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# ANNUAL REPORT TO PARLIAMENT

FOR THE YEAR

**2012**

## VISION STATEMENT

The Integrity Commission of Trinidad and Tobago is the leading institution to promote integrity and make Trinidad and Tobago corruption free.

## MISSION STATEMENT

The Integrity Commission shall be a performance driven institution that promotes the highest ethical standards by -

- Ensuring compliance with the Integrity in Public Life Act;
- Detecting corrupt practices and dishonest conduct;
- Providing excellent customer service and public education;

for the benefit of our nation.

## MESSAGE OF PRINCIPLE

“DO THE RIGHT THING ALWAYS”

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



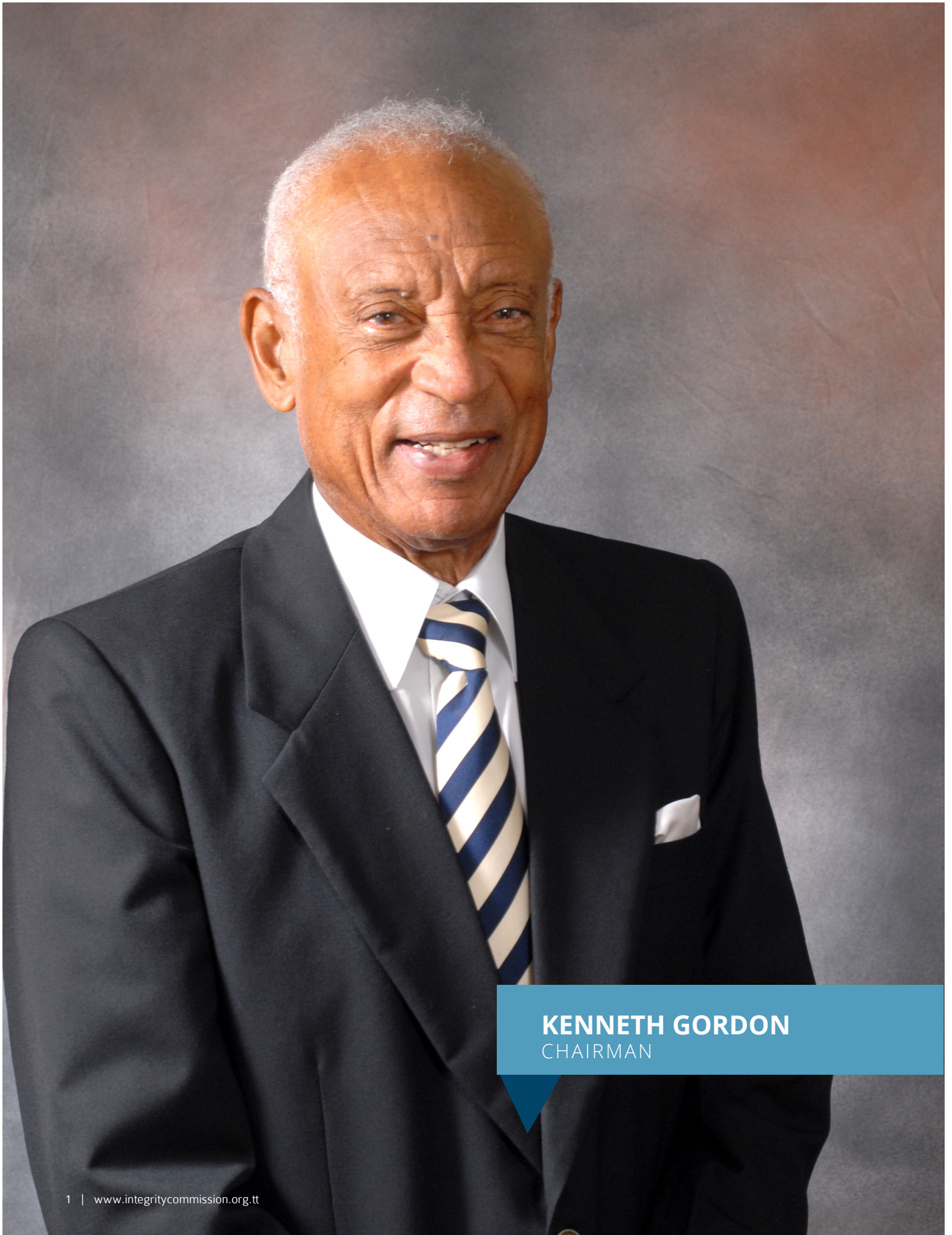
Seated L - R: Justice Gladys Gafoor, Deputy Chairman; Professor Ann Marie Bissessar, Member  
Standing L - R: Mr Kenneth Gordon, Chairman; Mr Seunarine Johhoo, Member; Mr Neil Rolingson, Member





## CONTENTS

- 02** Chairman's Remarks
- 03** Introduction
- 04** The Commission
- 05** Report of the Year's Activities
  - Meetings of the Commission
  - Functions of the Integrity Commission
  - Compliance
  - Investigations
  - Public Education and Communications
  - Corporate Administration
  - Legal Matters
  - Summary
- 29** Submission of Report
- 30** Profile of Commissioners



**KENNETH GORDON**  
CHAIRMAN

# CHAIRMAN'S REMARKS

**T**he year 2012 was one of special significance, for the Integrity Commission of Trinidad and Tobago has now celebrated its 25th Anniversary. The Commission's principal activities over these 25 years have been the processing of Declarations of Persons in Public Life and the investigation of complaints against Persons in Public Life and persons exercising public functions. In the past twelve months the number of Declarations certified has risen from 1,602 to 2,019 and the number of Investigations completed rose from 42 to 47. Ten years ago in 2003 the total number of investigations conducted was five (5). That number increased to eighty-three (83) in 2012.

The Commission is now building on that base as it expands its role in the battle against corrupt behaviour.

A Strategic Plan (2012 – 2015) has been developed and is well advanced in its implementation. Most helpful was the Public Consultation to review the Integrity in Public Life Act. This provided reaffirmation, stimulus and the addition of very helpful recommendations which will be incorporated into the revised document to be submitted to Parliament.

Consistent with its mandate the Commission has also embarked on the examination of State Enterprises and Statutory Authorities. Its first assignment was a review of the Practices and Procedures of the Arima Borough Corporation. That report has been well received and such reviews will now become a systematic exercise designed to improve governance and accountability within State Enterprises.

The Commission's Public Education Programme has also been expanded. A handbook entitled "Frequently Asked Questions" which provides answers to questions about the role and function of the Commission has also been produced. Its first printing was 5,000 copies and these are being distributed throughout the school system with the assistance of the Ministry of Education. The "Do Right Champions" School Competition continues to grow and will be remodeled in the current year to achieve even more aggressive growth.

There have of course also been challenges; the principal issue being internal corrective measures which had to be addressed within the Commission. This led to the suspension of the Deputy Chairman and the appointment of a Tribunal by President

Richards. Legal proceedings were initiated by the Deputy Chairman but these have now all been resolved in the Commission's favour. It is unlikely that the Tribunal will ever meet for the Deputy Chairman's term of office expires on March 14, 2013. Never pleasant, such difficulties provide the ultimate test of the resolve of the Commission to "Do The Right Thing". But the past we leave behind.

It is also necessary to report that the Commission has called upon the Commissioner of Police to undertake an investigation into a complaint received from the Honourable Jack Warner Minister of National Security against the Commission.

Mr. Warner alleged that a story published by the Express Newspaper on December 16, 2012, about his failure to report income held in a Credit Union had been leaked by the Integrity Commission and/or its servants and/or its agents to the Newspaper. In fact such information had been accessed by the use of the Statement of Registrable Interests which is available to the public by appointment and was so obtained.

Nonetheless the Commission immediately referred this complaint to the Police and requested a speedy investigation into the matter. The Commission awaits the police report.

Significantly the Commission has also embarked upon a policy which will communicate more fully with the public as it is considered desirable to do so. This will in no way alter its strict adherence to confidentiality in accordance with the provisions of the Integrity in Public Life Act (IPLA). But it is recognised that public confidence in the work of the Commission can only grow if the misunderstandings of the past, at all levels, are avoided by clearer communication of the Commission's role.

For the future it is our hope that assessment of the Commission's performance will now be based on what it does rather than on the complications of its legacy.

May I also take this opportunity to recognise and thank my fellow Commissioners and the Registrar and his staff for their outstanding contribution to the work of the Integrity Commission.



**KENNETH GORDON**  
Chairman

March 11th, 2013

# INTRODUCTION

The Integrity Commission of Trinidad and Tobago submits its twenty-fifth (25th) Annual Report to Parliament on its activities for the year ended December 31, 2012. 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 March 31st 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”.

Section 20 (4 – 5) of the Integrity in Public Life Act requires:

4. “Every member of the Commission and every person performing any function in the service of, or as an employee of the Commission shall treat all declarations and records and information relating to such declarations and information as secret and confidential and shall make and subscribe to an oath of secrecy to that effect before a Justice of the Peace.
5. Every person required under subsection (4) to deal with matters specified therein as secret and confidential who at any time communicates or attempts to communicate such information or anything contained in such documents to any person other than a person to whom he is authorized under this Act, shall be guilty of an offence and be liable on summary conviction to a fine of two hundred and fifty thousand dollars and ten years imprisonment.”



# THE COMMISSION

## ROLE OF THE INTEGRITY COMMISSION

The Integrity Commission is a constitutional body created by Sections 138 and 139 of the Constitution of the Republic of Trinidad and Tobago and established by the Integrity in Public Life Act Ch. 22:01 which makes 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.

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.
- b. May in all cases where it considers it appropriate to do so, make use of the services or draw upon the expertise of any law enforcement agency or the Public Service.
- c. Shall have the power to authorize investigations, summon witnesses, require the production of any reports, documents, other relevant information, and to do all such things as it considers necessary or expedient for the purpose of carrying out its functions.

