December 31, 2006. The Report is prepared in compliance with section 10 of the Integrity in Public Life Act, 2000, which states:

“The Commission shall not later than 31st 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 31st May, so, however, that the reports shall not disclose particulars of any declaration filed with the Commission”.

For the first time, since the passing of the Integrity in Public Life Act, 2000, the Commission has been able to conceptualize its Vision and to formulate its Mission. The underlying philosophy is to lead in promoting integrity, reducing corruption and increasing legal compliance among persons in public life. To achieve this, the Commission identified three objectives, namely:

- (i) to promote in the public sector an institutional/organizational culture of transparency and accountability;
- (ii) to act against corruption; and
- (iii) to induce and exemplify integrity in public life.

In pursuit of this Vision the Integrity Commission hopes to make a contribution to Trinidad and Tobago in achieving a corruption-free nation with a high moral tone, where persons in public life are respected, inter alia, for their integrity.

The year under review has brought significant changes and may be regarded as a watershed in the Commission's achievement of its Mission. The three-year term

of the Commission under the Chairmanship of Mr. Gordon Deane came to an end on August 12, 2006.

The new Commission appointed by His Excellency The President for a three-year period is as follows:

Myself as Chairman, Madam Justice Monica Barnes as Deputy Chairman, Mr. Peter Clarke, Mr. Brian Nicholson and Mr. Vindar Dean-Maharaj who are all persons of considerable experience.

The Commission also experienced during the year under review a change in the holder of the office of Registrar. Mr. Albert Alkins who served as the Commission's Registrar from 2002 retired on September 5, 2006 and was succeeded by Mr. Martin Farrell, who has been appointed to act as Registrar by the Public Service Commission.

The Commission notes with regret the passing of Ms. Angela Brathwaithe on October 3, 2006. Ms. Brathwaithe served the Commission as its Secretary from June 1, 1990 under the former *Integrity in Public Life Act, 1987*. With effect from February 7, 2001 she became its first Registrar under the *Integrity in Public Life Act, 2000*. She was promoted as a Permanent Secretary on February 7, 2003 and retired from the Public Service in February 24, 2004. The Commission extends its condolences to her family.

In December 2006 the Project for the 'Implementation of the Integrity in Public Life Act, 2000' came to an end. The two previous Commissions under the Chairmanship of Mr. Justice Gerard des Iles and Mr. Gordon Deane had worked assiduously during the period 2001 to 2006 to plan and execute this unique project.

One of the outputs of the project was the design of an organisation to ensure the Commission had all the operational and functional systems to achieve its mandate.

Cabinet has agreed to an organizational structure and has provided adequate funding to cover the capital and recurrent expenditure for its implementation.

The Commission is now poised to become a first class organisation with systems and processes which are second to none. I now turn to one of the more onerous responsibilities of the Integrity Commission. Regrettably, the Commission has had to publish the names of persons in public life who failed to honour their obligations under the Act to file the declarations of their income, assets and liabilities. In a few cases, the Commission has been forced to invoke its authority under section 11 (7) of the Act to make *ex parte* applications to the High Court to obtain orders directing persons who continued to be delinquent after publication of their names to fulfil their duty under the Integrity in Public Life Act, 2000.

I wish to reassure all persons in public life and the public in general that the Commission will continue to be fair, impartial and objective in its deliberations, and will always be guided by the provisions of the law in making its decisions.

In exchange for our reassurance we expect your support in upholding the law and thereby enabling us to achieve our mission.



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

2.0 OVERVIEW OF THE INTEGRITY IN PUBLIC LIFE ACT

2.1 FUNCTIONS OF THE INTEGRITY COMMISSION

The Integrity Commission was established in accordance with sections 138 and 139 of the Constitution. Its role is, *inter alia*, to preserve and promote the integrity of persons in public life and persons exercising public functions.

Its functions are outlined in section 5 (1) of the Act, as follows:

- (i) carry out those functions and exercise the powers specified in this Act;
- (ii) receive, examine and retain all declarations filed with it under this Act;
- (iii) make such enquiries as it considers necessary in order to verify or determine the accuracy of a declaration filed under this Act;
- (iv) compile and maintain a Register of Interests;
- (v) receive and investigate complaints regarding any alleged breaches of this Act or the commission of any suspected offence under the Prevention of Corruption Act;
- (vi) 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;
- (vii) examine the practices and procedures of public bodies in order to facilitate the discovery of corrupt practices;
- (viii) 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;
- (ix) carry out programs of public education intended to foster an understanding of standards of integrity;
- (x) perform such other functions and exercise such powers as are required by this Act.

One of the primary functions of the Integrity Commission is to ensure that Persons in Public Life comply with the obligation to submit annual declarations of income, assets and liabilities for scrutiny by the Integrity Commission in accordance with section 11 of the Act .

