



The
Integrity
Commission
OF TRINIDAD AND TOBAGO

H A N D B O O K

FREQUENTLY
ASKED
QUESTIONS
(F A Q S)



TABLE OF CONTENTS

The Integrity Commission	6
Persons in Public Life	12
Code of Conduct	22
Investigation	26
Public Education	30

VISION STATEMENT

The Integrity Commission of Trinidad and Tobago is the leading organisation to promote Integrity and make Trinidad and Tobago corruption free.

KEY MESSAGE OF PRINCIPLE

'DO THE RIGHT THING ALWAYS'

MISSION STATEMENT

The Integrity Commission shall be a performance driven institution that promotes the highest standards by:

- Ensuring compliance with the Integrity in Public Life Act;
- Detecting corrupt practices and dishonest conduct;
- Providing excellent customer service and public education; for the benefit of our nation.

THE INTEGRITY COMMISSION OF TRINIDAD AND TOBAGO

What is The Integrity Commission of Trinidad and Tobago?

The Integrity Commission of Trinidad and Tobago is established by the Constitution of the Republic of Trinidad and Tobago and by the Integrity in Public Life Act (IPLA) 2000. The Commission is required to conduct its affairs independent of any other person or institution and is comprised of a Chairman and four commissioners.

Why do we have an Integrity In Public Life Act 2000?

The Integrity in Public Life Act was first enacted by Act No of 8 of 1987 and the Integrity Commission of Trinidad and Tobago started operations in 1988. This Act was replaced by Act No. 83 of 2000, with amendments No. 88 2000 and No. 1 of 2010 and provides for the establishment of the Integrity Commission to make provisions for the prevention of corruption of Persons in Public Life. The Act also seeks to regulate the conduct of persons exercising public functions; and preserves and promotes the integrity of public officials and institutions.

What is Integrity In Public Life?

Integrity in public life are the principles persons who are elected or appointed to public office are expected to adhere to when conducting the public's business. Those who serve a democratic society like Trinidad and Tobago must do so with integrity, dignity and respect. These persons are expected to provide consistently superior service to the nation.

What are the Roles and Functions of The Integrity Commission?

The major roles and functions of the Commission can be summed up in four key points:

- Compliance-financial disclosure;
- Investigations;
- Enforcement;
- Education and Enlistment of public support

The Commission seeks to promote integrity, particularly among "Persons in Public Life" and requires a declaration of income, assets and liabilities from such persons who include: Members of Parliament, Permanent Secretaries, Chief Technical Officers and members of the Boards of Statutory Authorities and State Enterprises.

The Commission is required to regulate the conduct of “persons exercising public functions” and is responsible for examining the practices and procedures of public bodies in order to facilitate discovery of corrupt practices. The Commission also fosters an understanding of integrity among the wider community in Trinidad and Tobago through public education initiatives.

Is The Commission subject to the direction or control of any other person or authority?

The Integrity Commission is not subject to the direction or control of any other person or authority. However, if it is deemed appropriate the Commission may draw upon the expertise of any law enforcement agency or the Public Service in order to fulfil its powers and functions.

Who are the Members of the Commission?

The Commission comprises a Chairman, Deputy Chairman and three other members who are persons of integrity and high standing. One member of the Commission is required to be an Attorney-at-law of at least ten years’ experience and another is required to be a Chartered or Certified Accountant.

Who appoints the Members of the Commission?

The President of the Republic of Trinidad and Tobago appoints members of the Commission. The entire Commission is appointed by His Excellency the President following consultation with the Prime Minister and the Leader of the Opposition.

Can a Member of the Commission resign?

Yes, a member of the Commission can write to the Chairman of the Commission and resign from his post at any time. The Chairman immediately forwards the letter of resignation to the President. Similarly, the Chairman can resign from his position by instrument in writing to the President. A person ceases to be a member of the Commission from the date of receipt of the instrument by the President.

Can the President remove a Member of the Commission?

Yes, the President acting in accordance with constitutional procedures and guidelines can remove a member of the Commission. A member can be removed from office by the President for misbehaviour, illness or the inability to discharge the functions of the office.

How can a vacancy in the Membership of the Commission occur?