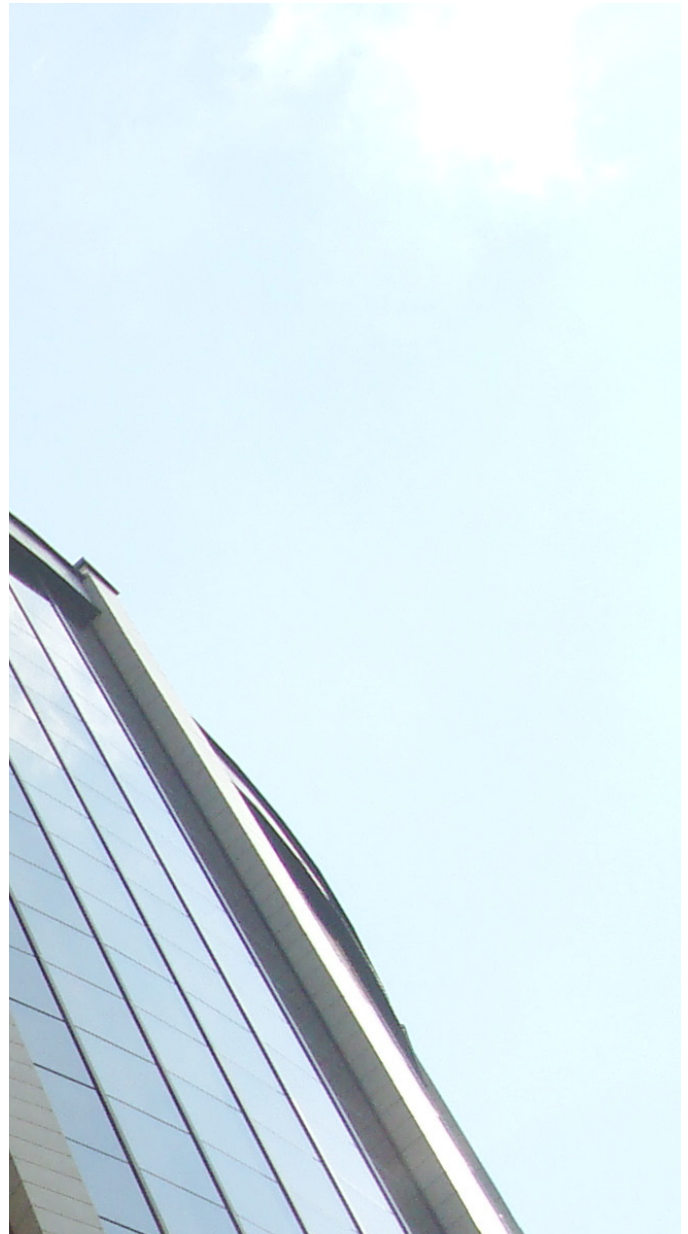
## MEMBERSHIP OF THE COMMISSION

The Commission is appointed by His Excellency the President in accordance with Section 4 of the IPLA which states:

1. There is established an Integrity Commission consisting of a Chairman, Deputy Chairman and three other members who shall be persons of integrity and high standing.
2. At least one member of the Commission shall be an attorney-at-law of at least ten years experience.
3. At least one member of the Commission shall be a chartered or certified accountant.

The current Commission, with the exception of Mr. Kenneth Gordon, was appointed on March 15, 2010 for a period of three years and comprises -

<b><sup>1</sup>Mr. Kenneth Gordon</b>	<b>Chairman</b>
<b><sup>2</sup>Madam Justice Gladys Gafoor</b>	<b>Deputy Chairman</b>
<b>Mr. Neil Rolingson</b>	<b>Member</b>
<b>Professor Ann Marie Bissessar</b>	<b>Member</b>
<b>Mr. Seunarine Johhoo</b>	<b>Member</b>



<sup>1</sup> Mr. Kenneth Gordon was appointed on November 01, 2011 for a period of 3 years. His term expires on October 31, 2014.

<sup>2</sup> With effect from February 9, 2012 Madam Justice Gladys Gafoor has been suspended from performing the functions of her office as a Member and Deputy Chairman of the Integrity Commission by His Excellency President George Maxwell Richards pending the findings of the Tribunal appointed to investigate allegations of misconduct against her. (See Extra-ordinary Gazette Vol. 51, No. 17 dated February 9, 2012.)



# REPORT OF THE YEAR'S ACTIVITIES

## MEETINGS OF THE COMMISSION

The Commission held forty (40) regular meetings in 2012. In order to facilitate the work flow, the Commission divided itself into a Sub-Committee on Compliance, a Sub-Committee on Investigations and a Sub-Committee on Public Education and Communications. These Sub-Committees met regularly and reported to the Commission in plenary session. The activities are recorded in Board and Sub-Committee Minutes.

## FUNCTIONS OF THE INTEGRITY COMMISSION

The activities of the Commission are determined by its functions as outlined in Section 5 (1) of the IPLA 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 programmes 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.

The work of the Commission falls into four (4) functional areas: Compliance, Investigations, Public Education & Communications and Corporate Administration.

## COMPLIANCE

### Declarations of Income, Assets and Liabilities and Statements of Registrable Interests

Sections 11 and 14 of the IPLA stipulate the reporting obligations of Persons in Public Life.

The Integrity 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 IPLA as:

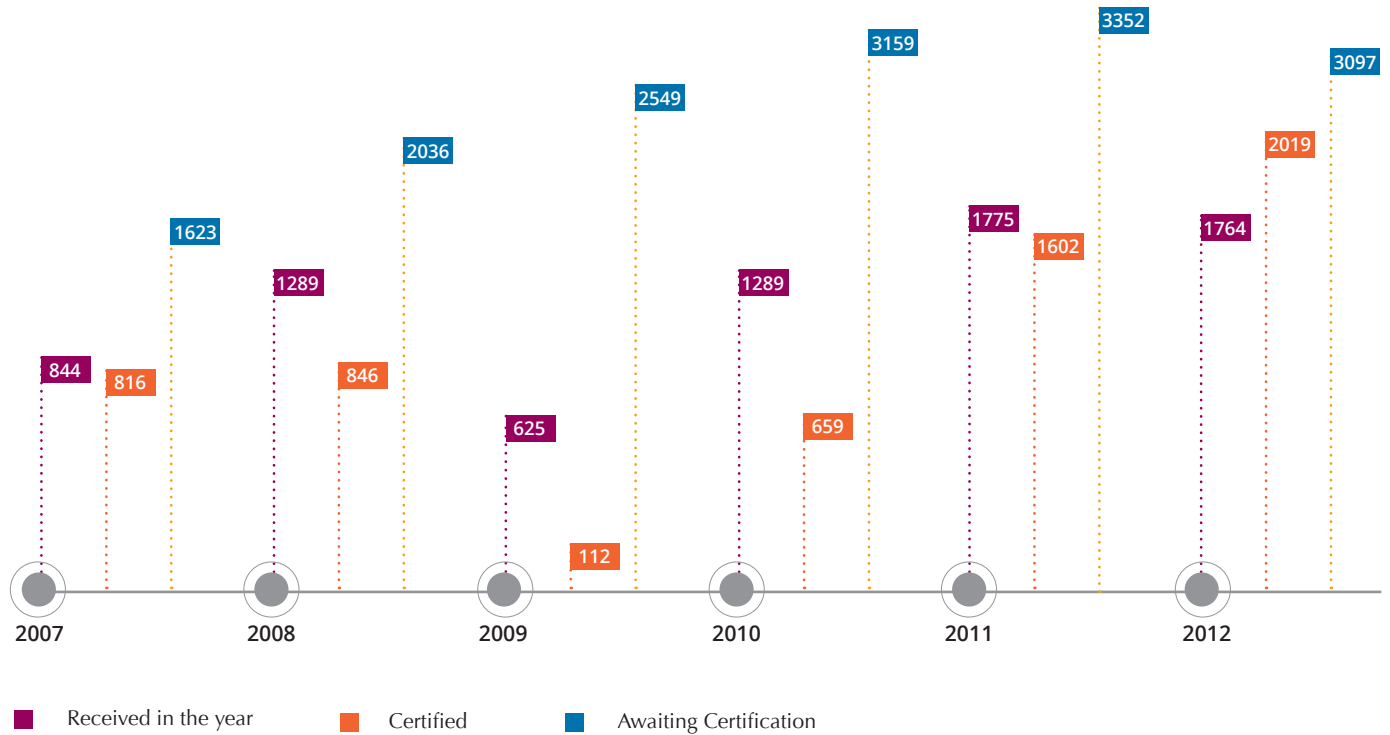
1. Members of the House of Representatives;
2. Ministers of Government;
3. Parliamentary Secretaries;
4. Members of the Tobago House of Assembly;
5. Members of Municipalities;
6. Members of Local Government Authorities;
7. Senators;
8. Judges and Magistrates appointed by the Judicial and Legal Service Commission<sup>3</sup> ;
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.

All Persons in Public Life must file a declaration by May 31st of each year that he is a Person in Public Life. As at December 31st 2012, 1,764 declarations were received.

Figure 1 illustrates the processing of declarations in the last six (6) years.

<sup>3</sup> A High Court decision, No. 1735 of 2005, ruled, on October 15, 2007, that Judges and Magistrates are not subject to the Integrity in Public Life Act, 2000.

FIGURE 1: STATUS OF DECLARATIONS CERTIFIED OVER THE LAST 6 YEARS



### CERTIFICATION OF DECLARATIONS

The Integrity Commission is required to issue a Certificate of Compliance where, after the conduct of an examination, it is satisfied that a declaration has been fully made.

As at December 31st 2012, the Integrity Commission certified 2,019 declarations, a 26 percent increase on the number of declarations certified in 2011 (1,602). This resulted in the number of declarations awaiting certification decreasing for the first time in the past six (6) years by 8 percent to 3,097.

The Integrity Commission relies on the compliance of Persons in Public Life during the examination process to ensure all of the errors and omissions identified by its Officers are resolved in a timely manner. However, as at December 31st 2012, approximately 2,696 declarations remain uncertified due to the declarants' failure to furnish the Commission with the requested additional information.

2,019

declarations certified in 2012

2,696

queries awaiting responses

Backlog falls by

8%

The Commission's Chairman Kenneth Gordon (L) and Director of Compliance Mrs. Leigh-Ann Benjamin-Campbell chat with Declarant Dr. Arthur Potts at the Integrity Open Day at the Commission's office on May 02, 2012.



The number of uncertified declarations totalled 3,097 at year end. The changes in the backlog are highlighted in Table 1.

