



**REPUBLIC OF TRINIDAD AND TOBAGO**

# **REPORT TO PARLIAMENT**

by

## **THE INTEGRITY COMMISSION**

**on its activities for the year**

**1992**

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

ANNUAL REPORT  
OF THE  
INTEGRITY COMMISSION  
FOR THE YEAR 1992

# FIFTH ANNUAL REPORT

## INTEGRITY COMMISSION

### CONTENTS

	<i>Page</i>
INTRODUCTION .....	5
ACCOMMODATION .....	6
SUBMISSION OF RETURNS .....	6
COMPUTERIZATION OF OUR RECORDS .....	7
FORMAL ENQUIRIES UNDER SECTION 23 OF THE ACT .....	7
COUNCIL ON GOVERNMENTAL ETHICS LAW (COGEL) .....	7
SYMPOSIUM ON INTEGRITY LEGISLATION .....	9
SUMMARY OF OBJECTIVES .....	10

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*INTRODUCTION*

The year 1992 saw a new administration taking office in this country, after the General Elections of December, 1991; and this Commission felt it incumbent on ourselves that we should pay our respects to the new office holders. We therefore, as a Commission paid a courtesy call on the Honourable Prime Minister at his office on 4th February 1992 and then on the Leader of the Opposition on 14th February 1992 and finally, on the Honourable Attorney General on 20th May 1992. On each occasion we took the opportunity to hold frank discussions with these honourable gentlemen on matters concerning the future of this Commission.

During the year 1992 we held 43 meetings, and the full participation of members has been maintained upon most of those occasions.

We have maintained our staffing position of:

- 1 Secretary
- 1 Executive Secretary
- 1 Clerk-Stenographer III
- 1 Messenger
- 1 Maid
- 1 Police Sergeant Orderly

### *ACCOMMODATION*

Our expectation of permanent accommodation did not come to fruition.

We wish to point out that the possibility of overcrowding in our present environ is a real one, and we are looking forward to seeing our situation remedied in the near future.

### *SUBMISSION OF RETURNS*

Once again we have to report that there has been substantial compliance by persons in public life with regard to their obligations; but in too many instances this has been brought about only after constant reminders long after the statutory deadline had passed.

We wish to suggest that should a member have a difficulty in completing the Return for any reason the Secretary might be able to assist in the exercise.

By the end of 1992 the record of receipts and certification of returns was as follows:-

Declarations filed and certified	-	103
Declarations filed and not certified	-	12
Declarations not filed	-	19
Declarations not due by 31st December 1992	-	03

Up to the date of the filing of this report the record was:-

Declarations filed and certified	-	129
Declarations filed and not certified	-	05
Declarations not filed	-	03
Declarations not yet due	-	Nil

### *COMPUTERIZATION OF OUR RECORDS*

We have now acquired a computer which we propose to use as part of our recording system for the Returns of Declarations; and we plan thereby to monitor more effectively the details reflected in Returns.

We have been alive to the need to safeguard the confidentiality of the information so stored and to this end, we have procured the assistance of the Department of Organization and Management in the necessary programming of the computer and also the firm of Ernst & Young to advise and supervise the arrangements necessary to ensure against any breach of confidentiality.

### *FORMAL ENQUIRIES UNDER SECTION 23 OF THE ACT*

The Commission is empowered where it

“considers it necessary or expedient to enquire into the accuracy or fullness of a declaration filed with it to advise the President to establish a tribunal for that purpose.”

However, in all those instances where we considered that there was need for further enquiry, we obtained the co-operation of the person concerned in satisfying us of his compliance with the provisions of law, so that no formal enquiry was ever needed to be held during the year under review.

### *COUNCIL ON GOVERNMENTAL ETHICS LAW (COGEL)*

Our Commission was invited to become a member of the above organization, and to participate in their 14th Annual Conference which was held in Toronto, Canada between September 22nd to 25th, 1992. The terms of the invitation read as follows:-

"Founded in 1978, COGEL is a professional organization for Canadians and Americans united by the common objective of administering the Ethics Laws of both countries effectively and with fairness to all.

Its members operate in the fields of government ethics, elections administration, campaign finance legislation, and lobby law regulation.

