

*Leave of Absence*

*Wednesday, May 26, 2004*

**HOUSE OF REPRESENTATIVES**

*Friday, May 26, 2004*

The House met at 1.30 p.m.

[MR. SPEAKER *in the Chair*]

**PRAYERS**

**LEAVE OF ABSENCE**

**Mr. Speaker:** Hon. Members, I have received communication from the hon. Member for Naparima (Mr. N. Baksh) and the hon. Member for Oropouche (Dr. R. Moonilal) requesting leave of absence from today's sitting of the House; the leave which the Members seek is granted.

**PAPERS LAID**

1. First annual report of the Protective Services Compensation Committee for the period January 01, 2001 to December 31, 2001. [*The Minister of Trade and Industry and Minister in the Ministry of Finance (Hon. Kenneth Valley)*]
2. Report of the Auditor General of the Republic of Trinidad and Tobago on the abridged financial statements of the Deposit Insurance Corporation for the year ended September 30, 2003. [*Hon. K. Valley*]  
*To be referred to the Public Accounts Committee.*
3. The Civil Aviation Regulations, 2004. [*Hon. K. Valley*]

**ORAL ANSWERS TO QUESTIONS**

*The following questions stood on the Order Paper in the name of Mr. Subhas Panday (Princes Town):*

**Trinidad and Tobago Roads  
(Registered Motor Vehicles)**

**102. Dr. Subhas Panday** (*Princes Town*) asked the hon. Minister of Works and Transport:

Could the hon. Minister state:

- (i) How many motor vehicles are registered to use the roads in Trinidad and Tobago?
- (ii) Whether there are motor vehicles using the roads which should have been inspected and obtained the relevant certificates and which have not complied with the law?
- (iii) If the answer to (b) is in the negative, what steps are being taken to have such vehicles inspected?

**The Minister of Works and Transport (Hon. Franklyn Khan):** Mr. Speaker, I seek the indulgence of the Member for Princes Town for one week. It would be approved in Cabinet on Thursday.

**Mr. S. Panday:** Does the same apply to question No. 104, Mr. Minister?

**Hon. F. Khan:** Yes.

**Highway Patrol Division  
(Introduction of Computer Technology in)**

**104.** Could the hon. Minister of National Security state:

- (a) Does the Government intend to introduce computer technology in Police Vehicles and in particular those in the Highway patrol Division, so that they can instantly retrieve relevant data about motor vehicles and drivers using the roads in Trinidad and Tobago?
- (b) If the answer to (a) is in the negative, why not?
- (c) If the answer to (a) is in the affirmative, when?

*Questions, by leave, deferred.*

**FREEDOM OF INFORMATION (EXEMPTION) (NO. 2) ORDER  
(NEGATIVE RESOLUTION)**

**Mrs. Kamla Persad-Bissessar (Siparia):** Mr. Speaker, I beg to move,

*Whereas* by virtue of section 5(1)(c) of the Freedom of Information Act No. 26 of 1999 the President may by Order subject to the negative resolution of Parliament determine such public authority or function of a public authority to which the Act shall not apply;

*Whereas* the Freedom of Information (Exemption) (No. 2) Order, 2003 exempting the Central Bank of Trinidad and Tobago from application of the Freedom of Information Act was made by the President dated the 31<sup>st</sup> day of December 2003 and laid in the House of Representatives on the 16<sup>th</sup> day of April 2004;

*Whereas* the said Exemption (No. 2) Order, 2003 is contrary to transparency, accountability and good governance and for diverse other good causes and reasons;

*Be it resolved* that the said Exemption (No. 2) Order, 2003 be negated.

And I would add the word “annulled”. Do we need a seconder at this point?

**Mr. Speaker:** No.

**Mrs. K. Persad-Bissessar:** I see you are smiling very much.

**Mr. Speaker:** I am admiring your outfit.

**Mrs. K. Persad-Bissessar:** Well, it is Indian Arrival week, is it not? Thank you.

Mr. Speaker, we need to look at the history of this Exemption Order brought by the Government and laid in the House. In the first place, the Order is dated December 31, Old Year’s Day, a very unusual day for public servants to be busy and about and for the President to be signing something, but it purports to be signed on that day. It was not until April 16, several months later, that this Order was laid in this House. I understand that the Order has also been laid in the other place, and we shall be taking it up there as well.

Sometime on or about December of last year, the Maha Sabha applied under the Freedom of Information Act for information from the Central Bank with respect to certain activities taking place at that bank. The questions that were asked dealt with the functioning of Dr. Cudjoe as a director of the Central Bank. The Maha Sabha, cognizant of the fact that Dr. Cudjoe lived outside of Trinidad and Tobago, raised the question as to whether and how much moneys were being expended by the Central Bank for overseas transport and transport within Trinidad and Tobago, as well as accommodation within Trinidad and Tobago when Dr. Cudjoe attended meetings of the Board of Directors at the Central Bank.

They also asked what were the roles, duties and functions of Dr. Cudjoe, as a director of the bank, given that his area of expertise, as displayed for the world to see on the Wellesley College website, was confined to expertise on literature. His resumé showed very clearly that he was versed in literature. Cognizant of the fact that the Central Bank Act says that the Directors of the Central Bank should be persons versed or with expertise in finance, accounting and general administration, they raised the question as to what were the roles, functions and duties of Dr. Cudjoe as an executive member of the Board of the Central Bank.

In addition, the Maha Sabha asked the Central Bank, under the Freedom of Information Act, “Tell us how much moneys, if any, have been spent with respect to the celebrations of Emancipation Day and Indian Arrival Day.” Further, they asked, “Tell us how many persons have been hired by the Central Bank from January 2002 and tell us the names of all persons who have applied for jobs at the Central Bank from January 2002.” Following upon those questions from the Maha

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Sabha, the bank replied through its Governor, to the effect, “We will not provide the answers to these questions.” Thereafter, this Order was laid in this House on April 16<sup>th</sup>.

At that time, court proceedings had begun by the Maha Sabha against the Central Bank seeking judicial review of the decision of the bank to refuse to provide the information requested under the Freedom of Information Act. So here it is the court matter is pending—I believe it is up for substantive hearing on June 16, leave was granted for judicial review. This matter is in court pending; it is saying that I am seeking the court’s determination to review a decision made by a public authority, by a government authority, of a decision to refuse to provide us with information, lo and behold, in this House of Representatives and thereafter in the Senate, this Order to exempt the Central Bank is laid in the Parliament. That is the history.

When this Order was laid in the House, based on our readings and the information that we had, we were informed that we could challenge it, we could seek to have it negated or annulled, but we must do so within 40 days of the Order being laid. That Order having been laid on April 16, the debate for any such challenge to the Order must take place on or before 40 days from the laying of the Order. Today is the last possible day that the Government had for having this debate take place.

They told us that they were coming with the Finance Committee Bill, but what are we here today to do? We are here today because of the Motion to negative or annul the Freedom of Information (Exemption) (No. 2) Order. My question, and I am sure the question of the national community, must be: What is it that you want to hide? If there is nothing to hide, in terms of the questions being asked of the Central Bank, why is it that one man, with expertise in literature, has recruited the entire PNM parliamentary Government in the House and in the Senate to cover and hide for him?

Here it is one man has recruited the Government in the House and Senate to enact legislation in order to hide and cover up what is taking place in the Central Bank. Our question must be: What do you have to hide? What is so terribly wrong with the questions asked? What are your roles, duties and functions? Does the bank pay when you come to Trinidad and Tobago? As a director of the Central Bank you are a public official holding public office and, therefore, the public is entitled to know. When “people” money paying for it, they want to know how much money is being spent and for what. What is so wrong with that? What do

you have to hide? Why do you want to take the Central Bank completely out of the freedom of information legislation? *[Interruption]*

I have checked it very well, Mr. Valley, and so have you. We were all in the House together when we debated this in 1999; I know the legislation; it was our legislation.

**Mr. Valley:** It is Ramesh's legislation!

**Mrs. Kamla Persad-Bissessar:** What is so terribly wrong at the Central Bank that questions asked by the public cannot be answered? Instead, you come to the Parliament to enact legislation to cover up one man. I ask the Minister to tell us what is happening when he replies, because we can see what is going on in this country. The PNM's track record with respect to freedom of information is totally non-existent. Their track record at every occasion in this Parliament and outside has been to cover up and hide information.

You would recall, Mr. Speaker, that in this Parliament in 1993 and again in 1994 the then Opposition, that is us, brought motions and, in fact, actually drafted a private Members' bill to bring freedom of information. The PNM would have none of it; they said that we did not need it. I will come back to that, because I will talk about what happened in 1999 in this very Chamber, when the Freedom of Information Act was passed. The track record with respect to freedom of information on the other side is totally bleak. It is non-existent. It has also been, "No, we must never have freedom of information legislation." Why is that? What is the question? What do you have to hide?

Every country in the world is moving towards enacting and expanding freedom of information legislation, not contracting it in terms of bringing exemptions to the existing legislation. Expanding the legislation to include more and more public authorities and government bodies. I want to state for the record: In 1995 when the UNC campaigned, just before we formed the government, at page 23 of the UNC manifesto we indicated very clearly that freedom of information legislation would be enacted by a UNC government, so that government-held information would be accessible to members of the public. So said, so done by the UNC when we came into office.

Having come into office in 1996, we published the Freedom of Information Bill, (No. 1) for public comment. That Bill went out to the length and breadth of the country. Public consultations were held in San Fernando, Port of Spain and Tobago and recommendations were made by members of the public. The Bill took those recommendations on board and the Freedom of Information (No. 2)

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Bill was drafted. Based on what was happening worldwide and our own local consultations, we amended the first Bill and took the recommendations on board and came to this Parliament in 1999 with the Freedom of Information (No. 2) Bill. That Bill is now law in Trinidad and Tobago. It became Act No. 26 of 1999, the Freedom of Information Act.

That Act was, in my view, a very bold and determined response to decades of PNM secrecy. It was a challenge to a culture deeply ingrained in the public service. That Act spread a net very wide so that all public authorities, all those who were spending public moneys, would be accountable through the Freedom of Information Act. That was a change in the culture that had been ingrained to hide information from the public.

I know many people in education who would tell you that when they went to the Ministry of Education to seek information on their own files, they could not find the files; they could not give them information. They would tell them, "Look, we cannot find it; we have no information," and they would give no information. Public servants would be adversely affected. They would lose their jobs, be demoted or transferred and could not find out why. Through the Freedom of Information Act they are able to get that information.

In the same way the Central Bank workers would want to know. If something happens within the bank, if an employee is demoted, transferred or moved about, if they are adversely affected, as individuals they could seek information as to why it happened, what are the reasons, what is the policy, what are the criteria for decisions being made adversely against them. That is with respect to workers in the bank.

The Central Bank is an institution accountable to the public. It is a public authority, a public institution incorporated by an Act of Parliament, by virtue of which it is subject to the Freedom of Information Act. This Order seeking to exempt the Central Bank from complying with the Freedom of Information Act is a total disgrace in today's information and technology age and in an age where, throughout the world, it is all about transparency and openness in government. There is no way this Order should be allowed to stand on the statute books of Trinidad and Tobago. [*Desk thumping*]

Let us look at the objectives of this Act and let us see if such an Order as they are seeking to make today comes within the confines of the statute. In law there is an interesting phenomenon: As you know, Mr. Speaker, legislation made under any provision of a statute is subordinate legislation; it is delegated legislation. Here it is being made by the President. In fact, in this case, even though the Order

purports to come from the President, let us understand clearly that it comes from the PNM Cabinet of this country. It is signed by the President, but it is not done by the President of his own discretion; it is done at the behest and request of the PNM Cabinet. [*Crosstalk*]

They will have their turn. They could have 75 minutes or two hours; I do not mind.

Let us not fool ourselves when we hear “President”. Even when we hear President, we know, we sat in this Parliament. The President is appointed by the PNM majority. The President in his own discretion did not make this Exemption Order.

**Mr. Ramnath:** We have a PNM President. [*Crosstalk*]

**Mrs. K. Persad-Bissessar:** That is the point; we had one and we have one again. Let us not fool ourselves that when you hear “President” you feel that it is an independent office and an independent decision being made; that is not the case at all.

**Mr. Speaker:** Order!

**Mrs. K. Persad-Bissessar:** It is being made by the Cabinet of the day. [*Crosstalk*] and I do not know why they are objecting. I think the whole country knows that it is a PNM Cabinet. [*Crosstalk*] Is it not a PNM Cabinet? Today it is a PNM Cabinet that has brought an Order to exempt the Central Bank. Why are you afraid of saying it? Do you know why? Because that entire Cabinet and Government should resign forthwith! [*Crosstalk*]

**Mr. Speaker:** Order, please! Hon. Members, I am appealing to you to have some regard for the Hansard reporter. She is in the middle of the crosstalk.

**Mrs. K. Persad-Bissessar:** I shall repeat: The Exemption Order before this House today, and what will come before the Senate, to take the Central Bank out of compliance with the Freedom of Information—[*Crosstalk*] [*Interruption*]

**Mr. Ramnath:** Stay quiet! “Allyuh” pushing drugs! You are a drug pusher!

**Mr. Speaker:** Hon. Members! The Member is making a worthwhile contribution; let us listen to her. Every Member will have 75 minutes.

**Mr. Ramnath:** Mr. Speaker, I withdraw. [*Crosstalk*]

**Mrs. Kamla Persad-Bissessar:** Any time I hear them getting on like that, I know the truth is hurting them. The truth offends.

**Mrs. Robinson-Regis:** What truth?

**Mrs. K. Persad-Bissessar:** I will repeat it, Mr. Speaker, they do not want to hear it, but it is the truth.

**Mr. Speaker:** Please, please! Hon. Members, today is Wednesday. We have Friday to come; please, let us not exhaust ourselves today. Let the hon. Member make her contribution, please. [*Laughter*]

**Mrs. K. Persad-Bissessar:** Mr. Speaker, I thank you for your protection and intervention, but there is no way those of us on this side will get exhausted by Friday, because we have Sunday for the march against crime in Central Trinidad. [*Desk thumping*] We are not getting exhausted at all.

**Mrs. Robinson-Regis:** “Allyuh” going Toronto to march?

**Mrs. K. Persad-Bissessar:** Mr. Speaker, I will repeat once more: This is an Order brought by a PNM Cabinet, purporting to be signed by the President, but it is clearly at the behest and request of the PNM Government. It was signed on December 31, the last day of the year; Old Year’s Night, but it only came to this House on April 16 and today, May 26, 2004, for debate.

I see the Leader of Government Business smiling when I read the words of the hon. Minister of Finance, Sen. The Hon. Enill, who said that there was a hiccup. He probably explained what the hiccup was about. I do not know if after the Old Year’s Night and New Year’s Eve parties, there were some hiccups. [*Laughter*] I understand that there was a hiccup and that is why it only came to us on April 16.

I want us to look at the objectives of the Act. I was talking about the fact that subordinate or delegated legislation was made under statute. While it is true that you can have an order made under section 5(c) to exempt any authority, when you bring delegated legislation it must fit; it must fall within the four corners of the parent statute. In other words, that delegated legislation is a creature of the statute; it is only created by the statute; it has no life of its own. It cannot go outside the bounds or corners of the statute itself.

The objective of this Act is to extend the right of members of the public to access information in the possession of public authorities by making available to the public information about the operations of public authorities and, in particular, ensuring that the authorizations, policies, rules and practices affecting members of the public in their dealings with public authorities are readily available to persons affected by those authorizations, policies, rules and practices, creating a general right of access to information in documentary form in the possession of public authorities, limited only by exceptions and exemptions necessary for the

protection of essential public interest and the private business affairs of persons in respect of whom information is collected and held by public authorities.

The Act goes on to define who are the public authorities. These public authorities start from the Parliament, the Cabinet, ministers of Government, all State enterprises, statutory enterprises and public bodies incorporated by statute under an Act of Parliament or incorporated by private company law, under memo articles of incorporation, once they are dealing with public funds and public interests, must comply with the Freedom of Information Act. Those are the objects. Why do we want to exempt the Central Bank?

I see the Minister is here and, therefore, I would quote his words. He may tell us that he never said these words or he may have different reasons why he felt it necessary to bring an exemption order to take the Central Bank out of complying with the Freedom of Information Act. This is an article carried by Sasha Mohammed in the *Trinidad Guardian* of Sunday 16, May, 2004 headlined, "Freedom of information a fading right" in which it quotes Minister Enill as saying:

"The decision to exempt State owned financial institutions was based on their very nature. Many give loans to the public and we thought that all institutions involving people's personal and private financial transactions should not be exposed since people are constitutionally entitled to a right to privacy. Government's principle at present is that any State owned institution that is involved in transactions of a financial nature are in fact confidential."

The existing Freedom of Information Act under the part dealing with exemptions already exempts from compliance with the Freedom of Information Act any information dealing with private financial transactions. So if that is the reason you are giving us for exempting the bank then it is a nonsense reason, which has absolutely no merit in law or any merit whatsoever in today's modern world of information transparency and accountability.

Under Part IV of the Freedom of Information Act, which deals with exempt documents, documents affecting personal privacy are exempt. Documents dealing with confidential financial information are already exempt. So there is absolutely no reason whatsoever to seek to take the entire Central Bank out of the purview of the Freedom of Information Act. You already have an exemption.

Mr. Speaker, the reasons for which they are really taking it out are the reasons the public is most interested in, the questions the public would want to ask. They want to know the reasons, the policies and criteria with respect to who are the people being hired by the Central Bank, on what criteria and with what

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qualifications. They want to know if you have a director living outside the country with no expertise in banking, financial transactions or finance, why is he sitting to make financial and monetary decisions in this country?

Do not tell me you want to exempt policy in this country; that is true; we know that. But when it comes to sensitive information of a confidential nature or of a financial business transaction nature that will affect the public interest of Trinidad and Tobago, you already have your exemptions within the existing legislation; so that reason is not good enough at all.

Mr. Speaker, Minister Enill continues in the article in his reasoning as to why we should exempt:

“Government has a right to protect the Central Bank because of the nature of the institution. It deals with highly sensitive monetary and fiscal policy so therefore it should really be an institution that should have some sense of independence.”

Do you know that in the United Kingdom the equivalent of the Central Bank has to comply with the Freedom of Information Act? Did you know that the equivalent in the United States also has to comply with the provisions of its Freedom of Information Act? What fiscal and monetary policy does the Central Bank of Trinidad and Tobago deal with that is so much more sensitive or better or greater and needs so much more protection than the Bank of England or the Federal Bank in the United States that protects the fiscal and monetary policy of the United States?

Again, it comes back to cocaine in diplomatic pouches. It comes back to Cudjoe in the Central Bank. What do you have to hide in the Central Bank? Why can you not tell us if you are spending money on Emancipation Day celebrations and how much? You are spending taxpayers’ dollars, “people money yuh spending”. [Crosstalk] Why are you not telling us how much?

Do you know what is wrong? When the Solid Waste Management Company Limited (SWMCOL) is spending on certain celebrations and cannot spend on others, we want to know where our dollars are being spent? The people of this country deserve to know. [Crosstalk] Yes, we passed the law in 1999 and when this law came into effect any member of the public could ask and be given information. [Crosstalk]

**Mr. Speaker:** Order!

**Mrs. K. Persad-Bissessar:** This law ended decades of secrecy under the PNM. [Crosstalk] You could have asked for information and gotten it. We did not hide

it; we did not exempt it; we opened it up. You are seeking to close it and we want to know why you want secrecy. You have given me two reasons in this article; maybe today you will give me more. The first reason the Minister gave in this article was to say:

“...by their very nature they give loans and this is private information.”

Under the existing legislation that is already protected; it is already exempt.

Your second reason is that you are dealing with sensitive monetary and fiscal policy. Does the Bank of England not do that? In the United States does the equivalent bank not do that? What is happening in the Trinidad and Tobago Central Bank that is so sensitive we cannot know it? At the end of the day, financial and commercial transactions are already exempted, so you have your exemption in the existing legislation. With respect to everything else you are doing in the bank, because it is a public institution serving the public interest, operating on public moneys, it must be answerable and accountable to the public. That is what transparency and good governance is about.

I was looking at the background and I read the objectives of this Act. What was this Act for, what was it about? The Member for Diego Martin Central is getting very upset with me and saying, “You could not give the information before.” As of 1999 when Act No. 26 came into effect, any member of the public could ask any question of any public authority. That Act gave every individual in this country a legally, enforceable right, a statutory right to know and to have access to State held information. It gave to every individual a statutory, legally enforceable right to know what information is held about him or her by a State authority. How important is that? That is so important.

If the information being held is inaccurate then that individual can then seek to have it corrected and made accurate. How many public servants in this country say that their personal records are being held—and I mean personal in the sense of the person and personnel in the sense of the human resource personnel—their records are there, the reports for and against them. They are not promoted, they are transferred or demoted on these private records and they do not even know what are in those records. As in the case where the Statutory Authorities Service Commission purported to transfer the common-law wife of the Member for Point Fortin, Marlene Coudray, and when you got the information it turned out that it had nothing to do with those records, but had to do with the spite and vindictiveness of the Member for San Fernando East. [*Desk thumping*]

Every person who works in a public authority, including the Central Bank, has the right under this law to find out what records they are holding on that person, and when they get those records, to be able to correct them if those records are wrong. How many times has a superior written up a record about a subordinate officer within a department that was detrimental to that person's progress and career development and the person did not even know?