Table 1: Status of Declarations

STATUS OF DECLARATIONS SUBMITTED AS AT DECEMBER 31ST 2012	
Backlog brought forward from 2011	3,352
Add Declarations Received in 2012	1,764
Total to process in 2012	5,116
Less Declarations Certified in 2012	2,019
<b>Backlog carried forward to 2013</b>	<b>3,097</b>
• <b>Comprising:</b>	
• Declarations awaiting further information as at Dec 2012/ (Work in Progress)	2,696
• Declarations awaiting examination	401

FIGURE 2: DECLARATIONS AWAITING CERTIFICATION AS AT DEC 31 2012

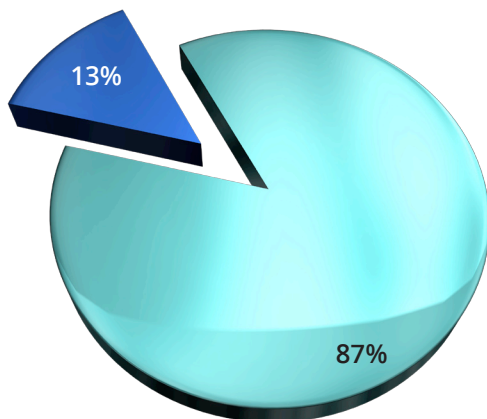


Figure 2 illustrates the composition of the backlog of uncertified declarations

■ Examined and awaiting further information      ■ Awaiting Examination

The Integrity Commission is empowered to publish the names of Persons in Public Life who have failed to furnish additional information in the Gazette and in at least one daily newspaper. The Commission may then make an ex-parte application to the High Court for an order directing these persons to comply with the IPLA.

In 2013, the Commission will take steps to publish the list of Persons in Public Life who have failed to provide additional information relating to their declarations in a concerted effort to reduce the backlog of declarations awaiting certification.

### NON-COMPLIANCE WITH SECTIONS 11 & 14 OF THE IPLA

When Persons in Public Life have failed to file a Declaration of Income, Assets and Liabilities and a Statement of Registrable Interests in accordance with Sections 11 & 14 of the IPLA, the Integrity Commission may publish this fact in the Gazette and at least one daily newspaper.

As at December 31st 2012, the Integrity Commission published 733 names of Persons in Public Life who failed to comply with Sections 11 & 14 for the years ending December 31st 2009 (16), 2010 (376) and 2011 (341). This listing of non-compliant Persons in Public Life was published in the daily newspapers during the period November 30th to December 5th 2012 and in the Gazette on December 21st 2012.

733

names published for failing to file

## There were 9 inspections of the Register of Interests

### REGISTER OF INTERESTS

The Integrity Commission compiles and maintains a Register of Interests in order to provide information to the public about the personal and business interests of Persons in Public Life that may influence or may be perceived to influence their judgement, deliberations or actions.

Section 14 of the IPLA requires all Persons in Public Life to disclose the particulars of their directorships with companies, contracts with the state, investments in partnerships or associations, sources of income, beneficial interests in land and trust funds and memberships in professional, trade or political associations.

This information is compiled and retained in a Register of Interests and made available upon request to members of the public. During 2012, nine (9) persons accessed the Register of Interests.

### DECLARANT EDUCATION

During 2012, approximately 450 meetings were held to provide guidance to Persons in Public Life who requested assistance in the completion of their declaration forms. The Compliance team includes professionally qualified Accountants.

The Integrity Commission also hosted workshops for the Directors of three (3) newly appointed boards in 2012 - Government Human Resource Services, Tourism Development Company and the National Library and Information System Authority. At these sessions presentations focused on how to accurately complete declaration forms, the requirements of the IPLA and the responsibilities of Public Officers as detailed in the IPLA's Code of Conduct.

The Commission hosted its **First Integrity Open Day** for all Persons in Public Life on May 11th 2012. The key objectives of the Open Day were to inform declarants of the annual filing deadline and ensure that the declaration forms are accurately completed. This event attracted 63 declarants. The Open Day gave declarants the opportunity to interface with the staff who process their declarations and to receive the assurance that their matters are handled confidentially and professionally. It is anticipated that this will increase the responsiveness to queries arising from our examination of the declarations and in the long run, improve the number of Certificates of Compliance that may be issued each year.

### EXAMINATION OF PUBLIC BODIES

Effective April 2012, the Integrity Commission implemented a programme to systematically examine Statutory Bodies and State Enterprises in order to determine whether there exist satisfactory policies and procedures to ensure that corrupt practices will be prevented and detected and that public funds will be utilized efficiently.

Sections 5 (g) and (h) of the IPLA empower the Integrity Commission to:

- g. examine 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.

In this regard, the Integrity Commission sought to fulfil its mandate in 2012 and consulted with the monitoring agencies that have the responsibility for the oversight of public bodies to understand the current regulatory framework. Based on these consultations, special focus was placed on the examination of the operations of Municipal Corporations. The Arima Borough Corporation was selected and the scope of its examination was determined after consultations with the Auditors and Human Resource Officers of the Ministry of Local Government.

The on-site examination consisted of meetings with management, examination of source documents, the tracing of transactions to test the effectiveness of systems and testing of selected transactions on a sample basis. Recommendations were discussed with and forwarded to the Chief Executive Officer of the Arima Borough Corporation and all 18 recommendations have been accepted. It should be noted that while there were weaknesses and shortcomings in the processes/operations, no corrupt practices were identified.

The Report was formally presented to the Mayor of the Arima Borough - His Worship Ghassan Youseph and his Councillors by Chairman Kenneth Gordon and other Commissioners at the Arima Town Hall on January 16, 2013.

A copy of the Report has been forwarded to the Permanent Secretary Ministry of Local Government, the Comptroller of Accounts and the Auditor General.

## INVESTIGATIONS

The Commission in accordance with section 5 (1) (f) of the IPLA, is mandated to investigate the conduct of any person falling under its purview which, in the opinion of the Commission, may be considered dishonest or conducive to corruption. In recognition of this responsibility, Section 33 of the Act empowers the Commission to initiate investigations on its own; or to initiate investigations upon the receipt of a complaint from any member of the public.

The following table summarises all of the complaints which engaged the attention of the Commission during the year 2012:

	NATURE OF COMPLAINT	ACTION TAKEN	STATUS
1	Complaint of breach of the IPLA in the purchase of CLICO Shares.	Investigations were continued, persons interviewed and documents obtained.	Investigations are continuing.
2	Complaint of breach of the IPLA by the Attorney General in the performance of his duty.	Investigations were continued, persons interviewed and documents obtained	Investigations are continuing.
3	Complaint of misappropriation of State funds by a Director on the Board of National Commission for Self Help Ltd.	Interviews were completed, statements obtained.	Completed. Matter referred to the Director of Public Prosecutions.
4	<b>(Two Complaints)</b> Complaints of corruption against a former Prime Minister in respect to an agreement entered into with the Jamaat al Muslimeen.	Investigations continued, persons interviewed, statements recorded, documents obtained.	Investigations are continuing.
5	<b>(Two Complaints)</b> Complaints alleging breaches of the IPLA by the Ministry of Culture in the award of scholarship grants.	Investigations continued, persons interviewed, documents obtained and analysed.	Investigations are continuing.
6	<b>(Four Complaints)</b> Complaints against a former Prime Minister, alleging breaches of the IPLA in the award of land and construction of the Church of the Light House.	Investigations continued, persons interviewed, documents obtained and analysed.	Investigations continuing.
7	Complaint alleging a breach of the IPLA by the Chairman of UDeCOTT in the award of a contract.	Investigations continued both locally and abroad, persons interviewed and statements recorded	Investigations continuing
8	Complaint alleging breach of the IPLA in the acquisition of property by a former Minister of Government.	Investigations were conducted and no evidence was unearthed to suggest that the former Minister may have committed any breach of the IPLA	Completed

	NATURE OF COMPLAINT	ACTION TAKEN	STATUS
9	Complaint alleging breaches of the IPLA by members of the Board of Directors of the Agricultural Society of T & T.	Investigations were conducted, no evidence was unearthed to support the allegation of breaches of the IPLA	Completed
10	Complaint alleging breaches of the IPLA by a former Chairman of PTSC.	Investigations continued. Persons interviewed, statements recorded.	Investigations continuing
11	Complaint alleging breaches of the IPLA by persons in the THA in the operation of the Community Micro Projects Programme.	Investigations continued, persons interviewed, advice of Senior Counsel sought and obtained.	Investigations continuing.
12	Complaint alleging breaches of the IPLA by former members of the Board of NAMDEVCO.	Investigations were conducted, no evidence was unearthed to support the allegation of breaches of the IPLA	Completed.
13	Emanating from an article in the print media, the Integrity Commission initiated an investigation to determine whether any breaches of the IPLA were committed in the purchase of toilets costing in excess of one million dollars, by the Tunapuna/Piarco Regional Corp.	Investigations were conducted, no evidence was unearthed to support the allegation of breaches of the IPLA	Completed.
14	Emanating from an article in the print media, the Commission initiated an investigation to determine whether a Government Minister was in breach of the IPLA in the award of a contract by the Ministry to a relative's Company.	Statements recorded, documents obtained and analysed.	Completed. Matter referred to the Director of Public Prosecutions.
15	<b>(Two Complaints)</b> Complaints, alleging breaches of the IPLA by the National Petroleum Marketing Company in the award of a contract.	Investigations continued, persons interviewed and statements recorded.	Investigations continuing.
16	Complaint alleging discrimination by WASA in the award of a contract.	Investigations were conducted, no evidence was unearthed to support the allegation of breaches of the IPLA	Completed
17	Complaint alleging breaches of the IPLA by the Director of Forest Research Inventory and Management at the Forestry Division in the allocation of Teak Fields and Pine Fields.	Investigations were conducted, no evidence was unearthed to support the allegation of breaches of the IPLA	Completed.

