



**REPUBLIC OF TRINIDAD AND TOBAGO**  
**SIXTEENTH ANNUAL REPORT TO PARLIAMENT**

*by*

**THE INTEGRITY COMMISSION FOR**  
**TRINIDAD AND TOBAGO**  
**ON ITS ACTIVITIES**  
**FOR THE YEAR**  
**2003**

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

**ANNUAL REPORT**

**OF THE**

**INTEGRITY COMMISSION**

**FOR TRINIDAD AND TOBAGO**

**FOR THE YEAR 2003**

The Integrity Commission for Trinidad and Tobago comprises:

Mr. Gordon Deane	-	Chairman
Mr. John Martin	-	Deputy Chairman
Madam Justice Jean Permanand	-	Member
Madam Justice Monica Barnes	-	Member
Mr. Terrence Martins	-	Member

Their appointments commenced with effect from August 13, 2003 for a period of three (3) years.

# TABLE OF CONTENTS

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	<b>Page</b>
<b>1.0 INTRODUCTION</b> ... ..	<b>1</b>
1.1 Appointment of new Commission	1
1.2 Role of the Integrity Commission	2
<b>2.0 CHAIRMAN'S REMARKS</b> ... ..	<b>3</b>
2.1 Operations of the Commission	3
2.1.1 Prevention	3
2.1.2 Investigation	3
2.1.3 Enforcement	4
2.1.4 Education and Enlistment of Public Support	4
2.2 Secrecy of the Commission's Documents	5
2.3 Register of Interests	5
2.4 Co-operation of Staff and Other Departments	6
<b>3.0 OVERVIEW OF THE YEAR'S ACTIVITIES</b> ... ..	<b>7</b>
3.1 Duties of the Integrity Commission	7
3.2 Regulations of the Commission	7
3.3 Meetings of the Commission	9
3.4 Declarations	9
3.5 Complaints and Investigations	10
3.6 Publication of Principles of Integrity	10
3.7 Institutional Strengthening	10
<b>4.0 CONCLUSION</b> ... ..	<b>11</b>

## ***1.0 INTRODUCTION***

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This report to Parliament on the activities of the Integrity Commission is prepared in compliance with section 10 of the Integrity in Public Life Act, 2000 (the Act) which states:

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

This is the sixteenth Annual Report since the appointment of the first Integrity Commission by the President on December 31, 1987.

The Integrity Commission is an independent body comprising five members appointed by the President in accordance with section 4 of the Act. Section 4 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.

The independence of the Commission is made clear in section 5. (2) (a) of the Act which provides as follows:

*“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.”*

### **1.1 Appointment of New Commission**

On July 19, 2003 the term of office of the Integrity Commission, of which Mr. Justice Gerard des Iles was Chairman, expired. The other members of that Commission were Mr. John Martin, Deputy Chairman, Mr. Justice Shafeyei Shah, Mr. Gordon Deane, and Mr. Subhas Ramkhelawan. The current Commission was appointed for a term of three years with effect from August 13, 2003 and comprises Mr. Gordon Deane, Chairman, Mr. John Martin, Deputy Chairman, Madam Justice Jean Permannand, Madam Justice Monica Barnes and Mr. Terrence Martins. Hence, this report to Parliament spans the activities and performance of the former Commission and the current Commission during the year 2003.

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## **1.2 Role of the Integrity Commission**

One of the major roles of the Integrity Commission is to promote integrity among “persons in public life” who are defined in the schedule to the Act 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; Permanent Secretaries and Chief Technical Officers.

In fulfilling its role with respect to persons in public life, the Commission receives and examines annual declarations of income, assets and liabilities and acts in accordance with its findings. The declaration form requires the declarant to include income, assets and liabilities of himself, and as far as he is aware, those of his spouse and dependent children. It must be filed with the Commission within three months of an individual becoming a person in public life, and thereafter on the 31<sup>st</sup> of May in each succeeding year. There must also be filed with the Commission a statement of Registrable Interests and from this statement the Registrar must cause to be created a Register of Interests which must be available for public scrutiny.