In the hospitals you could not get information from your own file. So you would go in for medical attention and they could kill or damage you in there and you could not get the records; you could not find out what happened and why. That cannot happen today because of the Freedom of Information Act. This is a landmark piece of legislation; a historic piece of legislation. But now we have the PNM whittling away that fundamental right to have access to information.

In addition, the Act allows the public authority, in this case the Central Bank, if you fall under the Act, not only to provide information when an individual seeks it, but that you also have a statutory duty, a legal duty, an enforceable duty to publish every year in the *Gazette* and the daily newspapers what you do, how you do it, how you work, what are your policies and how you run your business, so that the public would know what you are about and, therefore, will know how to look at you, how to consider you, how to question you and how to challenge you.

The history of freedom of information legislation, which led to our own Act, shows clearly that it was very much a media fight. It was a fight launched by the media throughout the world where they fought to have governments enact freedom of information legislation, so they could get accurate information from the State, in terms of information held by the State. The purpose of that was for the media to perform its role in society, to provide the public with accurate information. Initially it was observed that freedom of information was really a right to be given to the media, but over time as it developed it became a right to be given to every citizen of a country.

It started in Sweden since about 1777, but it is only within the last decade or two that the rest of the world has gone ahead to enact freedom of information legislation, not just in the Commonwealth territories, but in what was the old Europe, the Eastern European bloc, and all those countries are coming in now with freedom of information legislation.

Why is this important? The rationale has always been to make government more accountable, to make it more open to public scrutiny. I am not to bring the Speaker into the debate, but you were in this House, Mr. Speaker, when this

debate took place in 1999. You, yourself, contributed to that debate on the Freedom of Information Act, No. 26 of 1999.

**Mr. Ramnath:** Did he vote for it?

**Mrs. K. Persad-Bissessar:** Those on that side did not support the legislation then, and today they come back in their spite and malice to take away and whittle it down as they did last year when they brought the first exemption order. What is the rationale? It is to improve decision-making by government; to enable groups and individuals to be kept informed on the functioning of decision-making in the country, as applied by government agencies and to enable individuals to have access to information about themselves that is held by government. They would know on what basis decisions could fundamentally affect their lives and the lives of their loved ones, and they could correct misleading or inaccurate information.

Freedom of information legislation is also a way to increase public participation in decision-making, because knowledge is power. There is no question that knowledge is power; information is power. When you have the information you can then act upon that information; you can truly participate in decision-making and democracy. If we look at freedom of information legislation in terms of the international context we are contracting, we are taking away; we are not expanding, when the whole world is moving to expand freedom of information legislation.

If you look at it in the international context, as long ago as 1946 in the very founding stages, the very first assembly of the United Nations in 1946, that resolution was adopted which declared that the right to access information, the right to have information and freedom of information from public authorities is a fundamental human right. The General Assembly adopted Resolution 59:1:

“Freedom of information is a fundamental human right and the touchstone of all the freedoms to which the United Nations is consecrated.”

That was in 1946; a commitment, a declaration, clearly, that freedom of information is not a mere right; it is a fundamental human right. All the United Nations accepted this resolution and went on in 1948 at the General Assembly to bring into effect, to adopt the Universal Declaration of Human Rights, Article 19:

“Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media regardless of frontiers.”

That UN declaration has been taken up in countries across the world.

Mr. Speaker, there are 54 nations in the Commonwealth, of which we are one. We have a common historical background; common institutional and legislative frameworks, shared values within the Commonwealth. Steps have been taken by nations during the last decade to recognize human rights and democracy as part of the fundamental political values in the nation. It adopted the Harare Commission, which enshrined the inalienable right to participate in democracy by having the right to freedom of information.

Right here in the Caribbean, in 1980 in Barbados, the Commonwealth law ministers of the 54 nations adopted the resolution that our nations should enact freedom of information legislation. In Trinidad and Tobago in May 1999 at the Trinidad Hilton, again, the Commonwealth law ministers stated, reaffirmed, committed and dedicated to enacting freedom of information legislation in each of their nations. I must say that I am very pleased that I had the privilege to be part of that conference. The European Council, the Organization of American States and in national legislation throughout the world, we have seen within the last decade or two that movement and incorporation of freedom of information legislation within the statute books of those nations.

Nelson Mandela, that great freedom fighter, was here recently. It is interesting to note that in South Africa there is a unique situation—just one or two other countries have this situation with respect to freedom of information—not only did they guarantee freedom of information, they went further. They did not put it simply in a statute as we did, that today a government with a majority could railroad it and take away from the statute, they enshrined it within the Constitution, so that the right to freedom of information in South Africa is constitutionally entrenched. It cannot be taken away unless there is a special majority of the Parliament.

Today, the Government will come with a simple majority of numbers and railroad this Order into the Parliament, to take away the right given to individuals in this country, the right to have free information from the Central Bank. South Africa then is one that we should really follow. It has gone through a very traumatic history, but when Mr. Mandela came into office one of the first things he did was to enshrine within his Constitution the right to freedom of information, so that it requires a special majority to change it.

Section 32 of the statute states:

- “(a) Everyone has the right of access to any information held by the State;
- (b) Information that is held by another person and is required for the exercise or protection of any rights...”

This goes even further than ours; it is even more expansive than ours. Ours only deals with State information; this goes to any information held by anyone whether public, that is the State, or private, if it is required for the exercise or protection of rights. This then is the enabling provision in the South African Constitution that enshrines the right to freedom of information as a fundamental human right.

In national legislation throughout the world: Asia, the Caribbean, Belize, Trinidad and Tobago, Jamaica and other Caribbean territories, in Western Europe, they have their laws in place, but I mentioned to you before that in Eastern Europe as well, many of those States are coming in. I have the names here, but I prefer not to spend the time giving them, but to make the point that everywhere around the globe nations that are committed to transparency and accountability in governance, that are committed to the democratic process, are expanding their frontiers and giving and granting that fundamental human right of access to information held by the State.

In Trinidad and Tobago we are going backwards. It is a retrograde step we are taking to contract rather than expand the right to freedom of information. I repeat: this Exemption Order should not be approved. It should be negated and annulled, and the Government should rethink its position. If it is concerned about sensitive information, about monetary and fiscal policy, or as the Minister said, about private and confidential information, they already have the protection under section 30 and within Part IV of the Freedom of Information Act.

At the end and beginning of freedom of information access, we can go back to that great political philosopher, John Stuart Mill, who talked about the proper functioning of a representative assembly, which is an assembly of those who represent people, that is to say, those in governance, when he said:

“To watch and control the Government; to throw the light of publicity on its acts; to compel full exposition and justification of all of them which anyone considers questionable; to ensure them, if found, condemnable; and if men who compose the government abuse their trust to fulfil it in a manner which conflicts with the deliberate sense of the nation, to expel them from office.”

That is what the right to information is about, that you can then examine, expose, find out and justify.

Government has it at its disposal to justify its actions, so that when questions are asked members can stand up to scrutiny and give the information. At the same time the public will find out, that where there is secrecy, why there is secrecy. If it is not for national security reasons—and do not tell me that the Central Bank is

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about national security reasons, it is not—then there is no other justification for taking the Central Bank out of compliance.

It has been said that everybody knows that corruption thrives in secret places and avoids public places. We believe it is a fair presumption that secrecy means impropriety. I ask the question again: Why do you want to hide what Dr. Cudjoe is doing in the Central Bank? Why do you not want to say what his duties are? I am calling upon Dr. Cudjoe that if he has nothing to hide, let him come and answer the questions, because the Government and the bank have failed to do so. Every one of them here today is recruited to cover up and not to provide that information to the public. [*Crosstalk*]

We are enacting legislation today in order not to answer questions asked about Dr. Cudjoe in the bank, in order not to answer questions about moneys spent on Emancipation Day, Indian Arrival Day and on charity.

**Mrs. Robinson-Regis:** What about money spent on the airport?

**Mrs. K. Persad-Bissessar:** The PNM has a history of passing legislation for one man. They use the Parliament to pass laws to deal with one person; that is not the way law is made. Mr. Speaker, fortunately you may fall within these provisions or unfortunately you may not, but the PNM history is that they changed the entire Constitution in order to fire a Speaker who was sitting right there, when we brought the amendment to the Constitution; in order for them to fire this woman who was sitting as Speaker in the House; passing legislation to deal with one person, because of your failure, mismanagement and incompetence. You use the Parliament and your parliamentary majority to pass legislation to deal with one person; to enact legislation to cover for one person. Why are those Members on the other side? I do not think you even know what is happening.

The Member for Diego Martin West, when he spoke on this very Freedom of Information Bill, talked about dictatorship. I wonder what he is talking about now. He talked about prime ministerial dictatorship. What is he saying now? [*Crosstalk*] He did not support the freedom of information legislation because he said it exempted Cabinet documents, but as we all know you have Cabinet dictatorship and prime ministerial dictatorship. Where is he today? The Member for Diego Martin West, in the *Hansard* in 1999, spoke about prime ministerial dictatorship, Cabinet dictatorship and, said that, therefore, Cabinet documents should not be exempted. I challenge him today: If you have come now to change the law, you should say, “Let us remove the exemption of Cabinet documents and make them amenable to the Freedom of Information Act.”

**Dr. Rowley:** To please who, you? [*Crosstalk*]

**Mrs. K. Persad-Bissessar:** Mr. Speaker, I want to talk about the hypocrisy of those on the other side. The *Hansard* record does not lie. In 1999 the debate on the Freedom of Information Act took eight days, which was unprecedented. Normally debates are one or two days; it is only the budget debate that takes a full eight days. That debate started in April and ended on July 16, 1999. By the time that debate had finished almost every Member on the other side had spoken, including your good self, Mr. Speaker, and most of the Members who were then on the government Benches from on this side also participated in the debate; such a historic piece of legislation it was, such an important landmark piece of legislation for this country. [*Crosstalk*]

I will leave my colleague to read what the Speaker said and I will deal with Members on the other side. [*Interruption*] If the Member for Couva South would give me an opportunity, I will read what the Speaker said. [*Desk thumping*] [*Crosstalk*]

**Mr. Speaker:** Order, please!

**Mrs. K. Persad-Bissessar:** He will certainly read what the hon. Speaker said. [*Crosstalk*]

**Mr. Ramnath:** She is a woman, she can tell me anything.

**Mrs. K. Persad-Bissessar:** On Friday, April 30, 1999, in this Chamber, I could remember the hon. Member for Diego Martin East could never stay quiet. He was like a jack-in-the-box: he would jump out at every debate. He does not do it anymore.

**Mr. Imbert:** I used to do that?

**Mrs. K. Persad-Bissessar:** Every debate the Member of Diego Martin East would give us 75 minutes of diatribe, so did the Member for Arouca South who did some really good debates. I do not hear her very much anymore.

Mr. Speaker, firstly in that debate the Member for Diego Martin East said that the Freedom of Information Bill was diabolical. [*Crosstalk*] He said it was an abomination. [*Crosstalk*] Really powerful, strong words. I think he was really describing the PNM. The Member for Arouca South said that it was a bill of deception. The Member for Diego Martin East called it the UNC secrecy Bill. The Member for Diego Martin East when asked:

“Do you have any recommendations?”

**Mr. C. Imbert:** You want to hear about recommendations? Take out of all this rubbish about exemptions, take it out, open it up. Open up everything. That is my recommendation.” [*Crosstalk*]

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Total hypocrisy! Having got into Government, the first thing they did in January 2003 was to bring the first Exemption Order under the Freedom of Information Act to take out 14 State authorities. Here in 2004 you have come to take out the Central Bank. Every Member on the other side—well, not every, because they were not all there, so Ortoire/Mayaro will retain his smile, because he was not in the Parliament at that time.

The Member for Diego Martin Central, the Member for Diego Martin West, the Member for Diego Martin East, the Member for Arouca South, the Member for Tunapuna and the Member for Laventille East/Morvant spoke on this Bill and every single one of them was totally against the Bill and said the reason was because they did not want the exemptions. Now that they are in a position to do something, what do they do? They do not come to remove the exemptions within the Bill, so all that was mouthing, mouthing, mouthing, hypocrisy and doublespeak. They came today, as they did in January 2003, to bring another exemption. After having already brought 14 exemptions last year, you come today to bring the Central Bank. [*Crosstalk*]

The Member for Diego Martin East continued in his contribution on the same Friday, April 30, 1999:

“Mr. Deputy Speaker, who could possibly be against freedom of information?”

**Mr. Hinds:** Nobody.

**Mr. C. Imbert:** Who? I mean, certainly with this Government we have on the other side, we wish to get as much information as possible. Therefore, what this legislation needs is a thorough overhaul to remove all these trapdoors, escape hatches, back-doors, ships’ ladders and other holes, apertures, hidden entrances and exits where public authorities can escape their responsibility to give information.” [*Laughter*]

Why did he not come here today to remove all the back doors, traps, ladders, holes and apertures in removing the Central Bank? The hypocrisy of those on the other side, that while they were sitting there, they were against the legislation. Because they could not find anything to be against, they said to remove all exemptions, yet the first chance they got, January 2003, they took out 14 public authorities. I will not be surprised that this Government, which is against transparency and openness, would continue to whittle away and take out more and more public authorities from the purview of this statute. [*Interruption*]

**Mr. Valley:** I thank the hon. Member for giving way. I wonder whether the Member could list the 14 institutions exempted under the Freedom of Information Act? [*Interruption*] [*Crosstalk*]

**Mrs. K. Persad-Bissessar:** The Member is asking me to list the ones they have exempted? He exempted them; with due respect, Sir. The Member for Diego Martin Central, as Leader of Government Business, laid the Freedom of Information (Exemption) Order in this House. I will tell you one of them: the National Entrepreneurship Development Company (NEDCO). I am answering you. One of them is NEDCO. What is NEDCO? Why did you exempt NEDCO? We had filed questions in the Parliament to find out who was getting moneys under NEDCO, but you did not want to answer that either, so you brought the Exemption Order to take NEDCO out of the purview.

**2.30.p.m.**

**Mr. Valley:** Thank you very much, Mr. Speaker. I wanted to give the Member—

**Mrs. K. Persad-Bissessar:** No, no. If you are going to read the list, no. With due respect, I gave way for questions of clarification, not for a speech. The Member has 75 minutes—

**Mr. Speaker:** No, please. One of the risks in giving way is exactly what is happening. But in doing so I would ask you not to abuse the privilege accorded to you by the hon. Member.

**Mr. Valley:** I shall not. I really want to ask a question, but to ask the question I have to make a statement first, Mr. Speaker.

**Mrs. Persad-Bissessar:** No, but you have 75 minutes.

**Mr. Ramnath:** No, you cannot. You must speak on your own time.

**Mr. S. Panday:** You do not have to make a statement to ask a question. Ask a question!

**Mr. Speaker:** Order!

**Mr. Valley:** To make a question valid—[*Interruption*] I am not a lawyer, Member for Princes Town.

**Mr. S. Panday:** Ask the question!

**Mr. Speaker:** Order, please!

**Mr. Valley:** Mr. Speaker, let me ask the Member the question. If she had a concern about NEDCO at that time, how come she did not do what she is doing now? Secondly, is she aware that some of the organizations which were exempted are the Trinidad and Tobago Unit Trust Corporation, the Agricultural Development Bank, First Citizens Bank, Taurus Services Limited, institutions which report to the Central Bank? If, in fact, she has no problem with these institutions being exempted, how come she has a problem with the regulatory authority to which these institutions report? How come she has a difficulty with the Central Bank being exempted?

**Mrs. K. Persad-Bissessar:** That is a very nice way of asking the question. I would certainly answer the Member. I have a problem with every single one of those. They brought them in as a thief in the night in January 2003. But with respect to NEDCO, we had already obtained the names. When they tried to hide it, the names had already become available to the Member for Caroni East and we saw what they were doing and why they were doing it.

But, you know, what seems to be the argument that the Member would want to put, is not having brought the Motion to negative those 14, then I should continue not to negative anyone else, and I do not agree with that. Every single time they come to take away one more Authority out of the purview of the Freedom of Information Act, we would come here and annul them; we would come here to negative them. So that is no argument whatsoever.

If your argument is that these are dealing with finance and private information, I have already said that the statute provides under Part IV, exemptions for private, confidential information and matters dealing with finance, business and commerce. So that is already protected there. That argument is total nonsense. In law it has no weight and no place. I hope the Minister does not come with that. He has to give us some other reason as to why he wants to take the Central Bank—and when he is giving that reason, he has to answer specifically why is it he only found it fit to do it when questions were asked about the role and function of Dr. Cudjoe in that bank; when questions were asked as to how much money they are spending to bring him from wherever he is in the United States to attend board meetings. How much money are they spending? I still do not understand what they have to hide. That is such a simple question! What is the cover up? Why do they want to cover it up?

Mr. Speaker, when I file a question under freedom of information as to which one of those Ministers gave the instruction to release the “Bajan” fishermen, I hope they would not come here to bring an order to take it out from under the

Freedom of Information Act, because each time questions are asked and when the public concern is raised, that is when they are bringing the orders and laying them in the Parliament. What happens with these orders, from the time they are gazetted, they take effect. So this was gazetted sometime in February and it took effect, and unless, as I say, this debate takes place within the 40 days and unless those Members with some conscience on the other side vote for the Motion to negative, that order would remain exempting once and for all, public authorities from the purview of the Freedom of Information Act.

I think my time is coming to an end so in closing I want to quote again from the article of Sasha Mohammed, from the *Guardian* of May 16, 2004, where she was interviewing Lennox Grant:

“Veteran journalist and former Editor-in-chief of the *Guardian*, Lennox Grant, said the sad thing about the possible repealing of the FOIA is that it may go relatively unnoticed, by both the public and especially journalists.

‘The FOIA hasn’t been in force long enough to have changed the ‘culture’ of journalism in this country,’ he said in an interview last week.

Journalists still mainly practice their craft by documenting and reporting what people say and ‘there is not enough of seeking to track the progress of public affairs through documentation.

‘The FOIA made it possible to enlarge the public domain and content by declaring that all public information must be made public, except there be strong reasons for not doing so, like matters of national security and international affairs’, he noted.

But since hardly anyone had made much use of this privilege, Grant said, ‘Ironically, then, the exemptions of authorities and agencies, which effectively reduce the scope of application of the legislation, and reduce potential information sources for journalism, may not be fully noticed or appreciated by many journalists. You cannot lose what you didn’t know you had’, he said.

He stressed, though, that any move by Government to whittle away the act will be ‘a restrictive and il-liberal posture by the ruling politicians, because cutbacks in FOIA application obviously amount to cutbacks in the possibilities for journalism that employs research and documentation.’”

Let me repeat that:

“He stressed, though, that any move by Government to whittle away the act will be ‘a restrictive and il-liberal posture by the ruling politicians, because

cutbacks in FOIA application obviously amount to cutbacks in the possibilities for journalism that employs research and documentation’.

Grant further warned that the public at large would also suffer.

‘I suspect the aim of the Manning administration is to hobble or hamstring those they see as legal and other trouble-makers such as the Maha Sabha and Anand Ramlogan, because the FOIA serves the public as well.

The activist type of people with political or other missions who wish to use the FOIA to liberate other information are being seen by the Government as being more of a threat than media’, he said.”

Mr. Grant has made it very clear: it is a restrictive and il-liberal posture. He said “cutbacks in the possibilities for journalism that employs research and documentation.” Mr. Grant is very clear that this is, without using the word, a retrograde step.

I want us to remember the stranglehold and the repression of public voices through the media that took place in all the years under the PNM. You would recall that under the PNM for umpteen years there were only two broadcast stations in this country—6.10 and TTT—and both of those broadcast stations were nationalized by the PNM so they were the voices of the PNM. For all those years no other radio station and no other television station were ever allowed to see the light of day in order to bring the voices of others, to bring information to the public. Only those two broadcast stations were there. It took the NAR and then the UNC to open up that entire sector to allow what we have today, a number of radio stations, and as we see with the television stations coming on board.

When the PNM came into office and had the opportunity to continue that trend to give out the licence, what did they do? You have the famous Citadel licence which was struck down in the court as being one of the most undemocratic and illegal practices of the PNM. So even when, in their next dis-incarnation, they had the opportunity to continue opening up information to the public through the radio stations and television stations, they gave the licence to Citadel which was the subject matter—

**Dr. Rowley:** That is not true!

**Mrs. K. Persad-Bissessar:** Whether they say it is true or not, the whole public read it in the newspapers. It was held that they had discriminated against the Maha Sabha in the granting of the licence. I am saying at first they did not grant any licence and it took the NAR and the UNC to open up that sector, and when they did have the opportunity to open up the sector under their watch, they

discriminated against those who had applied for a licence. That has been the history of the PNM.

This piece of legislation today, I am asking this House and those on the other side, to reconsider taking the Central Bank out of the purview of the Freedom of Information Act because the protection that you seek is already contained within the Freedom of Information Act for private, confidential information and for sensitive, fiscal and monetary information, in terms of commercial transactions; already protected under Part IV of the Act as exemptions. Therefore the other spending and expending and policy direction and criterion being used by the Central Bank in the public interest, using public moneys, should remain open for the public to access that information from the Central Bank under the Freedom of Information Act.

I have said that what strives in secrecy is clearly something that somebody wants to hide and I raise the question again: What is it that this Government is so determined to hide that is taking place at the Central Bank that they cannot answer some simple questions that have been filed by the Maha Sabha?