The monitoring of the filing and the subsequent examination of the declarations constitute important safeguards of integrity and receive the utmost attention of the Commission. In addition, the Registrar to the Integrity Commission is required to maintain a Register of Interests which may be inspected, on request, by any member of the public during working hours.

2.2 APPLICATION AND SCOPE OF THE ACT

The Integrity in Public Life Act, 2000 applies to two categories of public officials: “Persons in Public Life” and “Persons Exercising Public Functions”.

[A] Persons in Public Life

Persons in Public Life are defined in the Act and listed in the schedule as: “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” .

Persons in public life are required to comply with the 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) *i.e. Form A*; and
- (2) To file a statement of registrable interest, *i.e. Form B* 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.

[B] Persons Exercising Public Functions

“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 the Government”.

2.3 CODE OF CONDUCT

Part IV of the Act also encompasses a Code of Conduct which must be observed by all persons in public life and those persons exercising public functions.

This Code of Conduct which is set out in section 24 of the Act, is as follows:

- 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.

3.0 THE COMMISSION

3.1 MEMBERSHIP

The Integrity Commission is an independent body comprising five (5) members appointed by His Excellency The President in accordance with section 4 of the Act. This section prescribes the appointment and composition of the Commission and requires that the members of the Commission be persons of integrity and high standing of whom at least one shall be an attorney-at-law of at least ten years experience and one shall be a chartered or certified accountant.

Section 5. (2) (a) of the Act accords to the Commission the status of independence in the following terms:

“In the exercise of its powers and performance of its functions under this Act, the Commission shall not be subject to the direction or control of any other person or authority.”

The Commission comprises Mr. John Martin, Chairman; Madam Justice Monica Barnes S.C., Deputy Chairman; Mr. Peter Clarke, Member; Mr. Brian Nicholson, Member and Mr. Vindar Dean-Maharaj, Member. A Profile of the Commissioners is appended to the Report.

3.2 MEETINGS

In 2006 forty-three (43) regular weekly meetings as well as meetings of the various sub-committees were held by the two Commissions.

3.3 SPECIAL MEETINGS

The Commission convened eight (8) special meetings which included a meeting with a delegation comprising the Leader of the Opposition, Honourable Kamla Persad-Bissessar, Dr. Roodal Moonilal and Senator Wade Mark.

4.0 REPORT OF THE YEAR'S ACTIVITIES

4.1 DECLARATIONS

The principal activity of the year was the monitoring of declarations by Persons in Public Life. This involved examination of declarations for omissions and errors and liaising with declarants to ensure completeness of declarations.

The following is a breakdown of the status of declarations filed under the 2000 Act as at December 31, 2006:

Declarations	2003	2004	2005
Received	821	761	726
Certified	564	158	1
Being Processed	257	603	725

NOTE: Declarations for the year 2006 become due
on May 31, 2007.

4.2 ENFORCEMENT AND COMPLIANCE

To encourage compliance with the requirement to file declarations of income, assets and liabilities, provision is made to extend the time for the furnishing of a declaration, but for a period not exceeding six (6) months. In addition, the staff of the Commission are always available to assist declarants to comply with their statutory obligations.

Where a person in public life fails to file after this period without reasonable cause, the Commission is empowered under section 11 (6) to publish this fact in the *Trinidad and Tobago Gazette* and at least one (1) daily newspaper. In accordance with section 11 (7) at anytime thereafter the Commission may make

an *ex parte* application to the High Court for an Order to secure compliance by such persons. In addition, the High Court may impose such conditions as it thinks fit.

Failure to comply with the directive of the Court is an offence and a person is liable on conviction to a fine of one hundred and fifty thousand dollars (\$150,000).

During the year 2006 the names of seventy-four (74) persons were published and *ex parte* Orders were made by the High Court as set out in the following table.

Declarations for the year ended 31 st December	No. of persons published	No. of persons taken before the High Court
2003	37	3
2004	27	4
2005	10	None
Total for 2006	74	7

4.3 COMPLAINTS AND INVESTIGATIONS

The Integrity Commission is required to consider and enquire into any complaint made in accordance with section 32 of the Integrity in Public Life Act, 2000. That section provides for a member of the public to make a complaint to the Commission of any alleged breach of the Integrity in Public Life Act, 2000 or Prevention of Corruption Act, No. 11 of 1987 by a person in public life or by a person exercising public functions.

The decision by the Commission to investigate a complaint does not address the validity of the complaint; it merely indicates that the complaint properly falls within the provisions of the Integrity in Public Life Act, 2000 (The Act). In accordance with section 33 of the Act, the Commission is bound to investigate such a complaint and can exercise no discretion in the matter until Parliament determines otherwise.