COGEL has for objectives the study and improvement of governmental operations at the federal, provincial and local levels. These objectives are met through promoting and helping the exchange of information among its members."

It was made possible for the Chairman of this Commission to attend and participate in this conference through financing provided by the government.

COGEL membership for 1992 numbered 194 organizations and bodies charged with functions that embraced the following activities of government:

- conduct of political campaigns and elections
- public financing of political campaigns
- disclosure and regulation of political campaign contributions and expenditures
- standards of conduct for public officials and employees
- personal financial disclosure by public officials and employees, by candidates for election to public office and by nominees for appointment to public office.

- registration of lobbyists and regulation and disclosure of lobbying activities.
- open public meetings and records."

Members of COGEL have been drawn from throughout the United States, Hawaii, Puerto Rico and Canada and Associate Membership is open to -

"any other organization, entity or individual involved in the field not qualified to be Full Members "

It is to be noted that the discussions in the seminars centred around the experience of Ethics Commissions in the monitoring of the activities of government agencies in the carrying out of their functions, under wide powers of control given for that purpose.

What this exposure to the wider field of activity of Ethics Commissions has shown is that there is already in place a storehouse of experience in the handling of such matters, upon which we now can draw in any update of the powers of our Commission.

We do not now recommend that we accept the invitation extended to our Commission to become a member of COGEL since we consider we should seek membership only when the powers which we can exercise approximate those of the majority of COGEL members.

### *SYMPOSIUM ON INTEGRITY LEGISLATION*

In the meantime, what we recommend is that our Commission should mount a Symposium on integrity standards so as to present for public endorsement a comprehensive scheme of legislative control over all persons exercising public functions.

We are making plans to host such a symposium from 1st to 4th September of this year at the Central Bank Tower Financial Complex.



What this symposium hopes to achieve is to obtain the endorsement from the wider community, of the principles and practice of integrity standards which should inform and guide the conduct of all persons charged with the responsibility of carrying out public functions.

This endorsement, we feel, should then be reflected in appropriate legislation, which should be considered, not merely as a compact between those who govern and the governed, but more importantly, as a Code of Conduct enforceable under the law.

We seek therefore the active concern and participation of all members of the legislature, who would necessarily be the ones charged with the duty of enunciating and enacting into law those principles and practice

We wish, however, to attract the active participation of the wider community; and to this end, we have prepared a Discussion Paper entitled "Whither Integrity Legislation?" which we propose to circulate for general consideration and comment.

We need hardly stress that this exercise has been undertaken solely as an initiative of this Commission in response to our perception that persons of all shades of political opinion have voiced their dissatisfaction with the present provisions for the control of integrity standards.

What we have put forward in our Memorandum for public discussion therefore, reflects our own views on this matter, culled from our own experience as a Commission, and our own observations of the practice of integrity legislation in other countries.

### *SUMMARY OF OBJECTIVES*

The structure which our Commission recommends should now be put in place for the strengthening of integrity legislation is as follows:

- I. There should first be comprehensive legislation which should differentiate between those matters of impropriety which offend against the Criminal Law and those breaches of ethical standards which are not crimes but are breaches of the proper standards of morality in public affairs.
- II. In the first category, there should now be a review of all such crimes, so as to present a comprehensive criminal code, complete with the necessary procedures for investigation and enforcement, so as to strengthen the powers of the existing law enforcement agencies.
- III. In the second category there should now be enacted legislation which would set out in broad outline, the standards of integrity which should guide and inform the actions of all persons charged with the duty of exercising public functions. Such legislation should set out the appropriate penalties that should be visited upon persons found to be in breach of its provisions.
- IV. Each of the Service Commissions under the Constitution should thereafter establish its regulations for the proper carrying into effect of those principles and should review its disciplinary procedures for giving effect to them.
- V. The Integrity Commission should have its jurisdiction extended to all those persons in public life who are concerned in the decision-making process, and should have the power to monitor and restrain all those acts which are declared to be offences against public morality.

SUBMITTED TO PARLIAMENT

this ~~31<sup>st</sup>~~ day of March, 1993

GEORGE COLLYMORE  
Chairman

J. O'NEIL LEWIS  
Deputy Chairman

JOHN MARTIN  
Member

JOHN OTTLEY  
Member

BRIAN DES VIGNES  
Member