

21st
ANNUAL REPORT
TO PARLIAMENT
for the Year
2008

(Pursuant to Section 10 of the Integrity in Public Life Act, Ch. 22:01)



TABLE OF CONTENTS

SECTIONS

	Page
1.0 CHAIRMAN'S REMARKS.....	1
2.0 INTRODUCTION.....	2
3.0 THE COMMISSION.....	3
3.1 Role of the Integrity Commission.....	3
3.2 Membership of the Commission.....	3
4.0 REPORT OF THE YEAR'S ACTIVITIES.....	5
4.1 Meetings of the Integrity Commission.....	5
4.2 Functions of the Commission.....	5
4.3 Compliance.....	6
4.3.1 Declarations.....	6
4.3.2 Register of Interests.....	10
4.3.3 Examination of the Practices & Procedures of Public Bodies.....	11
4.4 Investigations.....	11
4.5 Public Education and Communications.....	12
5.0 CORPORATE ADMINISTRATION.....	14
5.1 Accommodation.....	14
5.2 Organizational Structure.....	15
5.3 Financial Matters.....	15
6.0 LEGAL MATTERS.....	17
7.0 SUBMISSION OF REPORT.....	22
7.1 Profile of Commissioners.....	23

APPENDICES

- i) Principles of Integrity
- ii) Organization Chart

Vision Statement

Trinidad and Tobago is a corruption-free nation with a high moral tone, where persons in public life are respected because of their integrity.

Mission Statement

The Integrity Commission of Trinidad and Tobago will lead in promoting integrity, reducing corruption and increasing legal compliance among persons in public life, so that public resources are used fairly and for the benefit of all people of our nation.

Key Message of Principle

“DO THE RIGHT THING ALWAYS”

Logo of the Integrity Commission



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

During the year 2008, the Integrity Commission of Trinidad and Tobago comprised:

Mr. John Martin	...	Chairman
Madam Justice Monica Barnes	...	Deputy Chairman
Mr. Peter Clarke	...	Member
* Mr. Vindar Dean-Maharaj	...	Member
** Mr. Brian Nicholson	...	Member
*+ Mr. Sooknath Basdeo Lackhan	...	Member

** Deceased.

Members of the Commission were appointed by His Excellency, The President, Professor George Maxwell Richards, by instruments dated August 24, 2006, for a period of three (3) years.

* Mr. Vindar Dean-Maharaj was appointed on September 1, 2006.

*+ Mr. Sooknath Basdeo Lackhan was appointed on May 20, 2008.

1.0 CHAIRMAN'S REMARKS

The report of the Integrity Commission for the year 2008 is respectfully presented by a body of Commissioners sworn in by His Excellency The President on 15th March 2010.

No member of this Commission participated in the activities of the Commission for 2008.

On February 05, 2009, the Commission chaired by Mr. John Martin resigned.

A new Commission chaired by Rev. Dr. Henry Charles was sworn in on May 01, 2009. All members of this Commission resigned within nine (9) days.

The Integrity in Public Life Act however requires that an Annual Report be submitted to Parliament not later than March 31st of the year following and in order to fulfill this statutory obligation, while late, we hereby submit the Report on the activities of the Integrity Commission for 2008.



.....

Eric St Cyr, Ph.D.
Chairman

March 31, 2010

2.0 INTRODUCTION

The Integrity Commission of Trinidad and Tobago submits to Parliament its twenty-first Annual Report on its activities for the year ending December 31, 2008. The Report is prepared in compliance with Section 10 of the Integrity in Public Life Act, Ch. 22:01 (the Act), which states:

"The Commission shall not later than 31st 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 31st May, so, however, that the reports shall not disclose particulars of any declaration filed with the Commission."

For the proper execution of its activities, the Commission's work is organized into four (4) functional areas –Investigations; Compliance; Public Education & Communications and Corporate Administration –each of which is headed by a Director.

3.0 THE COMMISSION

3.1 Role of the Integrity Commission

The Integrity Commission is a constitutional body created by Sections 138 and 139 of the Constitution and established by the Integrity in Public Life Act, Ch. 22:01, which made provisions for the prevention of corruption of persons in public life by providing for public disclosure, regulating the conduct of persons exercising public functions and preserving and promoting the integrity of public officials and institutions.