Section 33 of the Act also provides for the Commission, on its own initiative, when it becomes aware of information which ought to be investigated, to carry out investigations into such allegations.

The Commission investigated nine (9) complaints received in 2006 from members of the public and continued ongoing investigations as well as undertook other investigations on its own initiative. It also continued the examination of practices and procedures of public bodies after certain reports were brought to its attention concerning the activities of such bodies which may be at variance with the provisions of the Act.

4.4 EDUCATION AND PUBLIC SUPPORT

One of the mandates of the Commission relates to education and public support. In this respect, outreach programmes were held with Members of Parliament, Ministers of Government, Permanent Secretaries, Members of State Boards, Members of Municipalities and Members of Local Government Authorities and the Tobago House of Assembly.

In particular, on September 28, 2006, Madam Justice Monica Barnes, Deputy Chairman addressed the Anniversary Dinner of the Institute of Internal Auditors on the subject of Integrity in Public Life.

In its continuing outreach programs, in order to build a strong relationship with its clientele, the Commission conducted many seminars with Persons in Public Life.

4.5 REGISTER OF INTERESTS

The Register of Interests, being a public document, was an area of increasing examination by members of the public, particularly the media. The Register is earmarked for computerization so that it would become more user friendly and accessible.

4.6 WEBSITE

It was intended to launch the website in 2006. However, this will become a reality when the additional personnel assume duty in the Integrity Commission.

4.7 ADMINISTRATION

4.7.1 Organizational Structure

The Integrity Commission will continue to create an atmosphere to motivate its staff to perform to the best of their ability, urged on by the knowledge that in the exercise of their functions they are contributing to the achievement of integrity in national affairs.

In this regard, the organizational structure of the Integrity Commission reflects an organization design which supports the Commission's values by having clearly defined roles and relationships. This structure provides for four (4) functional areas, these being:

- (i) Compliance Division;
- (ii) Investigations Division;
- (iii) Public Education and Communications Division; and
- (iv) Corporate Administration.

Each Division will be headed by a Director who will be responsible to the Integrity Commission through the Registrar.

To promote staff engagement and commitment, the Commission is also moving towards possibilities for more team decision-making and shared managerial responsibility.

The Senior Management Committee comprises the

- Registrar
- Director, Compliance
- Director, Investigations
- Director, Public Education and Communications
- Director, Corporate Administration

Each Director will head a functional segment of the Commission.

The intention is for the Office of the Integrity Commission to model organizational accountability and good communications.

The restructuring of the organization has resulted in the creation of new positions to which Cabinet has already agreed. Eventually the staff will comprise forty-nine (49) persons. Over the next two years the Commission intends to recruit over thirty (30) persons. With such human resources the Integrity Commission hopes to bring into full use the technology and the new electronic systems and processes which are integral to the recently concluded project.

During the year under review attention was given to the duties, responsibilities and compensation packages for such positions. Interviews to fill vacancies commenced in 2006 and candidates were assessed, inter alia, for their attitude to promoting the objectives contained in the Integrity in Public Life Act, 2000.

4.7.2 Library

The Commission has taken the step to set up a well stocked library to facilitate the work of the Members and Staff of the Commission. The implementation of this decision is still in its early stages, but should come to fruition during the financial year 2007.

5.0 FINANCIAL MATTERS

The Integrity Commission is a statutory body which was established by the Integrity in Public Life Act, 2000. Section 9(4) of the Act provides that

“ All expenses incurred by the Commission for the purposes of this Act shall be a charge on the Consolidated Fund”.

This provision in law brings the Commission under the operation of the Exchequer and Audit Act, Chapter 69:01 and the Financial Regulations made thereunder. Within such a legal framework, the Commission receives its funding through the Annual Estimates of Expenditure of the Government of the Republic of Trinidad and Tobago. The Commission has during the Finance Year 2006 complied with all the directives from the Ministry of Finance, the Director of Budgets, the Comptroller of Accounts and the Auditor General. The Registrar of the Commission is the Accounting Officer of the Commission, having been appointed by, and therefore responsible to the Minister of Finance, and answerable to the Public Accounts Committee of Parliament.