The Commission must also regulate the conduct of “persons exercising public functions” by monitoring compliance with the Code of Conduct which is articulated in Part IV of the Act. Persons exercising public functions are not required to file financial declarations with the Integrity Commission but, like persons in public life, they are required to adhere to the Code of Conduct and the Commission must report any breach of the Code of Conduct that comes to its notice to the relevant Service Commission. Persons exercising public functions include: all persons holding office under the Public Service Commission; Judicial and Legal Service Commission; Police Service Commission; Teaching Service Commission; Statutory Authorities’ Service Commission; Members of the Diplomatic Service and Advisers to the Government.

The Commission’s responsibilities extend to the examination of the practices and procedures of public bodies in order to facilitate the discovery of corrupt practices. According to the Act, public bodies include local and public authorities of all descriptions.

In short, the role of the Commission is to ensure that, in the performance of its duties, public officials do not breach the provisions of the Integrity in Public Life Act, 2000, and carry out their functions solely in the public interest.

The Commission is also mandated to carry out programs of public education in order to foster an understanding of integrity among the broader community in Trinidad and Tobago.

## **2.0 CHAIRMAN'S REMARKS**

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The role of Chairman of the Integrity Commission is a very challenging one indeed. It was a privilege for me to have served as a member of the Commission headed by Mr. Justice Gerard des Iles. I feel very honoured to have been appointed by the President as Chairman of this Commission which will continue carrying out the programs and activities started by previous Commissions, as well as initiate its own. My fellow Commissioners are all independent, eminent citizens who have served this country with distinction and are men and women of the highest ideals and integrity and I look forward to continue working with them. We are committed to our sworn oaths and shall discharge our duties as Commissioners with diligence and impartiality.

### **2.1 Operations of the Commission**

Based on the provisions of the Act, a four-pillar approach has been adopted in carrying out our responsibilities in relation to those who fall under the purview of the Commission: **i) Prevention; ii) Investigation; iii) Enforcement; and iv) Education and Enlistment of Public Support.** These must all work together if the Commission is to successfully fulfil its mandate.

#### **2.1.1 Prevention**

One major deterrent and constraint against indulging in corruption for “persons in public life” is the mandate to file annual declarations of their income, assets and liabilities. This is a valuable control and prevention mechanism since it allows the Commission to monitor the accretion in value of the net assets of an individual during his or her tenure in office. I should point out that this is a mandate of most integrity and ethics commissions in other countries. Another deterrent is the Register of Interests which is available for public scrutiny and through which corruption or conflict of interests may be brought to light.

With respect to public bodies, the Commission is also empowered to examine their practices and procedures in order to facilitate the discovery of corrupt practices, and instruct, advise and assist the heads of those bodies of changes to be made in practices and procedures in order to reduce the incidence of corruption.

#### **2.1.2 Investigation**

The investigative mandate of the Commission is very wide-ranging. Section 33 states:

*“The Commission-*

*(a) may on its own initiative; or*

*(b) shall upon the complaint of any member of the public, consider and enquire into any alleged breaches of the Act or any allegations of corrupt or dishonest conduct.”*

Pursuant to the above, if on examination of a declaration, the Commission is of the view that it is inaccurate or false, the Commission is empowered to investigate the matter

further by calling on the declarant to furnish additional particulars, attend the offices of the Commission to verify his declaration or have the declaration certified by a chartered or certified accountant. The Commission may also pursue further enquiries and may even seek the appointment of a tribunal which may be established by the President, on the advice of the Commission.

### **2.1.3 Enforcement**

The Act contains provisions for significant penalties to be applied when breaches occur for it is recognized that if there is to be effective curtailment of corruption and misconduct in public affairs, then there must be mechanisms for sanction, reprimand and punishment. The penalty for someone found guilty of failing to file a declaration or who knowingly files a false declaration or fails to provide requested information or fails to attend a tribunal of the Commission is a fine of \$250,000 dollars and 10 years imprisonment. The Act, however, provides that no prosecution may be instituted without the written consent of the DPP and findings arising out of investigations conducted by the Commission shall be reported to the DPP who may take whatever action he thinks is appropriate.