I thank you very much, Mr. Speaker.

*Motion seconded by Mr. G. Singh.*

*Question proposed.*

**The Minister in the Ministry of Finance (Sen. The Hon. Conrad Enill):**  
Mr. Speaker, the Motion before us by the Member for Siparia is—

*Whereas* by virtue of section 5(1)(c) of the Freedom of Information Act No. 26 of 1999 the President may by Order subject to the negative resolution of Parliament determine such public authority or function of a public authority to which the Act shall not apply;

*Whereas* the Freedom of Information (Exemption) (No. 2) Order, 2003 exempting the Central Bank of Trinidad and Tobago from application of the Freedom of Information Act was made by the President dated the 31<sup>st</sup> day of December 2003 and laid in the House of Representatives on the 16<sup>th</sup> day of April 2004;

*Whereas* the said Exemption (No. 2) Order, 2003 is contrary to transparency, accountability and good governance and for diverse other causes and reasons;

*Be it resolved* that the said Exemption (No. 2) Order, 2003 be negated.”

Mr. Speaker, Members may not be aware that there is a strict provision imposed by the Central Bank Act on every director, officer and employee of the

bank to preserve and aid in preserving secrecy with regard to all matters relating to the affairs of the bank or of any financial institution or of any customers thereof that may come to his knowledge in the course of his duties.

This is a strict statutory prohibition on pain of punishment, including mandatory imprisonment to every such director, officer or employee who is found guilty of breaching of this secrecy provision.

**Mrs. Persad-Bissessar:** On a point of clarification. If the Minister is saying you already have a secrecy provision, then why do you want to take the bank out of the Freedom of Information Act if you already have a statutory provision?

**Sen. The Hon. C. Enill:** I will answer that. It is against the background of this strict secrecy provision that the Central Bank has declined to provide information requested by members of the public under the Freedom of Information Act (FOIA).

The Freedom of Information Act establishes a legally enforceable right by any member of the public to access information held by public authorities. My Government has recognized and has continued to support the principal objectives of the Freedom of Information Act which are to allow for a degree of accountability and transparency by all public authorities through the dissemination of information. The Freedom of Information Act does not apply to documents to which secrecy provisions apply. This is specifically stated in section 34 of the Freedom of Information Act, except in certain public interest circumstances as set out in section 35.

The Central Bank is the repository of some of the most sensitive information that, if disclosed, could adversely affect the economic well-being of the country. The framers of both the Central Bank Act and the Freedom of Information Act recognized the need for confidentiality in certain circumstances, particularly with respect to protecting the economic interest of the state.

The Central Bank has been attacked in the media for not disclosing information requested under the Freedom of Information Act. I wish to take this opportunity to express my fullest confidence in the Central Bank and its contribution to the economic development of our country. The Central Bank has been an exemplar institution in all aspects. It has operated in a fair, consistent and even-handed manner, whether on economic, financial, regulatory, cultural or socio-economic matters.

Questions have been asked of the Central Bank which it has declined to answer because of its inability to so respond as a result of the statutory secrecy provisions embodied in its guiding legislation. At this point, I think it is necessary to address these issues since they directly attack the integrity of the Central Bank.

The information I am about to give to this honourable House, I am volunteering grudgingly, and without prejudice to the fact that this would not set a precedent in the future. I feel it is necessary to make an exception in this case because when the information is presented, Members will see that the Central Bank has nothing to hide and that all its actions have been fair and without preference or bias. I consider it to be of utmost importance that this information be disclosed to show the impartial nature and independence of the institution.

I refer, in particular, to issues which appeared in the media regarding a director of the bank, and other financial issues which have been the subject of several media publications. Specifically, questions have been raised, among other things, about—

- The role and duties of Dr. Cudjoe at the Central Bank;
- Expenses associated with Dr. Cudjoe in relation to transport, airfare, accommodation, etc.

As you would know, Dr. Cudjoe was appointed in April 2003 by the President as a director of the Central Bank of Trinidad and Tobago. Like all directors, he is entitled to receive certain remuneration, which specifically are: a director's fee of \$3,600 per month, a meeting fee of \$1,500, local travel expenses of \$400 per month and board committee fee of \$1,000 per meeting, as well as group medical insurance. The only additional travel payment that is made by the bank occurs where a board member resides in Tobago and, in that instance, the bank will meet the cost of air fare, car rental, and where applicable, the cost of one night's hotel accommodation.

With regard to the role and duties of Dr. Cudjoe at the Central Bank, his duties fall within the general duties of directors of the Central Bank. He is also a member of the audit committee. The Central Bank is the regulator of banks and non-bank financial institutions. As regulator, it calls upon its regulated licensees to follow strict guidelines regarding corporate governance. The Central Bank imposes the same standards on itself and its board of directors. One of the guiding principles in good corporate governance is that there is need for the oversight role of a board, but understanding that they are not to be involved in the day-to-day management of the organization. One obligation of a board is to meet regularly with senior management and internal audit to establish and approve policies, establish communication lines, and monitor progress towards corporate objectives.

I thought it necessary to give you this information because Dr. Cudjoe, who is carrying out public duty at great sacrifice—he works abroad and comes to board

meetings at his own expense and great personal sacrifice—is being pummeled for being a director of the bank and, like the bank, he cannot respond to these criticisms because of the strict statutory provisions of the Central Bank Act.

Another matter that has been raised in the media is the financial assistance and similar support given by the Central Bank to alleged partisan organizations. Here again, accusations have been levelled against the Central Bank for spending money to promote one aspect of Trinidad and Tobago's culture. As far as I recall, going back many years, and from the performances which the Central Bank has hosted, the Central Bank has observed and given support to a variety of national festivals, in recognition of the diverse nature of our country: Carnival, Emancipation Day, Divali and Parang festivities. From the establishment of the bank's auditorium, it has also been available to a wide cross-section of the population for cultural activities. It has also given support to the arts and has itself hosted cultural and educational activities.

The Bank first started Divali celebrations in 1991 and Emancipation celebrations in 2000. Expenditure on these festivities over the last five years were as follows:

- In 1999, Divali, \$19,866;
- In 2000, Divali, \$24,695; Emancipation \$4,900;
- In 2001, Divali \$78,312; Emancipation \$24,746;
- In 2002, Indian Arrival Day, \$32,523; Divali \$51,003; Emancipation \$86,041;
- In 2003, Divali \$75,729; Emancipation, \$39,855.

With regard to donations, it has always been the Central Bank's policy that donations will not be given to individuals or groups, given that it manages public funds. However, the Central Bank recognized that part of its mandate was to undertake economic, financial and monetary research and in this regard, contributions were given to various conferences, seminars, scholarships and research programmes.

I thought it necessary to give this background before treating with the matter at hand. The Freedom of Information (Exemption) (No. 2) Order, 2003, was presented to this honourable House out of an abundance of caution, to make it absolutely clear and beyond all doubt that the Freedom of Information Act does not apply to the Central Bank of Trinidad and Tobago. I have been advised that even without this Order, the bank is exempt from the Freedom of Information

Act, except in rare circumstances as stated in section 35 of the Freedom of Information Act, where the public interests overrides the secrecy provisions.

Section 56 of the Central Bank Act preserves without a doubt the secrecy requirement. Similarly section 36 of the Financial Institutions Act (FIA), also makes it an offence for persons receiving information under the FIA to disclose information without the consent of the persons to whom it relates, and anyone who is found guilty of breach of this provision is liable to a heavy fine and mandatory imprisonment.

The Central Bank is exempt from the Freedom of Information Act for good reasons. It manages the monetary and economic interests of the country. Ours is a small society where the use and abuse of information could seriously endanger the stakeholders in the financial system and the economic life of the country. To allow the Order to be negated would be to open the floodgates to litigation every time an application is made and refused by the bank. Further, in order to avoid multiplicity of actions, it was determined that an Order for exemption of the Central Bank from the Freedom of Information Act should be made.

I have been at pains to give you examples which show the impartiality of the Central Bank and with the information provided it is evident that the Central Bank has nothing to hide.

In closing, I would like to say that our country and parliamentarians should be concerned that the Central Bank is allowed to manage the country's economic affairs in a credible and professional manner, consistent with its role as the regulator of the major financial sector in the region.

There really is no mystery; there is really no mischief. The fact of the matter is that according to the provision of the Central Bank Act no officer—let me repeat this because I think this is the crux of the matter.

There is a strict provision imposed by the Central Bank Act on every director, officer and employee of the bank in preserving secrecy with regard to all matters relating to the affairs of the bank or of any financial institution or of any customers thereof that may come to his knowledge in the course of his duties. The fact of the matter is that the Central Bank cannot answer the questions because, to do so, would be in breach of this particular Act.

Therefore, Mr. Speaker, it is our view that for the reasons we have advanced, this exemption should stay so that the protection that is required for this particular matter by the Central Bank would be maintained.

Thank you, Mr. Speaker.

**Dr. Fuad Khan** (*Barataria/San Juan*): Mr. Speaker, after listening to the previous speaker and seeing the vast amount of information and knowledge that he has given us on the workings of the Central Bank, I am convinced that the finances of the country seem to be in capable hands. You see, this Motion is really not about the Central Bank; this is about erosion of democracy. Whenever we talk about erosion of democracy, Members on that side begin jumping up and down like jacks in the box. The idea of bringing this Motion to the House today by my colleague from Siparia, we hope to show to the general public that the democracy in our country is being slowly eroded in a manner that has been progressive over the last three years.

It is surprising, when one thinks about democracy, one thinks about two things: Access to information and at the same time equal opportunity, which are two things that keep a country within the throes of democracy.

When you look at countries that are run by tyrants, what is the first thing that goes? I am taking the example of Zimbabwe. It is the freedom of information of an independent newspaper. That is what it is. Then you have South Africa. What happened before Nelson Mandela? Lack of equal opportunity. So he thought it fit to enshrine in a constitution equal opportunity and freedom of information so that a democracy could work.

What are the two things that this Government is attacking? They have attacked the Equal Opportunity Act and they have now attacked the freedom of information. So what we are really doing is running quite fast along the road to tyrant-ism. Each of the Members on that side and those who are assisting them, I hope when it happens and we get like that country that is being attacked by the USA right now—Cuba—where dissidents go missing, where newspapers are told what to write, where there is no freedom of information, where houses are given only to party supporters and people from the Communities for the Defence of the Revolution (CDR), where people have to shut up because they would be reported to the party and they disappear—this is what is going to happen.

The Government came a couple weeks ago to legislate to make Jennifer Primus-Baptiste the representative of the Regional Health Authorities (RHA) because she supported them. Whenever they are stuck with a problem they come to legislate against the problem, rather than trying to deal with the problem. If the Central Bank has nothing to hide, why are they here? Why bring an Order? They brought an Order to remove it from the Freedom of Information Act; they brought an Order to remove NEDCO. Every single thing that is being questioned by the Opposition to show that there is corruption in the PNM, that we are moving away

from democracy and down a road of tyrannical behaviour—I pulled this from the Internet from a website called [www.privacyinternational.org](http://www.privacyinternational.org) which states:

“Freedom of Information Around the World.

#### Overview

A new era of government transparency has arrived. Laws opening government records and processes are now commonplace among democratic countries. It is now widely recognized that the culture of secrecy that has been the modus operandi of many governments for centuries is no longer feasible in a global age of information and not compatible with modern government.

Over fifty countries now have adopted comprehensive laws to facilitate access.

It goes on:

“However, the battle is far from over. Many of the laws are not adequate.

In some countries, the laws lie dormant due to a failure to implement them properly or a lack of demand. In others, the exemptions are abused by governments to prevent their embarrassment.”

Here we see this Government utilizing the President to remove the Central Bank from the Freedom of Information Act.

The Minister came and gave us a little discourse about the Central Bank and the director, Mr. Cudjoe. We are not really interested in what Cudjoe is doing. What we are really questioning is, when questions are asked in this Parliament about the friends of the PNM where they access a lot of PNM largesse, why do they have to be protected? Certain names come to mind. This case is Cudjoe. What about the CEPEP contractors? What about Malcolm Jones, Errol Grimes, Louis Lee Sing’s licence, Prakash Saith, Ray Braithwaithe and SWMCOL? If we allow this to go through, information regarding this type of corruption will not be available.

There is another thing I have heard recently. There is a gentleman called Ken Julien who seems to be part and parcel of the Aluminium Smelter Plant and Alcoa. He sat on the board to bring them here. *[Interruption]* Why do you not make noise now? You just make noise when it is convenient to you? Make noise about that. Investigate that! How is it that Ken Julien is part and parcel of the Alcoa business? *[Interruption]* His company is part and parcel of that! Project management! Check it out!

**Mr. Speaker:** Order, please. Order! Hon. Member, I wish you would address me and not Members opposite.

**Dr. F. Khan:** Yes, Mr. Speaker. The erosion of democracy, as we began earlier, by moving certain things out of the purview, started with NEDCO and it now comes to the Central Bank. We ask, like the people who are being kidnapped, who is next? Which other system is next?

The Member for Siparia gave a good academic discourse on it. The political side of it deals with the erosion of our democracy. The PNM Government seems to have a definite move towards a similar movement of Cuba. Once you remove information from the system, one cannot get equal opportunity, and when one cannot get equal opportunity, one cannot bring action for equal rights. So the Motion today is dependent, not so much on removing the Central Bank, but is really an argument for democracy.

I got up with this brief intervention to make representations to the people on that side that this argument for the removal of freedom of information should be viewed in the context of democracy and not just moving systems out of the place. NEDCO being a feeding trough for the PNM and giving moneys to the PNM supporters, which are not being repaid, should be looked at in the same manner.

I call upon the Government to look at this carefully. I know right now the Central Bank would be removed because you have the numbers, but I call on the Members and the people to make sure that our democracy is preserved.

Thank you, Mr. Speaker.

**The Minister of Science, Technology and Tertiary Education (Hon. Colm Imbert):** Mr. Speaker, let me try to put this debate into perspective. The Minister in the Ministry of Finance, Sen. Enill, made the point that under the existing Central Bank legislation, the Central Bank legislation—

*[Disturbance in public gallery]*

**Mr. Speaker:** Order, please. There is a disturbance in the public gallery. Continue, hon. Member.

**Hon. C. Imbert:** Thank you, Mr. Speaker. Under existing legislation, the Central Bank has secrecy provisions, so it would be an offence under existing legislation for any person within the Central Bank to give the type of information that is being requested on its operations, its business and so on. It would be an offence under the Central Bank legislation for any information to be disclosed. It would also be an offence under the financial institutions legislation. I need to repeat this. You have section 56 of the Central Bank legislation which preserves secrecy—

**Mr. Ramnath:** We heard that already!

**Hon. C. Imbert:** I am repeating it because Members on the other side do not seem to wish to learn. Under section 36 of the financial institutions legislation, it is also an offence for persons who receive information to disclose it without the consent of the persons to whom it relates. These laws contain heavy penalties in terms of imprisonment and significant fines.

The Members on the other side I am sure also know that in most other countries central banks are exempt from freedom of information legislation or the legislation does not apply to central banks in most other countries. I would give you an example. The Federal Reserve Bank, for example, is not subject to freedom of information legislation such as the legislation that we have.

**Mr. Ramnath:** That is not true.

**Hon. C. Imbert:** It is so, Mr. Speaker. If they had done their research and they had checked in other countries around the world, they would have found out that the vast majority of central banks and banks of that nature, regulatory institutions such as the Federal Reserve Bank in the United States, have provisions which prohibit the disclosure of information. The reason is simple. The Central Bank is a regulatory institution. It regulates other banks in Trinidad and Tobago. It regulates commercial banks such as Republic Bank, RBTT Bank, Scotia Bank and so on. So that if the Central Bank was not exempt or if the Act applied to the Central Bank, then persons could request information on commercial banks from within the records of the Central Bank. This should be obvious to the Members on the other side.

If one were not to exempt the Central Bank, then every Monday morning you would have a request coming from persons for some kind of information within the records of the Central Bank, and the Central Bank, under the secrecy provisions of its own legislation and under the secrecy provisions of the financial institutions legislation, would have to refuse the request and the consequence of that would be exactly what is taking place now, that there would be a summons being filed.

**3.15 p.m.**

A writ would be filed for the Central Bank to appear in the court and there would be litigation dealing with the refusal by the Central Bank on the request for information. If the Parliament does not exempt the Central Bank from the Freedom of Information legislation, there would be this continuing conflict between the Freedom of Information legislation, the Central Bank legislation and the Financial Institutions legislation.

I want to make it absolutely clear that the Central Bank cannot provide the information that is being requested because of its own parent legislation and because of the umbrella legislation that deals with privacy as it relates to banks. This is ABC. One does not need to have a Ph.D to understand this. But clearly, since there is obviously confusion on the other side, even though they know that under the Central Bank legislation, the Central Bank cannot give the information, and even though they know that under the Financial Institutions legislation the Central Bank being a bank, a financial institution, it cannot give the information. Even though they know that, they are still requesting information from the Central Bank under this other piece of legislation. So in order to remove all ambiguity, in order to remove any confusion, any misunderstanding and also to avoid continuous litigation because, as I said, every Monday morning, when they make the request of the Central Bank and the Central Bank is bound by its own parent legislation to refuse the request, they would take the matter to court and would find themselves in litigation, spending hundreds of thousands of dollars of taxpayers' money dealing with these nuisance actions.

Therefore, it is impossible for us to be in this Parliament recognizing that there are these bits of legislation governing privacy in financial institutions, which still exist, and which have not been superseded by the Freedom of Information legislation, which have not been overruled, which are still on the books and place very strict privacy provisions on the Central Bank. Since this legislation has been there it has not been amended by any Government, whether by the people on the other side because when they brought the Freedom of Information legislation, they did not make any effort to amend the Central Bank legislation and remove the privacy provision, and they made no effort to amend the Financial Institutions legislation and remove the privacy provision. They left it there because it is well recognized that banking information and information contained within the records of banks is private, and that is why this order was brought and that is to remove all ambiguity, confusion, and all doubts that the governing principles in the Central Bank legislation and in the Financial Institutions legislation which prohibit disclosure of information from a bank such as the Central Bank, which is the worldwide practice, by the way, we have decided that we would make it crystal clear by exempting the Central Bank using the Freedom of Information Order.

Mr. Speaker, before I close, the Member for Siparia did not want to speak about the institutions that have been exempted. The hon. Member did not want to do that because if the Member had disclosed the identity of the institutions that have been exempted by the orders of the Freedom of Information legislation, it would have become apparent that they would all be financial institutions. They

are all financial institutions, and because of the Financial Institutions legislation and the secrecy and privacy provisions in that legislation, it has become necessary to remove any ambiguity by exempting all financial institutions from the Freedom of Information legislation. It is as simple as that. They could jump high, they could jump low, that is what it is.

They brought this frivolous Motion here because they thought one of their sources, one of their informants had given them a blab, some kind of “juicy” information that Prof. Cudjoe was being flown by private jet first-class, or whatever it is, hundreds of thousands of dollars were being spent to shuttle Prof. Cudjoe back and forth from Boston to Trinidad and Tobago and when they realized it is not true, when all the goodly gentleman is receiving is the standard fees for directors—\$3,000 a month or whatever it is, when they discovered that is all that he is getting, the normal remuneration directors get, \$3,000 or \$3,500 a month and that the Central Bank is not shuttling him backwards and forwards using a private jet first-class or putting him up in a hotel and all the false allegations that they have made inside and outside of this place, when they realized that their information had no foundation, it was just a dirty rumour typical of what emanates from the other side, they changed the tune—they say it is not about that. We did not come to quarrel about Dr. Cudjoe. “Nah, nah, it is about democracy”, which is the typical rubbish that emanates from the other side.

This Motion has no merit, it is founded on nonsense, and it has no basis. In fact, it is ridiculous, and I am amazed that someone like the Member for St. Joseph—I notice the Member for St. Augustine is not here—who held senior positions in banking institutions for most, if not all of his professional life, knowing fully well that the provisions of the Financial Institutions legislation, knowing fully well that banks are not allowed to disclose information from within their records—the hon. Member knows that, but he will sit and participate and would not inform the Member for Siparia that the Motion is frivolous and nonsensical.

I do not support this Motion. This is a rubbish Motion, and it is mischievous and completely out of place in this Parliament. I thank you.

**Mr. Kelvin Ramnath** (*Couva South*): I really do not want to get involved in financial institutions and the running of the Central Bank, but I warn the Member for Diego Martin East that he should not try to provoke me. After all, valuable parliamentary time on a Wednesday is being wasted by the tedious repetition by the Member for Diego Martin East of what was said by the Minister, who was very careful to read to this Parliament what he had to say. One understands the

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paranoia of my friend from Diego Martin East who had to be demoted in recent times. What is a great tragedy in this nation is to have this Member preside over tertiary education. I want him to understand when one is involved in tertiary education one must demonstrate some analytical ability and one must demonstrate political leadership so that our students pursuing tertiary education would have some example to follow.

This Minister not only wastes the time of the House, but also misses the point completely. If you have secrecy legislation there is no problem in the Central Bank or whoever is responsible, as far as public interest is concerned, to simply write to people under the Freedom of Information Act. I do it all the time. I was Petrotrin's representative as far as the Freedom of Information Act was concerned. There are many issues that would come up from time to time, and I would seek advice. There are lawyers who would do that to determine whether we ought to provide certain information and everybody knows that there are provisions so that the business aspect of any organization would remain confidential.