The Commission conducts its affairs independent of any other person or institution. Section 5 (2)(a) of the Act confirms the Commission’s independence as follows:

“In the exercise of its powers and performance of its functions under this Act,
the Commission –

- (a) shall not be subject to the direction or control of any other person or authority.”

3.2. Membership of the Commission

The Commission is appointed by His Excellency The President in accordance with Section 4 of the Act and consists of five members: a Chairman, Deputy Chairman and three other members who must be persons of integrity and high standing, at least one of whom must be an attorney-at-law of no less than ten years experience and one must be a chartered or certified accountant.

The Commission

In 2008 the following persons served on the Commission: Mr. John Martin, Chairman; Madam Justice Monica Barnes, Deputy Chairman; Mr. Peter Clarke, Member; Mr. Vindar Dean-Maharaj, Member; Mr. Brian Nicholson, Member and Mr. Sooknath Basdeo Lackhan, Member.

On April 9, 2008, the Commission was saddened by the passing of Mr. Brian Nicholson. On May 20, 2008, Mr. Lackhan was appointed to fill the vacancy which had occurred. On January 9, 2009, the Commission was further saddened by the passing of Mr. Lackhan. Both members played valuable and active roles in the work of the Commission and their untimely passing was deeply felt.

The remaining members of the Commission resigned on February 5, 2009, following the judgment on February 3, 2009, by Madam Justice Maureen Rajnauth-Lee, in the matter HCA CV 2007-00185 – Dr. Keith Rowley v the Integrity Commission.

4.0 REPORT OF THE YEAR'S ACTIVITIES

4.1 Meetings of the Commission

In 2008 the Commission held forty six (46) regular weekly meetings, in addition to special meetings with public officials and persons in public life, to conduct its business as required by the Act.

4.2 Functions of the Integrity Commission

The activities of the Commission are determined by its functions as outlined in Section 5 (1) of the Act as follows:

- (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 standards of integrity;*
- (j) perform such other functions and exercise such powers as are required by this Act.*

4.3 COMPLIANCE

4.3.1 Declarations

The Commission is required, *inter alia*, to receive, examine and retain declarations of income, assets and liabilities and statements of registrable interests from persons in public life, and to make such enquiries to determine the accuracy of such declarations. These persons are listed in the Schedule to the Act as:

1. Members of the House of Representatives;
2. Ministers of Government;
3. Parliamentary Secretaries;
4. Members of the Tobago House of Assembly;
5. Members of Municipalities;
6. Members of Local Government Authorities;
7. Senators;
8. Judges and Magistrates appointed by the Judicial and Legal Service Commission;
9. Members of the Boards of all Statutory Bodies and State Enterprises including those bodies in which the State has a controlling interest;
10. Permanent Secretaries and Chief Technical Officers.

Two decisions of the High Court increased the number of declarations the Commission was required to receive, examine and retain from persons in public life during the year 2008.

In the first instance, the judgment, dated July 31, 2007, of Madam Justice Maureen Rajnauth-Lee in Claim No. CV 2006-00158: ***Basdeo Panday v The Integrity Commission***, required all persons in public life who held public office for any period of time during the year 2003, to file their annual declarations and statements for the year 2003 by May 31, 2004, subject to the power of the Commission to extend the deadline for a period of up to six months.

Report of the Year's Activities

The Court also ordered that any person who became a person in public life during the year 2003, was also required to file a declaration for the year 2002 pursuant to section 11(1) of the Integrity in Public Life Act, but only if that person became a person in public life within three (3) months of December 12, 2003. This meant that for the first time declarations for the year 2002 were received by the Commission.

In the second instance, in the Judgment dated October 15, 2007, with an Addendum dated January 21, 2008, by Madam Justice Judith Jones in *HCA No. 1735 of 2005: The Integrity Commission v The Attorney General – Interpretation of the Schedule to the Integrity in Public Life Act, 2000*, it was held that Judges and Magistrates are not persons in public life subject to the provisions of the Act. However, the Judgment defined that category of persons in public life referred to in the Schedule of the Act as “Members of the Boards of all Statutory Bodies and State Enterprises, including those bodies in which the State has a controlling interest” to mean –

“the members of the management or decision-making body of:

- (i) all organizations or bodies established by statute;
- (ii) all businesses or companies owned or controlled by or on behalf of the State”.