### **2.1.4 Education and Enlistment of Public Support**

An important part of the Commission's approach to fighting corruption involves enlisting and mobilizing public support. A member of the public who wishes to make a complaint may do so in writing and such complaint must be investigated by the Commission. Every citizen is expected to play an important role in the campaign against corruption. Corruption affects us all, and an educated public, intolerant of corruption is the Commission's greatest ally. Thus, the Commission must build and maintain public trust. Under the Act, the Commission is required to carry out programs of public education. This will ensure that everyone, including public officials, understands and is aware of the standards of integrity that are expected and acceptable.

There is a requirement in the Act for the Commission to maintain a Register of Interests which is to be compiled by the Registrar to the Commission and which may be inspected, upon request, by any member of the public. More is said on the Register of Interests in **2.3** below. This is a very powerful tool, indeed, in enlisting public support in the promotion of integrity.

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## 2.2 Secrecy of the Commission's Documents

Members of the public will not have access to the declarations of assets, income and liabilities submitted by persons in public life since the secrecy provisions under which the Integrity Commission operates remain inviolable. The Commission has been diligent in protecting the secrecy of the declaration forms and other confidential documents which have been filed. In accordance with section 20 (1) of the Act, declarations filed with the Commission and records related to such declarations must be kept secret and confidential, except where a particular declaration or record is required to be produced for the purpose of or in connection with any court proceedings against, or enquiry in respect of a declarant under this Act, the Perjury Act, the Prevention of Corruption Act, the Exchange Control Act or the Commissions of Enquiry Act.

Moreover, section 20 (4) of the Act requires every Commissioner and employee to subscribe to an oath of secrecy before a Justice of the Peace.

In section 35 (2) of the Act, provisions are made for severe penalties of a fine of two hundred and fifty thousand dollars and imprisonment for five years should any Commissioner or member of staff be found guilty of the offence of violating the secrecy provisions.

## 2.3 Register of Interests

While the public will not have access to the declaration forms, there is a requirement in the Act for the Commission to maintain, for public scrutiny, a Register of Interests. This Register of Interests is to be compiled by the Registrar to the Commission from statements of registrable interests submitted by declarants and must not contain any specific information about the actual amount of a declarant's income, assets or liabilities. It can be inspected, on request, by any member of the public. In accordance with section 14. (3) of the Act it shall contain as follows:

- “(a) particulars of any directorships held in any Company or other corporate body;*
- (b) particulars of any contracts made with the State;*
- (c) the name or description of any company, partnership or association in which the person is an investor;*
- (d) a concise description of any trust to which the person is a beneficiary or trustee;*
- (e) beneficial interest held in any land;*
- (f) any fund to which the person contributes;*
- (g) particulars of any political, trade or professional association to which the person belongs;*

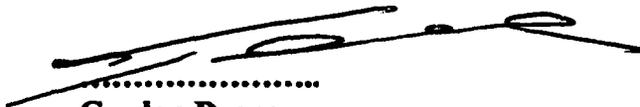
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- (h) particulars relating to sources of income; and*
  - (i) any other substantial interest whether of a pecuniary nature or not, which he considers may appear to raise a material conflict between his private interests and his public duty."*

It is an important device for monitoring any conflict of interest situations which may arise when decisions are taken by public officials. The Register of Interests will allow citizens to examine the interests declared by persons in public life. They may then be able to bring to the Commission's attention incidences where there may have been any failure to declare assets or any allegation of corruption, wrongdoing, conflict of interest or offence committed by those persons.

It should be noted that the Act seeks to discourage mischievous and groundless allegations, hence, section 32. (2) of the Act provides for penalties for those found guilty of making false reports, false statements or misleading the Commission in any way.

#### **2.4 Co-operation of Staff and Other Departments**

On behalf of the Commission, I want to publicly express my gratitude and appreciation to the Registrar and his staff for the support given to the Commission and to their dedication and devotion to duty. My thanks also go to the other Government Departments whose assistance and co-operation were of great value in order for the Office of the Integrity Commission to operate efficiently.



