



REPUBLIC OF TRINIDAD AND TOBAGO

REPORT TO PARLIAMENT

by

THE INTEGRITY COMMISSION

on its activities for the year 1999

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

THE TWELVETH ANNUAL REPORT

OF THE

INTEGRITY COMMISSION

OF THE REPUBLIC OF TRINIDAD AND TOBAGO

MISSION STATEMENT

*The Integrity Commission is an Independent Body, established under the provisions of Section 138 of the Republic Constitution, with the object of **promoting and maintaining public confidence in the Integrity of “Persons in Public Life”** in the Republic of Trinidad and Tobago. Current legislation – the first step in the process of integrity control – empowers the Commission to monitor the financial activities of those ‘persons’.*

“Persons in Public Life” are defined as: Members of the House of Representatives; Ministers of Government; Parliamentary Secretaries; Permanent Secretaries; and Chief Technical Officers. They are required by law to file with the Commission annually, declarations of Income, Assets and Liabilities.

Accordingly, the Office of the Integrity Commission seeks to

- (a) ensure the accurate recording of the declarations of **‘persons in public life’**; and*
- (b) secure compliance with the provisions of the law by such persons.*

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# VISION STATEMENT

*Current Legislation is principally in the form of the Integrity in Public Life Act No. 8 of 1987 dating back to May 11, 1987. Revised Integrity Legislation would **further enhance the process of Integrity observance by empowering the Integrity Commission to undertake closer examination of the financial activities, as well as the ethical conduct, of not only those “persons in public life” but all other persons who are required to carry out public functions;** thereby ensuring in the interest of the Nation, the protection and maintenance of the integrity of the Government and its public officials.*

*It is envisaged that the role of the Integrity Commission, under revised legislation, would be that of a watchdog, monitoring evidence of corruption, reviewing situations of possible conflicts of interest and imposing sanctions where necessary.*

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ANNUAL REPORT  
OF THE INTEGRITY COMMISSION  
OF THE REPUBLIC OF TRINIDAD AND TOBAGO  
FOR THE YEAR 1999



***INTRODUCTION***

It was on the 29<sup>th</sup> of March, 1976 that the Act which established the Republic Constitution was assented to, and came into force on the 1<sup>st</sup> of August of that year; and this enactment made provision for the establishment of an Integrity Commission as set out at Section 138.

The Integrity in Public Life Act No. 8 of 1987 was presented to Parliament, and was assented to on the 11<sup>th</sup> May 1987, nearly eleven years later, and the Integrity Commission was established and began its operations as from the 1<sup>st</sup> January 1988.

What has been the Nation's experience in the years since then? From the very outset the usefulness of this enactment has been called into question from all shades of political opinion, so far as concerns its capacity to bring about the goal of integrity in public life; and foremost amongst its critics has been the Integrity Commission itself, which has joined in the search for those measures that would satisfy the nation of its effectiveness as a watchdog of integrity in public life.

From the first Report of this Commission in the year 1988, therefore, we have advocated that there is a larger role which an Integrity Commission can perform in achieving integrity in public life; and we were gratified when a Bill was introduced into the Senate (No. 24 of 1999), for the upgrading of the existing Act.

2/We have noted...

We have noted the many criticisms of this Bill in the Senate, which reflect the concern of members to ensure that this new legislation has the power and authority to carry out its mandate of ensuring integrity in public life. This scrutiny, we respectfully consider, is of paramount importance to the introduction of this important legislation.

This country is now in the fortunate position of having as a point of reference the experience of similar Commissions which have proliferated throughout the world within recent years; access to the Reports of which is now available in many cases through the Internet, where it is demonstrated that Ethics Commissions are now a fact of life in many countries, and are effective instruments as Watchdogs of improper conduct of public officials.

We look forward to the time, therefore, when this country will demonstrate further its commitment to integrity in public life by some effective upgrading of the provisions of the current legislation.