NATURE OF COMPLAINT	ACTION TAKEN	STATUS
18 Complaint alleging a breach of the IPLA by officials of Caroni (1975) Ltd in the award of a contract.	Investigations were conducted, no evidence was unearthed to support the allegation of breaches of the IPLA	Completed.
19 Complaint alleging breach of the IPLA by the Chairman of UDeCOTT and CEO of the Housing Development Corporation.	Investigations were conducted, no evidence was unearthed to support the allegation of a breach of the IPLA.	Completed.
20 Complaint alleging that the Attorney General and a Minister of Government may have knowingly and willingly misled the public with respect to certain utterances made by them.	Requests were made to the Complainant asking that evidence of probative value be provided. The Complainant did not respond to these requests.	Closed.
21 Complaint alleging conflict of interest by officials of Caribbean Airlines in the award of a contract.	Investigations were conducted, no evidence was unearthed to support the allegation of breaches of the IPLA	Completed
22 Complaint by the Attorney General alleging breach of the IPLA by Members of the Board of Directors of T&T Entertainment Company.	Investigations were conducted, no evidence was unearthed to support the allegation of breaches of the IPLA	Completed.
23 Complaint alleging breach of the IPLA by a former Chairman of the Board of Directors of National Petroleum in the alteration of the contract of employment of the CEO.	Investigations were conducted, no evidence was unearthed to support the allegation of a breach of the IPLA	Completed
24 Anonymous complaint alleging a breach of the IPLA by the Board of Directors at NAMDEVCO in their hiring practices.	Interviews conducted, statements and documents obtained.	Investigations continuing.
25 Complaint alleging that a Minister of Government may have breached the IPLA in influencing the award of contracts by the Airports Authority.	Interviews conducted, statements recorded, documents obtained and analysed.	Investigations continuing.
26 Complaint alleging infringement of constitutional rights by the Minister of Finance in the failure to pay promised NIS increase.	No evidence was obtained to suggest that this matter fell within the purview of the IPLA.	Completed.



	NATURE OF COMPLAINT	ACTION TAKEN	STATUS
27	Complaint against a former Prime Minister, a former Attorney General and two former Government Ministers alleging misfeasance in Public Office.	Legal advice obtained. This advice indicated that this matter did not fall within the purview of the IPLA, Chapter 22:01 and should be pursued by the complainant via civil redress.	Completed.
28	Complaint by Mirror Group Publication Ltd alleging unfair treatment in the disbursement of State Resources for advertising purposes.	Interviews conducted, documents obtained and analysed, statements recorded.	Completed. Matter referred to the Director of Public Prosecutions.
29	Complaint alleging breach of the IPLA by Members of the Boxing Board of Control in the hiring of a Special Adviser.	Interviews conducted, documents obtained and analysed, statements recorded.	Investigations continuing.
30	Complaint alleging that a former member of the Tobago House of Assembly failed to declare her interest in a parcel of land.	Complaint investigated and it was determined that the former member of the Tobago House of Assembly was not required to file any Statement of Registrable Interests for the period.	Completed.
31	Complaint from a member of the public alleging that he never received a response from the Director of Public Prosecutions (DPP) in respect to a complaint made to the DPP.	No evidence was obtained to suggest that this matter fell within the purview of the IPLA	Completed.
32	Complaint alleging Directors of the Co-operative Citrus Growers Association bought shares in the Citrus Company of Belize in their names instead of the name of the Co-operative Citrus Growers Association.	No evidence was obtained to suggest that this matter fell within the purview of the IPLA	Completed.
33	Complaint alleging that the Leader of the Opposition made a mischievous and vexatious complaint to the Integrity Commission.	This complaint was rejected in accordance with section 34A (1) (c) of the IPLA Chapter 22:01, it being devoid of any grounds for an investigation.	Closed
34	Complaint alleging the illegal construction of a building and car park at Salybia Village, Toco.	No evidence was obtained to suggest that this matter fell within the purview of the IPLA	Completed.
35	Complaint alleging favouritism by UWI in its hiring practices.	No evidence was obtained to suggest that this matter fell within the purview of the IPLA.	Completed.

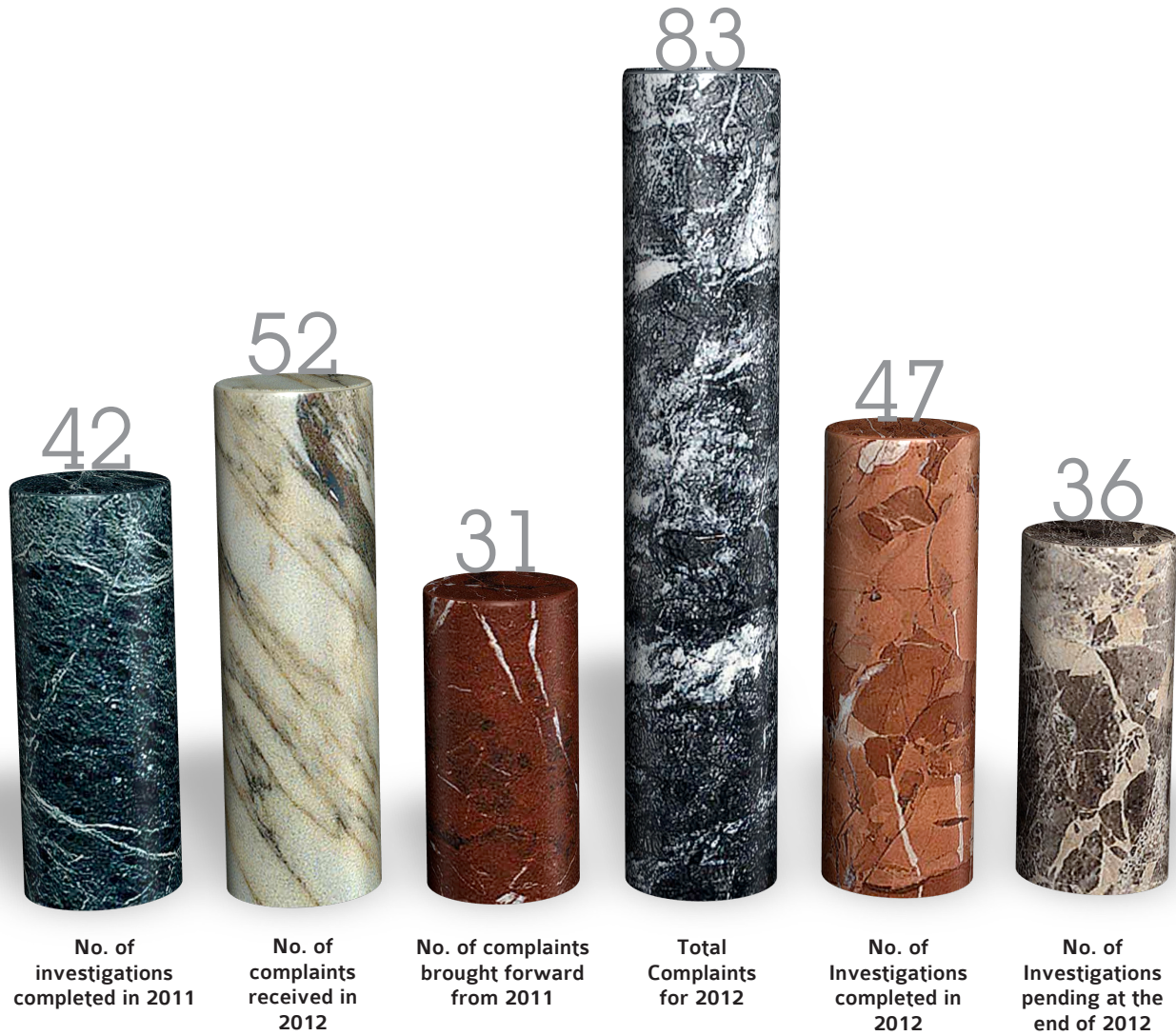
NATURE OF COMPLAINT	ACTION TAKEN	STATUS
36 Complaint by employees of the Couva/Tabaquite/Talparo Regional Corporation alleging improper conduct towards them by the Chairman of the Corporation.	No evidence was obtained to suggest that this matter fell within the purview of the IPLA.	Completed.
37 Complaint by a member of the public against the Social Welfare Division alleging non receipt of pension.	No evidence was obtained to suggest that this matter fell within the purview of the IPLA.	Completed.
38 Complaint alleging a breach of promise by the Managing Director of the Housing Development Corporation.	No evidence was obtained to suggest that this matter fell within the purview of the IPLA.	Completed.
39 Complaint requesting an investigation into the receipt of US \$40,000.00 by a Minister of Government from the General Secretary of T&T Football Federation.	Investigations are in progress, persons were interviewed and statements recorded.	Investigations continuing.
40 Complaint by CEO of T&T Entertainment Company alleging the Chairman of the Company placed unfair restrictions on him which retarded his ability to perform his duty and that the Company employed a foreign national who was not the holder of a work permit.	No evidence was obtained to suggest that this matter fell within the purview of the IPLA.	Completed.
41 Complaint alleging fraud and financial impropriety by a Medical Practitioner whilst the latter was the Registrar of the Sexually Transmitted Diseases Clinic.	No evidence was obtained to suggest that this matter fell within the purview of the IPLA.	Completed
42 Acting upon information received, the Commission initiated an investigation into an allegation that the CEO of WASA was influencing the award of contracts by WASA to a particular company.	Persons were interviewed, documents obtained, statements recorded.	Investigations continuing.
43 Complaint alleging corruption in the granting of saw miller's licences by the Forestry Department.	Persons were interviewed, documents obtained, statements recorded.	Investigations continuing

NATURE OF COMPLAINT	ACTION TAKEN	STATUS
44 Complaint alleging breaches of the IPLA by former Directors of the National Lotteries Control Board.	Complaint investigated, it was discovered that this matter is already engaging the attention of the Police.	Closed
45 Complaint alleging that public funds were expended, without the requisite authority, to pay for travel and other expenses for a relative of the Prime Minister.	Investigations were conducted. Advice of Senior Counsel obtained. Senior Counsel advised that Cabinet was authorised to approve the payment of travel and per diem allowances for someone to accompany the Prime Minister on foreign travel as her travel assistant.	Completed
46 Complaint against a former Mayor of San Fernando alleging, failure to declare a benefit which was received.	Investigations conducted, persons interviewed, analysis of declaration conducted, no breach of the IPLA was discovered.	Completed
47 Complaint by the Chairman T&T Transparency Institute alleging improper conduct by a Minister of Government in respect of a letter which he sent to another Minister.	No evidence of probative value was supplied in support of this complaint.	Closed
48 Complaint alleging that the Attorney General is using public resources for activities not related to official work.	No evidence of probative value was supplied in support of this complaint.	Closed
49 Complaint, alleging that during 2012, a Director served on the Board of Caribbean Airlines. Sums of money were paid by Caribbean Airlines, for the provision of services to Companies of which he was also a Director.	Persons were interviewed, documents obtained, statements recorded.	Investigations continuing
50 Complaint alleging impropriety in the award of a contract by the Public Transport Service Corporation.	No evidence was obtained to suggest that this matter fell within the purview of the IPLA.	Completed
51 Anonymous complaint alleging improper conduct by Directors of the Business Development Company.	No evidence was obtained to suggest that this matter fell within the purview of the IPLA.	Completed