The Member missed the point completely because nothing prevents the Central Bank from saying that under the secrecy provision it is unable to provide this information. Once you start the process of exemption as speakers before me had indicated, you are down a slippery slope, a dangerous path. And to compound matters, the Government has a history of withholding information, the government has a history of frustrating committees of the Parliament which are there to investigate how Government and its institutions function. If one were to look at the newspapers one would see the chairpersons of parliamentary committees publicly complaining. I am not talking here of what I have found out in committees. I am talking about what was published in the country where the Government deliberately frustrates the functioning of these committees. Our parliamentary democracy is being eroded as a result of a deliberate policy to withhold information from the public.

There was a Commission of Enquiry into the Biche High School, which was bandied about before the elections, during the elections and after the elections. A report was prepared and sent to the President of the country. Up to today this Parliament and the country has not seen the report which had, interestingly, to deal with the geological issues surrounding it, the site on which the school was constructed. Where has that report gone to? Are the people of Biche not entitled to find out why the edifice constructed by a visionary government with able ministers like my friends from Tabaquite and Caroni East, sitting on this hill up in Biche, imposing structure, remains closed while hundreds of children must

commute to Sangre Grande, Manzanilla, and Mayaro and so forth? Why are they hiding that report?

And that is the point that is being made on this side. They have a propensity and tendency to hide information. All this nonsense about secrecy; did they say anything when a director of the First Citizens Bank had to admit that he raised the issue of a merger between FCB and the Unit Trust? Was he violating the Financial Institutions Act, the secrecy provision of that Act that almost threw the financial sector into chaos in this country? The chairman of FCB, Ken Gordon—I do not know what to say here. I had the opportunity to serve with him in a previous Cabinet, that was when he was progressive and when he was not showing his PNM tendencies. But this is not the place to deal with that. *[Interruption]* I did spend one and a half years in the Cabinet and that was when the country had an energy Minister. I repeat, if there are secrecy provisions in the Financial Institutions Act, and in the Central Bank Act, what have you done about Mr. Gordon's admission that he floated the suggestion after nobody seemed to want to take responsibility for this issue that arose?

Mr. Speaker, the Government remained silent on it. I would have thought that under the secrecy provision of the Financial Institutions Act, the Government, Mr. Enill who is, in fact, the Minister of Finance, although my friend from Diego Martin Central poses as a Minister in the Ministry of Finance. I do not know what he does. Caroni has gone to Sen. The Hon. Sahadeo, and the Hon. Minister Enill has taken over all the financial portfolios and the Member still walks around with this title. I do not know what is the reason for that, but he knows the facts. Let me just dismiss my friend from Diego Martin Central and all his secrecy provision.

We are dealing with a very sophisticated financial system that is developing in this country. I am very proud that as a country we are developing in the way we are and, of course, pioneered by the visionary UNC Government between 1995 and 2001 but, every time I pick up the newspapers *[Interruption]* I was on a sabbatical. They are obviously trying to provoke me but I would not listen. Any time I pick up the newspapers and I see the business section of the newspapers—my friend from Diego Martin Central, he resigned one morning, describes his leader as a dictator, and he runs back and says, sorry Sir, I beg your pardon and so forth. I do not think he is a good example for one to follow.

When I picked up the newspapers, the business section—I congratulate some of the newspapers for the very serious effort they are putting into an educational programme for the citizens so those of us who do not have the training in understanding the stock market on mutual funds and all of the sophisticated issues

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that the ordinary man is not exposed to, can now do so. It is at this time in our development that we need to have as much information as possible, but the paranoia of the Government is going to prevent that information thrust which—that thrust would characterize FTAA, CSME. The Member for Diego Martin Central talked so much about it. People must know that once they start talking about FTAA companies like Petrotrin have to be so competitive on the market, that the premium market in the Caribbean for selling refined products is now being threatened by imports coming from outside our region.

We need more and more information but we find the attitude of mind that is being demonstrated by the Government is that we must withhold information. And that is what this discussion is about. There is nothing wrong in the Central Bank writing to Mr. Sat Maharaj of the Maha Sabha. Sat Maharaj has no problem inviting the Prime Minister to be the feature speaker at some Indian Arrival Day function. What problem should one have under that public interest section of the Central Bank Act in writing Mr. Maharaj and saying: Under the Act, we are unable to do so because of the secrecy provision"? But when you abolish all matters relating to information from these institutions, what you are doing is sending a wrong signal to the community. I want to suggest that we are not going to be serious about developed country status when we withhold information. I remember Prof. Ken Julian refusing a summons from Speaker Matthew Ramcharan to appear before the Public Accounts (Enterprises) Committee and secured the services of senior counsel, former Chief Justice to refuse to come before the Public Accounts (Enterprises) Committee to testify.

Mr. Speaker, I do not know if you were the Speaker at that time what you would have done, but the evidence is clear. You have a commission of enquiry into the airport with a lot of gallery, public television, slander and libel committed. Under different circumstances somebody would have been seriously prosecuted. The report was presented and the Government said they have to sanitize the report. What are they afraid of? I am not afraid if they unearth my name. Nobody here is afraid of his or her name being unearthed. Why are they hiding the report? My information is that there is no incriminating information in the Biche report or the Commission of Enquiry into Piarco. They must say otherwise and they are denying public access to important investigation.

Forget the money Bernard and his commissioners were paid. The issue here is you have a Government that is constantly paranoid about this issue of information. Everybody knows that the history of the PNM is to take public funds, build public homes and give them to its supporters. It started since 1956 when they came into

power. Everybody knows when they would have completed their housing programme in an effort to voter pad constituencies in San Fernando West, Pointe-a-Pierre, Caroni Central, Barataria/San Juan and St. Joseph, that when the information would have come out, one would have seen that the citizens in this country were not afforded equal opportunity so they went after the Equal Opportunity Act.

I would not be surprised if the next thing we hear is that the National Housing Authority is exempt under the Freedom of Information Act. [*Interruption*] You have no ideas, I am giving you one and I understand why you were placed there.

Mr. Speaker, they would come back and they would say to this country that the person who is a recipient of Government housing could be regarded in the same position as somebody who goes to a financial institution, and, therefore, we cannot disseminate information with respect to the clients banking relationship. So very soon my friend from Diego Martin West if he is still there, having regard to his poor performance in housing particularly in mashing up squatters home—I am surprised at him, I thought he was a good Christian like myself and that he subscribes to high value systems, that he would laugh at people smashing the homes of defenseless citizens; a man who claims to be a working-class person, sympathetic, that he would laugh and scoff at the people. His Prime Minister had to tell him he must be a little more caring. His Prime Minister has to lecture him, after having spent so many years in Government, that he is not a caring person. That he should have a human face. I think he is a good looking man but the Prime Minister obviously does not see him as caring. So the National Housing Authority could very well be exempt. [*Interruption*] Yes, under the Minister anything is possible. I had faith in the Minister. I thought that he should be the leader of the PNM and one day would become Prime Minister of this country. I am very disappointed in him. We could eventually find ourselves in a situation where NHA is exempt and we could find ourselves in a situation where almost everything is exempt, because it is regarded as bankrupt, client relationship and so forth.

We asked questions in this House about who are the people who constitute this “mongoose gang”. I beg your pardon, Brigadier Joseph gang, a man who has no locus, a man who cannot give any instruction to any police officer because of the laws of this country and do you know what the acting Minister of National Security said? He said he cannot release that information. The Parliament of this country—and let me say something. Those who talk about this being a layman and the Parliament not being superior. We are the superior body in this country. If the judges do not like it then we could change the law and then they have to like it. The Parliament is refused an answer on a simple issue as who are the members

of this mongoose, this Brigadier Joseph gang. What kind of secrecy surrounds that, especially when police officers are now saying in affidavits before the court that they are aware that senior officers of the police force are involved in cocaine trafficking? We have now reached a point in this country where the Government does not even come to the Parliament to explain what happened with respect to the trafficking of cocaine using the diplomatic pouch, sacrosanct pouch.

The point I am making is they do not wish to provide information. There was a time in the days of the pristine glory of the Parliament when there was a provision called "Statements by Ministers". I do not know if it was struck out from the Order Paper or if it is still there. The Minister does not use the provision of "Statement by Ministers" to inform the Parliament or the country about matters of urgent national importance. When we ask questions they hide under the provision that the Speaker cannot tell them how to answer a question or what to answer. So that is a right they have. Information is most critical and important in having a society that trusts government and trusts leadership. We are not seeing that.

I want to find out what has happened to the Biche report? We are told that somebody lost it. What happened to the Airport Enquiry Report? *[Interruption]* That is the problem because they behave in a most dictatorial manner. We say we are not going to do it.

**Mr. Manning:** I thank the hon. Member for Couva South for giving way. I want to draw the Member's attention and the attention of hon. Members to the Scott Drug Report of 1987, and what happened as a result of releasing that report. All we are trying to do is to avoid the fiasco of 1987 occurring all over again. The Commission of Enquiry was designed to point us in the right direction as a consequence of which, following the Commission of Enquiry, a number of investigations began and we are beginning to see action on the basis of those investigations.

If you publish the report what you are telling people is that, those who may very well be culpable in matters, the State is on to you and you better put your house in order. It just cannot work.

**Mr. K. Ramnath:** You should have these enquiries in private. Why are you using channel 4 to publicize the abuses of members of the Commission, and when the report is published—you have already sullied the names of decent citizens—you are now saying, based on secret information, I am now going to have people charged, et cetera?. I did not know the politicians took a report and gave it to the Director of Public Prosecutions, and have people's names sullied all over the country.

I hear persons talking about trial by the court of public opinion. This is how this country runs now. The court of public opinion. The PNM is trying people. Make the report public, but you are conspiring to embarrass people who would be tried by the court of public opinion as a result of a conspiracy with the DPP and the police. Why does the DPP not continue the investigations with the same fervour, with NAMDECO when the former DPP said that there was sufficient evidence to pursue criminal investigation—

**Dr. Rowley:** I thank you very much for giving way. Mr. Speaker, I am just enquiring of you whether it is still in the Standing Orders of this House that the conduct of an office like the DPP can be questioned in the debate outside of a standing Motion?

**Mr. Speaker:** The Member has made a point of Order and let me adjudicate.

Hon. Members, the hon. Member is correct, and for the benefit of Members I will just read it.

“ The conduct of the Governor, Members of the Senate or the House of Representatives, or of Judges or other persons engaged in the administration of justice, (i.e., the DPP) shall not be raised except upon a substantive motion move for the purpose.”

I would ask you, please, to keep away from that direction.

**Mr. K. Ramnath:** We need to change the Standing Orders of the House. Clearly, the Standing Orders are archaic as the present system that where a former DPP—I am not bringing in his conduct—wrote the Commissioner of Police—I have the document and I will make it public saying there is sufficient grounds to pursue criminal investigations. Why has that not been done? Thirty-odd boxes of evidence were taken out of the Ministry of Energy in relation to the National Agricultural Marketing and Development Corporation (NAMDEVCO) project and up to today, they do not even know what is happening.

The documents went to the Attorney General. He had no reason to have those documents. The point I am making—they are trying obviously to derail me and they are not capable of that. They cannot derail me. Sunday morning I will show you, when you look at the television, how it is impossible to derail the UNC in its thrust to create democracy in this country. [*Desk thumping*]

The point I am making is information, public enquiry, public circus, laughing at people and talking about birds in Piarco and so on, charging people, and the nation does not know what the commissioners found in that report. And then they

are saying we must respect the institution, that people who get arrested in this country get arrested for good reasons, so they are found guilty beforehand.

Let me not be distracted. I was looking to reply to the Member for Diego Martin East and I saw a blank page.

I want to draw the attention of the hon. Minister, Sen. Enill—Only recently the Insurance Act was revised and consolidated; the law providing for the regulation of insurance business and other purposes relating or connected to such business and the regulation of privately administered pension funds. That Act places the supervision of insurance and pension funds under the Central Bank. If the Central Bank is exempted from that, there are very serious issues relating to pension funds and insurance companies.

I want to draw to the attention of the honourable House that the post of Supervisor of Insurance would be eliminated under that piece of legislation and a new post of inspector of financial institutions would be created under the new Act and would be responsible for all the functions of Supervisor of Insurance. I want to know whether people in this country would now be prevented, as a result that the Central Bank no longer would be coming under the Freedom of Information Act, from raising serious issues relating to management of pension funds and insurance. You will recall the role of the insurance brokers and the Excellent Stores fire; two stores; one in Port of Spain and one in San Fernando where a broker collected the money and never paid the people who owned Excellent Stores. I want to know whether we are no longer allowed to ask questions of the Central Bank on whether insurance companies have paid up their share capital. I think the Member would be happy when I am finished with this because I know the position of the Member for Diego Martin West with respect to insurance companies in the country, and I agree with him. I want to know whether the public would be denied information from the Central Bank that whether the insurance companies have deposited the necessary securities with the inspector of financial institutions. I want to know whether the public would be denied information from the Central Bank on whether insurance companies have established and maintained the statutory fund.

One would recall what happened with Winsure that went broke and what happened to the depositors of Winsure. What access route will depositors and holders of insurance policies with companies that go under, take when the Central Bank, which now supervises the financial institutions pension funds and insurance companies—The Member could not even deal with Emile Elias who embarrassed him internationally—you say I am stupid. I want to tell Emile Elias do not

interfere with this side of the House because I would have to publicly disclose certain meetings I had with him in my capacity as the Minister of Energy. I warn him, so for the time being do not upset me.

Mr. Speaker, how would the public be able to obtain information from the Central Bank on whether employers are remitting employer/employee contributions? Is that protected under the Freedom of Information Act—is the Central Bank now protected from issuing that information? It is a fact that in this country many employers are delinquent, not only in terms of not making contributions to pension funds but not remitting employees' contributions to pension funds or not placing it in the Fund. A good example is Caroni (1975) Limited. When workers were given their Voluntary Separation of Employment Plan (VSEP) they were told that they would get a certain level of pension. And I am talking about senior managers. When they got their pensions some of them received \$85 a month. I am not talking about daily-paid cane cutters. I am talking about senior managers. And the reason for that is that Caroni Limited did not take the workers' contribution and put them into the pension fund. They refused and they did not contribute anything to the pension fund. I am telling you.

A worker in any of these companies can move from the daily-paid and weekly-paid establishments into the monthly-paid establishment and there is no money in the pension fund for the weekly-paid establishment. What has happened is that part of their pension plan has been completely eroded as a result of the failure of the company to maintain that weekly and hourly pension fund. *[Interruption]* I know what I am saying. I will provide you with the information. How would the public know and how would the public obtain information from the Central Bank on whether pension plans are submitting audited financial statements?

The Government is the major culprit. If one looks at what is happening with NBN today, it is a fact that the Government has not been funding the pension plan nor has it been taking the employees contributions and putting them in the pension plan. And my friend from Port of Spain North/St. Ann's West would know that there are records of admitting that they owe the pension plan in Caroni (1975) Limited \$400 million. *[Interruption]* The Member probably never worked for anybody so he does not know how it works. People graduate from hourly and weekly to monthly-paid and if there is no money in the weekly-paid pension plan then they would only get that part of the pension for which they qualify when they became a member of staff. Many persons who served for 30 years as weekly and hourly paid, their pensions have disappeared because the former Minister of Agriculture, Land and Marine Resources admits that they owed the pension plan in Caroni, weekly-paid, over \$400 million. When are they going to pay that?

The estimate is that the Caroni Pension Fund is owed almost a billion dollars by the Government. I am giving you a report from an actuary. At one point in time T&TEC owed the pension plan over \$15 million. Air Caribbean went under. The workers did not only lose their pension, they lost their contributions and I want to know—I follow the interest of the less privileged in the society. I am interested, not like the Member in giving contracts to my friend and denying that I know him in Cashew Gardens. He knows his good friend, and he comes to the Parliament and goes across the nation and lies about what is happening at Roystonia in Couva, a model housing development. Do you know why? He looks at the list of persons—

**Mr. Speaker:** Hon. Member for Couva South, I think I heard you say that the Hon. Member goes about lying about something about Roystonia. I do not think you meant that so if you did say it, please withdraw it.

**Mr. K. Ramnath:** I thought it was unparliamentary to call him a liar but I did not do that, but I do think that people lie so I would take your advice.

The Member for Diego Martin West went on a public campaign to discredit a company that is a model company. When they replied, do you know whose advice he took? Emile Elias. He said we were going to conduct a forensic audit. Everything is forensic, because Lindquist as a willing tool of the PNM, who collects hundreds of millions of dollars, could be given other contracts. But do you know, hon. Member for Caroni East, that is a model housing development where citizens buy an affordable home in a nicely developed environment, thanks to the NHA as well? Thanks to the NHA for providing proper funding for sewerage facility—not in the Member's time. That would not have happened. And his difficulty was when he saw the list of names of persons who bought the houses. He said this was impossible; he was not going to tolerate this. Bust their throat. He has gone suddenly quiet. I have not heard a single thing. Gives wrong and false information to the public, which is a serious matter for a politician of any stature and character. And he wants to give out the houses, a project that is paying for itself. I want to know when they are building NHA homes whether they make a profit. I never heard that in my whole life. In fact, ever so often—they had to go before the last election and spend millions of dollars all over the country to create homes and repair homes.

Here is a model housing development, where the Government provided the land for which they are paid the raw value with houses being built and paid for by the citizens, paid for not like in the NHA development where one does not pay any money. Go to La Horquetta, Maloney, Couva where they have housed their

supporters based on political alliance and find out how much profit they made and what was the rate of return. *[Interruption]* They do not pay any more. When he saw the news, the names were: Ganga Singh, Kelvin Ramnath, Subhas Panday, Harrelal, Barendra Sinanan, et. cetera. He said that could not happen and without any shred of information makes a public statement. I am asking a simple question.

**Mr. Speaker:** Member, you yourself know that you cannot bring the Speaker into the debate. I ask you, please, to come back to the Motion before us.

**Mr. K. Ramnath:** I was not talking about you. I raised this matter in the context of information. I raise this in the context of the NHA based on its thesis, based on the philosophy behind the removal of the Central Bank, can have the same claim to being exempted from the Freedom of Information Act and based on what the Minister was saying, that you cannot ask a question that impacts upon the relationship between a tenant and landlord or a purchaser and a seller. *[Interruption]* I raised that in that context because I think it is a dangerous trend when the intention of the Freedom of Information Act was to make information available to the public as the Member for Siparia said, to permit greater participation of the citizenry in the democratic process in the country. I ask about the pension, the Minister knows why he must modernize the insurance legislation. He promised us that when he introduces the Act to bring insurance companies under the Central Bank—but, are we going to be prevented from getting information? I want information about some of those companies. Only last night I saw on television where insurance companies were themselves asking that all insurance companies become members of ATTIC so as to maintain certain standards in the business. They were admitting that there were delinquent companies, not only delinquent in terms of submitting reports, but there were companies that were exploiting policyholders. When you remove that we have no access. Parliamentarians are denied access to information because they refuse to answer questions on the other side. Now lawyers cannot ask questions about the conduct of insurance companies because they say that is protected under exemption and so forth. I think I have made the point.

There are many provisions now that enable the parliamentarians and the public to get information from the Supervisor of Insurance. The Supervisor of Insurance, poor lady, is one lady, and two clerks. The Member for Diego Martin Central knows that a certain minister in the Ministry of Finance guaranteed a certain steel company operating in Trinidad that they could put one dollar in the pension plan, a conditional approval that they did not have to contribute to the pension fund. It was only when the UNC came into office and discovered that the

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Supervisor of Insurance had not, in fact, registered that provision that the company was forced to continue to make contributions to the plan. The Member for Diego Martin Central would know that. [*Interruption*] He has not been listening. The point is at this time there is urgent need for policyholders to be protected from some of these unscrupulous persons. Now they are taking away the only opportunity they have to obtain information about the conduct of these companies, not only insurance companies but the conduct of pension plans to find out whether there are several other companies like Caroni (1975) Limited that owes workers \$400 million and not a word has been said. Was the money in the plan?

**Mr. Speaker:** The speaking time of the hon. Member has expired.

*Motion made,* That the hon. Members' speaking time be extended by 30 minutes. [*Mr. G. Singh*]

*Question put and agreed to.*

**Mr. K. Ramnath:** Mr. Speaker, I want to know how would the public know and be able to obtain information from the Central Bank on whether the pension plans are in deficit or insolvent? That is important. I contribute 7 per cent of my salary to a pension plan, which is quite substantial, and then I contribute 6 per cent of what we apologetically call here salaries for Members of Parliament. I want to know whether the plans that I contribute to are in deficit or whether they are insolvent and I would like to find out how I can get that information or do I have to depend on the Central Bank report, or do I have to depend on the Auditor General's report to find out what is happening with these funds? And if they are not forthcoming, as what has happened with the Supervisor of Insurance office, one person who is the head and two clerks, who have to deal with the multiplicity of plans and companies and who have been unable to provide reports. We would like to know these things and this is not any frivolous argument. It is about hundreds of thousands of people who take their hard-earned money and they put it in these funds.

Mr. Speaker, how would the public know and be able to obtain information on whether pension plans are undertaking their triennial valuation of the pension plan? That is a requirement. One of these days when the Government would have had the opportunity to review what is going on with pension funds in this country the truth will come out. I am sure that once the Minister is able to do a proper valuation, a proper investigation, and see what is happening, burgeoning the funds, billions of dollars and people are denied the opportunity of getting a decent pension. Pension in this country should be an index to the cost of living.