There are many ways in which a vacancy in the membership of the Commission can arise. These include:

- The death, resignation or revocation of the appointment of a member;
- The absence of a member from three consecutive meetings of the Commission, unless the absence is approved by the President after consultation with the Chairman; or
- The expiration of the term specified in a member's instrument of appointment.

Who is responsible for the day-to-day Administration of the Commission?

The Registrar, who is also the Accounting Officer, is responsible for the day-to-day administration of the Office of the Integrity Commission. The Commission's Registrar attends meetings of the Commission and records and maintains the Minutes of each meeting. The Registrar also compiles and enters in a register of interests all information provided by declarants in their statement of registrable interests. Moreover, the Registrar performs any necessary duties connected with the work of the Commission.

Is the Registrar provided with staff to fulfil the functions of the Commission?

Yes, the Registrar is provided with employees who assist with the prompt and efficient discharge of the functions of the Integrity Commission. The employees are public servants and contracted officers.

Is the Commission required to make a report of its activities?

Yes, the Commission shall not later than March 31st in each year, make a report to Parliament of its activities in the preceding year. The report is next tabled in the Senate and the House of Representatives no later than May 31st. The Reports do not disclose information of any declaration filed with the Commission.

What attributes must the Commission possess to complete its work effectively?

The Commission must possess the following attributes to perform its duties effectively under the IPLA:

- Effective Legislation
- Adequate Human Resources with the required technical skills
- Dedicated and committed Commission members and employees
- A culture of Integrity within the organisation

PERSONS IN PUBLIC LIFE

AND PERSONS EXERCISING PUBLIC FUNCTIONS

Who are the persons in public life who should file with the Commission?

The Persons in Public Life who are required to file annual declarations of income, assets and liabilities with the Integrity Commission include the following:

- 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
- Permanent Secretaries and Chief Technical Officers.

*** A High Court decision, No. 1735 of 2005, ruled, on October, 15, 2007, that Judges and Magistrates are not subject to the Integrity in Public Life Act, 2000.**

Who are the persons exercising public functions?

Persons exercising public functions include:

- All persons holding office under the Public Service, Judicial and Legal Service, Police Service, Teaching Service and Statutory Authorities Service Commission
- Members of the Diplomatic Service and;
- Advisers to the Government.

Why must a person in public life disclose personal finances to the Commission?

The Integrity Commission seeks to detect and prevent illicit enrichment, as well as to identify potential conflicts of interest. Declaration forms are designed to capture information that will enable the Commission to monitor the wealth and net worth of a Person in Public Life. This acts to detect any unusual accretion of assets or income that is not attributable to salary or other legitimate source.

Why are the declaration forms so detailed?

The forms are designed to guide the Person in Public Life through his many sources of income; the types of assets held and any associated liabilities. Such detail is necessary to ensure that full information on a person's true net worth is captured to enable annual comparisons.

When must a declaration be filled with the Commission?

Within three months of becoming a Person in Public Life, each individual is required to complete and file a declaration of his/her income, assets and liabilities together with a statement of registrable interests in respect of the previous year and thereafter, on May 31st in each succeeding year that the person remains in public life.

How can a person submit declarations to the Commission?

Declarations may be delivered by hand, by TTPost courier or by registered mail, to the Commission's Offices. On receiving the forms the Commission issues a receipt.

Can the Commission grant extensions for filing to persons in public life?

Yes, where the Person in Public Life can show good cause, the Commission may extend the time to file declarations for an additional period not exceeding 12 months.

What constitutes a Good Cause?

'Good Cause' refers to a legitimate reason that prevents the person from filing on time with the Commission. Some examples of 'good cause' include: illness or other medical condition, loss of property by fire, flooding or extended absence from the country.

What happens to a person who fails to file declarations with the Integrity Commission?

A person who does not file declarations without submitting a legitimate reason to the Commission or fails to file the statement of registrable interests will have this information and their names published in the Gazette and in at least one daily newspaper.

What happens if the person does not file after the publication in the gazette?

If a person does not file after the publication in the official gazette the Commission can make an ex parte (with the other person absent) application to the High Court for an order to direct the person to comply with the Act. A person, who fails to comply with the directions of the Court, commits an offence and is liable on conviction to a fine of \$150,000.