NATURE OF COMPLAINT	ACTION TAKEN	STATUS
52 Complaint alleging improper conduct by the Purchasing Manager at PTSC.	No evidence was obtained to suggest that this matter fell within the purview of the IPLA.	Completed
53 Complaint alleging breach of the IPLA. by a Minister of Government, whilst he was an Advisor to another Association.	Persons were interviewed, documents obtained, statements recorded.	Investigations continuing
54 Complaint, alleging that the Chairman of the University of Trinidad and Tobago may have used public property for purposes not related to his official work.	No evidence was obtained to suggest that this matter fell within the purview of the IPLA.	Completed
55 Complaint against the Point Fortin Borough Corporation and various Insurance Companies alleging the unauthorised withholding of money.	No evidence was obtained to suggest that this matter fell within the purview of the IPLA.	Completed
56 Anonymous complaint alleging irregularities in the supply of air condition systems to schools.	No evidence was obtained to suggest that this matter fell within the purview of the IPLA.	Completed
57 <b>(Four Complaints)</b> Complaints alleging breaches of the IPLA by the Tobago House of Assembly in a BOLT arrangement with Milshirv Properties Ltd.	Documents obtained and being analysed.	Investigations continuing
58 Complaint alleging a breach of the IPLA. by the Ministry of Justice in the award of a contract for the proposed Judicial Centres.	Complaint analysed, investigation plan approved, request made for relevant documents.	Investigations continuing
59 Complaint against the Ministry of Energy and Energy Affairs alleging non- receipt of remuneration for performing duties in higher position.	No evidence was obtained to suggest that this matter fell within the purview of the IPLA.	Completed
60 Complaint alleging that the Leader of the Opposition may be in breach of the IPLA in respect of the receipt of a gift or benefit.	No evidence of a probative value was supplied in support of this complaint.	Closed.
61 Complaint alleging a breach of the IPLA by officials of the Housing Development Corporation in the purchase of land.	Complaint analysed, investigation plan approved, request made for relevant documents.	Investigations continuing
62 Complaint alleging unfair termination of contract of employment by the Chairman, National Trust of T&T.	No evidence of a probative value was obtained to suggest that this matter fell within the purview of the IPLA.	Completed

NATURE OF COMPLAINT	ACTION TAKEN	STATUS
63 Complaint alleging favouritism by the Tobago House of Assembly in the issue of a Letter of Intent to Zoit Developers Ltd., in respect to the proposed Aquatic Centre.	Complaint analysed, investigation plan approved, request made for relevant documents.	Investigations continuing
64 Complaint against a former Minister of Government alleging misuse of State funds.	Complaint analysed, investigation plan approved, request made for relevant documents.	Investigations continuing
65 Complaint alleging breach of the IPLA by a former Chairman of T&TEC in the award of a contract.	Complaint analysed, investigation plan approved, request made for relevant documents.	Investigations continuing
66 Complaint alleging malicious damage to property.	No evidence was obtained to suggest that this matter fell within the purview of the IPLA.	Completed
67 Complaint against UWI alleging irregularities in their hiring practices.	Complaint engaging the attention of the Commission.	Investigations on going.
68 Complaint alleging a breach of the IPLA by the Estate Management and Business Development Company in the performance of work.	Complaint engaging the attention of the Commission.	Investigations on going.
69 Anonymous complaint alleging that a Director of Lake Asphalt made unauthorised use of the Company's resources.	No evidence was obtained to suggest that this matter fell within the purview of the IPLA.	Completed
70 Anonymous complaint, alleging corruption at Central Tenders Board in the award of contracts.	No evidence of a probative value was supplied in support of this complaint.	Closed.
71 Complaint alleging incompetence by an Attorney-at-Law in divorce proceedings.	No evidence was obtained to suggest that this matter fell within the purview of the IPLA.	Completed
72 Complaint alleging bias by the Legal Aid and Advisory Authority.	No evidence was obtained to suggest that this matter fell within the purview of the IPLA.	Completed.
73 Complaint alleging fraud at National Gas Company, National Energy Corporation and La Brea Industrial Development Corporation.	Complaint engaging the attention of the Commission.	Investigations on going.
74 Request for an investigation to determine the circumstances under which property was acquired by the Minority Leader in the Tobago House of Assembly.	Complaint engaging the attention of the Commission.	Investigations on going.

SUMMARY OF INVESTIGATIONS FOR THE YEAR 2012



His Excellency President George Maxwell Richards, President of the Republic of Trinidad and Tobago has been very supportive of the **Do Right Champions**.



## PUBLIC EDUCATION AND COMMUNICATION

In the year 2012 the Integrity Commission continued to promote the theme of integrity nationally with a special emphasis on Persons in Public Life, persons exercising public functions and to students in primary and secondary schools.

**The “Do Right Champions” School Competition**, launched for the first time in 2011, has now become a permanent part of the Commission’s calendar and continues to receive positive reviews and support from School Principals, Teachers, Students and Parents. **The “Do Right Champions” Competition** formed part of the Commission’s mandate to “carry out programmes of public education intended to foster an understanding of the standards of integrity.”

The Ministry of Education and the Tobago House of Assembly continued to work together with the Commission on the competition. Their unwavering support contributes significantly to the success of our competition.

An Awards Ceremony was held for the 2011 **“Do Right Champions”** competition on January 30, 2012. It was attended by His Excellency Professor George Maxwell Richards, President of the Republic of Trinidad and Tobago, the Minister of Education and the Secretary of Education, Youth Affairs and Sport, Tobago House of Assembly (THA).

Winners of the schools that produced the best Scenarios (Primary and Secondary Schools) in the 2011 competition performed their skits at the Rudranath Capildeo Learning Resource Centre (RCLRC), Couva on May 02, 2012.

The Commission launched the 2012 **“Do Right Champions”** in Tobago at the Coco Reef Hotel on Thursday September 27, 2012.

In 2012 the competition had two categories-Short Story and Drawing and was expanded to include students of all schools as a means of further developing and enhancing literacy skills.

School Principals were asked to submit the best entries from among students of each Standard or Form of the Primary and Secondary school.



The Commission's Caravan visited St. Joseph TML to promote the 2012 **Do Right Champions** school competition.

A team of employees from the Commission visited schools and spoke to School Principals and students about the competition. At the schools the Commission distributed promotional and informational materials to Principals, Teachers and Students.

The winner in each category at the Education District level was provided "nEo" accounts containing prize money through First Citizens. The Commission is of the view that among the benefits of a "nEo" account are that it would facilitate the habit of saving as well as provide discounts on useful items for students.

The Commission received 575 entries from 88 Primary and 34 Secondary Schools.

The judging criteria maintained a high level of consistency. An esteemed panel of judges which included several former school principals, curriculum officers and retired teachers, all with experience in grading papers at the level of the Caribbean Examination Council (CXC) judged the entries on creativity, originality, interpretation of the Integrity theme and the clear and positive message that it depicts.

The judges reported that the quality of entries "were far superior" to those received in the previous year.

An Awards Ceremony for the 2012 "**Do Right Champions**" was held at the National Academy for the Performing Arts, South Campus on March 05, 2013.

## MEDIA RELATIONS & COMMUNICATIONS

In 2012 the Commission produced 17 press releases related to the following issues:

- Advising the public that the Integrity Commission continues to perform its functions under the Integrity In Public Life Act, (IPLA), and that all matters are being addressed as required.
- Emphasizing that all Persons in Public Life appointed to State Boards and Statutory Bodies are notified by the Integrity Commission of their obligation to file declarations in accordance with the Integrity in Public Life Act (IPLA), Sections 11(1) and 14(1).
- Advising the public that pursuant to Section 22 of the Integrity in Public Life Act (IPLA), the Commission has the power to order Persons in Public Life to place their assets in a Blind Trust and upon terms and conditions as the Commission considers appropriate and thereafter to file a copy of the trust deed with the Commission.
- Updates on the 2012 Do Right Champions Competition.
- The promotion of the Commission's Open Day for 'declarants.'
- The Commission responded to scores of Media Queries and placed 6 feature articles in the Sunday Guardian newspaper.

The Commission's Chairman held two News Conferences related to the Strategic Plan 2012-2015 and the Commission's plans for review of the Integrity in Public Life Act.

The Commission initiated the production of a quarterly newsletter, "Integrity in Action." The inaugural issue of the newsletter was printed in July 2012. The newsletter creates public awareness about the Commission's activities and is distributed to schools, Ministries, Government agencies, Embassies and to all Persons in Public Life.

A major initiative for the year 2012 included Public Consultations towards the Review of the Integrity in Public Life Act. The Commission held a number of public consultations with key stakeholders who head business groups, state boards and government agencies including a team from the Tobago House of Assembly, representatives from the Trade Union Movement, and representatives of the Auditor General, the Law Association and the Teaching Service Commission. The Commission collated the views from the media and key stakeholders to



implement the proposed changes of the IPLA for submission to the Attorney General of Trinidad and Tobago. The information gathered, although not exhaustive, was formulated into a summarized document outlining the Commission's proposal for amending the Integrity in Public Life Act Chap. 22:01 and is hereto attached as **Appendix 1** and titled **"Summary of Proposed Amendments to the Integrity in Public Life Act."**

The Commission produced a Handbook entitled "Frequently Asked Questions" which provides answers to the questions likely to arise about the Integrity Commission and its operations. The Handbook is being distributed to all Declarants, Ministries, State and Local Government Agencies etc. The Handbook is posted on the Commission's website.

The Commission hosted its first 'Integrity Open Day' at its offices on May 11, 2012. The Commission will continue to schedule Open Days to maintain the good relationships with declarants.