Mr. Speaker, do you know how many people in this country obtained pensions 20 years ago and today old-age pension is more than what they are getting and they have come from industries that at one time were considered to be major employers? The public wants information about pension plans. I imagine the NIS system would also no longer come under the Freedom of Information Act just now, and we would not even know whether our employers are paying national insurance contributions. If one looks at the direction the Government is taking, one would see there is an attempt at every turn to be secretive about issues which should be in the public domain.

I congratulate my colleagues when they were in Government for taking the position they took with respect to establishing the Equal Opportunity Commission and the Freedom of Information Act, that if a Government wanted to hide anything they would never have brought such legislation to the Parliament and it is because of those provisions, perhaps, today Members of the Opposition are being vilified, attacked and humiliated, when I saw one of our colleagues being led by the hands to the police station.

I asked whether he could not go to the court without being held by the hand. *[Interruption]* I do not want them to hold Mr. Hart's hand.

I think I have made the point. I do not want the police to hold Mr. Hart's hands. I think that there is no need—let the course of justice take its course. *[Interruption]*

Mr. Speaker, do you know what makes it worse? It is when a magistrate says that if he had his way he would have increased bail. It tells you about the kind of political conspiracy which exists between members of the Judiciary and the politicians of the day.

**Mr. Speaker:** Hon. Member, that is in fact, a very flagrant violation of Standing Order 36(10). Do not go in that direction.

**Mr. K. Ramnath:** Mr. Speaker, I thought that if I had called a member of the Judiciary—what is amazing is I have greater freedom outside this Chamber. I can stand up in public and say that a certain magistrate conspired.

**4.15 p.m.**

**Mr. Speaker:** Hon. Member, I am only following the rules that were made by all of us and all the Members must follow them.

**Mr. K. Ramnath:** You understand that we have a problem with information even in the Parliament. I understand the rules. *[Interruption]* We need to update

them; we need to make them more relevant; we need to make Parliament a place where information flows freely. As Minister responsible for tertiary education you should understand that. [*Interruption*] We would allow the court to decide that. When Hanover deals with him in court for making these slanderous and libelous statements, he will have to find lawyers.

Mr. Speaker, I would like to quote from an article in the *Express* dated Wednesday, May 05, 2004. The writer here is Imran Ali. The article says:

“Don’t let the Govt control media.

Following President’ Mugabe’s election in 2000, Nyathi said in her address, the government has created several pieces of legislation which place strict limits on the access to public information and just how much the media can report.

One law—the Access to Information and Protection of Privacy Act of 2002—forces all media, both local and foreign, to register with a government-appointed commission before being allowed to work in Zimbabwe.

Those who work without accreditation can be jailed for up to two years, she said.

It was this very piece of legislation which shut down her newspaper in September last year, when the Supreme Court of the country ruled that the publishing company had not properly registered with the media commission and had been operating illegally.

The Broadcasting Services Act and the Public Order and Security Act placed limitations on the press and curtail freedom of movement and association. These laws also give the police and the army—”

Do you see what I am saying? We have to be careful. We can get there. In Zimbabwe there is a conspiracy between the Judiciary and the political arm. In this country we hope that will never happen.

“These laws also give the police and army ‘extensive powers’ of arrest and detention, she stated.

‘(The law) prohibits the publication of statements deemed offensive to President Robert Mugabe,’ Nyathi said, adding that she had been jailed for this crime last year because a cartoon in the *Daily News* had been deemed insulting to the President...

Nyathi called on the international community—” [*Interruption*]

They are not recognizing how significant this issue is. They do not understand this at all.

“Nyathi called on the international community to take note of the victimisation of the media in Zimbabwe. She said that the government, by having a stranglehold on the country’s access to information, has been destroying democracy in Zimbabwe, and if this is allowed to go unchecked, it is unlikely that there will be free and fair elections in the country.”

Mr. Speaker, the Government of Trinidad and Tobago in taking those steps that have been taken by Mugabe and his friends in Zimbabwe, we in this country are under threat of not having free and fair elections in Trinidad and Tobago. I want to warn my friends in the media, who feel that they are sacrosanct.

One newspaper does not even mention my name deliberately—the *Newsday*; questionable organization; one that conspires with people who are involved in illicit activity. They say that Ramnath must not speak out. They deny you the right to speak in the country and have what you say published. Why are they afraid to publish what I say?

Sen. The Hon. Dr. Lenny Saith instructs the newsroom in some of these papers as to what they should carry. If Ashmead Baksh is dead, you start a campaign about drugs and you plant it in the newspapers. The Member for Diego Martin West knows what I am talking about. He is personally associated with one of the newspapers. [*Interruption*]

**Mr. Speaker:** Please! Please! Please! Hon. Members. I know that a bit of crosstalk is allowed, but be careful of the language being used!

**Mr. K. Ramnath:** [*Interruption*] You will have the opportunity to reply in court under cross-examination by a former Attorney General in the country.

My point is, in defence of freedom, we should take note of what this lady is saying and what has gone wrong in her country. The media must understand. The Member for Siparia quoted Lennox Grant, a senior journalist in the country, who has issued a warning of the deterioration and the removal of freedoms when you start tampering with the Freedom of Information Act.

I am saying that the Minister of Public Administration and Information, Sen. The Hon. Dr. Lenny Saith, gives instruction to the newsrooms. When you look at the number of colour advertisements with respect to these Ministers “gallerying”—in 29 months they have done nothing but talk. They have built nothing: not a road, not a bridge. They have not built anything and all we hear

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about is corruption, slander, libel and character assassination. They have done nothing. The media in this country is protecting them because one of the media moguls is the chairman of First Citizens Bank (FCB). He does not dare write anything against Minister Enill and, when you consider the number of full-page colour ads, you understand what the media has come to in this country.

I watch the media. I watched a woman on TV6 and I could see the glee on her face when she was reporting on the propaganda of who was going to be arrested next. The press in most countries, the media, is the last bastion of democracy. This country should learn from what happened in Guyana. This country should learn about the persecution of the Catholics, which was in the *Catholic News* and the PPP—the denial of print material—Fr. Morrison.

When you are on a campaign of denying the public information, you create a culture that will devour even the most respectable democrat in the country. When you want to hide the names of people—I passed down the highway—I know that the Speaker once lived down there—and saw the tragedy in Tarouba; I saw the hog pens that are being called houses, that are being built, unfit for human habitation. They do not care about what happens to the private sector. They do not care what will happen to Gopaul Lands. They rejoice.

They will not have any citizens go on the Internet and say: “Houses being offered by the Government of Trinidad and Tobago; if you have an interest in this level of housing, please apply”. They already have their list and I bet we will never be able to obtain the list of applicants for housing. These are state-owned funds and we will never be able to obtain the list of applicants because they withhold information. They use the Parliament to withhold information. They use the newspapers. I watched some of these poor journalists and saw the whole plot when they interviewed my friend, the Member for Diego Martin East, and Diego Martin West in particular. They have an agenda in the news to keep the plotters against the Prime Minister, after they were both demoted after the last Cabinet reshuffle. They have a plan—some of these poor journalists. They would realize one of these days that they and their families could not be eligible to get a home in one of those NHA developments.

The campaign is there. We want information. I want to find out the names of all the persons on the NHA list with applications for houses. *[Interruption]* I am entitled to that as a Member of Parliament. Do not tell me that. I think we really need to modernize the rules of this House where the Speaker can force a Member to answer questions or close the place.

They cannot take taxpayers' money when everyone is rejoicing that we have oil now at US \$40 per barrel and that the Government will "run something" for the poor. They have it planned to deny a large number of people, based on their perceived political affiliation, from even having the opportunity to own a house that is developed by the Government, not to get it for free. They will never be able to collect the rent in all of these NHA apartments and houses and they know that. "Why should I pay rent? I paid rent when I voted for the PNM. Why should I pay any rent after that? You owe me that."

When he "break" down the house down there, the Prime Minister reprimanded him and "bouffed" him up and "tapped" him up and his head started to roll—and he is caring. [*Interruption*] My very presence here indicates that I have dealt with all my problems in the past. Unlike him, I am about the future.

I want to leave the discussion at this stage to say I am very honoured to support the Motion of my friend, the Member for Siparia. It is a very important resolution. It is not about politics; it is not about games. It is about some very serious issues. You need not be afraid about giving information. I do not want you to give information about people's accounts. I do not want my accounts to be published. I do not want any bank's business to be published, but if someone asks a question about a member of the board of directors, you should be glad to provide that information. You should say to them: We cannot provide you with details of financial institutions and people's accounts. Do not hide under this secrecy law. As the Member said, we already have those provisions in place.

Let us set some examples as politicians entering a whole new environment. We must be the pioneers of the information highway that runs from Trinidad and Tobago to the rest of the world.

I thank you.

**Mr. Speaker:** The sitting will be suspended for 40 minutes. These are five minutes that are being given additionally and I implore Members promptly at 5.10 p.m. to return to the Chamber, so that we would have a quorum.

At previous sittings, when we returned from tea I have always had to wait for a quorum. I am giving Members five more minutes and I implore all Members to make sure that they return to the House no later than 5.10 p.m.

**4.30 p.m.:** *Sitting suspended.*

**5.10 p.m.:** *Sitting resumed.*

**Mr. Ganga Singh (Caroni East):** Mr. Speaker, prior to taking the tea break, my colleague, the Member for Couva South, Kelvin Ramnath, spoke eloquently

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on this Motion. I take this opportunity to congratulate the hon. Member for Siparia in bringing the Motion and for her very erudite presentation. I also take the opportunity to congratulate the hon. Minister in the Ministry of Finance for making available to this House and to the national community part of the information that the Sanatan Dharma Maha Sabha had sought by way of request under the Freedom of Information Act. I believe that is the way to proceed.

However, I would like to take a point of departure with respect to the contribution of the Member for Diego Martin East. In his contribution, he indicated that he is certain that the Federal Reserve Bank, the United States institution, precludes information of the nature requested from the public domain. *[Interruption]* I know he said that.

I want to make reference to an article from the Internet entitled “A Guide to Requesting Records or Information from the Board of Governors of the Federal Reserve System”.

“As the nation’s central bank, the Federal Reserve has four fundamental duties:

1. Conducting the nation’s monetary policy by influencing the money and credit conditions in the economy in pursuit of full employment and stable prices
2. Supervising and regulating banking institutions to ensure the safety and soundness of the nation’s banking and financial system and to protect the credit rights of consumers
3. Maintaining the stability of the financial system and containing systemic risk that may arise in financial markets
4. Providing certain financial services to the U.S. government, to the public, to financial institutions, and to foreign official institutions, thereby playing a major role in the operation of the nation’s payments system.

Federal Reserve records and information may be obtained from the following sources.

Public Affairs Office...

Public Affairs Information Room...

Publications Services...

The Federal Reserve Board Web Site...”

[*Interruption*] You are being premature—very premature.

“The Freedom of Information (FOI) Office. The FOI Office maintains and furnishes several types of documents, including

Public information letters

Federal Reserve regulatory letters

Comment letters on regulatory proposals

Legal interpretations

Administrative letters

Minutes of Board meetings

Index of Board actions

Open meeting memoranda

Transcripts of Federal Open Market Committee meetings and conference calls

CRA performance evaluations

In addition, files are maintained on various subjects such as bank holding companies, consumer and community affairs, and the payment system.”

**Mr. Valley:** I wonder whether the Member can inform us whether that is guided by legislation, or if it is simply the policy of the institution?

**Mr. G. Singh:** Mr. Speaker, I am not in a position to indicate that, but I do know [*Interruption*] —I do not claim to have knowledge that I do not have—that it is clear under the Freedom of Information Act that this is the kind of information—minutes of board meetings—that is available to the ordinary man in the American street. They want, by virtue of this exemption order, to seek to preclude the Central Bank from that kind of openness and transparency.

Clearly, the hon. Member for Diego Martin East was misleading the House. He had no knowledge. He pointed to no information. He came here to mislead this House in his bravé danger approach. The hon. Member for Diego Martin East clearly did not even have knowledge of the section of the Central Bank Act he was referring to.

I want to read into the record section 56 of the Central Bank Act, Chap. 79:02 because the hon. Minister sought to really utilize this section of the Central Bank

Act as a cloak to prevent him from taking the information straight to the general public. It says:

- “(1) Except in so far as may be necessary for the due performance of its objects, every officer and employee of the Bank shall preserve and aid in preserving secrecy with regard to all matters relating to the affairs of the Bank or of any commercial bank or of any customers thereof that may come to his knowledge in the course of his duties.
- (2) Any such officer or employee who communicates any such matter to any person other than the Board or an officer of the bank authorized in that behalf by the Governor or suffers or permits any unauthorized person to have access to any books, papers or records relating to the Bank or any commercial bank, is liable on summary conviction thereof to a fine of six thousand dollars and to imprisonment for two years.”

The critical issue here is that there are sanctions associated with a breach of this provision. The point is that this provision is circumscribed in the context of the objects of the Central Bank. What are the objects of the Central Bank? Reference is made to the legislation. You cannot read that provision without reference to the objects of the bank. The objects are no different—they are stated differently—from that of the Federal Reserve Bank in which, under the FOIA, there is access to board minutes and so on.

Mr. Speaker, it says here at section 3, dealing with the establishment, constitution and management of the Central Bank:

“The Bank shall have as its purpose the promotion of such monetary credit and exchange conditions as are most favourable to the development of the economy of Trinidad and Tobago, and shall, without prejudice to the other provisions of this Act—

- (a) have the exclusive right to issue and redeem currency notes and coin in Trinidad and Tobago;
- (b) act as banker for, and render economic, financial and monetary advice to the Government;
- (c) maintain, influence and regulate the volume and conditions of supply of credit and currency in the best interest of the economic life of Trinidad and Tobago;
- (d) maintain monetary stability, control and protect the external value of the monetary unit, administer external monetary reserves, encourage expansion in the general level of production, trade and employment; and
- (e) undertake continuously economic, financial and monetary research.”

This is no different from that of the Federal Reserve Bank, yet in a First World country utilizing the Freedom of Information Act, you have access to so many board minutes, the various issues, nothing to do with credential requirements and so on. These are not the objects.

The Member spoke about section 34. [*Interruption*] 38 of what? You do not even know the section. The Member spoke about section 34 of the Financial Institutions Act. What does that section deal with under the Financial Institutions Act? The Member is saying that the conjoined effect of both these sections is to preclude the Central Bank from providing the ordinary man in the street access to information and that is why they are seeking this exemption order to preclude that. What does the section say?

“35. (1) The Inspector, or any person acting in his place, or any assistant to the Inspector shall not disclose any information regarding the operation of a licensee, a customer of a licensee to any person other than the Governor or such other person as may be designated by him.”

That is not applicable in these circumstances. Section 36(1) states:

"Except as provided in section 35—

- (a) no person who under or for the purposes of this Act receives information relating to the business or other affairs of any person; and
- (b) no person who obtains any such information directly or indirectly from a person who has received it aforesaid,

shall disclose the information without the consent of the person to whom it relates and, (if different) the person from whom it was received as aforesaid”.

The information requested by the Sanatan Dharma Maha Sabha has nothing to do with the objects of the Central Bank and its operation in dealing with monetary and fiscal policy, prudential requirements and in dealing with the regulatory functions of the financial institutions of this country. Not at all! It deals with issues, just like the Federal Reserve Bank, to make available to the public.

I know he is calling Greenspan, but Greenspan is serving his fifth term as the head of the Federal Reserve Bank. You do not call Greenspan's name. It is under Greenspan that you have this FOIA legislation in place in the American system. So, clearly the Member for Diego Martin East has no leg on which to stand.

What the Government has sought to do—I believe that there is a culture of secrecy, as the Member for Siparia said, which is part of the colonial mentality

and of the bureaucracy in Trinidad and Tobago. Therefore, at first blush, when you seek to get information under the FOIA from various institutions, their first response is not to provide you with that information, so there is a psychology of secrecy also.

In the current situation, I think that Members opposite made a fundamental error. When you look at the emerging trends throughout the world, the right to information and particularly the right to access information are really emerging almost into a fundamental right under the Constitution. Currently they are grounded under the freedom of expression, but the emerging trend points to that being a fundamental right of a citizen in any society.

However, in this society, under this psychology and culture of secrecy, they preclude NEDCO. Therefore, they utilize taxpayers' money. They disburse it in a fashion that cannot stand up to any prudential requirements. They disburse it in a fashion in which it is directly related to bribery of the electorate prior to the elections, but you cannot access that information by virtue of the exemption. That is why in this society we were able to access it. People in the relevant ministry are saying enough is enough and we were able to get all the names.

This Motion seeks to negative the attempt to exempt the Central Bank. Here are situations in this country where, because of kidnapping, there are significant amounts of currency being marked. Kidnapping has given rise to an industry for which, under the direction of police, currency is marked by the banks. This is regulated by the Central Bank, which is informed of this marked currency.

Recently a senior police officer and his son were intercepted at a particular bank attempting to make certain deposits of marked currency that emanated from a ransom payment as a result of a kidnapping. Brigadier Joseph's unit intervened. I want to tell you that that senior policeman walked away, together with his son, with their money in hand and the only action that was taken against him is that he was transferred to head the Guard and Emergency Branch.

So now you cannot utilize the Central Bank Act to access that information. However, the point was made by my colleague, Mr. Ramnath, with respect to expanded duties emerging and fusion in the financial services sector between the insurances and the banking sector and that therefore the expanded regulatory environment calls for a greater deal of transparency and openness. In direct contrast to that, this Government is seeking to exempt the Central Bank from the embrace of the Freedom of Information Act.

When we review the legal position, it is our considered view that when the Central Bank Governor made a decision not to provide information with respect

to the questions asked under the FOIA application, he had to disclose reasons. The law requires the Central Bank Governor to disclose reasons, but he, not being properly informed himself of the ambit of the FOIA, did not disclose any reasons and proceeded merely to deny the application. That is why we have before the court judicial review of the decision of the Central Bank Governor not to provide the information requested.

One would have thought that under conditions of that nature—a matter dealing with the interpretation of an action of a regulatory institution as important as the Central Bank—the Government, consistent with its mandate, consistent with its approach to ensure that there is separation of powers—they being the Executive—that the Judiciary would have been given the opportunity to interpret the actions of the Central Bank Governor and come to a conclusion as to whether or not the FOIA is applicable to the Central Bank. What has this Government done? My colleague, the Member for Siparia, is right. On Old Year's night amid the trumpet and the tooting of the horn, an exemption order was signed to preclude the Central Bank from the ambit of the FOIA.

I am saying that any self-respecting, decent government would have allowed the court to deal with this issue once and for all and remove that cloak and question mark over this, what ought to be one of the most important institutions in our economy. Why not allow the court to do its work? Our interpretation of section 56 is that once there is the due performance by the Central Bank of its objects, we have a situation where, under section 56, any decision not falling within the ambit of that section would fall outside the bank's authorities. Remember section 56 says, "for the due performance of its objects", and we outlined these objects. Once they engage in the due performance of their objects, then if they do anything outside the ambit of the objects of the bank, they are not protected by the secrecy clause. The request to find out what are their payments, donations and board of directors' stipends, moneys paid to board of directors and donations to cultural organizations; those do not fall within the objects of the bank, therefore the bank cannot claim secrecy for actions of that nature. That is why I say to the Government, let the court decide. Hold your hand on this issue.

If the court decides that it falls within the ambit of the cloak of secrecy provided by section 56, then we will support that because it is important for the functioning of the institution and you are adhering to the interpretation of the court. However, do not interfere, subvert and usurp the functions of the court of the land! This attempt this evening is really interference in the workings of the Judiciary by the Government.

Mr. Speaker, it appears that under the current situation this exemption would preclude the Central Bank from complying with requirements of the Bank of England. We had the Freedom of Information Act prior to the United Kingdom, but the Bank of England is subject to that. I am certain that the other major central bank, like the Bundesbank in Germany, they, too, are subject to freedom of information legislation. They cannot claim 2020 vision when they are seeking to shroud matters in secrecy as they have. They cannot claim to articulate that 2020 vision when they are seeking to cloud it in darkness. So, they should allow the court to determine.

The hon. Minister in his presentation said that we are a small society and there may be use and abuse. He was raising the nuisance factor and therefore the Freedom of Information Act really is a nuisance. We are a small society and it will be open to abuse. Nothing could be further from the truth. The fact is that freedom of information is meant to bring about transparency, openness and accountability in government.

The other point raised by the hon. Minister is that it will open the floodgates to litigation. Floodgates to litigation will only be opened when you fail to comply with the requirement of the law. Then you can go to the Ombudsman and you can go by way of judicial review. Everything points to the emerging approach worldwide.

My colleague, Mrs. Kamla Persad-Bissessar, the hon. Member for Siparia, spoke about South Africa and the fact that it is constitutionally entrenched in South Africa. I see the hon. Member for Port of Spain South here. For years in this country, since the time of Dr. Eric Williams, when I was a very young man, there has been an attempt to bring about the establishment, construction and operation of an aluminium smelter in Trinidad and Tobago.