By virtue of this judgment, the members of the management or decision-making body of all organizations or bodies established by statute are deemed to be persons in public life. However, because of the far-reaching consequences of that decision, the Commission filed a Respondent’s Notice of Civil Appeal, No. 30 of 2008, seeking to contend that that part of the decision of Madam Justice Judith Jones which defined the expression “Members of the Boards of all Statutory Bodies and State Enterprises including those bodies in which the State has a controlling interest” should be varied as follows –

Report of the Year's Activities

“The expression “Members of the Boards of all Statutory Bodies and State Enterprises including those bodies in which the State has a controlling interest” means, the members of the decision-making body of bodies established by statute which bodies are public in nature in that they exercise public functions and/or functions on behalf of the State or the Executive.”

The tables below provide a summary of the Commission’s work for the year ended December 31, 2008.

TABLE 1
DECLARATIONS RECEIVED, EXAMINED & CERTIFIED IN 2008

Year	2002	2003	2004	2005	2006	2007	Total
Number of declarations received	2	71	130	133	246	709	1,291
Number of declarations examined	1	75	126	215	376	239	1,032
Number of declarations certified	1	59	124	246	289	169	888

(Please note that the number of declarations examined and certified in 2008 included declarations which were examined during the year 2008 as well as some examined in prior years but for which information requested remained outstanding at December 31, 2007).

N.B. Declarations for the year 2008 become due on May 31, 2009.

Report of the Year's Activities

In accordance with Section 13(1) of the Act, the Commission is required to examine the declarations received to ensure that they comply with the requirements of the Act and may request from the declarants any information or explanation relevant to the declarations.

Table 2 shows a breakdown of the declarations filed as at year ended December 31, 2008:

TABLE 2
DECLARATIONS RECEIVED, EXAMINED & CERTIFIED FOR THE YEARS 2002–2007

Year	2002	2003	2004	2005	2006	2007	Total
Number of declarations received by December 31, 2008	2	911*	933	997	923**	709	4,475
Number of declarations certified by December 31, 2008	1	686	638	547	398	169	2,439

* Error in 2007 Annual Report stated 841 instead of 840

** Error in 2007 Annual Report stated 679 instead of 677

When the Commission is satisfied that a declaration has been fully made, in accordance with Section 13 (3), it is required to forward a Certificate of Compliance to the declarant. At December 31, 2008, the total number of Certificates of Compliance issued to declarants was two thousand four hundred and thirty-nine (2,439).

Under Section 11 (6) and 11 (7) the Commission is empowered to secure compliance by taking the following steps:

1. *Publishing in the Trinidad and Tobago Gazette and in at least one daily newspaper the failure:*
 - *To file a declaration or statement of registrable interest;*
 - *To furnish particulars requested by the Commission on examination of the declaration and statement of registrable interests.*

2. *At any time thereafter making an ex parte application to the High Court to obtain compliance.*

Table 3 presents a summary of the activities undertaken by the Commission during the year ended December 31, 2008, in accordance with Section 11(6) and 11(7) as described above.

TABLE 3

SUMMARY OF ACTION TAKEN AGAINST PERSONS UNDER SECTIONS 11(6) & 11(7)

Year	2002	2003	2004	2005	2006	2007	Total
Number of names published for failure to file declarations	0	90	146	80	95	0	411
Number of names published for failure to provide further particulars	0	0	1	9	11	0	21
Number of persons against whom ex parte action was taken	0	0	0	2	0	0	2

Ex parte action was taken against two (2) persons with respect to declarations for the year ended December 31, 2005; one for failure to provide further particulars and the other for failure to file a declaration of income, assets and liabilities and statement of registrable interests.

4.3.2 Register of Interests

In pursuance of its duties under Sections 5 (1)(d) and 14 of the Act, in 2008 the Commission maintained a Register of Interests which was compiled by the Registrar. This Register was inspected, upon request, by 15 members of the public.

4.3.3 Examination of the practices and procedures of Public Bodies

In carrying out its mandate under Section 5 (1)(g) and (h), the Commission engaged in the review of certain aspects of the operations of one State Enterprise as well as a review of the policies and procedures involved in the award of a contract by a Statutory Authority.

The Commission also provided advice to persons in public life and persons exercising public functions in accordance with section 36 of the Act which provides for applications in writing to be made to the Commission requesting the Commission's opinion on any matter respecting their own obligations under the Act.