The Trinidad and Tobago Chamber of Industry and Commerce has agreed to support a proposal from the Integrity Commission to join in the battle against corruption by promoting the message to "do the right thing." Individual members of the Chamber will be invited, to insert the words "Do The Right Thing" in their print media advertisements. The Commission welcomes the support of the Chamber of Commerce and its membership in promoting this message.

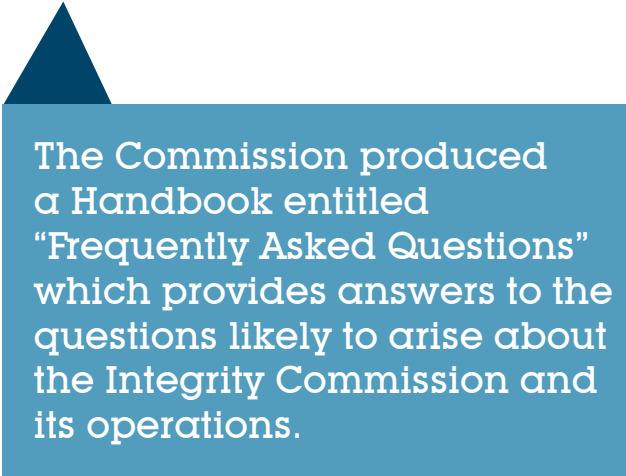
The Integrity Commission collaborated with the Ministry of Public Administration and celebrated Public Service Week with a display on the Brian Lara Promenade. The Commission used this initiative to promote its role and function. Members of the Commission's staff participated in the Public Service 5k walk/run.

## **PUBLIC EDUCATION VISITS**

(i) Students from the University of the West Indies St. Augustine Campus visited the Commission in September 2012 and received a wealth of information on the role and functions of the Commission.

(ii) The Organization of American States (OAS) Anti Corruption Mechanism Division visited the office of the Integrity Commission as part of the review process for the Mechanism for the Implementation of the Inter-American Convention against Corruption (MESICIC). The team was made up of representatives

from Antigua, Barbuda, Brazil as well as from the OAS General Secretariat. The purpose of the visit was to obtain objective information about the Integrity Commission as MESICIC work towards effective implementation of the Inter-American Convention.



**The Commission produced a Handbook entitled "Frequently Asked Questions" which provides answers to the questions likely to arise about the Integrity Commission and its operations.**

Members of the Commission held a regular Board Meeting in Tobago on September 27, 2012. After the meeting the Commission took the opportunity of its official visit to Tobago to launch the **"Do Right Champions" Competition 2012**. The Commission also presented prizes to seventeen (17) students from Tobago who participated successfully in the previous year's competition.

The Commission launched its 25th Anniversary on Thursday December 13, 2012 and hosted a Christmas Dinner for employees and other specially invited guests who included: His Excellency President George Maxwell Richards and Dr. Jean Ramjohn-Richards, the Chief Justice Ivor Archie and Mrs. Archie, President of the Caribbean Court of Justice-Sir Charles Byron and Mrs. Byron, among others.

Employees of the Commission provided hampers to the Trinidad and Tobago Red Cross Society and to the Emmanuel Community otherwise known as "The Cradle."

The Commission held Divali and Christmas celebrations for employees.

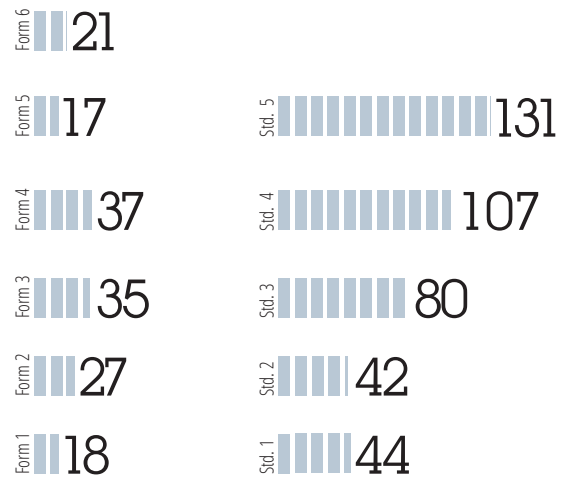
# The DO-RIGHT Champions 2012

FIGURE 1: PARTICIPANTS BY GENDER



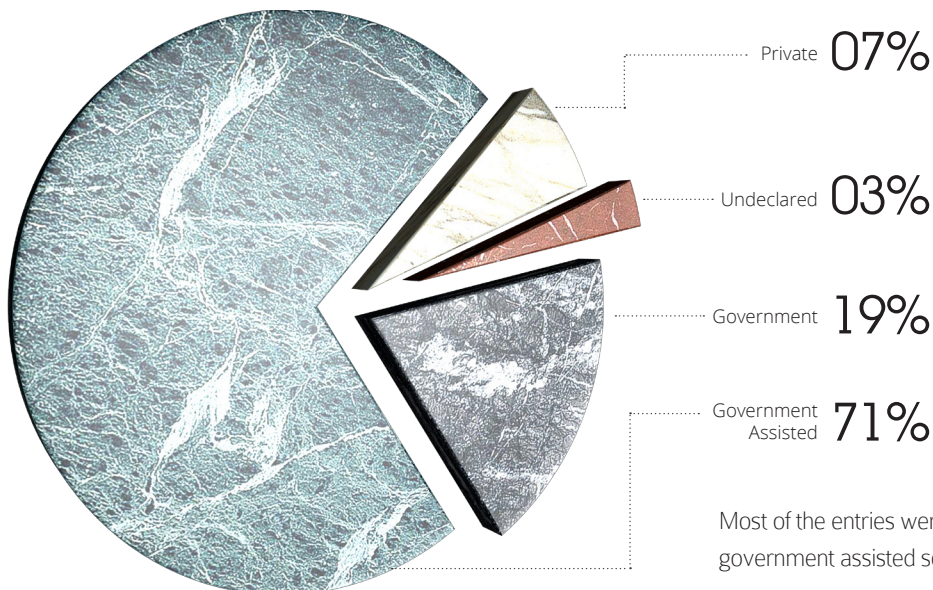
More female students participated in the 2012 “Do Right Champions” Competition than that of male students.

FIGURE 2: ENTRIES PROCESSED BY CLASS LEVEL



23% of entries processed came from Standard 5 of the Primary School, more than any other class level.

FIGURE 3: PERCENTAGE OF ENTRIES RECEIVED FROM DIFFERENT TYPES OF SCHOOLS



Most of the entries were received from government assisted schools.

# The **DO-RIGHT** Champions 2012



Winners of the 2012 Do Right Champions competition stand proudly at the National Academy for the Performing Arts, South Campus on March 05 , 2013.

## CORPORATE ADMINISTRATION

### FINANCIAL MATTERS

The Integrity Commission is a statutory body established in accordance with the Constitution by the Integrity in Public Life Act. 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 direct charges on the Consolidated Fund as well as appropriations by Parliament through the annual Appropriation Act.

The Commission has, during the Financial Year 2012, 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, having been appointed by, and therefore responsible to, the Minister of Finance, and answerable to the Public Accounts Committee of Parliament.

The Commission’s report covers the period January to December 2012. However, the financial report covers expenditure for the period October 1, 2011 to September 30, 2012. The Appropriation Account for the Financial Year 2012 was submitted to the Auditor General on January 31, 2013. This was the Commission’s accounting for the funds allocated to it under the Head of Expenditure 37 – Integrity Commission. This is reproduced in the Table below.

Allocation and Expenditure for the period October 1, 2011 to September 30, 2012

	ESTIMATES 2011/2012	ACTUAL EXPENDITURE
Personnel Expenditure	1,936,800.00	1,661,735.00
Goods and Services	22,926,600.00	14,692,530.00
Minor Equipment Purchases	839,000.00	202,068.70
Development Programme	Nil	Nil
<b>TOTAL</b>	<b>20,001,480.00</b>	<b>13,604,618.20</b>

It should be noted that the anticipated shift to more appropriate accommodation has not as yet taken place.

### HUMAN RESOURCES

The following represents the major activities and milestones that took place in the Human Resource Unit for the period January 2012–December 2012

HUMAN RESOURCE ACTIVITY	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
NEW HIRES	1	-	-	-	-	-	1	-	-	-	-	-
EMPLOYEES TRAINED*	-	2	2	15	5	5	5	3	8	2	4	1
SEPARATIONS	1	-	-	-	-	-	-	-	-	-	-	-
RETIREMENTS	-	-	-	-	-	-	-	-	-	-	-	-

\*Employees Trained includes those employees exposed to overseas training as follow:

EMPLOYEE	COUNTRY	TRAINING CONFERENCES /SEMINARS / WORKSHOPS
Director of Investigations	Singapore	Better Governance –Managing Corruption Programme for Heads of Investigation
Director of Compliance	Canada	Commonwealth Executive Programme in Public Management (York University)
	Brazil	15th International Anti-Corruption Conference
Deputy Registrar	Brazil	15th International Anti-Corruption Conference

## RECRUITMENT AND MENTORSHIP

The Integrity Commission participated in the University of the West Indies’ World of Work (Recruitment Fair) on the March 23, 2012. It was the first time the Commission participated in such an event. Approximately one hundred and eighty (180) students visited the Commission’s booth at the Recruitment Fair. The Commission received one hundred and fifty (150) applications requesting employment as a direct result of this intervention.

The Commission participated in UWI’s University Student Career Enrichment Programme 2012 (USCEP), also for the first time. U-SCEP was geared towards the encouragement of a working partnership between the UWI St. Augustine, its Undergraduate HRM Students and Regional Employers, such as the Integrity Commission.

The programme sought to bridge the gap between the theoretical concepts of Human Resources Management discussed in class and its actual application in a corporate setting. The Integrity Commission accommodated one HRM Undergraduate in its HR Unit during the period Oct 1-Oct 15.

## ORGANISATIONAL STRUCTURE

By Cabinet Min No 591( 2nd Session) of August 26th 2010 , Cabinet agreed that the existing organisational structure of the Office of the Integrity Commission continue for a period of three (3) years pending a review by the Commission of the adequacy of the structure and level of staffing to achieve its strategic objectives. In pursuance of the aforementioned, the Commission sought and received Cabinet’s approval by Minute No 1701 of June 21 2012 for the engagement of a consultant on contract to provide advice on the optimum organisational form, staff size and structure necessary to achieve its mandate. Cabinet also agreed that the engagement of the consultant should utilize the open tendering process.