I recall that the grand plan at that time was to utilize Trinidad and Tobago's energy power and alumina from Jamaica and Guyana. I read in the newspaper yesterday that the Government signed a Memorandum of Understanding (MOU) with Alcoa for the construction of an aluminium smelter in Trinidad and Tobago. One would have thought that at the very first opportunity that this Government gets in the Parliament, the Minister would have made a statement outlining definitively the terms and conditions of that Memorandum of Understanding. What are the terms and conditions of that MOU? What is the Gaffrey Kline report on our reserves of natural gas? Can we really support an aluminium smelter? Where will the natural gas come from? I read that BP made a significant amount of natural gas available and it is called free gas. But that is not so. There is no such thing as free gas. That gas was made available in lieu of royalty payments.

**Mr. Bereaux:** “Free gas” is a term of art. It means gas that is produced not in association with oil.

**Mr. G. Singh:** I understand what the hon. Member is saying, but that is not how it was meant to be translated. It really meant that the Government is not paying for this and that this gas is available for Trinidad and Tobago. They are saying that, but BP made the gas available in lieu of royalty. Royalty is to be paid. I do not know the quantum of those royalties. I am certain it runs into millions.

It is something that the society looks for because we are talking about employment creation and downstream industries. Why is there this silence by the hon. Minister on this issue? Therefore, under the Gaffrey Kline report, what are our proven reserves? What about our possible reserves? What about our probable reserves? It is said that after the agreement for Train 4, our reserves dropped from the possibility of 15 years to 13. We are dealing with a dissipating asset. What would be the impact of this aluminium smelter? Why is there not that openness? Do I have to file a freedom of information application to attempt to access that information? Would I be met with another exemption order in this House seeking to exempt the MOU from this Parliament because it is done with a third party and the third party refuses to let the country know where its natural gas as a dissipating asset is going? When I see that the investment will be in the realm of US \$1 billion and that the Trinidad and Tobago Government commits 40 per cent of that equity—that is almost TT \$3 billion and then we are committing this gas—what is Trinidad and Tobago really investing in?

#### **5.40 p.m.**

What is the quantum of money we are investing in this aluminium smelter? What are the terms and conditions? What is Alcoa demanding? What worries me is that it says by 2005, they will determine whether or not to move forward. Minister of Energy and Energy Industries, I expect from you, in a matter as important for the economy of Trinidad and Tobago, a proper statement to be made in the Parliament of Trinidad and Tobago on that issue. I would leave that alone for the time being. There are other questions with respect to the environmental considerations. Gas reserves and environmental considerations are all issues that we have to deal with.

Mr. Speaker, it is clear to us on this side that the Government was ill-advised to attempt to seek to be exempted, through the Central Bank, from the ambit of the Freedom of Information Act. The current secrecy clauses in section 56 of the Central Bank Act provide sufficient secrecy and nondisclosure on matters of a

prudential and regulatory nature, so as not to interfere in the operations of the Central Bank. It is necessary that this Government points in a direction that is consistent with its vision for 2020, and it will embrace the FOI.

History has shown with NEDCO and the utilization of taxpayers' money. When we asked the Member for Diego Martin West for a list of the persons who are the recipients of the houses from the National Housing Authority (NHA), he refused to answer. He said that is a matter between the National Housing Authority (NHA) and its clients. Whose money is that? It is the money of the taxpayers of this country. How can you preclude? How can you engage in nondisclosure? What we have is in the realm of rumours there will be all kinds of speculations. There will be no integrity in the governing process. Therefore, what you require in this country, for good governance, is freedom of information which is an integral part of good governance. My colleague dealt with the issue of hypocrisy when Members spoke about broadening and eliminating of exemptions and keeping it open; only to come like a thief in the night and seek to preclude a series of institutions.

Mr. Speaker, it is clear to us on this side that we ought to support this. If the Government is not going to support this, they ought to seek an approach whereby they allow the courts of the country to interpret the Act and come to a final decision, rather than seek—whilst the matter is engaging the attention of the court—to pass legislation. It is not good governance! The Government has done that with the law on extradition. When the matter was before the court, there was the unseemingly display by the Attorney General coming before the House to make amendments, then subsequently going after the person who is currently charged before the courts; redoing it all over again. That is the “unseemly” display. Why are you interfering with the court process in this country?

**Hon. Members:** Unseemly.

**Mr. G. Singh:** “Unseemingly”! I am not concerned about the trifling. We are dealing with the clear substantive matters of a certain *modus operandi* of the Government. If it does not suit their current whim and fancy, then they deal with it in this fashion and good governance becomes irrelevant.

I want to implore Members, if they do not intend to support this Motion, which is an excellent Motion—because it talks about openness and transparency—they ought to stay their hands so as to allow the courts of this country to interpret the legislation.

Mr. Speaker, with these few words, I thank you.

**Mr. Sharma:** Does anyone on the opposite side want to speak? I will give way, please proceed. [*Interruption*]

**Mr. Speaker:** Order, please.

**Mr. Chandresh Sharma (Fyzabad):** Thank you very much. When this matter was debated some years ago in the Parliament, it took all of eight days. At that time, our friends opposite were on this side, where they rightly belong. They found the world of problems with the legislation then. It is very instructive that this debate is taking place today; the last day the law allows it. In less than eight hours it would be finished, because the Government would be using its numbers. It is also instructive that it is happening at a time in the country when our sons and daughters are kidnapped, raped and murdered by agents of the PNM and agents of the Government. It is the first time—

**Mr. Speaker:** Hon. Member, that is a very broad statement without foundation. Do not make such statements.

**Mr. C. Sharma:** Mr. Speaker, the Member for Arouca South has just hinted that it has extended to Toronto also. The PNM is not only having effect in Trinidad, but also in Toronto. She is very correct. It is clear by the acts of the Government they are sponsoring discrimination, murders and kidnapping and we would demonstrate how that obtains in a few minutes.

More than that, what we have noticed is the idea of denying the Central Bank is by design. There has been tremendous information in the public, of acts of discrimination by the Government. This is one to promote that. In fact, on Sunday of this coming week—I know you want to come, both of us want to come—more than 100,000 persons would be joining a march from Reinzi Complex to Mid Centre Mall, Chaguanas. There would be a large rally. They would be marching against crime, oppression and discrimination. It is when governments act like the PNM, these kinds of things happen. There is one murder every 35 hours. Great is the PNM. Under the PNM we have one murder every 35 hours. As we speak—we have been here since 1.30 p.m., we would hear eight hours after—16 crimes would have taken place, under this PNM government. In Trinidad and Tobago, there are 44 serious crimes every 24 hours. When the Government does what it is doing today, all it is doing is promoting this kind of thing. For this reason, thousands of people are demonstrating throughout the country: today in San Fernando and two days ago in Barrackpore. Why is this happening? The Government thinks people are happy.

Why is the Central Bank so instructed to act? We are told, from the information presented today, that the Maha Sabha, a body that was incorporated

via an Act of Parliament that was passed in 1999, applied for information as the law allows them to do. When the information was sought, the law provides for it, the Central Bank refused to make it available. What happened then? The Central Bank obtained the advice of the Government and the Government told them not to give the information. The Government instructed the Central Bank not to obey the law of the land. At the time the application was made, the law provided for the information to be made available. It went further, they said if the information was not given within 30 days, you are to say why. You are seeing where agencies, under the Government, continue to be guided politically.

More than that, this is a very dangerous act the Government is introducing by denying citizens the right to obtain information. You may have heard of Article 19. We, in Trinidad and Tobago, contributed to that. I want to read something that obtains under Article 19: “the right to freedom of information, and particularly the right to access of information held by public authorities has attracted a great deal of attention recently. In the past seven years,...a record number of countries from around the world—including Fiji, India...Japan...South Africa, Trinidad and Tobago...”

We must be very proud in Trinidad and Tobago, no matter what side of the House we sit on. We contributed to the global thinking of what obtains in the world today. It continues:

“The United Kingdom, a number of...European States...” have taken steps to make it law to effect this right: the right to obtain information. In doing so, they join...countries which have similar laws—“such as Sweden, United States, Finland...Australia and Canada.”

This is a global development. This does not obtain here. More and more countries are trying to introduce more access to public information. [*Words expunged*]

**Mr. Speaker:** Strike out that remark. You cannot say that. If you have the proof, you can bring a substantive Motion, otherwise do not do that.

**Mr. C. Sharma:** The Trinidad and Tobago newspapers, which are a source of information obtainable to citizens—more than 700,000 who could read and nationals of Trinidad and Tobago living in more than 100 countries—indicated more than once that the PNM is involved in the cocaine trade.

I want to go further. The fact of the matter is cocaine left Trinidad and Tobago through the Government of Trinidad and Tobago and found itself in another place. That is crystal clear. More than that, the Government has not said a thing to this day. The trade continues, because the United States, the British Government and a number of other governments have given travel advisory to their citizens to

be careful when they come to Trinidad and Tobago because kidnappings, rapes and murders are taking place. The statistics show that people were involved in substance abuse. Cocaine is involved to a large extent. We cannot sweep it under the carpet and say that the Government is not involved in cocaine. We would be doing a disservice to all. I am an elected Member of Parliament. [*Words expunged*]

**Mr. Speaker:** Please hon. Member, let me repeat again. You cannot say that. Again, I am directing the Hansard reporter to expunge that. If you have such information, may I suggest to you bring a substantive Motion and provide the evidence. Please continue.

**Mr. C. Sharma:** Mr. Speaker, I am a Member of this House. I sit on the Opposition's side. I am not responsible for policy in this country. I am not responsible for administrating the day-to-day activities of the country. Those opposite are responsible, however they got it. Murders are taking place in the country and the Government has to take responsibility.

The son of my colleague was kidnapped and murdered. The Government has to take responsibility. Cocaine left these shores, my children are affected, and the Government has to take responsibility. If I am denied speaking the truth in this House tell me where can I speak it?

**Hon. Member:** Go outside and say it.

**Mr. C. Sharma:** I will go outside and say it. Sunday I would say it in Chaguanas. Come to Chaguanas on Sunday and I would say it.

The importance of freedom of information as a fundamental right is beyond question. In its very first session in 1946, a long time ago, the UN General Assembly adopted Resolution 59:1 stating:

“Freedom of information is a fundamental human right, the touchstone of all the freedoms to which the United Nations is in agreement.”

Why is it that the Government wants to exempt the Central Bank? There must be a reason for it. There must be a number of reasons. One such reason, I would treat with a few, is that the Government is involved in a number of illegal activities. They are spending close to \$500 million on CEPEP. Recently, we saw in the newspapers that a Government Minister stayed at a hotel and spent \$109,000. That is the salary for a CEPEP worker for three years. That is the stipend paid to an OJT worker for eight years. A PNM Minister spent that.

When that kind of expenditure takes place, they would get the Central Bank involved. It does not stop there. The Central Bank is responsible for advising all

the commercial banks in Trinidad and Tobago. One such bank is a state bank. I made reference to the FCB, which is chaired by the person appointed by PNM, who has the PNM's interest at heart. His instructions are not to make financing available, through loans, to UNC members. I want to repeat it, the PNM has a way of pretending: "Wha he saying dey? Why he geh dat from?" The Central Bank is aware that the FCB is denying citizens of Trinidad and Tobago access to loans. There are persons to whom loans should not be made available. Such persons are sometimes identified with the UNC. This is one reason they are going to control the Central Bank. If we ask to be told the names of the persons who are instructed not to get moneys by way of loans, the Central Bank would say: "You were in the Parliament. You passed an Act which said we do not have to give that information." In addition to that, loans are written off across the board. Many PNM friends and supporters obtain that benefit. Millions of dollars were in Taurus Company and the ADB.

I recall a matter that was raised by my colleague on this side. The General Manager of the ADB, Mr. Seebalack Singh, in executing his duty, saw it fit not to conduct—Mr. Speaker, I am reminded that you were the Chairman of FCB. I know under your period such never obtained. I want to make that connection. When the particular gentleman saw a piece of business that was being pushed by PNM's friends and decided not to treat with it, he was suspended. I think he was fired. In the future, they will continue to do that. That is how the PNM operates. They would say: "We are doing this under the Act you passed in Parliament. You have authorized us to do it."

In addition, the very bank to which I am making reference, employs people. Many PNM Members opposite write letters seeking employment, which is okay. They are treated with. If a letter is from a PNM Member of Parliament—worse if he is a Minister, like the Member for Diego Martin Central—and it states that it is from the office of Mr. Kenneth. Valley you dare not question it, you start to work on it as of yesterday. That is how it operates. I thank the Member for agreeing with me.

The importance of freedom of information is critical to good governance. It is essential. Many of the thinkers are saying when we have freedom of information and freedom of the press there will be good government. Very few people shall starve there will be less murders, rapes and kidnappings. This is a global finding. It is critical that the Government revisits its thinking.

The Member for Caroni East made the point that there is a matter obtaining the court's attention. Why bring this at this point in time? Why is the Government

undermining the court? Recently we saw one of our colleagues from the other place—it is very interesting—surrendered himself. When we saw the charges, as read in the newspapers, nobody in the country, lawyers included, knew what he was charged for. That is how the Government operates. This is why freedom of information must continue to be available. A colleague is charged for an offence and nobody knows. He has not been charged for receiving money. The article in the newspapers did not indicate that. The newspapers were not sure. Numerous writers wrote on the subject. That is how the Government operates.

The Government employs people—right now there are Canadian advisors working for the PNM government—who conduct scenario planning. What can we do to distract the attention of the national community? There are too many murders. What can we do? Let us charge a few Government Ministers. Let us charge a few people. They keep doing that week after week. The Government is paying millions of dollars. We do not know if the Central Bank is employing these people as consultants. They might be doing that. We cannot ask them. If this Order is passed in this House today, we cannot ask them. Assuming, but not admitting, the Central Bank is paying these consultants to advise the PNM Government how to hoodwink the national community and remove the attention from the murders, rapes and kidnappings in the country. A lot of that is happening. When the Government starts to deny people the right to obtain information, it is heading in a very dangerous direction.

The European Court of Human Rights stated in Article 10 of the European Convention for the Protection of Human Rights and Fundamental Freedoms—Guaranteeing Freedom of Expression—I was saddened when my colleague from Couva South had to say to this House that he feels free to speak on the outside than in this House—it prohibits a government from restricting a person from receiving information that others wish or may be willing to impart.

Two weeks ago, the Member for Diego Martin West came to this House and elsewhere and was very economical with the truth as it referred to a contractor who did work and continues to do work for the NHA. With the use of taxpayers' money, he paid for full-page ads to mislead the national community. Under the Freedom of Information Act, they are going to deny the national community that. Many speakers have made reference to it being one of the most successful NHA projects. One has to ask: "Why is the Government doing that? This is denying people of their rights. This prevents people from living in this country. This is a concerted effort of the Government to get people to leave the country. Every day they unleash a part of it.

Mr. Speaker, the global thinkers are saying that freedom of information is critical to good governance. We on this side support that. It is said that:

“Information is the oxygen of democracy. If people do not know what is happening in their society if the actions of those who rule them are hidden, then they cannot take a meaningful part in the affairs of that society.”

That is very real in Trinidad and Tobago. The national community does not know. Half of my colleagues opposite do not know. They are prepared to be dressed, have access to a motorcar, a chauffeur, be called “Minister” and could not care less what happens in the country. [*Interruption*] Of course, there are exceptions, my colleague from Point Fortin. How could a Member sit there and not be concerned that there is a murder in this country every 35 hours? How can the Member continue to sit and deny that there are 44 serious crimes per day? These are the statistics of the Government. Some of these they cannot hide. Sooner or later they will want to hide it. It is for this reason thousands of people will be matching from Rienzi Complex to Chaguanas from 10.00 a.m. on Sunday.

This is very important information. It is not just a necessity for people, it is an essential part of good government. We on this side have been coming to this House asking questions, raising Motions and participating in discussions. Some of the questions we raised highlighted how the Government operates and why it is necessary to have freedom of information in all its manifestation available to the people. During the 2002 election, we saw hundreds of millions of dollars spent by agencies such as WASA, T&TEC, et cetera. The majority of the moneys that went to projects went in PNM constituencies. When moneys were spent, very little of it went in UNC constituencies. They went to the polling station statistics and saw that the PNM obtained the higher votes and did the projects in those areas. That is the highest level of racism and discrimination ever demonstrated by this PNM Government of Trinidad and Tobago.

Bad government needs secrecy to survive. The PNM is in a survival state with all the secret deals they are making. They made secret deals with forces that are destroying this country today. The way the PNM is operating, you could see why corruption is at its highest. We have never seen a more corrupt government than this present PNM Government. A government is not a thing. A government is a living body. A living body is made up of people. The PNM people are very corrupt. One cannot deny that. You could hide and say the PNM Government is corrupt; Government is a living thing. If that information is correct, Members opposite have to be corrupt. One cannot deny that.

When they sat on this side, they were allowed to say anything. You should have heard them all over this country. They could have gone into people's accounts. They knew who were sleeping where. They knew where people were dining. They knew too much; at least they pretended to know too much. Today, they have to pay that price. Are you hearing my friend from the Caribbean Shop talking about blue? That is Johnnie Walker Blue. In the early days he could not have afforded rum, today it is Johnnie Walker Blue.

Mr. Speaker, you would recall the Nobel Prize economist who remarked that in countries where there is a democratic form of government and a relatively free press, people are happy and they do not go hungry. Today, 35 per cent of the population is hungry under the PNM. Great is the PNM and it shall prevail. Look at what this country has been reduced to. It is so sad that for a jacket and tie and a tax-free Benz and BMW, the entire country is sold. My colleagues opposite are signing contracts that they know nothing about. They collected donations for their constituencies and are prepared to sell out any and every thing.

**Mr. Valley:** Mr. Speaker, I object to that comment. This is in relation to Standing Order 36(5).

**Mr. Speaker:** You are in fact imputing improper motives if you indicate that Ministers, when they signed contracts, received gifts. I do not think you need to go there.

Let me indicate to the press, as I did last Friday, comments made by the hon. Member with reference to the PNM or the Government involved in cocaine is not to be published. Please continue.

**Mr. C. Sharma:** I do not know if Members pretend to forget conveniently. You would recall last Christmas, Members opposite, in trying to hoodwink the national community, were busy giving out hampers. When asked where they obtained those hampers they indicated that they were donations and gifts from corporate bodies. They had recently signed contracts with some of these corporate bodies. To pretend today—my good friend from Diego Martin Central—let me make the point.

**Mr. Valley:** On a point of order, Mr. Speaker. I am asking the Member to withdraw that statement.

**Mr. Speaker:** I think you are perhaps a bit premature. Let him continue. If it is that he transgresses you can be assured that I will bring him to book.

**Mr. Valley:** Mr. Speaker, just for my own edification. The Member made a statement. I objected. I thought you instructed him to withdraw the statement.

**Mr. Speaker:** Yes.

**Mr. Valley:** He is going on to give some type of explanation, in which I am not interested. He has not withdrawn the statement as yet. I am asking that it be withdrawn. [*Interruption*]

**Mr. Speaker:** Order! I understand the Member to be saying that with respect to his original point of order, I did not invite you to withdraw the statement. Would you please withdraw the statement? Be careful how you continue along those lines. Please withdraw the statement.

**Mr. C. Sharma:** I am not as sharp as my colleague opposite. Which statement does he want me to withdraw?

**Mr. Speaker:** I think it is the one with reference to Ministers signing contracts and getting gifts. That is the one.

**Mr. C. Sharma:** I have qualified by saying, and I have demonstrated, that in the newspapers of Trinidad and Tobago, Members were giving hampers. When asked: "How did you obtain so many hampers?" One Member claimed that he gave 4,000 hampers. "Where did you get all these hampers?" asked the newspapers reporters. The Member said: "I got them from the constituency. I raised funds and corporate citizens gave." Those citizens are oil giant companies and others. The Government entered into contracts. Ministers opposite signed contracts on behalf of the people of Trinidad and Tobago. They collected and distributed the hampers to their constituencies. We did not get any. That is a matter of fact. That is not an opinion. If the Member wants me to withdraw that I will withdraw it.

**Mr. Valley:** Leave him alone. I have to respond.

**Mr. C. Sharma:** You can respond my friend. Take your time and prepare your notes. Most governments prefer to conduct their business in secret. That is the statement I am making. This is a statement of fact. The Government wants everything in secret. The international thinkers are seeing this. They are pointing to the PNM Government of Trinidad and Tobago. From Jamaica, right through the Caribbean, there have never been a more corrupt government than the PNM Government. There has never been a government where so many murders have taken place and where drugs, cocaine and money laundering takes place.

Why is the PNM pretending? Is this happening without their knowledge? Is this happening without their participation? Why are you in government? You cannot fool the people any more. Mr. Speaker, I know some of my colleagues

cannot speak English. “In Swahili one of the words for government means “fierce secret”. Even democratic governments would rather conduct the bulk of their business away from the eyes of the public.”

This Motion we are debating demonstrates that very clearly. The PNM wants to do everything in secret. The matter, which my friend from Caroni East referred to, was signed in secret. Up till now the country does not know. We do not know how much we are paying for it. We do not know how many of our great grandchildren would be paying for that.

Workers in the Siparia Regional Corporation are being sent home. Many of the beaches in Trinidad are without lifeguards. Why did the Government tell the national community that they would get jobs during the election period? Now there are no jobs? Governments can always find reasons for maintaining secrecy. The PNM mastered that. Everything is a secret for them. They are quick to jump on the interest of national security. Everything is national security but cocaine is going through national security. I cannot understand this thing at all. Everything is top of the line national security and cocaine is going through. They are managing national security to promote the export of cocaine. Do you know what would be very interesting? The Member for Diego Martin West is rushing for a forensic accounting report on a contractor that he is discriminating against. Let us have forensic reports on Ministers’ accounts. You would find some very interesting things. What do you say Member for Diego Martin Central? Would you agree with that? I know my friend. The truth.