4.4 INVESTIGATIONS

Section 32 (1) of the Act authorizes the Commission to accept and investigate written complaints from members of the public that a person in public life or a person exercising a public function –

- “ (a) is in contravention of this Act;
(b) in relation to the Register of Interests, has a conflict of interest; or
(c) is committing or has committed an offence under the Prevention of Corruption Act...”

The Commission received and investigated complaints with respect to breaches of the Act and offences under the Prevention of Corruption Act.

Table 4 gives a summary of investigations dealt with by the Commission in 2008.

TABLE 4
SUMMARY OF COMPLAINTS RECEIVED & INVESTIGATIONS CONDUCTED IN 2008

Number of complaints received in 2008	18
Number of complaints from previous years investigated in 2008	9
Number of complaints received in 2008 which were outside the purview of the Commission	10
Number of investigations completed in 2008	8
Number of complaints under investigation	9

4.5 PUBLIC EDUCATION AND COMMUNICATIONS

The Commission carried out its public education function through workshops and seminars by which the Commission sought, not only to foster an understanding of standards of integrity, but also to achieve compliance with the requirements of the Act by persons in public life. Staff of the Commission conducted workshops and seminars for several categories of persons in public life, including Members of the House of Representatives and Directors of Boards of State Enterprises and Statutory Bodies. The Commission also participated in a seminar on Parliamentary Practice & Procedure organized by the Commonwealth Parliamentary Association in the Parliament Chambers on June 24 and 25, 2008.

A major public education accomplishment for the Commission was the planning and execution of a Seminar entitled: ***Integrity, Ethics and Leadership***, held at the Hyatt Regency Hotel on September, 17, 2008. Over three hundred (300) members of the Boards of State Enterprises and Statutory Bodies attended.

Report of the Year's Activities

Specially invited guests included: His Excellency The President, Professor George Maxwell Richards, who was the feature speaker, the Speaker of the House of Representatives, the Auditor General, the Director of Public Prosecutions, Permanent Secretaries and the Commissioner of Police.

The Commission also published three articles in the newspapers on the following topics: ***The Birth of the Integrity Commission; More Power for the Integrity Commission*** and ***the Code of Conduct***. In addition, the extract from the Code of Conduct titled “***Principles of Integrity as derived from the Code of Conduct in the Integrity in Public Life Act***” which was initially published in 2007 in the three daily newspapers was distributed at the seminars and workshops. As part of the public education thrust, the Commission published several messages in a daily newspaper in December 2008, emphasizing that integrity incorporates the attributes of Honesty, Wisdom, Affability, Accountability, Truthfulness, Justice, and Humility, with the Commission’s main message of action - **Do The Right Thing Always**.

5.0 CORPORATE ADMINISTRATION

5.1 Accommodation

The Commission sought and obtained the approval from Cabinet for the financing arrangements with regard to the outfitting and renovations works to be carried out at its offices located on the 3rd and 4th floors at the UTC Financial Centre, 82 Independence Square, Port-of-Spain.

The objectives of this office accommodation project are to enable the Commission to:

- (a) convert the entire 4th floor into a high degree security area. The Commission will be assured of the preservation of the utmost in secrecy standards which is *sine qua non* for the management and conduct of the mandate of the Integrity Commission; and
- (b) conduct all its administrative and public business on the 3rd floor which will provide, *inter alia*,
 - (i) access by members of the public at large who by law have been given the right to examine the Commission's statutorily prescribed "Register of Interests" as set out in Section 14(2) of the Act;
 - (ii) adequate facilities to enable the Commission to pursue its public education activities and to establishing a specialist library which will greatly assist in executing the responsibility as set out in the Integrity in Public Life Act to conduct public forums and seminars on the subject of integrity in public life; and
 - (iii) proper soundproofed visitor accommodation for meetings with holders of public offices required to file declarations.

5.2 Organizational Structure

The Integrity Commission in the year under review continued to implement the new organizational structure, to fulfill its responsibility.

The Compliance and Investigations Divisions were strengthened by the recruitment of ten (10) additional members of staff, on contract, in accordance with established prescribed procedures.

5.3 Financial Matters

The Integrity Commission is a statutory body established in accordance with the Constitution by the Integrity in Public Life Act, Ch. 22:01. Section 9 (4) of the Act provides that:

“All expenses incurred by the Commission for the purposes of this Act shall be a charge on the Consolidated Fund”.

