



REPUBLIC OF TRINIDAD AND TOBAGO

# REPORT TO PARLIAMENT

by

**THE INTEGRITY COMMISSION**

on its activities for the year

1994

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

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**SEVENTH ANNUAL REPORT  
OF THE  
INTEGRITY COMMISSION**

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**ANNUAL REPORT**  
**OF THE**  
**INTEGRITY COMMISSION**  
**FOR THE YEAR**  
**1994**

***INTRODUCTION***

The life of this Commission, and the tenure of office of its Commissioners, came to an end on the 31st March of 1994, and was extended by His Excellency the President by instrument dated 28th March 1994, for a further term of three years, to expire on the 31st March of 1997.

***THE WORK OF THE COMMISSION***

The Commission carried out its obligation of receiving and monitoring the Returns of "Persons in Public Life" by regular weekly sittings, and during 1994 held forty four such sittings.

The response of persons to their obligation of submitting Returns was varied. On one end of the scale, there were those whose observance of the statutory deadline for the discharge of their responsibility was punctilious. What we may say in this regard is that in this group are the exemplars whose example is a happy augury for the survival of this legislation.

We, however, recognized the need to make allowances for the exigencies of office of a number of persons, who showed us the courtesy of requesting extensions of time to complete the exercise of filling out their Returns. All such persons requesting extensions generally complied with their responsibility in a timely fashion.

There was, however, a third category of persons who needed repeated reminders; and in some instances, compliance came only after the Commission began to move to publish the names of the defaulters, as we are required by the Act to do. We are happy to announce, however, that in all instances there has finally been complete compliance.

We, of course, recognize as being a genuine cause of delay, any case where a person is incapacitated from completing a Return by reason of illness or accident or some such personal misfortune. As we have said in the past, if persons should experience any difficulty or doubt in the filling out of their Returns, we have trained staff who would be willing to assist.

### ***RECORD OF RETURNS***

For the year ending 31st December 1994, our record of the receipt and certification of Returns is as follows:

Declarations filed and certified	81
Declarations filed and not certified	13
Declarations not filed	10

Since 31st December 1994, our record is as follows:

Declarations filed and certified	95
Declarations filed and not certified	07
Declarations not filed	02

### ***STAFF***

Because of the absence on long leave of our Secretary, Miss Angela Brathwaite, we have had an Acting Secretary in the person of Miss Rose Marie Johnson coming from the Ministry of Social Development. Ms Brathwaite having now returned from leave, Miss Johnson has resumed duties as acting Administrative Officer V in that Ministry. For the record, we wish to express our complete satisfaction with the manner in which Miss Johnson has carried out her duties as Secretary. There has been no other change of staff.

## ***COMPUTERISATION OF OPERATIONS***

We have to report that we have now finally completed the exercise of the computerisation of our records with the assistance of the department of Organization and Management (O&M) to which department we express our thanks.

## ***ACCOMMODATION***

We are pleased to record that the Cabinet has now approved of the rental of premises at the Furness Building for the accommodation of this Commission for a period of two years. We have been informed further, that permanent provision for our accommodation has been made in the plans for the construction of the Industrial Court building on St Vincent Street.

Our Commission accordingly moved from its premises in the Hall of Justice to our new address on Independence Square on March 10th, 1995. We wish to go on record as expressing gratitude to the Honourable Chief Justice and the members of the Judiciary for having accommodated this Commission in the Hall of Justice since it came into being in January 1988.

We say thanks also to the Ministry of Works and the Maintenance, Training and Security Company Limited (MTS) workers assigned to the Hall of Justice for their assistance in the arduous task of moving office.

## ***REPORT ON THE INTEGRITY SYMPOSIUM 1993***

During 1994, our Commission was pleased to publish its Report on the Integrity Symposium held in 1993. This Report was made possible in part through financial assistance courtesy of the Colonial Life Insurance Company, and the West Indian Tobacco Company, while its printing was undertaken by the Government Printing Office. The Report itself acknowledges further, the many persons who unstintingly laboured in its preparation. We have made the Report available to all those who participated in the Symposium, to Members of Parliament, and also to other interested parties both at home and abroad.

## ***THE GREEN PAPER ON INTEGRITY LEGISLATION***

We were heartened to learn that the Honourable Attorney General has proposed to put forward a Green Paper on Integrity Legislation, and we have no doubt that the many and varied comments that emanated from the Symposium will be taken into account in the preparation of that paper. We however, consider that we should offer a few comments of our own, as hereunder:

### ***SOME HIGHLIGHTS OF THE 1993 SYMPOSIUM***

What this Symposium has accomplished has been to lay bare a wide variety of concerns from a cross section of the community on ethical questions that ranged far beyond the confines of the existing integrity legislation. The topics discussed at the various sessions of the Symposium were:-

- integrity/ethics legislation and its effectiveness in promoting morality in public affairs;
- integrity/morality in public affairs Re: the government employee and persons exercising public functions;
- integrity and accountability in public affairs;
- enforcement of integrity legislation;
- integrity in business and the influence of business on the public official;
- the role of the media - its influence on integrity in public affairs.

Among the important issues raised were:

- whether there should be an integrity commission at all;
- who should be considered to be persons in public life;
- should an integrity commission be established as a Crime Commission, addressing not only breaches of ethical standards, but also offences of corrupt behaviour punishable under the criminal law;
- what is the scope of the operations of the Integrity Commission.