Public order and the wider interest are a few examples. Who are they to determine that? We are both elected in this House. We both represent people on both sides of the House. They are a minority government. In Trinidad and Tobago, less than 13 per cent believe in this Government and 87 per cent disagrees with this Government. They do not believe in you. They think you are racist, you discriminate and you are only fattening your pockets. They believe in us. That is why hundreds and thousands will come out. The time is coming close.

It is very instructive that we have brought this Motion today. It is very interesting. I want to give an advice to my colleagues on this side. This is a dangerous PNM Government. The police said that the cocaine and missile found in the water tank of my colleague, Sen. Baksh—he lived in my constituency for a while—were planted. The PNM Government is responsible for planting it. They are going to do that to Members here. They will do that. The PNM has a history of that. For the last 50 years—my good friend talks about the airport. He knows what

he is speaking about. This is a Minister who is involved in private practice with the airport and made millions of dollars. He knows of it very well.

A forensic report would demonstrate. Suddenly we are seeing Ministers with real estate holdings all over the country. We can all buy real estates, but when you are seeing a Minister buying—

**Mr. Speaker:** You know to come back to the Freedom of Information (Exemption) (No. 2) Order, 2003.

**Mr. C. Sharma:** The point I was trying to make very hard is that, in the absence of freedom of information, we will not know how corrupt our Ministers are.

**Mr. Speaker:** You have made your point, please move on.

**Mr. C. Sharma:** I want to go further. I do not want to stop there. We are talking about the financial institution. Freedom of information obtains in the Central Banks of many countries such as the United Kingdom, Canada, Hong Kong and India. If the PNM Government wants to do it, it has to hide its corrupt acts. There could be no other reason. If that point has to be made 100 times, so be it. I would make it 98.

Too often governments treat official information as their property. The PNM feels they own this country. They are the gods of this country. People in rural communities must get nothing; no CEPEP, URP or jobs. My good friend, the Member for Diego Martin Central has never written a letter of recommendation for any person in south Trinidad.

**Mr. Valley:** Let them come.

**Mr. C. Sharma:** Let them come. You want everybody to come.

This is why Article 19 has produced this set of international principles. What is the PNM subscribing to? Is it only the PNM's rules? This PNM is a disgrace. Last Sunday they said that they would set up a committee to talk about crime. They are in government. We had a \$100 billion budget in five years. They have wasted \$60 billion. That is very interesting. In the early oil boom days, the Government wasted money. Now, under Central Bank, with this particular Motion in front of us, they are going to waste a lot more and there would be nobody to ask. The same people would come and tell us: "You were in Parliament when they passed the Bill."

In 1999, the PNM government—every man and woman got up and spoke. They had all kinds of stories to tell. They said they wanted this and that to happen

and that we should make everything available. What has happened now? They have been in government for two years and suddenly something has happened. They want to deny the bank.

What do they have against the Maha Sabha? Why are they attacking the Maha Sabha? Why is it that 50 per cent of this population feels very uneasy in this country?

**Mr. Valley:** I thought it was 87 per cent?

**Mr. C. Sharma:** 87 per cent does not believe in the PNM Government. Thank you for reminding me. The Member for Diego Martin Central is aware of the statistics. We both have the same information. I want to come back to Article 19, which sets a standard that anyone can measure. Domestic laws genuinely permit access to official information. In 1999, the UNC government saw it fit, in keeping with global trends, to introduce the Freedom of Information Act.

Mr. Speaker, countries with the Freedom of Information Act did not start yesterday, nor did they start under the PNM. Sweden started in 1776; USA, 1966; Denmark, 1970; Norway, 1970; Holland, 1978; France, 1978; Australia, 1982; Canada, 1982; New Zealand, 1982; Ireland, 1997; Thailand, 1997; Korea, 1998; Israel, 1998; Japan, 1998; and of course, Trinidad and Tobago, 1999. Today more and more countries may have come on board because they understand the importance of it.

Freedom of information sets out very clearly and precisely the ways in which governments can achieve maximum openness in line with the best international standards and practices. It is very unfortunate that the PNM will want to deny the national community access to information from the Central Bank.

“Principles are important as standards but, on their own, they are not enough. They need to be used—by campaigners, by lawyers, by elected representatives and by public officials.”

All over the world, the practice is that lawyers, elected representatives and public officials shall be able to benefit from the use of the Freedom of Information Act to add value to the lives of other people. It was not designed for a small grouping; it was designed for everyone.

They need to be applied by people who understand the importance and are committed to transparency in government. Today, the Government is stating, by denying people their right to access this information that they do not wish to be transparent. They prefer to be corrupt and have government in secrecy.

**6.25 p.m.**

I want to touch on the background of this Article 19, because I think it is very instructive. Mr. Speaker, I want to suggest that copies of this article be made available to everyone through your office. I find that this article is very interesting. It says that these principles set out standards for national and international governments, which give effect to the right to freedom of information. They are designed primarily for national legislation on freedom of information or access to official information, but are equally applicable to information held by intergovernmental bodies such as the United Nations and the European Union.

We are signatories to many international bodies. When we borrow money from the World Bank or the Inter-American Development Bank, these institutions expect us to be able to demonstrate in very transparent ways that what we do with the money is in keeping with international practices. When the Government brings this legislation it is going to affect our ability to borrow money on the international market. I want to suggest to the Government that it should rethink its position.

These principles are based on international and regional laws and standards as reflected in the national laws and judgments. The community of nations recognizes this general principle of law. They are the product of a long process of study and consultation overseen by Article 19, drawing on extensive experience and work with partner organizations in many countries around the world. Many countries are subscribing to the Freedom of Information Act. They are promoting and expanding the Freedom of Information Act, and here in Trinidad and Tobago the PNM Government is reducing that freedom of information.

Freedom of information legislation should be guided by the principles of maximum disclosure. It is a fact that the majority of the citizens of Trinidad and Tobago have lost confidence in the PNM Government. The Government should do everything to be more open and to have maximum disclosure. The principle of maximum disclosure establishes a presumption that all information held by public bodies should be subject to disclosure, and this presumption should be overcome only in very limited circumstances for national security or other reasons.

Mr. Speaker, when this Bill was passed in 1999, we made it law that state bodies in Trinidad and Tobago like ministries and so forth would make the information available. When the Maha Sabha applied for the information they were denied it. The Central Bank acted in bad faith and acted outside of the law. My information is that the Central Bank obtained the advice from the Government.

What did the Government say to them? The Government said: "That is the Maha Sabha and do not worry with them, ignore them." If the Government is promoting that kind of thing then more ministries would do the same thing, and we are going to find ourselves debating similar matters every month in this Parliament. It could also reach to a point where there would be no freedom of information.

Freedom of information implies not only that public bodies should accede to requests for information, but they should also publish documents of significant public interest subject only to reasonable limits based on resources. It is very important that ministries and state bodies make information available. They should not wait until a member of the public applies for such information, but they should also make the information available to the public. The information to be published will depend on the public body concerned. The law should establish both a general obligation to publish and the key areas of information that must be published. The Act makes provision for this, but this PNM Government is not doing it. So, they were planning this thing for a while. When they went to the electorate they did not tell the electorate that at all.

Public bodies should as a minimum, be under an obligation to publish public information. When this Bill was passed in 1999 we agreed to that, for example, operational information on how a public body functions. For instance, the public should know how to get a Community-based Environmental Protection and Enhancement Programme (CEPEP) contract, but CEPEP contracts are only going to PNM party supporters.

**Mr. Rahael:** It was advertised.

**Mr. C. Sharma:** The Member for Port of Spain North/St. Ann's West is saying that the contracts were advertised, but the contracts were advertised after they gave out contracts to their friends. Most of the contractors have reported to PNM and UNC members that whenever they receive their cheques they have to give their Member of Parliament something for his constituency, and they also have to give something to the party. [*Laughter*]

**Mr. Speaker:** Hon. Members, the speaking time of the hon. Member for Fyzabad has expired.

*Motion made,* That the hon. Member's speaking time be extended by 30 minutes. [*Mr. G. Singh*]

*Question put and agreed to.*

**Mr. C. Sharma:** Mr. Speaker, thank you very much and I also want to thank Members on both sides. In fact, I was told that the only Member who did not receive any contribution was the Member for Diego Martin Central. The Member gets from another source. When we meet over a drink I will tell him.

With respect to the obligation of governments to provide information, when the Freedom of Information Bill was passed in this House it was agreed that public bodies to which this Act applies, should make information available to the public. I was making the point about CEPEP when the Member for Port of Spain North/St. Ann's West said that the contracts were advertised. The Member for Port of Spain North/St. Ann's West is also aware that persons who obtained those contracts were selected long before the contracts were advertised. They were hoodwinking the country by advertising the contracts after they were awarded.

Mr. Speaker, question No. 24, which I asked in this Parliament, demonstrated that the majority of contracts were given to active PNM members—councillors and persons who worked in PNM offices. In fact, I think an employer of the Member for Diego Martin West was responsible for payments of some kind—a contract that was paying hundreds of thousands of dollars. Only PNM councillors got contracts and the same thing is happening with the Unemployment Relief Programme (URP)—\$113 million were spent. Where was the money spent? Again, in PNM-controlled constituencies.

**Mr. Speaker:** Hon. Member, you have been repeating yourself. I am imploring you to get back to the Exemption (No. 2) Order.

**Mr. C. Sharma:** Mr. Speaker, I was making the point with respect to the obligation of public bodies to publish information. I was saying that public bodies are required by law to publish their operations. When a ministry is awarding contracts, or causing contracts to be awarded through one of its agencies, information on any request such as complaints, or other direct actions which members of the public may take in relation to the public body, and the guidance and process by which members of the public may provide input into major policy must be published. We do not see this happening.

Mr. Speaker, the third principle has to do with the promotion of open government. Public bodies must actively promote open government by informing the public of their rights, and promoting the culture of openness within the government are essential if the goals of the freedom of information legislation are to be realized. This is a very instructive note. We are not seeing this happening under the PNM government. They have brought this matter very secretly to deny the national community from accessing information from the Central Bank.

Indeed, experience in various countries showed that a minority civil service could undermine even the most progressive legislation. We saw it with respect to this particular situation where the Maha Sabha applied for information from the Central Bank. The Maha Sabha went to the Central Bank and the Central Bank did not act in accordance with the law, but the Central Bank communicated with the PNM Government and they instructed the Central Bank to ignore the Maha Sabha, and now they are bringing this legislation here.

Promotional activities are therefore an essential component of the Freedom of Information Act. In 1999 we spoke about all these matters. This is an area where the particular activities would vary from country to country—this was the international thinking where all the thinkers came together and subscribed to this—depending on factors such as the way the civil service is organized.

With respect to free disclosure of information, the law requires that adequate resources and attention be devoted to the question of promoting the goals of freedom of information. To date, this PNM Government has not published any information with respect to what the freedom of information allows, and what resources are made available to the public. From the time the Maha Sabha applied for this information, the Government should have come to this House and caused to be published to the national community that the Maha Sabha had applied for information and they were going to deny them that information for a particular reason.

With respect to public education, as a minimum, the law should provide provisions for public education and the right of information. This is a very critical point. Mr. Speaker, if there is one thing that we should agree on is that the Freedom of Information Act was designed to add value to peoples' lives. Research has shown that where information is being obtained people are enjoying a higher quality of life. The fact that Trinidad and Tobago is in a crisis at this time—with all the negative things that are happening—it means that the Government is not practising open government, or what the international thinkers are saying.

Article 19 also spoke about limited scope of exemptions, and all governments agreed with that. In 1999 we also agreed that there were areas to be treated differently, and these areas would be dealt with when they come up. Many central banks are opened to freedom of information in order for inflation to be kept at a minimum, to add value to peoples' lives and to promote good governance. Why is the Government doing it differently here? They are doing it to control the national community and to deny citizens everything.

Today, when a citizen goes to a health centre and he cannot obtain medication, he would not be able to ask any questions because the PNM freedom of information says that he is not allowed to ask questions. When a person applies for a job and that person has to wait five years for that job that person would have no access to any information, because the PNM is limiting the information every day.

With respect to the process to facilitate access, we spoke about this matter in 1999. Requests for information should be processed rapidly and fairly, and an independent review of any refusal should be available. This is very critical. That is why we are here. The Maha Sabha applied for information and the application was not processed; it was not treated fairly; there was no independent review and the refusal was not communicated to them. A process for deciding upon request for information should be specified at three different levels: within the public body, appeals to an independent administrative body and appeals to the court.

So, the PNM, the discriminating government, denied the Maha Sabha the information within the public body; denied them appeal to an administrative body and now they have gone to the court. Why is the Government frustrating the effort of the court? We saw where a magistrate said that the bail for one of our colleagues was too low, after it was set and accepted everywhere else. Was that magistrate so advised? How suddenly a magistrate sitting in the court in this land could make such a statement, more so, when the person appearing in front of her is a Member of the Parliament?

Where necessary, provisions should be made to ensure full access to information for certain groups. For example, persons who cannot read or write, persons who do not speak the language of the record, or persons who suffer from any disability such as blindness or any physical challenge.

All public bodies should be required to establish open accessible internal systems to ensure the public's right to receive information. When this Act was passed in 1999 this is what was intended.

Generally, bodies should designate an individual who would be responsible for processing such requests and for ensuring compliance within the law. No Member opposite has said what had happened when the Maha Sabha applied for information. Was there a designated person? Why did the designated person not make the information available? Why did they not comply within the law? What actions were taken, if any, against the person who prevented the Maha Sabha from obtaining the information? Public bodies should be required to assist applicants. Did the Central Bank assist the Maha Sabha in getting the information?

The answer is no. Public bodies should be required to assist applicants whose requests relate to publish information.

Now, the PNM government has appointed someone who resides outside of Trinidad and Tobago to sit as a director of the Central Bank, and that person is being flown at taxpayers' expense—at this point in time the sum is in excess of \$1 million—and no information was made available to the published. So, the PNM Government has appointed someone who resides outside of Trinidad and Tobago to sit on the Central Bank Board and \$1 million of taxpayers' money is being spent. This amount is still running, and no information is being made available to the public. Now, when a body applies legally for that information they are denied that information.

When one looks at a Minister running up a hotel bill for \$109,000 in less than one month, in five years' time at \$60,000 a month, that figure could reach \$6 million. That is what this PNM government is spending. They are hoodwinking the national community.

Mr. Speaker, the Act of 1999 and the international thinking was taken very carefully into consideration. On the other hand, public bodies should be able to refuse frivolous or vexatious requests. Did the Maha Sabha request fall under that? The answer is no. They were asking a legal question. Public bodies should not have to provide individuals with information that is contained in a publication. So, the Maha Sabha had no other way of knowing the information. How many other persons appointed by the PNM to sit on state boards as directors or otherwise are living outside of this country and are paid to travel first class? They are being put up at the best hotels and they are also paid stipends in US dollars. When the PNM Government appoints such a person who discriminates against the national community to a large extent—and they paid for the publication of that book and it was sponsored through that state body and other state bodies to level the areas of discrimination—we cannot continue this way.

The law should provide for strict time limits for the processing of requests and it requires that any refusal should be accompanied by a substantive written reason.

**Mr. Speaker:** I get the impression that your contribution is a sort of déjà vu because what you are really doing here is perhaps focusing on the original Bill. What you need to focus on is really the Exemption (No. 2) Order. Your contribution is more in keeping with the original Bill, but try and bring it close to the Order. *[Interruption]*

**Mr. C. Sharma:** Mr. Speaker, I made the point, but I am sorry that you missed it. I would have to repeat it for the benefit of this House. In the original Bill there were provisions for exemptions.

**Mr. Speaker:** What I am saying is that you are repeating much of what you have said in the original Bill. What you need to do is to concentrate on the Exemption (No. 2) Order, which deals with the Central Bank.

**Mr. C. Sharma:** Mr. Speaker, I am guided, but the points could be made in a vacuum. [*Laughter*] We have to look at this matter in a holistic way. We have to establish exactly what obtains and what is happening. The Maha Sabha's application to the Central Bank has to be viewed in its entirety. I am at pains to make that point. The law should provide for strict time limits for the processing of requests, and any refusal must be accompanied by substantive written reasons. The Central Bank refused the Maha Sabha's application; they have not communicated with the Maha Sabha; and they have not told them why they have refused their application. The Act is very clear. I went on further to say that this is also obtained in the international community.

With respect to appeals, the Maha Sabha went further to find out what was happening. Wherever practical, provisions should be made for an internal appeal to a designated higher authority within the public authority who could review the original decision. So, when an applicant makes a request for information from the Ministry of Works and Transport and the applicant is turned down, the applicant should then be able to go to the higher level—maybe the Permanent Secretary or the Minister. The same principle should be obtained for Central Bank, but they continue to discriminate with the blessing of the Government. This did not happen by accident.

In all cases, the law should provide for an individual right of appeal to an independent administrative body from a refusal by a public body to disclose information. Again, this comes back to what we are debating here today. The Maha Sabha was denied that information and they have gone to the court. Firstly, we should see what the court is doing, and the Government should hold its hands on this matter. There is no need to close this debate today. When the court rules on this matter the Government should then set a date and come back to the Parliament with this Order. It is simple as that. We have done it in the past. The Government should be mature, and it should not only try to score political points and discriminate against one sector of the community, and hide behind its two or three more membership in the House. There must be grounds for appeals. What would happen is that every time an applicant makes an application, the Government could do this same thing, and at the end of the day they are going to frustrate the process, and the country would have to pay a very high price for that.

Mr. Speaker, this was well thought out. I am very proud that I was a Member of this House in 1999. The world is becoming a small global village. Today one could go on the Internet and access information on so many different matters from different countries, except from the Central Bank in Trinidad and Tobago.

Individuals should not be deterred from making requests for information by excessive cost. This is a very critical point. The cost is being kept at a minimum, but the Government is frustrating the process through other avenues. The cost of gaining access to information held by public bodies should not be too high so as to deter potential applicants, given that the whole rationale behind the freedom of information law is to promote open access to information. It was well established that the long-term benefits of openness far exceed the cost. In any case, experience in a number of countries suggests that access cost is not an effective means of offsetting the cost of freedom of information.

Mr. Speaker, why is the Government frustrating the national community? What has the Government to hide? People are frustrated and people do not know where to go. They cannot send their kids out on evenings; people are afraid to go to work; the country is in crisis and blood is flowing all over. [*Laughter*] They are laughing. Do you know why they are laughing? They are laughing because we are from the rural communities, and they do not care about us. What happens in Barrackpore is okay; what happens in Fyzabad is okay.

**Mr. Narine:** What happens in Toronto is okay.

**Mr. C. Sharma:** The Member for Arouca North was correct when he said that what happened in Toronto was okay, because the victim in Toronto was from a rural community, and the Member of Parliament for that community is an Opposition Member. The level of racism is international. They are discriminating internationally. That is a shameless Member of Parliament who would go to that length. Someone is dead—a mother is dead, a daughter is dead—from this country and the Member is happy because he thinks she was a UNC. Shame!

**Mr. Narine:** When you are going to demonstrate up there tell me.

**Mr. C. Sharma:** Mr. Speaker, different systems have been employed around the world to ensure that costs do not act as a deterrent to request information. What we are seeing here in Trinidad and Tobago is that while the cost has been maintained—I think it is \$29.50—they are frustrating the process. There is a limit of 30 days. My information is that in many cases it is not 30 days. They give all kinds of excuses like the copying machine breaks down; the officer in charge is not here today and so forth.

Meetings with public bodies should be open to the public. So freedom of information is not just paper, but tapes and videos should be available. So a member of the public should be able to go somewhere and find out how to get that information. For instance, hundreds of persons are denied employment on a daily basis.

Freedom of information includes the public right to know what the Government is doing on its behalf, and to be able to participate in the decision process. I asked this question in this Parliament on behalf of thousands of persons and that question was: What is the Government doing to reduce murders and kidnappings?

**Hon. Member:** Nothing.

**Mr. Speaker:** You are filibustering. That is what you are doing. You have been repeating yourself over and over. Please come back to the Order or wind up.

**Mr. C. Sharma:** I was saying that the Maha Sabha's application was denied and there are other avenues. I am surprised that you are saying that I am repeating myself. I have identified in Article 19 the different principles. I am only on principle No. 7 and it talks about open meetings. I have studied this document very carefully.

Mr. Speaker, disclosure should take precedent. Laws that are inconsistent with the principles of maximum disclosure should be amended or repealed. Why are we here today? The Government wants to stop it instead of expanding it and making it easy to obtain information. The law on freedom of information should require that other legislation be understood as far as possible in a manner consistent with its provision. Where this is not possible, other legislation dealing with publicly held information should be subjected to the principles underlying the freedom of information legislation.

Protection for whistle-blowers: Individuals who release information on wrongdoing—whistle-blowers—must be protected. So information came to the national community that a director appointed by the PNM to sit on the Central Bank is living outside Trinidad and Tobago, and that person is being flown back and forth at taxpayers' expense—excessive money—travelling first class and staying at the most expensive hotels with food, taxi service and other necessities being provided for that person. The international community understood that. What is happening? If you reveal that information you would be taken to task and the chances are that you may be kidnapped or murdered. Mr. Speaker, how many minutes do I have again?