The Appropriation Account for the Financial Year 2006 has reported the particulars of the expenditure of the Commission for the year October 1, 2005 to September 30, 2006 and was submitted to the Auditor General on January 26, 2007. This was the Commission's accounting for the funds released to it under the Head of Expenditure 37 – Integrity Commission. A Summary of the reported expenditure is as follows:

Items	Estimates 2006	Actual Expenditure	Less than Estimates
Personnel Expenditure	\$ 1,969,749	\$ 1,741,512	\$ 228,237
Goods and Services	10,031,183	7,138,250	2,892,932
Minor Equipment Purchases	750,000	59,416	690,584
Development Programmes	12,000,000	8,996,960	3,003,040
TOTAL	24,750,932	17,936,137	6,814,794

6.0 LEGAL MATTERS

The following is a list of outstanding legal matters:

- (1) HCA 1735 of 2005 – Legal Action against the Attorney General of Trinidad and Tobago by the Integrity Commission of Trinidad and Tobago with respect to the construction of paragraphs 8 and 9 of the Schedule to the Integrity in Public Life Act, 2000, as amended. Paragraph 8 refers to Judges and Magistrates appointed by the Judicial and Legal Service Commission; paragraph 9 refers to Members of the Boards of all Statutory Bodies and State Enterprises including those bodies in which the State has a controlling interest.

Considerable doubt has arisen about the constitutionality of requiring the Judiciary to file annual declarations of income, assets and liabilities. In addition, there are differing interpretations of the item in the Schedule to the Act referring to Members of Boards of Statutory Bodies and State Enterprises. Since the sanctions for non-compliance are severe, these matters have been submitted to the court for authoritative interpretation and removal of doubt.

No judgment has yet been delivered.

- (2) HCA CV 2006-00158 – Legal Action against the Integrity Commission by Mr. Basdeo Panday on February 1, 2006 for -
 - (i) the failure of the Integrity Commission to compile a (proper) Register of Interests within the meaning of and in accordance with Section 14 (2) of the Integrity of Public Law Act;

- (ii) the continuing failure and/or omission of the said Integrity Commission to take legal and other forms of action provided for in the said Act against persons in public life who have failed to file their annual declarations of income, assets and liabilities and statements of registrable interests in accordance with the Integrity in Public Life Act, 1987 and the Integrity in Public Life Act, 2000; and
- (iii) the failure and/or refusal of the Integrity Commission to disclose the names of those persons who have not complied with the aforesaid annual filing requirements.

This matter was heard at the Port of Spain High Court and judgment has been reserved.

- (3) Privy Council Appeal No. 72 of 2006 – Legal Action against the Integrity Commission by Mr. Chandresh Sharma: Failure to compile Register of Interests; Failure to make Regulations; Exemption of persons from filing for the year 2002. Leave sought by Mr. Sharma to appeal to the Judicial Committee of the Privy Council against the decision of the Court of Appeal to determine the matter in favour of the Commission. The appeal has been fixed for hearing on May 22, 2007.

This Report is respectfully submitted to Parliament, (*Pursuant to section 10 of the Integrity in Public Life Act, 2000*), on this 31st day of March 2007.



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



Madam Justice Monica Barnes, S.C.
Deputy Chairman



Peter Clarke
Member



Brian Nicholson
Member



Vindar Dean-Maharaj
Member

PROFILE OF COMMISSIONERS

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

Chairman, Integrity Commission

Mr. John Martin is a Chartered Accountant with over 36 years experience. He is currently Director of Allied Hotels Limited, Furness Trinidad Limited, Trinidad Building and Loan Association and Furness Anchorage General Insurance Limited.

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. He is also a Past President of the Port of Spain Central Lions Club.



Madam Justice Monica Barnes, S.C.

Deputy Chairman, 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. Peter Clarke

Member, Integrity Commission

Mr. Clarke is a Financial Consultant. He is a Director of a number of companies including the General Building and Loan Association, Allied Hotels Limited and the Trinidad and Tobago Stock Exchange, a member of the UWI Development and Endowment Fund and The Roman Catholic Archdiocese of Port of Spain Finance Council.

He enjoyed a 22 year career in the Stockbroking industry. He was the Managing Director of Money Managers Limited and West Indies Stockbrokers Limited (WISE) and subsequently appointed Chief Executive Officer of WISE. He also served on the Betting Levy Board and Trinidad and Tobago Free Zones Company Limited.

Mr. Clarke obtained a Law Degree from Cambridge University and was admitted to practice law in Trinidad and Tobago in 1980 and was a Barrister-at-Law in private practice until June 1984.



Mr. Brian Nicholson

Member, Integrity Commission

Mr. Brian Nicholson is a very experienced Banker, having been involved in the banking industry for approximately forty-two years. He has held very senior positions in two large commercial Banks and also spent a number of years internationally with one of the commercial Banks.

He was previously a member of the Central Tenders Board, having served on that board for a number of years. He is at present Chief Executive Officer of Brimont Ltd. and also a board member of that company together with Credit Chex Ltd. and Wrightson Investments Ltd.



Mr. Vindar Dean-Maharaj

Member, Integrity Commission

Mr. Vindar Dean-Maharaj is a Chartered Accountant of considerable experience. He is currently a full-time Member of the Tax Appeal Board and for many years served as the Comptroller of Accounts.