The Commission has completed that exercise and the consultant has now been appointed. He is expected to complete his work by June 30, 2013.

## ACCOMMODATION

The Commission continues to be severely challenged in respect of the accommodation of its staff and to facilitate its expansion as it seeks to fulfill completely its legal mandate. Currently all members of staff are accommodated on one floor at the Unit Trust Financial Centre which is inadequate and continues to stymie the Commission’s development and expansion. (It was originally intended that the Commission would be assigned two floors.)

Despite arduous and stringent efforts, and continuous liaising on the longstanding request for alternative accommodation through the authorised channel, Government’s Property and Real Estate Division, Ministry of Housing, the issue of relocation remains outstanding at this time.



The Integrity Commission was present at the University of the West Indies’ World of Work Recruitment Fair.

## LEGAL MATTERS

### **The Trinidad and Tobago Gazette (Extraordinary), Vol. 51 No. 17 dated Thursday 9th February, 2012**

. – By this medium His Excellency Professor George Maxwell Richards, President of the Republic of Trinidad and Tobago, pursuant to section 136 of the Constitution constituted and appointed a Tribunal for the purpose of inquiring into a complaint made by three (3) Members of the Integrity Commission against Mrs. Gladys Gafoor, Deputy Chairman, alleging that on the 15th March 2010 and from or after that date through January 2012, she engaged in such conduct and behaviour amounting to misconduct in relation to her duties and/or misbehaviour in office.

The Tribunal's activity has been put on hold pending the outcome of an Appeal by Madam Justice Gladys Gafoor.

Notwithstanding the above, the Integrity Commission was in 2012, pressed into a contentious legal matter by its Deputy Chairman, Mrs. Gladys Gafoor, as against the remaining members, over an issue of Mrs. Gafoor's recusal from the determination of a complaint against Mr. John Jeremie (Fmr. Attorney General of Trinidad & Tobago). Mrs. Gafoor sought to challenge the Commission's decision to have her recused from determining the instant complaint and sought to do so by way of an action for Judicial Review in the High Court the outcome of which is as follows:-

**H.C.A. Claim No. CV 2012-00873** – In the Matter of the Judicial Review Act 2000 AND In the Matter of the Integrity in Public Life Act, 2000 BETWEEN Gladys Gafoor (Claimant) v. The Integrity Commission (Defendant).

On the 02nd March 2012 the Claimant filed a claim for judicial review challenging the decision of the other members of the Integrity Commission to recuse her from the determination of a complaint against Mr. John Jeremie. The Court's ruling was delivered on the 17th day of December 2012 by the Honourable Mr. Justice V. Kokaram and with a written judgment explaining its reasons.

It was held by the Court that the Claimant's claim for judicial review failed and would be dismissed on such reasons that the Commission had received legal advice from both in house and Senior Counsel on the relevant test to be applied in determining the issue of recusal; that it was legitimate and proper for the entire panel of Commissioners to consider the matter of recusal if the Claimant refused to accede to the request; that the Claimant did receive a fair hearing when the Commission deliberated on the complaint in issue; that from the point of view of the fair minded observer and well informed observer having considered the facts, it could not be concluded that there was a real possibility of bias against the Claimant.

### **Civil Appeal No. 30 of 2008 – Telecommunication Services of Trinidad and Tobago (TSTT) v. The Integrity Commission and The Attorney General of Trinidad and Tobago**

– On 18th February 2008 TSTT was granted leave by the Court of Appeal to appeal the decision of the Hon. Madam Justice Jones in H.C.A. No. 1735 of 2005 regarding the Court's interpretation of the expression "Members 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 Integrity in Public Life Act 2000 as amended. The learned judge delivered a judgment in relation to the foregoing issue stating in the Court's opinion the words "members 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) organisations or bodies established by Statute; (ii) all businesses or companies owned or controlled by or on behalf of the State'.

Further, the Court in its ruling stated that for the purpose of determining control by the State, a business or company shall be taken to be controlled by the State if the State 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 addition the Court said that this interpretation of the phrase "controlled by or on behalf of the State", to the Court's mind is in accord with what must be the purpose and intention of the



(L-R): Hugh Howard President, AmCham T&T, Susan Francois, Director, Financial Intelligence Unit (FIU) and Chairman, Kenneth Gordon at the Integrity Commission's stakeholder consultation at the Hyatt Regency on September 21, 2012.

legislation as expressed by the Constitution and the Act, that is, to preserve and promote the integrity of persons exercising executive or legislative functions on behalf of the State.

On this aforementioned decision TSTT was granted leave by the Court of Appeal to appeal.

On 29th June 2010 the Court of Appeal with the Hon. Chief Justice and Justices of Appeal Mendonca and Smith sitting in quorum, heard full arguments from Dr. Claude Denbow, S.C. for TSTT followed by Mrs. Deborah Peake, S.C. for the Integrity Commission. Mr. Stanley Marcus S.C. appeared and addressed the Court on behalf of the Law Reform Commission on the point that the Law Reform Commission was exempt from the Act as it was not a "Board" within the meaning ascribed by Justice Jones' decision and Mr. Fyard Hosein, S.C. addressed on behalf of the Attorney General.

After hearing all submissions, the Court of Appeal reserved its decision in the matter and announced that it would be delivered on a date to be notified.

Notification as to this date by the Court of Appeal remains pending.

## SUMMARY

This has been a productive year for the Integrity Commission:

- The Integrity Commission has cleaned up a serious internal problem which had caused much harm to the Commission. It was necessary to resort to the Courts in order to do so.
- It has maintained and improved on Deliverables in the processing of Declarations and addressing Investigations.
- It has embarked upon Strategic Planning and has achieved a number of targets which have been set.
- Declaration Forms have been improved and simplified and are being prepared for submission to Parliament.
- The Commission has expanded into State Enterprises and recommendations are in the process of implementation at the Borough of Arima. This function is part of the remit of the Integrity Commission which had not previously been addressed. Work has already commenced on a second State Enterprise.
- Public Consultations have been held to seek recommendations from the Public to make the IPLA more effective. These will be included in the Commission's recommendations to Parliament.
- The Commission's Programme of Public Education has been expanded and a positive start has been made in the schools.

Some 5,000 copies of a specially prepared handbook "Frequently Asked Questions" have been presented to the Ministry of Education for distribution to schools.

Our major priority as we move into 2013 is to complete proposals to make the IPLA more effective. There are serious weaknesses in the area of enforcement which need to be remedied if the Integrity Commission is to become more effective in the battle against corruption.



## THE INTEGRITY COMMISSION'S MANAGEMENT TEAM

(L-R)  
Richard Frederick, Director Investigations; Mervyn Crichlow, Chief Communications & PR;  
Leigh-Ann Benjamin-Campbell, Director Compliance; Davy Rajah, Director, Corporate Administration.

Seated: Lisa Phillips, Deputy Registrar and Martin Farrell, Registrar.





“DO  
THE  
**RIGHT  
THING**  
ALWAYS”



# SUBMISSION OF REPORT

This report is submitted to Parliament, pursuant to Section 10 of the Integrity in Public Life Act, Ch. 22:01 on this 11th day of March, 2013.

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**Kenneth Gordon**  
CHAIRMAN

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**Professor Ann Marie Bissessar, Ph.D.**  
MEMBER

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**Mr. Neil Rolingson**  
MEMBER

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**Mr. Seunarine Jokhoo, F.C.C.A, C.A.**  
MEMBER

# PROFILE OF COMMISSIONERS



**Kenneth Gordon**  
CHAIRMAN, INTEGRITY COMMISSION

**M**r. Kenneth Gordon has enjoyed an illustrious career both in the public and private sectors, having held the positions of Managing Director/Chief Executive Officer/Chairman of Caribbean Communications Network Ltd. (1969–1986) (1990–1997) and Government Minister of Industry, Enterprise and Tourism (1986–1990). He has also held Chairmanships of a number of major corporations and state agencies.

He has been the recipient of Local, Regional and International awards including from Columbia University – Gold Medal Maria Moors Cabot Award, Inter-American Press Association Joaquin Chamorro Award and Lord Astor Commonwealth Award from the Commonwealth Press Union.

He was awarded the Chaconia Gold Medal in 2007 and has received a number of business and media awards. He received an Hon. Doctorate in Business and Entrepreneurship from the University of Trinidad and Tobago in 2008, had the Ken Gordon School of Journalism and Communication Studies named after him in 2011 at COSTAAT and has authored his autobiography “Getting it Write”.



**Justice Gladys Gafoor**  
DEPUTY CHAIRMAN

**J**ustice Gladys Gafoor has held a number of senior Judicial and Legal positions including Senior Magistrate, Deputy Solicitor General and Acting Solicitor General of Trinidad and Tobago, Director of Public Prosecutions, Chairman of the Essential Services Division of the Industrial Court and Vice President of the Industrial Court. She is a former Lecturer and Director at the Hugh Wooding Law School and has chaired two Commissions of Enquiry.



**Mr Neil Rolingson**

MEMBER

**M**r. Neil Rolingson has over twenty (20) years experience in the area of Finance and Management. He held key posts in the industrial and banking sectors including Chief Executive Officer, National Flour Mills, Managing Director, Penta Paints Limited and President/CEO of Point Lisas Industrial Port Development Corporation (PLIPDECO). Mr. Rolingson holds a B.Sc. in Management Studies and a M.Sc. in Agricultural Economics.



**Professor Ann Marie Bissessar, Ph.D.**

MEMBER

**P**rofessor Ann Marie Bissessar is a Professor (Public Management) with the Department of Behavioural Sciences, University of the West Indies, St Augustine Campus. She holds B.A., M.Sc., and Ph.D., Degrees (Government) from the UWI. She has authored (co-authored) over 17 books and approximately 75 articles in peer reviewed journals.



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

MEMBER

**M**r. Seunarine Jokhoo is a Chartered Accountant with over 25 years of experience in the area of Accounting and Management. He has held senior positions in the Public Service and has served on the boards of several companies in the Public and Private Sectors.