.....  
**Gordon Deane**  
**Chairman**

### **3.0 OVERVIEW OF THE YEAR'S ACTIVITIES**

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#### **3.1 Duties of the Integrity Commission**

The duties and responsibilities outlined in the Act determine the activities undertaken by the Commission. The main duties of the Commission are prescribed in section 5. (1) of the Act. Section 5. (1) states:

*“The Commission shall –*

- (a) carry out those functions and exercise the powers specified in this Act;*
- (b) receive, examine and retain all declarations filed with it under this Act;*
- (c) make such enquiries as it considers necessary in order to verify or determine the accuracy of a declaration filed under this Act;*
- (d) compile and maintain a Register of Interests;*
- (e) receive and investigate complaints regarding any alleged breaches of this Act or the commission of any suspected offence under the Prevention of Corruption Act;*
- (f) 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;*
- (g) examine the practices and procedures of public bodies, in order to facilitate the discovery of corrupt practices;*
- (h) 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;*
- (i) carry out programs of public education intended to foster an understanding of standard of integrity;*
- (j) perform such other functions and exercise such powers as are required by this Act.”*

No. 11 of 1987

#### **3.2 Regulations of the Commission**

Notwithstanding the absence of Regulations in 2003, the Commission undertook various activities in keeping with its mandate as prescribed in the Act. In 2003, both the former and current Commissioners assiduously pursued with the Parliament the promulgation of the Regulations made by the Commission. Such regulations require the affirmative resolution of Parliament in accordance with section 41 (2) of the Act.

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On August 7, 2001 the Regulations made by the Commission were forwarded to the Chief Parliamentary Counsel to be laid before the Parliament for affirmative resolution in accordance with the provisions of section 41 (2) of the Act. They were laid in the House on September 7, 2001 and the Senate on September 9, 2001. However, due to the dissolution of Parliament with effect from October 13, 2001, the resolution for the approval of the Regulations lapsed. From October 13, 2001 to October 17, 2002 no business was conducted because the House was unable to elect a Speaker.

On November 15, 2002 the Chief Parliamentary Counsel asked the Commission to consider and approve revised draft Regulations. The Commission again made revised Regulations on December 24, 2002 and returned them for onward transmission to the Parliament.

When the current Commission was appointed in August 2003, the Regulations were again returned to the Commission for consideration and for any further changes which needed to be made. No changes were made to the Regulations, so they were again signed by the Commission on September 12, 2003 and returned to the Chief Parliamentary Counsel to be laid in Parliament.

During the Parliament's consideration of the Regulations, the Commission met with a Joint Select Committee of Parliament when concerns raised by the Committee were clarified. The Regulations were approved by the Senate on November 26, 2003 and the House of Representatives on December 5, 2003. By Legal Notices Nos. 215 and 216 dated December 12, 2003 the Regulations were published.

The Regulations comprise:

Legal Notice No. 215 which states that the period for furnishing any information or document required by the Commission, not otherwise specified under section 11 (1), 14 (1) or any other provision of the Act shall be within fourteen days of the declarant's receipt of the Commission's request.

Legal Notice No. 216 which comprises:

Form A - The declaration of income, assets and liabilities pursuant to section 11 of the Act.

Form B - The Register of Interests pursuant to section 14 of the Act.

Form C - The Certificate of Compliance which, pursuant to section 13 (3) of the Act is to be issued by the Commission once a declaration has been examined and certified by the Commission.

Form D - Oath of Secrecy to be sworn by a Member of the Commission pursuant to section 20 (4) of the Act.

Form E- Oath of Secrecy to be sworn by an employee or a person performing a function in the office of the Integrity Commission pursuant to section 20 (4) of the Act.

The Commission has worked closely with the Government Printer to ensure that Regulations Forms A and B were made available to declarants in a timely manner.

### **3.3 Meetings of the Commission**

There are no statutory requirements with respect to the scheduling and regularity of the Commission's meetings. (On that issue, the only requirement is in section 8 of the Act which requires that a member obtain approval from the President in order to be absent from three consecutive meetings, failing which a vacancy in the membership of the Commission occurs). Twenty-three (23) regular meetings were held before the expiration of its term of office on July 19 2003. The current Commission which was appointed on August 13, 2003 held sixteen (16) regular meetings. A total of forty (40) regular weekly meetings were held by both Commissions, in addition to other meetings held with declarants, public complainants and other persons required to be consulted by the Commission in the discharge of its statutory obligations. In addition, sub-committees of the Commission met regularly

The Commission paid a courtesy call on His Excellency, the President. The Chairman and Deputy Chairman also paid courtesy calls on the Prime Minister and the Leader of the Opposition. Meetings were held with the Senate and Members of the House of Representatives. The Chairman and a member also met with the Chief Secretary, Tobago House of Assembly.