This provision in law brings the Commission under the operation of the Exchequer and Audit Act, Chapter 69:01 and the Financial Regulations made thereunder. Within such a legal framework, the Commission receives its funding through the Annual Estimates of Expenditure of the Government of the Republic of Trinidad and Tobago.

The Commission has, during the Financial Year 2008, complied with all the directives from the Ministry of Finance, the Director of Budgets, the Comptroller of Accounts and recommendations of the Auditor General. The Registrar of the Commission is the Accounting Officer. As Accounting Officer he is therefore responsible to the Minister of Finance and answerable to the Public Accounts Committee of Parliament.

Corporate Administration

The Appropriation Account for the Financial Year 2008 (October 01, 2007 to September 30, 2008) was submitted to the Auditor General on January 31, 2009.

A Summary of the reported expenditure is as follows:

Head 37 – Integrity Commission.

Items	Estimates 2007/2008	Actual Expenditure
Personnel Expenditure	2,149,205.00	1,363,268.02
Goods and Services	20,594,700.00	15,695,895.13
Minor Equipment Purchases	1,270,000.00	370,747.10
Development Programme	Nil	Nil
TOTAL	24,013,905.00	17,429,910.25

6.0 LEGAL MATTERS

The following is the status of legal matters in 2008.

HCA 1735 of 2005 - Legal action against the Attorney General of Trinidad and Tobago by the Integrity Commission with respect to the interpretation of paragraphs 8 and 9 of the Schedule to the Integrity in Public Life Act. Considerable doubt had arisen about the constitutionality of requiring the Judiciary to file annual declarations and there were differing interpretations to the expression “Members of the Boards of all Statutory Bodies and State Enterprises”. The Court was asked to interpret the following:

- 1 Whether having regard to the provisions of the Constitution and the Integrity in Public Life Act, Judges and Magistrates are persons in public life subject to the provisions of the Act; and
- 2 The meaning of the expression: “Members of the Boards of all Statutory Bodies and State Enterprises including those bodies in which the State has a controlling interest” in paragraph 9 of the Schedule to the Act.

Madam Justice Jones delivered a judgment on October 15, 2007 which was varied by an Addendum issued January 21, 2008 and in which she concluded with respect to paragraph 8 of the Schedule to the Act that Judges and Magistrates were not subject to the provisions of the Integrity in Public Life Act.

With respect to paragraph 9 of the Schedule to the Act, Madam Justice Jones opined, inter alia: “250. In my opinion therefore the words “Members of the Boards of all Statutory Bodies and State Enterprises including those bodies in which the State has a controlling interest” as found in the Act must be taken to mean:

‘the members of the management or decision making body of:

- (i) all organizations or bodies established by Statute;
- (ii) all businesses or companies **owned or** controlled by or on behalf of the State’.

Legal Matters

251. Further for the purpose of determining control by the State a business or company shall be undertaken to be controlled by the State if the State **either** exercises or is entitled to exercise control directly or indirectly over its affairs; is entitled to appoint a majority of the directors of the Board of Directors or holds at least fifty percent of the capital of that body.”

In her Judgment, the question of State Enterprises was not clarified to TSTT’s satisfaction and an Appeal was lodged. On the advice of Senior Counsel, the Integrity Commission joined the Appeal seeking, *inter alia*, a variation to Justice Jones’ ruling on Members of the Boards of Statutory Bodies.

HCA CV2007 – 00080 – Legal Action against the Integrity Commission by the University of Trinidad and Tobago filed on January 10, 2007.

The University of Trinidad and Tobago (UTT) had asked the Court to determine inter-alia:-

- a. Whether it is a Statutory Body or State Enterprise within the meaning of paragraph 9 of the Schedule to the Integrity in Public Life Act;
- b. Whether persons holding office as Directors of the University are by reason of such office subject to the provisions of the Integrity in Public Life Act.

This matter came up for hearing before the Honourable Justice Stollmeyer on April 25, 2007 at the Port of Spain High Court. He ordered that the proceeding be stayed until the determination of HCA No. 1735 of 2005.

After giving careful consideration to certain information provided by the UTT and other material within its possession, including the advice of Senior Counsel, the Integrity Commission came to a determination that applying the criteria set out by Madam Justice Jones in her judgment in HCA No. 1735 of 2005 dated October 15, 2007 as clarified in the Addendum dated January 21, 2008, the UTT is not a “Statutory Body” or State Enterprise” within the meaning of Paragraph 9 of the Integrity in Public Life Act and consequently, the Board of Governors of the UTT are not persons in public life as defined by the Act.