# APPENDIX

# APPENDIX 1

## “SUMMARY OF PROPOSED AMENDMENTS TO THE INTEGRITY IN PUBLIC LIFE ACT (IPLA).”

### Part I:

#### Preliminary Sections 1, 2 & 3

The Commission agrees with Sections 1 and 3, that is, Title and Application of the Act and proposes no amendments/additions. The Commission proposes amendments to Section 2.

#### Section 2: Interpretation (Definitions )

The Commission proposes that the following should be defined and added to Section 2 of the IPLA:

##### i. Corruption

“An act done with intent to give advantage inconsistent with official duty and the rights of others”. [Blacks Law Dictionary 6th edition definitions 2001 West Group - All rights reserved] “The act of an official or fiduciary person who unlawfully and wrongly uses his status or character to procure some benefit for himself or another person contrary to duty and the rights of others”. “Corruption involves the dishonest or preferential use of power or position which has the result of one person or organization advantaged over another”.

##### ii. Public body

As currently defined Public Body, “includes local and public authorities of all descriptions”. That is, the Cabinet, the House of Representatives, the Senate, the Tobago House of Assembly, Local, Statutory and Public Authorities of all description and all State Enterprises. The Commission proposes to add to the definition of public body: other civil society institutions funded by the state; organizations who do business for, with, or in the name of public bodies. The Commission is of the view that all persons/ institutions who make use of ‘public money’ should come under the scrutiny of the Integrity in Public Life Act.

##### iii. Persons in Public Life

- The Schedule of Persons in Public Life should be widened to include:
- Chairman and Members of the Integrity Commission
- Chairman and Members of all Service Commissions
- Transport Commissioner
- Commissioner of Police
- Chief Immigration Officer
- Chairman, Board of Inland Revenue (BIR)
- Comptroller of Customs
- Chief Executives Officers of all State Enterprises that are partially or wholly funded by the State, Statutory Bodies and Municipal Corporations
- Special and Technical Advisers to Ministers
- Judges and Magistrates (It should be noted however that the matter of Judges and Magistrates should now be considered “res judicata”, viz, already determined by the Court without any appeal so the Court ruling stays. Thus Judges and Magistrates cannot now be added back to the Schedule of Persons in Public Life).

**iv. Persons exercising public functions**

As currently defined, persons exercising public functions includes: persons holding office under the various Service Commissions (Public, Judicial & Legal, Police, Teaching and the Statutory Authorities Service Commission as well as Members of the Diplomatic Service and Advisers to Government. The Commission proposes that the definition should be expanded to include: “The holder of any office or employment in any Public Body”

**v. Other Definitions (discussed/proposed but not yet defined)**

Definition for Business Associate

Definition of Tribunal

Definition of Standards (principles and standards for Persons in Public Life and persons exercising public functions)

Definition of Conduct conducive to corruption, dishonest conduct

**Part II:**

**Establishment, Powers, and Functions of the Integrity Commission Sections 4 to 10**

The Commission generally agrees with the provisions of this part of the Act, and proposes amendments to Section 5 – Functions of the Commission and Section 9 - Remuneration and Staff.

**Amendments to Section 5:**

The Commission is of the view that Section 5 (g) & (h) should be expanded to give details of the intent of the Act, as follows:

- **An organizational ethics audit i.e.**  
A systematic evaluation of an organizational ethics program and performance to determine whether it is effective.  
It includes regular, complete, and documented measurements of compliance with the company’s published policies and procedures.
- **A good governance review.**  
Simply put “governance” means: the process of decision-making and the process by which decisions are implemented (or not implemented). Governance can be used in several contexts such as corporate governance, international governance, national governance and local governance.
- **A good governance review.**  
Since governance is the process of decision-making and the process by which decisions are implemented, an analysis of governance focuses on the formal and informal actors involved in decision-making and implementing the decisions made and the formal and informal structures that have been set in place to arrive at and implement the decision.
- **Conduct of examination**  
The examination may be carried out by the employees, contractors, or by personnel seconded from the Public Service, law enforcement authorities, or by professional firms with experience in ethics auditing.
- **Follow up actions on the part of audited institutions to such audits should be specified in the Act and penalties specified.**  
\*United Nations Economic and Social Commission for Asia Pacific

**Amendments to Section 9:**

The Commission is of the view that Section 9 should be amended to give the Commission special powers to designate persons as Investigators and issue them with means of identification as such an officer.

## **Part III:**

### **Financial Disclosure Sections 11 to 22**

The Commission proposes several amendments to this Part of the IPLA including the repeal of Sections 15 to 19. The proposed amendments are as follows:

#### **Section 11 – Duty to furnish a Declaration:**

- The electronic submission of declaration forms.
- The electronic capture and processing of declaration forms for efficient workflow and timely analysis.
- An increase of the minimum limit for disclosure to \$25,000 per asset/ liability and excluding investments and credit card balances.

#### **Section 13 – Request for further particulars**

- The statement of net worth should be made mandatory instead of at the discretion of the declarant.
- The issuance of acknowledgement letters, with the caveat that the declaration is subject to audit, to all declarants who submit properly signed and dated declarations in accordance with Section 11 of the Act.

#### **Section 21 – Offences relating to Declaration**

The Commission recommends that Section 21 be amended so that:

- The Commission is empowered to levy fines and penalties on those institutions that fail to comply with the Commission's request for and/or confirmation of information in respect of the audit of a declaration.
- It be empowered to levy fines and penalties on declarants who do not file declarations.

#### **Section 22 – Blind Trust**

The Commission is also recommending the following changes to Section 22:

- More specific criteria and guidelines be established for the setting up of a blind trust as stated in section 22(b);
- Section 22 to be amended to include a sanction for failing to comply with the Commission's instructions to place assets in a blind trust.
- The Commission is also recommending that there be a provision for restraint orders to be imposed upon the use of the proceeds of blind trusts in certain circumstances.
- Sections 15 to 19: Powers of Tribunal

The Commission is recommending the repeal of the sections 15-19 of the Act and the shoring up of Part V of the Act by specific rules for the conduct of tribunals.

Sections 15-17 empower the Commission to advise the President to appoint a Tribunal of two or more of its members to conduct an enquiry into the contents of a declaration. It is not clear why these powers are distinct from the general power under Section 33, since a failure to make full disclosure is a breach of the Act under Section 21. Section 17 (2) (a) & (b) provides for a stay of an enquiry, where an enquiry is being conducted by the Police or the subject matter of the enquiry is engaging the attention of the court.



## **Part IV: Code of Conduct- Sections 23 to 31**

- The Commission does not exercise the same monitoring function with respect to persons exercising public functions as it does for Persons in Public Life. See Sections 30 and 31(1).
- The Commission therefore recommends that this monitoring function and the implementation of penalties for breaches be delegated to the respective Service Commissions and the Parliament and that a suitably crafted report be submitted to the Commission on a quarterly basis on the status of compliance.

### **The Commission recommends that:**

- The Act should create offences relating to a breach of the Code of Conduct.
- There should be a definition of corruption and corrupt practices within Part IV of the Act. ( Not available in the Prevention of Corruption Act 1987)

## **Part V: Power of Investigation Sections 32 to 44**

The following amendments are proposed for this Section:

- The need to establish means for enforcing the provisions of Section 5(2)(c) and Section 34 of the Act which gives the Commission the power to authorise investigations, summon witnesses and subpoena persons.
- The need to empower the Commission to establish tribunals as per Section 15 of the Act (which it is proposed should be repealed)to facilitate these powers. (vide the Independent Commission against corruption Act, 1988 (New South Wales)
- A provision for review by the Supreme Court to safeguard individuals against any claim of abuse by the Commission.
- The need to give the Commission powers of search and seizure.(vide Hong Kong and New South Wales)
- The need to establish provision for the protection of “whistle-blowers”. The absence of such a provision is a clear disincentive to those who are inclined to come forward.
- The Commission also recommends that systemic arrangements be made to facilitate the exchange of information between the Board of Inland Revenue, the Police Service, Customs and Immigration, the Financial Intelligence Unit, in order to avoid duplication of effort, enhance investigative capabilities and facilitate expeditious handling of investigations.
- The High Court should have the power to freeze the assets of a person under investigation.
- Section 32 be amended to include a provision imposing a duty on persons exercising public functions to report any act which he/she suspects may concern corrupt conduct.
- Such amendment would have effect despite any duty of secrecy or other restriction on disclosure.

## Miscellaneous Recommended Legislative Changes

It would be appropriate for the Act to include the following provisions for:

- Offences by companies pertaining to bribery and corruption.
- Penalties for such offences.
- Offences by companies facilitating breaches in the Act and associated penalties.
- Protection from liability for persons acting under the direction of the Commission.
- Extraterritorial jurisdiction, where possible.
- Admissibility of declarations and statements against an accused as a formal statement of evidence.

The Commission recommends that the Prevention of Corruption Act be amended and reinforced in the following ways:

- By making illegal a number of corrupt activities which are not presently captured
- By making provision for the inchoate offences of attempt, conspiracy, aiding and abetting and attempt.
- By making provision for the acceptance of a bribe to be an offence notwithstanding that the purpose of the bribe was not carried out.
- By amending the statutory presumption to include “any dealing with the Government or any Department thereof or public body”.
- By making provision for the evidence of accomplices.

The Commission recommends a variation to the Schedule of Persons in Public Life as follows:

- Chairman and Members of the Integrity Commission
- Chairman and Members of all Service Commissions
- Transport Commissioner
- Commissioner of Police
- Chief Immigration Officer
- Chairman, BIR
- Comptroller of Customs
- Chief Executives of all State Enterprises, Statutory Bodies, Municipal Corporations and Enterprises that are partially or wholly funded by the State
- Special and Technical Advisers to Ministers
- Judges and Magistrates.

The Commission recommends a total overhaul of declaration forms to facilitate efficient information capture of net worth and growth in assets.

Additional information to be captured include:

- Financial or other contributions to political parties
- Financial or other favours granted to public officials
- Financial or other favours received by public officials
- All associated businesses
- All instances of supply of goods and services to the State
- All instances of tenancy arrangements between the State and the declarant.
- More information on conflicts as it relates to private companies, and other business relationships.

## APPENDIX 2

### *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](http://www.integritycommission.org.tt)**











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