What are the contents of the declarations?

The declaration required under the IPLA, includes the declarant's income, assets, liabilities, and those of his spouse and his dependent children and such assets held by the spouse or child in trust for as agent of the declarant.

Does the Commission examine every declaration that is filed?

Yes, the Commission examines every declaration that is filed to ensure it complies with the requirements of the Act.

What happens after the Commission is satisfied with a declaration?

A Certificate of Compliance is issued to the Person in Public Life.

What happens if a person fails to make full disclosure on the declaration forms?

The Commission is authorised to request the person to provide further information or such particulars as may be necessary.

What is a Certificate of Compliance?

The Certificate of Compliance is the document issued by the Commission to show that a declaration has been fully made.

What is a Statement of Registrable Interests?

A statement of 'registrable interests' contains non-financial information relating to a Person in Public Life including details 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 or description of any company, partnership or association in which the person is an investor;
- A concise description of any trust to which the person is a beneficiary or trustee;

- Beneficial interest held in any land;
- Any fund to which the person contributes;
- Any political, trade or professional association to which the person belongs; and
- Information relating to sources of income; and any other substantial interest whether of a pecuniary nature or not, which he considers may appear to raise a material conflict between his private interests and his public duty.

Who can view the Register of Interests?

Any member of the public may request permission to inspect the Register of Interests.

Can a declarant upon request be given copies to his/her Statement of Registrable Interests?

No. Declarants are advised to make copies of their forms prior to submission. However, upon request the Commission may allow a declarant to view his filed declaration.

Can a declarant make changes to his/her Statement of Registrable Interests?

Yes, a Person in Public Life must notify the Registrar of any changes within six weeks of the occurrence.

What happens when the Commission is of the opinion that it should enquire further into any declaration?

The Commission may advise the President to appoint a tribunal of two or more of its members to conduct an enquiry to verify the contents of the declaration or the statement filed with the Commission.

How does the Tribunal appointed by the President work?

The tribunal exercises the powers of a Commission of Enquiry under the Commissions of Enquiry Act and proceedings are private. The tribunal performs the following functions:

- Request in writing, that a Person in Public Life or any other person who the tribunal believes has knowledge of the matters be enquired into in accordance with this Act, attend before the tribunal and provide further information and documents as it may require, within a specified time;
- Ensure the Commissioner of Police or any other public officer make available any information received during any

investigation carried out into the subject matter of an enquiry under this Act. The Commission may also direct the Commissioner of Police or any other public officer to undertake further enquiries and investigations as it thinks necessary; and

- Summon witnesses and request the production of documents and;
- Do all things necessary to ensure the Commission is carrying out its functions.

Are all declarations filed with the Commission secret and confidential?

Yes, 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.

How is information received by the Commission treated?

Every member of the Commission and every person performing any function in the Office of the Commission must treat all declarations and records and information relating to declarations as secret and confidential.

What happens to members and employees of the Commission who disclose secret and confidential information?

All members and employees of the Commission are required to swear to an Oath of Secrecy before a Justice of the Peace. If at any time a member of the Commission or employee communicates or attempts to communicate any information or anything contained in such documents to any person other than a person to whom he is authorised under this Act, he/she shall be guilty of an offence and liable on summary conviction to a fine of \$250,000 and 10 years imprisonment.

What offences may be committed in relation to declarations?

A Person in Public Life commits an offence in relation to his/her declarations where he/she:

- Fails, without reasonable cause, to provide the Commission a declaration or additional information that is required to satisfactorily complete the declaration under the provisions of the Act;
- Knowingly makes a declaration that is false;
- Fails, without reasonable cause to give information or explanation as the Commission or a tribunal may require;
- Fails, without reasonable cause to attend an enquiry being conducted by a tribunal appointed under the Act or knowingly gives false information at the tribunal

What is the penalty imposed on a person who commits an offence in relation to their declaration?

A person who commits an offence in relation to their declarations will be subject to a fine of \$250,000 and imprisonment for a term of 10 years.

What happens to a person in public life who is deemed to have been in possession of undisclosed income or assets and fails to account for such further income or assets?