Legal Matters

Civil Appeal No. 30 of 2008 - H.C.A. No.1735 of 2005 - TSTT vs The Integrity Commission & the Attorney General of Trinidad and Tobago.

On March 6, 2008, the Commission filed a Notice of Appeal to contend that that part of the decision of the Honourable Madam Justice Jones dated the October 15, 2007 as varied by the Addendum dated January 21, 2008 which states that the expression “Members of the Boards of all Statutory Bodies ...including those bodies in which the State has a controlling interest” means the members of the management or decision making body of all organizations or bodies established by statute should be varied as follows:

The expression “Members of the Boards of all Statutory Bodies...including those bodies in which the State has a controlling interest” means the members of the decision making body of bodies established by statute which bodies are public in nature in that they exercise public functions and/or functions on behalf of the State or the Executive.”

The Commission noted that, among other things, the effect of Madam Justice Jones’ decision is that the members of the management or decision making bodies of every body established or incorporated by statute, irrespective of whether such body is purely private in nature, would be persons in public life subject to the jurisdiction of the Integrity in Public Life Act.

The Integrity in Public Life Act is, as stated in the Act, intended to make provision for the prevention of corruption of persons in public life and to regulate the conduct of persons exercising public functions, not private persons who are neither persons in public life or persons exercising public functions.

Legal Matters

The effect of the decision, therefore, is to make hundreds of persons hitherto not regarded as subject to the Integrity in Public Life Act persons in public life falling under the jurisdiction of the Integrity Commission (every manager or director of every charitable, sporting, professional, religious and cultural association, organization and society incorporated by Act of Parliament), making it difficult if not impossible for the Commission to carry out its functions under section 5 of the Act, thereby defeating rather than giving effect to the intention of the Act.

At December 31, 2008 the matter is yet to be heard.

HCA CV 2007-00185 - Dr. Keith Christopher Rowley v The Integrity Commission

Legal Action against the Integrity Commission by Dr. Keith Rowley for leave for judicial review of the Integrity Commission's decision to make and/or conclude and/or publish a report in relation to him in purported pursuance of the provision of the Integrity in Public Life Act.

The matter was heard before Madam Justice Maureen Rajnauth-Lee at the Port-of-Spain High Court. At December 31, 2008, the judgment had not yet been delivered.

Claim No CV 2008-03685 - Central Bank of Trinidad and Tobago v the Integrity Commission and the Home Mortgage Bank

Claim filed on September 19, 2008 by the Central Bank of Trinidad & Tobago. The claim concerns an interpretation of the Central Bank Act, the Home Mortgage Bank Act and the Integrity in Public Life Act with the main issue being whether the sanction of the Court is required for the Central Bank of Trinidad and Tobago to release documents that have been requested by the Integrity Commission.

Legal Matters

HCA CV 2008-02841 - Sanatan Dharma Maha Sabha of Trinidad and Tobago v the Integrity Commission

An action seeking an order of mandamus directing the Integrity Commission to make a decision on whether it is satisfied that there are reasonable grounds for suspecting that an offence has been committed and to make a report to the Director of Public Prosecutions (if necessary) in accordance with section 34 (5) of the Act within one month or other such time as the Court thinks just and appropriate.

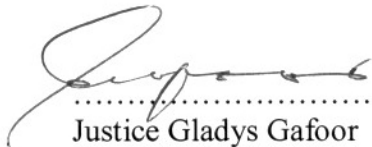
This matter came up for hearing before Mr. Justice Delzin on November 21, 2008. The Integrity Commission was directed to file and serve its affidavit in response on or before January 31, 2009.

7.0 SUBMISSION OF REPORT

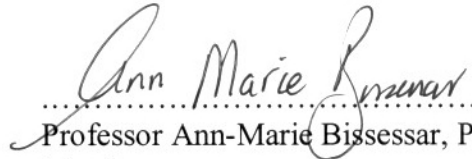
This report is respectfully submitted to Parliament, (pursuant to Section 10 of the Integrity in Public Life Act, Ch. 22:01) on this 31st day of March, 2010.