The Chairman and a Member of the Commission served as facilitators at a Parliamentary Session on January 13, 2003 which addressed the topic: "The Concept of Accountability - The Integrity in Public Life Act as it relates to Parliamentarians."

### **3.4 Declarations**

In 2003, the Commission certified twenty-one declarations. Fifty-four still remain outstanding or uncertified from 23 declarants. These are declarations which were required to be filed under the provisions of the 1987 Act. Despite various actions by the Commission as required by the 1987 Act, such as, publication in the Gazette and daily newspapers, there is still some non-compliance. The Commission will continue to pursue the finalization of those outstanding declarations.

The Commission has provided some technical assistance to declarants at their request. This helps speed up the filing process and is an integral part of the general assistance provided by the Commission to declarants to encourage compliance.

### **3.5 Complaints and Investigations**

In accordance with section 32. (1) of the 2000 Act, the Commission received and investigated complaints and reports received from members of the public or obtained from other sources. It examined the Auditor General's Report for 2001 and in accordance with the provisions of the Act, pursued specific matters so as to encourage public bodies to develop procedures and practices aimed at improving internal controls. The Commission held discussions with senior managers of some public organizations in order to impress upon them that sound management policies and good governance would reduce the opportunities for corruption and promote integrity.

### **3.6 Publication of Principles of Integrity**

There is a growing awareness of the role of sound governance of public institutions in reducing or preventing the incidence of corruption and promoting integrity. As a result, the Commission published a Guide on Corporate Governance entitled: *"Principles of Integrity for Persons in Public Life and Those Exercising Public Functions"* for distribution among persons in public life, public bodies, public libraries and other relevant parties. The publication has been and continues to be distributed. It was published as part of the Commission's mandate to instruct, advise and assist heads of public institutions to carry out changes in practices and procedures to reduce the occurrence of corrupt practices as well as for public education.

### **3.7 Institutional Strengthening**

Due to the significant increase in the number of persons required to file declarations under the 2000 Act when compared with the 1987 Act along with the expanded responsibilities of the Commission, there is an urgent need to re-examine the systems and processes of the Office of the Integrity Commission.

Consultants will be engaged to assist the Commission with this challenge; however, the Central Tenders Board has not yet finalized the selection of a consultant. This is expected to be completed shortly. Meanwhile, the Commission is proceeding with the interim measure of employing officers on two-year contracts until a revised organizational and administrative structure is created with the assistance of the consultants.

#### **4.0 CONCLUSION**

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The Commission is seeking to promote ethical behaviour among the leaders in society including the leaders of public bodies. It asks them to lead by example, and to establish the highest standards of ethical behaviour wherever they operate. The Commission encourages public managers to vigorously address shortcomings in the control mechanisms, and so reduce the opportunities for unscrupulous persons. Public managers are encouraged to take pride in performing public duty.

The success of the Integrity Commission depends on us all. If we as a people want a society free of corruption, we must strive for it and together we will achieve it. If on the other hand, we covertly practise and indulge in unsavory, illegal and corrupt behaviours seeing them as “the way we do things in Trinidad and Tobago”, then corruption will remain our inheritance. Corruption will certainly become a cancer in our society if we choose to stand idly by and let it take its natural course. It has done so in many other countries and we are by no means immune. The Integrity Commission affirms its commitment to promote integrity as a way of life in Trinidad and Tobago and to monitor compliance with the law and to exorcise any corruption or malfeasance which it discovers among public officials without fear or favour, affection or ill will.

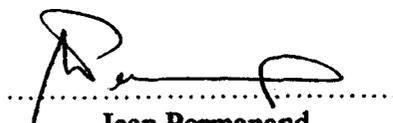
This Report is respectfully submitted to Parliament (pursuant to section 10 of the Integrity in Public Life Act, 2000) on this 16<sup>th</sup> day of March 2004.



.....  
**Gordon Deane**  
Chairman



.....  
**John Martin**  
Deputy Chairman



.....  
**Jean Permanand**  
Member



.....  
**Monica Barnes**  
Member



.....  
**Terrence Martins**  
Member