This person will be liable on a summary conviction to a fine of \$250,000 and imprisonment for a term of ten years and the property may be subject to forfeiture or an amount equivalent to its value may have to be paid in to the state by the Person in Public Life.

CODE OF CONDUCT

What is the Code of Conduct?

The Integrity in Public Life Act contains a Code of Conduct, the purpose of which is to regulate the behaviour of all Persons in Public Life and those who exercise public functions to ensure the proper and efficient performance of their duties. The Code of Conduct promotes ethical standards and establishes guidelines and boundaries to assist public officials in administering the public resources fairly and with transparency.

What is the expected behaviour of Public Officials?

Public officials are required to treat all persons fairly and impartially and no undue or preferential treatment is to be given to any group or individual. The critical outcome of this behaviour is that any member of the public, who accesses a Government service, must receive the same treatment regardless of his/her race, colour, class, age, sex, perceived social standing or political affiliation.

How does the Code of Conduct clarify standards of behaviour?

The Integrity in Public Life Act establishes a Code of Conduct that clarifies the standards of behaviour that are expected of Persons in Public Life and those Exercising Public Functions. In the making of personal and ethical decisions such persons are required to:

- Be fair and impartial in exercising public duty;
- Afford no undue preferential treatment to any group or individual;
- Arrange their private interests, whether pecuniary (resources in the form of or relating to money) or otherwise, in such a manner as to maintain public confidence and trust in their integrity.

Can a person in public life receive gifts?

A Person in Public Life cannot accept a fee or gift that is connected with the performance of the duties of his office save and except where a gift or personal benefit is received as a matter of the protocol or social obligations that normally accompany the responsibilities of office.

Is there a value limit on the gifts persons in public life may receive?

There is NO value limit on gifts received as a matter of the protocol or social obligations. However, where such gifts or personal benefits to a Person in Public Life exceed \$5,000 in value or the gifts or personal benefits from one source in any 12 month period exceed \$5,000 in value, the Act requires that such persons must file a statement with their annual declaration indicating the nature of the gift or benefit and the circumstances under which it was given or accepted.

How does a Conflict of Interest arise?

A Conflict of Interest arises if a Person in Public Life or any person exercising a public function in the execution of his office, makes or participates in the making of a decision where he ought reasonably to have known that by so acting there exists an opportunity to either directly or indirectly further his/her private interests or that of a member of his family or of any other person.

What is expected of a person in public life if possible or perceived Conflict of Interest arises?

Where there is a possible or perceived conflict of interest on some matter, Persons in Public Life must disclose their interest and recuse themselves from the decision-making process.

What are some of the rules that guide the behaviour of persons in public life?

The principles, values, standards and rules of behaviour that guide the decisions, procedures and systems of Persons in Public Life mandate the following:

- Perform functions and administer public resources in an effective and efficient manner.
- Not use office for the improper advancement of one's family's personal or financial interest or the interest of any other person.
- Not engage in any transaction that is incompatible with one's office, function and duty.
- Not use public property or services for activities not related to official work.
- Not, either directly or indirectly, use one's office for private gain.
- Not use public funds in disregard of the Financial Orders or other regulations applicable to such funds.
- Not accept a fee, gift or personal benefit that is connected directly or indirectly with the performance of one's duties.
- Not use information gained in the execution of one's office and which is not available to the general public to further private interests (insider information).
- Not use one's office to influence a decision made by another person or public body to further private interests (influence).
- Keep all matters that are confidential in nature, CONFIDENTIAL, even after separation from the service (confidentiality).
- Disclose one's interest and disqualify oneself from any decision-making process where there is a possible or perceived conflict of interest.

INVESTIGATION

What are the Powers of the Commission?

The Integrity Commission has the power to authorize investigations, cause witnesses to be summoned, and request the production of any reports, documents and other relevant information that are necessary to fulfil its functions.

Can a member of the public make a complaint to the Commission?

Any member of the public who wishes to allege or make a complaint may do so in writing if he/she is of the view that the Person Exercising a Public Function or Person in Public Life :

- Is in breach of the IPLA;
- Has a conflict of interest in relation to the Register of Interests;
- Is committing or has committed an offence under the Prevention of Corruption Act.

Does the Integrity Commission deal with all forms of corruption?