.....
Eric St. Cyr, Ph.D.
Chairman



.....
Justice Gladys Gafoor
Deputy Chairman



.....
Professor Ann-Marie Bissessar, Ph.D.
Member



.....
Mr. Neil Rolingson
Member



.....
Mr. Seunarine Jokhoo, F.C.C.A, C.A.
Member

7.1 Profile of the Commissioners

Mr. John B.C. Martin, C.A., F.C.A. *Chairman, Integrity Commission*

Mr. John Martin is a Chartered Accountant with over 37 years experience. He is currently Director of Allied Hotels Limited, Furness Trinidad Limited, Trinidad Building and Loan Association and Furness Anchorage General Insurance Limited. He has also served as President of the Trinidad and Tobago Chamber of Industry of Commerce and Chairman of the Board of Directors of the Trinidad and Tobago Stock Exchange. He is also a past President of the Port of Spain Central Lions Club.

Madam Justice Monica Barnes, S.C. *Deputy Chairman, Integrity Commission*

Madam Justice Monica Barnes is a retired Supreme Court Judge. Prior to holding that office, she was Chairman of the Tax Appeal Board and before that, Chief Parliamentary Counsel. She has been a member of several key Commissions such as the Law Reform Commission, the Law Revision Commission, the Constitution Commission and the CARICOM Company Law Task Force.

Mr. Peter Clarke *Member, Integrity Commission*

Mr. Clarke is a Financial Consultant. He is a Director of a number of companies including the General Building and Loan Association, Allied Hotels Limited and the Trinidad and Tobago Stock Exchange, a member of the UWI Development and Endowment Fund and The Roman Catholic Archdiocese of Port of Spain Finance Council. He enjoyed a 22-year career in the Stock broking industry.

Profile of the Commissioners

He was the Managing Director of Money Managers Limited and West Indies Stockbrokers Limited (WISE) and was subsequently appointed Chief Executive Officer of WISE. He also served on the Betting Levy Board and Trinidad and Tobago Free Zones Company Limited. Mr. Clarke obtained a Law Degree from Cambridge University and was admitted to practice law in Trinidad and Tobago in 1980 and is a Barrister-at-Law who was engaged in private practice until June 1984.

Mr. Vindar Dean-Maharaj, F.C.C.A., C.A.

Member, Integrity Commission

Mr. Vindar Dean-Maharaj is a Chartered Accountant of considerable experience. He is currently a full-time Member of the Tax Appeal Board and for many years served as the Comptroller of Accounts in the Ministry of Finance.

Mr. Brian Nicholson (Deceased)

Member, Integrity Commission

Mr. Brian Nicholson was a very experienced Banker, having been involved in the banking industry for approximately forty-three years. He held very senior positions in two large commercial banks and also spent a number of years internationally with one of the commercial banks. He was a member of the Central Tenders Board, and served on that board for a number of years. He was the Chief Executive Officer of Brimont Limited and also a board member of that company together with Credit Chex Ltd. and Wrightson Investments Ltd.

Profile of the Commissioners

Mr. Sooknath Basdeo Lackhan, F.C.C.A., C.A.

Member, Integrity Commission

Mr. Sooknath Basdeo Lackhan was a Chartered Accountant with over 30 years experience. He worked with the University of the West Indies for over 34 years and retired in the post of Campus Bursar. He served as a member of the Board of Directors of the North West Regional Health Authority and was a member of the Lions Club.

Principles of Integrity

AS DERIVED FROM



THE CODE OF CONDUCT

IN THE INTEGRITY IN PUBLIC LIFE ACT, 2000

***For the guidance of Persons in Public Life and
Persons Exercising Public Functions. You should:***

- ▶ Perform your functions and administer public resources in an effective and efficient manner
- ▶ Be fair and impartial in exercising your public duty
- ▶ Afford no undue preferential treatment to any group or individual
- ▶ Arrange your private interests in such a manner so as to maintain public confidence and trust in your integrity
- ▶ Not use your office for the improper advancement of your own or your family's personal or financial interest or the interest of any person
- ▶ Not engage in any transaction that is incompatible with your office, function and duty
- ▶ Not use public property or services for activities not related to your official work
- ▶ Not, either directly or indirectly, use your 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 your duties
- ▶ Disclose your interest and disqualify yourself from any decision making process where there is a possible or perceived conflict of interest

DO THE RIGHT THING ALWAYS!

For the full Code of Conduct, visit our Website at:

www.integritycommission.org.tt

APPENDIX II

**Integrity Commission
ORGANIZATION CHART**

