

Address by
Mr. Kenneth Gordon, Chairman
INTEGRITY COMMISSION OF TRINIDAD AND TOBAGO
CORPORATE GOVERNMENT SEMINAR
HYATT REGENCY
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Greetings

A non-Executive Director of a State Board who is an Engineer by profession advises on the technical requirements for the purchase of a piece of equipment. The Tender Notice is then advertised and his firm submits the winning bid. The Tenders Committee explains that it selected the lowest bid that best fit the job specifications. Is this integrity?

The Chief Executive Officer, frustrated by the delays in the Office of the Chief Personnel Officer, calls on a qualified family friend to hold the position of Accountant until he receives approval for the terms and conditions of the post. When the job is eventually advertised, the 'acting' Accountant is interviewed and is successful in the post. The HR Manager explains that he won the appointment because he best understood the needs of the organisation. Is this integrity?

While transcribing the minutes of board meetings the Corporate Secretary realizes that it is the board's intention to undertake a new construction project. She advises her brother to form a company and to prepare to submit a bid for the works. Is this integrity?

There are unending variations of such conflicts of interest and it is one of the major responsibilities of the five member team of the Integrity Commission to unearth them where they exist and to create a culture which will eliminate corrupt behaviour.

The vision of transforming Trinidad and Tobago into a corruption free country is a mammoth one. It requires first of all a vivid imagination, courage and great faith in the future. It also requires unwavering commitment to make a difference in the development and growth of our country. Whether or not this vision is fully realisable, I suggest we have no option but to try to make it so.

The Integrity Commission was established a little more than twenty-five (25) years ago with the objectives of:

- Becoming a performance driven institution.
- Promoting the highest ethical standards by ensuring compliance with the Integrity in Public Life Act.

- Detecting corrupt practices and dishonest conduct; and
- Developing and Promoting Public Education.

All admirable and necessary objectives but finding the right formula for the way forward continues to be a work in progress.

Great credit must be given to the early Commissioners who in some instances undertook direct investigations themselves. But the Commission was always a soft target for critics and the reality of taking sensitive decisions which impact people's lives frequently led to public attacks. This coupled with the Commission's earlier practice of not explaining itself or its decisions led to great misunderstanding of the Commission's position on issues. Though now reversed, this led to an early erosion of public support which the Commission continues to have great difficulty in overcoming.

The Commission is a creature of the Constitution and its cautiously settled powers are outlined in the Integrity in Public Life Act. An Act of Parliament which stipulates that each person in Public Life must submit a Declaration of Income, Assets and Liabilities and a statement of Registrable Interests to the Integrity Commission by May 31st of each year. Accountability which has two (2) primary benefits.

- (i) To allow an independent body to monitor inconsistencies in the declared income against changes in asset base of those in public life; and
- (ii) To detect and avoid potential conflicts of interest before they occur.

Currently the Integrity Commission has also found it a valuable source of information in corruption investigations, especially when the underlying act of corruption may be difficult to prove.

The rules for filing are not difficult. You file declarations for the year before you were appointed and each subsequent year thereafter. When you resign your obligations are complete when you file for the year of resignation. There is no statute of limitations for the IPLA.

In the past 12 months the Integrity Commission has broken new ground in publishing 131 persons, seeking court orders against 13 persons and in accordance with Section 15 calling on the President to appoint a Tribunal to investigate one person who has failed to comply with the Integrity in Public Life Act. The Commission now awaits the President's response. And this is just the beginning.

The Commission has also moved within the past 18 months to expand its accountability net to encompass State Enterprises. The Commission has since examined two (2) state bodies, The Arima Borough Corporation and Trinidad and Tobago Electricity Commission and recommended a number of improvements.

The other traditional activity of the Commission has been its Investigative Portfolio which is focussed on the elimination of corrupt behaviour by Persons in Public Life. In the past year the Commission has received some 92 complaints. These are listed in our Annual Report, which you may find of interest. 53 of that number have been dealt with and closed.

This compares with 83 complaints received in 2012 with 47 completed

75 received in 2011 with 42 completed

63 received in 2010 with 39 completed; and

32 received in 2009 with 6 completed

Significantly this consistent pattern of growth has occurred in spite of having lost more than one year of operating time from February 2009 to March 2012 and three and a half (3½) months from March 2013 to June of the same year due to circumstances entirely beyond the Commission's control.

The conclusion which follows from this growing support for the Commission's intervention is inescapable. But I shall return to that.

There have been equally significant developments in our Public Education and Communication Portfolio which has launched the Do Right Champions Annual Contest for Primary and Secondary Schools. The Commission has established on going links with teachers through its symposiums on the Role of the Teacher in instilling Integrity, hosted discussions with University students and opened up significant avenues of communication with our younger population. We are carrying our message to a new and critically important audience to whom already the word Integrity is no longer just another word for our primary students to learn to spell. It means a way of life they must now aspire to live. And we are convinced at the Commission that it is not possible to quantify the importance of that message when it is understood at so early an age.

On Thursday 17th April, the Commission launches "LEAD Trinidad and Tobago".

A collaboration between the Integrity Commission and the philosophy of LEADING FROM ABOVE THE LINE - A new phase of the journey to promote ethical conduct. Some of you may be already familiar with the concept of leading from above the line and it is an exercise which we are optimistic can lead to Better Governance through the

transformation of our Public Institutions. Ultimately the objective is the more efficient delivery of Public Service.

I give you this background to emphasise that there is no short cut to making a serious impact on corrupt and dishonest behaviour. It is a fact that too many in our fortunate country have developed an indiscipline where virtually anything goes once you can get away with it. Our task must therefore be tackled both at the level of those who have not as yet been contaminated by this virulent virus and frontally where the day to day problem poses a serious threat to the Nation.

The promising public support for the Commission's work to which I have referred earlier gives us hope and encouragement but the truth is that the process under the existing system has too many inherent delays built into it. Perhaps initially with good reason. But these are alarmingly different times. The tools with which we work need to be sharpened as other countries have done. The Commission cannot continue to work with the same tools and expect a different result.

We have therefore spent almost two years in research and consultations to develop recommendations for amending the Integrity in Public Life Act. A document which we intend to submit to Government and Parliament before the end of August.

Some of the Amendments we seek are:

- 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 give the Commission powers of search and seizure, as well as arrest (vide Hong Kong and New South Wales)
- 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.
- 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 creation of systemic arrangements in order to facilitate the exchange of information between the Board of Inland Revenue, the Police Service, Customs,

Immigration and the Financial Intelligence Unit. This is in order to avoid duplication of effort, enhance investigative capabilities and facilitate expeditious handling of investigations.

- Giving the High Court the power to freeze the assets of a person under investigation.

The Commission also 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 acceptance of a bribe to be an offence notwithstanding that the purpose of the bribe was not carried out.

The full list of recommendations is included in the Commission's Annual Report.

Mr. Chairman I have attempted to give you a snapshot of the current activities of the Integrity Commission. When the original authors of the Integrity in Public Life Act drafted this document they could not possibly have conceived the transformation which has taken place in the Trinidad and Tobago environment. The events which now confront us represent, if I can be forgiven the expression, "a whole new ball game". We

must therefore ensure that the Integrity in Public Life Act provides the necessary empowerment:

- i. To facilitate the flow of essential information between key state agencies;
- ii. To speed up the process through which the Commission can take action; and
- iii. To take today's realities into account.

This cannot be done by standing still and planning for incremental improvements. Firm and deliberate action is now required if we are indeed serious about bringing the problem of corruption under control.

**INTEGRITY COMMISSION OF TRINIDAD AND TOBAGO
APRIL 14TH 2014.**