The Integrity Commission deals with all offences included under the Prevention of Corruption Act providing the alleged individual involved is a Person in Public Life or a person exercising public functions.

How does the Commission deal with misleading complaints?

The Commission may, on receipt of a complaint and after examining same, reject the complaint if the Commission is of the opinion that the complaint is:

- Frivolous or vexatious;
- Not made in good faith;
- Not supported by evidence of a probative value

How does the Commission determine if an allegation is worthy of an investigation?

The Commission can only make this decision guided by the Integrity in Public Life Act.

The Act mandates that the Commission be only empowered to investigate complaints in respect to breaches of the Integrity in Public Life Act or any offence under the Prevention of Corruption Act. The person complained against must be either a Person in Public Life or a person performing a public function. The complaint must be made in writing and must contain sufficient information upon which the merits of the complaint can be appraised.

How is a person required to give information to the Commission?

The Commission can write to any person requesting all books, records, accounts, reports, data, stored electronically or otherwise, or any other documents relating to the functions of any public or private body in a specific point in time.

What happens to a person who fails to disclose information to the Commission's Investigator?

A person who fails or refuses to disclose any information to the Commission commits an offence and is liable to a fine of \$150,000 and imprisonment for a term of 3 years.

What happens to a person who misleads the Commission or an Investigation Officer of the Commission?

Any person, who knowingly misleads the Commission, or an investigating officer of the Commission, by giving false information, commits an offence and is liable on conviction to a fine of \$250,000 and imprisonment for a term of 5 years.

What happens after the Commission makes an adverse finding against a person under the act?

If the Commission conducts an investigation and is satisfied that there are reasonable grounds for suspecting that a breach or offence has been committed under the Act, the Commission shall make a report to the Director of Public Prosecutions (DPP); and in matters involving breaches under the Code of Conduct, to the appropriate Statutory Boards or the authority as the case may be.

Why does it take so long to complete an investigation?

Investigations can be very complex and requires the examination of hundreds of documents. Investigators may need to interview dozens of persons connected to the enquiry. All proposed actions must be sanctioned at meetings of the Commission before implementation. The reluctance of persons to co-operate and the limitations of the current legislation contribute to the delay in completion of investigations.

PUBLIC EDUCATION

Does The Integrity Commission promote the Theme of Integrity in Trinidad and Tobago?

The Integrity Commission is charged to carry out programmes of public education to foster a wider understanding of integrity.

Does the Commission facilitate 'One on One' Meetings with declarants?

Yes, any Person in Public Life is free to visit the Commission's office, ask for information from, and pose questions to members of the Commission's Compliance team. Persons can engage in discussions on any matter on which they require clarification. All meetings are confidential.

Has the Commission initiated any other outreach programmes for persons in public life?

The Commission hosted an '**Integrity Open Day**' at its offices designed to reduce the high error rate of submissions and to ensure that Persons in Public Life complete and submit declarations by the annual deadline date.

Has the Commission carried out any Programmes of Public Education?

Since 2011 the Commission has conducted a Public Education programme in collaboration with the Ministry of Education and the Tobago Division for Education, Youth and Sport called **The Do Right Champions** in primary and secondary schools. Students within the qualifying ages or academic classes have an opportunity to enter any or all of the following categories: Short Story and Poem writing, Cartoon (or comic strip) drawing as well as the production of a Scenario (skit). The entries are judged by a panel of esteemed judges and the winning students and schools are awarded valuable prizes.

The Commission produces a quarterly newsletter-**Integrity in Action**- and articles related to the theme of integrity- **The Integrity Column** – published each fortnight in a daily newspaper.

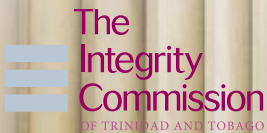
Additionally, the Commission facilitates workshops for Persons in Public Life who are required to file Declarations of Income, Assets, Liabilities and Statements of Registrable Interests.

How have School Principals, Teachers and Students responded to the “Do Right Champions” Competition?

The “Do Right Champions” has had an overwhelmingly positive response from School Principals, Teachers and Students. School Principals have described the competition as timely and they are convinced that it will have a positive impact on students and the teaching of Values and Ethics.



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



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