Coming out of the general discussions, the following points emerged:-

- the nation needs some Commission to oversee and monitor the ethical standards of persons in public life;
- integrity legislation should extend to those persons who are the framers of public policy;
- political parties which are the recipients of financial support from members of the public ought to be made to register their contributions with some body established by law;
- a Code of Conduct for all "persons in public life" should be established;
- there was the need for Open Government in the conduct of public affairs through the enactment of a Freedom of Information Act;
- there appeared to be a need for the establishment of an Equal Opportunities Commission;
- there should be a public screening of persons recommended to fill high office.
- the inordinate delays in the administration of Justice should be addressed;
- there should be established a Code of Business Ethics designed to embrace the activities of the private sector;



- there should be established a Code of Ethics for all members of the Media, to be enforced by the Media itself;
- A Programme of Education on ethical standards should be organized and directed by the Integrity Commission in conjunction with other agencies.

### ***THE ROLE OF THE INTEGRITY COMMISSION***

This Commission does not see itself as being the instrument for the monitoring of all the concerns expressed at the Symposium. Where there exists commissions already established by law, with powers of disciplinary control over their members, we feel that it would be an encroachment on those powers for the Integrity Commission to exercise additional jurisdiction over those members.

The true role of the Integrity Commission, in our opinion, lies in its monitoring of the behaviour of that category of persons who may be defined as "persons in public life".

So far as concerns government employees, who are under the jurisdiction of other commissions, our respectful view is that the only proper role which we may be called on to perform is to tender advice as to whether any breach of ethical standards has occurred, but only if our opinion is sought by the body concerned.

Indeed, the view which this Commission has consistently put forward is that on any question as to a breach of ethical standards by any "person in public life", or other government official, the only role which this Commission should perform is an advisory one, since the question of punishment strictly belongs to the organization or body to which that person belongs.

We re-iterate our stand, therefore, that matters of Corruption that are breaches of the criminal law should remain to be dealt with by the existing law enforcement agencies.

The question of infractions and irregularities under the Elections Law arose in the discussion, but unlike the practice in many Ethics Commissions in North America, this Commission is of the view that it is not the appropriate body for the control of such matters.

The subject of "Freedom of Information in an Open Government" was raised, and our view is that this is indeed a weighty topic which would call for the operation of a strong and independent commission. There would then need to be a policy decision as to whether a separate commission should be created for this purpose, or whether the Integrity Commission should be up-graded so as to cope with this additional burden.

Much concern was aired as to the parlous state of the administration of justice at the present time. This Commission is firmly of the view that all such matters should be left to be addressed by the Judicial and Legal Service Commission to which this topic properly belongs.

Any introduction of Equal Opportunity legislation should, in our view, be left to be administered by a separate commission established for that purpose.

### ***COMMENTS ON ETHICAL CONDUCT FROM ABROAD***

Our Commission has sought to establish links with Commissions exercising functions in Ethics Legislation abroad, and in particular, we have maintained contact with the Commission on Conflict of Interests in Ontario, Canada. It will be recalled that we had the privilege of having as our guest at the Symposium, the Commissioner of that Commission, the Honourable Gregory Evans, a former Chief Justice of the Province of Ontario. Additionally, we have been receiving Annual Reports of that Commission along with other literature from North America, for which we express our thanks.

What is to be observed from a reading of reports from abroad is the similarity of our problems. In many instances in the several jurisdictions throughout North America, recurring themes are "the need for ethical awareness in Society" having regard to the complexity of government activity; or the public concern over the "negative image of government officials"; and it is made plain that corruption in government or business is not the exclusive concern of any particular country.

What is particularly striking, however, is the concerted efforts of countries abroad to come to grips with these problem by effective action through Ethics Commissions.

In the 1992 Conference on Governmental Ethics (COGEL) held in Toronto, Canada (which the Chairman of this Commission was privileged to attend) there were some 194 organizations and bodies throughout the United States and Canada charged with the responsibility for the monitoring of the activities of government officials on a wide range of matters (as shown in our 1992 Report).

This country was the only territory without any such powers, and Trinidad and Tobago was the only Caribbean territory represented at the Conference. The outreach by representatives of Commissions from Washington, Ottawa and other territories to this country was warm and friendly, and the general atmosphere of a sincere endeavour to generate ethical standards was pre-eminent in the speeches and in the voluminous literature that came out of the Conference. There has also been an outreach by COGEL to other Caribbean countries.

### *CONCLUSION*

What we need to keep in mind is that on the world stage, our little nation of Trinidad and Tobago is not unique in the problems that beset us, and that we can benefit from the example and a close association with those other parts of the world which are now grappling with these universal problems.

What is also of vital importance is to recognize that we should be seen by the international community to be a country where more than lip service is being paid to ethical issues and that we are uniting with those other countries of the world where strong institutions are being fostered and maintained to address these problems.

What this Commission envisages, additionally, is that there should be an awakening to these problems not only within Trinidad and Tobago, but also that we should seek to be associated with our Caribbean neighbours, in addressing them for, whether we recognize it or not, our destinies are so closely intertwined that undesirable trends in governmental activity in particular, and corruption in general, respect no national boundaries. We feel, therefore, that we should seek to identify ourselves not only with the wider international community, but that, nearer home, there should be a coming together of our Caribbean neighbours for an interchange of ideas from time to time, when ethical problems can be aired and examined, and satisfactory solutions sought to address them.

Our Report is respectfully submitted to Parliament this 31<sup>ST</sup> day of MARCH 1995.

GEORGE COLLYMORE  
Chairman

J. O'NEIL LEWIS  
Deputy Chairman

JOHN MARTIN  
Member

JOHN OTTLEY  
Member

BRIAN des VIGNES  
Member