### ***SUBMISSION OF DECLARATIONS***

We regret once more to record a deteriorating standard of compliance with the requirement for the submission of returns as shown by the table hereunder:

#### ***RETURNS DUE IN THE YEAR ENDED 1999.12.31***

|                                                                    | No.               | %                 |
|--------------------------------------------------------------------|-------------------|-------------------|
| <b><i>Returns required to be filed by 99.12.31</i></b>             | <b><i>118</i></b> | <b><i>100</i></b> |
| Returns filed by 99.05.31                                          | 17                | 14                |
| Returns filed 99.06.01 to 99.09.30                                 | 34                | 29                |
| Returns filed 99.10.01 to 99.12.31                                 | 32                | 27                |
| Returns filed after 99.12.31                                       | 10                | 08                |
| <b><i>Total Returns filed</i></b>                                  | <b><i>93</i></b>  | <b><i>79</i></b>  |
| <b><i>Returns due in 1999 and Outstanding at 2000 February</i></b> | <b><i>25</i></b>  | <b><i>21</i></b>  |

3/Outstanding Returns...

**OUTSTANDING RETURNS DUE IN PREVIOUS YEARS  
1996 - 1998**

|                                                         | No. |
|---------------------------------------------------------|-----|
| <b>Returns due – 1996</b>                               |     |
| Returns required to be filed since 1996 and Outstanding | 03  |
| <b>Returns due – 1997</b>                               |     |
| Returns required to be filed since 1997 and Outstanding | 04  |
| <b>Returns due – 1998</b>                               |     |
| Returns required to be filed since 1998 and Outstanding | 08  |

***SANCTIONS FOR FAILURE TO FILE A DECLARATION IN ACCORDANCE WITH THE ACT***

The Act provides at Section 22 that the Commission should publish such failure in the Gazette; and that we have been doing each year. Furthermore, we have reported these breaches of the Act to the Director of Public Prosecutions, as we are enjoined to do by Section 23 (5). However, we are unaware of any further action that has followed any of our reports to the DPP.

4/Our Recommendation

## ***OUR RECOMMENDATION***

We respectfully recommend that instead of the severe penalty of fine and imprisonment provided by the Act, that after all the legitimate extensions of time have been exhausted, there should be a cut-off date from which point a penalty would become payable by the defaulting '*Person in Public Life*'. It would then become incumbent upon the Commission to record such penalty, which would become registrable in the High Court as a judgment of that court, and be recoverable under its procedure.

We feel that the lesser sanction of the payment of a penalty may stand a better chance of bringing about compliance than the severe punishment of fine and imprisonment, which, it seems, is not easily invoked. It may be considered that the bringing of defaulting persons before the crowded magistrates courts may not be the appropriate course of action against persons carrying out public duties except, perhaps, in the case of the most recalcitrant wrongdoer, which is not the case in the vast majority of defaulting persons.

## ***ENFORCEMENT OF PROVISIONS AT SECTION 27***

We make the same comment with regard to the enforcement of offences at section 27. We consider that a properly constituted Integrity Commission should be sufficiently qualified to carry out any inquiry under Section 27, so that instead of the draconian provisions for fine and imprisonment, there be substituted the power to impose a penalty, and to make the orders for the forfeiture of property as provided by the section.

The orders of the Commission should then be registrable as judgments of the High Court, and so enforceable under its procedure, and be subject to appeal to the Court of Appeal.

The grant of such powers to the Commission would thus relieve an overburdened court of such matters, and make for greater expedition in the enforcement of provisions under the Act.



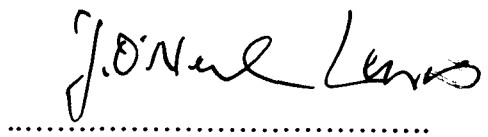
***THE WAY AHEAD***


This Commission has consistently made the point that integrity legislation (as conceived in the Green Paper of 1995) should not be considered as a substitute for criminal investigation and punishment, but as an adjunct to the normal criminal procedures. The more realistic goal it can achieve would lie in its enforcement of a Code of Ethics which should apply across the board to all persons exercising government functions.

This Commission looks forward to the upgrading of integrity legislation, when this country would join with the other nations of the world which are making common cause in the fight against corruption in high places.

Our Report is respectfully submitted to Parliament this 24<sup>th</sup> day of March, 2000.

  
.....  
GEORGE COLLYMORE  
CHAIRMAN

  
.....  
JAMES O'NEIL LEWIS  
DEPUTY CHAIRMAN

  
.....  
JOHN MARTIN  
MEMBER

  
.....  
BRIAN DES VIGNES  
MEMBER