**Mr. Speaker:** You have six more minutes.

**Mr. C. Sharma:** Thank you. The people's right to know is a foundation of democracy. Throughout history, the cardinal element in the formation of democratic societies—the element most feared and suppressed by governments and rulers—has been an informed active people. The more citizens know the better they would be prepared and more motivated to participate effectively in the decisions that affect their lives. The Government's denial is opposite to this thinking. So, the international thinking is that people must be encouraged to access information and governments must do everything in their power to provide that information.

In the United States of America, there has been a growing acknowledgement and great respect for the role of an informed people. As the voice of the people has taken an enhanced authority and influence in all sectors of the society, the decision-makers must carry out the importance of public access to information in a democratic society.

So, in 1999 the UNC administration saw the importance of having the Freedom of Information Act and they brought it to the Parliament. That was obtained after consultation in Trinidad and in Tobago. A number of groups were involved, chambers of commerce, professional bodies and so forth. They have all contributed to that Act because they wanted to be with the international trend.

So, if the saying: "Information is the currency to democracy" has meaning, then the American people have been "pickpocketed," and so in Trinidad and Tobago we are seeing the same thing happening. People are being denied the right to information. The matter that is being debated today is a crystal example of that.

Mr. Speaker, I hope you would appreciate this information because I took great difficulty in obtaining it. As a Member of Parliament, I do not have access to information like my colleagues on the opposite side. This is an international document. I went on the Central Bank website, but I could not get the information. Do you know that if I had gotten this document from the Central Bank we may not have had this debate? In fact, the Maha Sabha would not have to go to court. The Maha Sabha must be complimented after the PNM treated them so badly by giving them a few dollars for Indian Arrival Day celebrations. They have spent millions of dollars on Best Village, and they gave the Arouca South Constituency \$500,000 to do all kinds of things. The Maha Sabha still has a big heart and invited them to all their functions.

Mr. Speaker, I would close with this: A government which pursues secret aims, or which operates in greater secrecy than the effective conduct of its proper functions, or which turns information services into propaganda agencies would lose the trust of the people. The people of Trinidad and Tobago have lost trust in this PNM government.

Mr. Speaker, thank you. [*Desk thumping*]

**Mrs. Kamla Persad-Bissessar** (*Siparia*): Mr. Speaker, Motion No. 1 standing in my name, asked this honourable House to negative the Freedom of Information Exemption (No. 2) Order. I thank my colleagues on this side and on the other side for the contributions thus far. I know the Member for Diego Martin Central would exercise his ministerial fiat to close the debate, but we do have the right to reply.

We asked the Minister to tell us why did he bring this Exemption (No. 2) Order, and the hon. Minister put forward only two reasons. The Member for Diego Martin East really had nothing to say. My colleague, the Member for Caroni East, ably dealt with the point taken from section 56 of the Act, which the Minister quoted as the reason for taking the Central Bank out of compliance from the freedom of information legislation. He explained that matter in terms of the objects of the Act.

Mr. Speaker, there was a second issue which had to do with the explanation given by Minister Enill. He said the reason the Government is doing this had to do with the privacy of individuals. The Minister repeated that point, even though in my opening statement I had indicated that was no reason whatsoever. I want to score that point because the legislation is very clear.

I cited section 30 of the Act and I gave the heading of section 30, which deals with documents affecting personal privacy. The Freedom of Information Act already contains an exemption for documents that relate to the privacy of individuals and, therefore, I am saying that reason is absolutely nonsense. That is no reason whatsoever for taking the Central Bank out of compliance from the Freedom of Information Act.

Section 30 reads:

“A document is an exempt document if its disclosure under this Act would involve the unreasonable disclosure of personal information of any individual (including a deceased individual).”

These are documents that affect personal privacy and they are already exempted. So the explanation given by the Minister as to why we are seeking to

exempt the Central Bank from the Freedom of Information Act is absolutely no explanation whatsoever.

The second explanation was that the Central Bank Act—the same section 56 which my colleague dealt with—talks about secrecy and penalty for disclosing information. Again, the Freedom of Information Act contains an exemption provision. I say again, that is no reason for taking the Central Bank out of the purview of the legislation. I refer to section 34 of the Freedom of Information Act and it says:

“A document is an exempt document if there is in force a written law applying specifically to information of a kind contained in the document and prohibiting persons referred to in the written law from disclosing information of that kind, whether the prohibition is absolute or is subject to exceptions or qualification.”

Where there is provision in the written law prohibiting persons from disclosing information, those documents would then become exempt documents under the Freedom of Information Act. So, we cannot buy the argument of the hon. Minister when he says that section 56 is a secrecy provision, which prevents and prohibits the disclosing of information by officers and members of the Central Bank. Why is the Government coming to take the Central Bank out of the Freedom of Information Act? Section 56 already gives you the right to secrecy. You see, that is not the reason at all. With this Government, as always, they speak one thing, but there is always a hidden agenda. They are always hiding and covering up matters.

There are so many things that have happened and are happening in this country, and we still do not know the truth about them. We only get doublespeak from those on the other side. We cannot get accurate information. This is also so with the Labidco project. We cannot get any information up to now on that project. We do not know what is happening.

There were two persons fishing illegally in Trinidad and Tobago waters and they were released. It was alleged that instructions came from a government Minister and no evidence was offered. Investigations are ongoing and nothing has happened. We cannot get any information.

We asked a question in this House with respect to the moneys paid to Grimes. We asked whether the money that was paid to Grimes would be refunded, but up to today we do not have any information on that matter.

We asked about the cocaine in the diplomatic pouches and up to today there is this deafening silence. We do not know what is happening with that matter. We

also asked about the cocaine and missiles in the water tank, and two or three years later the Government still cannot give us any information on that matter.

These are issues that could be so easily resolved. If the police do not have the resources then the Government should get international experts to come in and deal with these matters.

What the Government is seeking to do with this Order is to continue to hide information. That is the Government's agenda. Everything for the PNM is top secret. In days gone, they would wait for matters to blow over. What is happening today is that there is a more enlightened citizenry, because we are in the information age. The citizenry is willing to take the Government to court to seek justice and to be able to get information that they are entitled to from those in public office.

Today, there are numerous letters to the editors from citizens in the newspaper asking the same questions that we are asking with respect to the cocaine in the diplomatic pouches, the release of the Bajan fishermen and other issues. In the past, this Government would leave the matter alone and it would be blown away. There was no Freedom of Information Act and there was no Judicial Review Act, 2000, which the UNC also put into the law. They would wait until the matters went away and died. These matters are not dying. What is the Government doing? They are now coming to the Parliament to legislate for top secret, and they are coming to pass laws to continue their pattern of behaviour for top secret. We are saying that should not be the case.

This is a matter pending in the court. I raised this issue before, that the Government seems to be coming to the Parliament to enact legislation to make it lawful—which was not previously lawful—while cases are pending in the court.

My friend from Caroni East spoke about the extradition matter that was going on in the court, and the Government came to the Parliament to pass the extradition law.

With respect to the Telecommunications Act, the call centres had filed for judicial review. Whilst persons were out there dealing with matters with respect to international call centres and so forth—they were doing that legally—the Regulated Industries Commission (RIC) determined that the call centres were illegal, and the Government came here to change the law by amending the Telecommunications Act.

Mr. Speaker, whilst the Maha Sabha was asking the court to review that decision where they were refused information, once again, we are here passing legislation to say that they are not entitled to the information. Why is the

Government doing this? A Member said that it appears that we are tampering with the administration of justice. Why, when there are matters before the court, the Government is coming to change the law in midstream? Why does the Government not let the court adjudicate on the matter and then make its decisions? Why is the Government bringing these matters to Parliament whilst they are still before the courts? In my respectful view, this is a contempt of the Judiciary and for the courts of this land. [*Desk thumping*] These matters are before the courts, but the Government does not care. In the Parliament they are most powerful. Whatever is being said out there, if we do not like it well that is all right, and the Government would just change the law. So, whilst there are matters before the courts, we are here in the Parliament changing the law.

Mr. Speaker, this is a pattern of behaviour of the Government. The PNM is always operating as though everything is top secret, and there is no information. I spoke at the start and I want to repeat that the Members on the other side were totally against the Freedom of Information Act, which was brought here in 1999. I mentioned that the Member for Diego Martin Central spoke against it; the Member for Diego Martin East spoke against it; the Member for La Brea spoke against it, the Member for Arouca South spoke against it; and the Member for Laventille East/Morvant spoke against it.

**Mr. Valley:** I did not speak on that matter.

**Mrs. K. Persad-Bissessar:** I have the *Hansard* and I would get it for the Member. The Member spoke against the Bill and I have the *Hansard*. So, many Members spoke on the Freedom of Information Act, but they spoke against the legislation. Now, they are attacking all the exemptions in the existing legislation by putting further exemptions in the law.

Mr. Speaker, on page 553 of the *Hansard* dated Friday, April 30, Mr. Kenneth Valley spoke on the Freedom of Information Act. I will find it and send it to the Minister because it is there and I read it. Mr. Speaker, it is in the *Hansard* for all to see. [*Interruption*] Mr. Valley wants to know what he said, but it is in the *Hansard*. Mr. Valley said: "I am making the point that the general right to information is implied in the Constitution. If one wants to exercise that right, he can request the information. If the information is not given to him, he can go to court and make a case."

**Mr. Valley:** Let me just correct the Member. The Member is reading what Ramesh said in 1994 when he was quoting me.

**Mrs. K. Persad-Bissessar:** No.

**Mr. Valley:** I am telling you that you are quoting Mr. Ramesh Maharaj when he quoted me in 1994. Please check it.

**Mrs. K. Persad-Bissessar:** Mr. Valley, before the evening is done, I will find every page and I will pass them to you. I do not want to take up more of your time, but I will give it to you.

**7.10 p.m.**

Mr. Speaker, we have seen their approaches to providing information. We have seen what happens with respect to questions asked in this Parliament. I ask again about this: Two weeks ago in this House by 2.15 p.m. all the questions on the Order Paper were not answered; the hon. Speaker then ruled that they would be circulated at the same time, when the question time was finished, according to the Standing Orders. This is two weeks later, and none of those answers has been circulated. Where is the information? Questions on the Order Paper from December last year have not been answered. Matters on the adjournment raised by colleagues on this side—*[Interruption]* yes, we have 15 minutes—I remember the Minister of National Security coming here with scant courtesy, giving a two to three-minute response to serious issues. That is a pattern of behaviour, top secret on the part of the PNM, not to provide information. In terms of questions filed in the Parliament, matters on the adjournment and matters filed under the Freedom of Information Act, it is the same thing.

I read in the front page of a newspaper that the Government or the security forces has information; I do not know who, really, because sometimes you are not sure if they are not one and the same people who are speaking for the security forces and the Government. They said that they have information from very reliable sources that there are death threats from the Jamaat against top figures in the country. Front page news, all over the newspapers: They have information from good sources. You have all the information from good sources and up to today you “eh” lock up nobody. Up to today, no one is arrested. *[Crosstalk]*

We have to ask the question again, because with this Government you do not know what to believe; you do not know what is the truth. It is just like another diversion to take the real issue of crime off the front pages of the newspapers and out of the public eye, but you are not going to get away with this one, because this time, from the march in Barrackpore last Sunday to the shut down of Penal on Monday, to the shut down in San Fernando and the march today, it is going throughout this country. On Sunday from 10.00 a.m. from the Rienzi Complex we will be going through the streets in a national march against crime. You cannot stop this by creating diversions.

Mr. Speaker, we hear about the aluminium smelter plant. The business community is becoming very agitated once more with the crime situation in the country; I am seeing it and hearing it. It is not just happening down in Penal and Barrackpore, because San Fernando has shut down too. It is also coming into town. So what do you do? You throw a little sweetie for the business community and you hold up US \$1 billion for a smelter plant, so you make them feel happy, "Hey, we are going to get money; we are going to get some jobs," again, another diversionary tactic. It is a big step between a memorandum of understanding and the final product to actually have this project started. You throw it out like a sweetie for the business community to feel happy, but they are not feeling happy; in this country today no one is happy. The crime situation has gone totally out of control. Here we have the Government operating in top secret and when they cannot get away with it, when people take them to court, they come to pass laws to keep it top secret.

The Member for Diego Martin Central, my friend, asked me why we did not object last year when they exempted 14 institutions from the Freedom of Information Act and why we are objecting now. Well, I want to ask them: Why is it when you did those other 14 institutions you did not put in the Central Bank? You have not answered that. Why is it only when the Maha Sabha raised the question and took you to court that you found it necessary to come to legislate to prevent information from the Central Bank. That is the first question.

As usual with the PNM, they pass law for one man. If we did not come here and force this debate today, none of them or nobody from the bank would ever have told us the information that was asked in those questions. They came here grudgingly to give us the information; that is not the issue. You came to pass law for one man; you came to cover for Cudjoe, because you were asked about him. Mr. Speaker, they answered the question, but that is not the real issue. The real issue is the Government's determination to keep information away from people.

It should not be that when you graciously or condescendingly decide you want to give us information you say, "I will tell you when I will break the exemption and give it to you." The right to information is a fundamental human right that must be honoured and respected. Especially in view of the fact that this matter is before the courts, this Order should be negated and annulled.

**The Minister of Trade and Industry and Minister in the Ministry of Finance (Hon. Kenneth Valley):** Mr. Speaker, in winding up this debate I will attempt to deal with some of the issues raised by Members on the other side. I think we should start at the beginning and look at what is the issue. The issue is,

quite simply, that the Central Bank claims that it is exempted from the Freedom of Information Act because of provisions in its own legislation. One sees quite clearly from the response by Minister Enill today that the Central Bank had no difficulty providing the information with respect to Dr. Cudjoe, Divali and what have you. The issue is, however, that information was requested under the Freedom of Information Act and the Central Bank's position is, "That really does not apply to us." That is the first thing we need to note. Given section 56 of the Central Bank Act as well as section 36 of the Financial Institutions Act, the Central Bank is claiming, "Listen, we are not governed by that legislation; we are confirmed in that view because the Parliament has already exempted institutions which report to us." As my colleague from Diego Martin East said, if that was not so then one could use the mechanism of the Central Bank to gather information.

Mr. Speaker, one has to see that the procedure used to obtain the information was incorrect; that an application was made under the Freedom of Information Act for certain information and the Central Bank said, "Listen, we cannot set that precedent because it is wrong." It provided the information today; that is the first thing we see. You have to pass the law.

When you look at the Freedom of Information Act you would see different provisions. Section 5(1)(c) of the Act says:

"This Act does not apply to—

- (c) such public authority or function of a public authority as the President may, by Order subject to negative resolution of Parliament, determine."

That is the section under which the Central Bank has gone. There are other conditions; there is section 21 of the legislation which provides that on any specific matter the authority may refrain from providing the information under certain conditions. Mr. Speaker, on that clause you went to town when we debated this sometime ago. I remember you said that this one clause made nonsense of the whole Bill, because while the Bill talks about information this one clause said that for any piece of information the public authority may decide that it was not giving it. You remember that, Mr. Speaker, when you were in the other place. Yes, we opposed this legislation back in 1999, because we thought it was nonsense; we still do. Let us look at some of the history.

Somebody made the point that the United Kingdom's Freedom of Information Act came after ours, but they were looking at freedom of information legislation since the late 1980s; it took them that long. First of all, in 1994 the then Member

for Couva South, Mr. Ramesh Maharaj, brought a Private Members' Bill on freedom of information. In fact, he copied the UK draft; you remember that? In some places he did not even change UK to Trinidad. We saw the different exemptions and we said that it made no sense; either we were going to have freedom of information or we were not going to have it. We also made the point, "Listen, we have existed this long without this." In fact, the structure of the legislation suggested that they wanted to hide rather than provide information.

So while the Member quoted section 30 as well as 34 of the legislation, if she looks at those sections she would see clearly that they refer to a particular document at a time. The Central Bank is making a more fundamental point, "That legislation does not cover us at all, because of our own legislation, therefore, we are going under 5(1)(c)." In other words, they are making assurance doubly sure by asking the Parliament to take this decision rather than, as they advised, go to the courts where one may spend five years or longer and involve all types of cost. Of course, if they were on this side, they would not give that advice. The bank is saying, "Listen, just make assurance doubly sure; give us the exemption and let us avoid that." *[Interruption]*

Yes, you must believe it. I am confirmed in that view, because you would note that the former Governor of the Central Bank absented himself today. The former Minister of Finance is conspicuously silent on this. *[Crosstalk]* Fools rush in—*[Interruption]*—but he would not stand and say it.

**Mr. Singh:** He cannot do that.

**Hon. K. Valley:** He knows that he would undermine his own credibility. *[Crosstalk]*

**Mr. Speaker:** Order, please! I think the Member is objecting to the statement, "Fools rush in."

**Hon. K. Valley:** I am sorry; I do not consider the Members opposite to be fools. I was merely quoting in inverted commas, "Fools rush in where angels fear to tread". I am sure you are very much aware of that.

**Mrs. Persad-Bissessar:** Is that why you are rushing in?

**Hon. K. Valley:** The Member may shoo shoo on the side, but he is not going to undermine his own credibility, that is clear. *[Crosstalk]* I hear that some people want to kill him, but I am not getting involved in that.

We have seen in this debate that the issue really was not freedom of information as it pertains to the Central Bank; they want to know about Cudjoe.

*Freedom of Information (No. 2) Order*  
[HON. K. VALLEY]

*Wednesday, May 26, 2004*

They want to know whether the Emancipation celebration is getting more money than Divali. Interestingly, in the last five years: 1999, Divali, \$19,000; Emancipation, none; 2000, Divali, \$24,695; Emancipation, \$4,900; 2001, Divali, \$78,312; Emancipation, \$24,746. [*Crosstalk*] My friend from Fyzabad, who feels that everybody acts the way he does, talks race every time. I feel sorry for him because one on one he is such a lovely person. [*Crosstalk*] He does it in spite of all the counsel: let us get out of that; we are only 1.3 million people; we do not have time for that, we have a country to build; we have 2020. Simply because you did that over the last six years, we are not going to do it! [*Desk thumping*] We are not going to do it! [*Desk thumping*] We will not do it!

**Hon. Member:** You are doing it! [*Interruption*]

**Hon. K. Valley:** Let me just finish this point and I will give way. In 2002, Indian Arrival Day, \$32,523; Divali, \$51,003; Emancipation, \$86,041.

**Mr. Sharma:** You are ashamed, so you cannot read it loud! [*Crosstalk*]

**Hon. K. Valley:** You add the two and you would see that they are about the same; \$32,000 plus \$51,000 is \$83,000; Emancipation was \$86,000. In 2003, Divali, \$75,729; Emancipation, \$39,855. [*Crosstalk*] This is the information they want to see.

**Mr. Speaker:** Order!

**Hon. K. Valley:** They want to know whether we are discriminating. In our manifesto there are six strategic initiatives for this five-year period; the number one is social equity; that is the importance we place on it, then we say education, health, housing, personal security and social services. [*Interruption*]

**Dr. Khan:** Member for Diego Martin Central, thank you for giving way. On a point of clarification, you just outlined the strategic initiatives, are you saying then that in your distribution of houses in the near future you will be doing it with equality and without discrimination?

**Hon. K. Valley:** I am giving a commitment on behalf of the Government of Trinidad and Tobago that whatever we do there will be social equity. [*Desk thumping*]

**Hon. Members:** We do not believe you!

**Hon. K. Valley:** I am asking you to hold us to that; that is your responsibility, social equity. [*Crosstalk*]

**Mr. Sharma:** That is not true; you never did it in the past!

**Hon. K. Valley:** Mr. Speaker, we have dealt with the sharing question. Specifically, with respect to the Cudjoe question, the Minister made the point quite clearly that all he is getting is what any other director is entitled to. All this would be solved if we put Sat Maharaj on the Central Bank Board too, and done with that. Perhaps we should just do that and leave it alone. Honestly, I feel that we spend too much time on this race “ting”.

**Mr. Sharma:** PNM is like that! [*Crosstalk*]

**Hon. K. Valley:** Member, I did not hear you saying that in the last six years when you were in government; when you were running your mouth; when Diego Martin Central could get nothing. I did not make noise; I did not even charge you with being racial; I never did!

**Mr. Sharma:** Because you were always getting! [*Crosstalk*] [*Interruption*]

**Dr. Nanan:** On a point of order. [*Interruption*]

**Hon. Members:** What is the point of order? [*Interruption*]

**Hon. K. Valley:** Mr. Speaker, just some other issues rather quickly: exemptions of Central Banks. Just from pulling some research in looking at Ireland it says clearly:

“Freedom of Information

The Central Bank and Financial Services Authority of Ireland is not a body for the purposes of the Freedom of Information Act 1997.”

The Federal Reserve Board is governed by the Federal Freedom of Information Act, but listen to some of their exemptions:

“Freedom of Information Exemptions:

Internal personnel rules and practice: Any information related solely to the internal personnel rules and practices of the Board.

Statutory exemptions: Any information specifically exempted from disclosure by statute.” [*Crosstalk*]

The bank’s position is that, “If commercial banks report to me and they are exempted then the supervising institution—the Central Bank—should also be exempted.” There was no objection when we came with those exemptions. We came here with 14 of them; if one had made an objection at that point there would be some credibility in objecting today to the Central Bank. You cannot agree for these to be exempted at this level, when they are reporting to the Central Bank, yet take objection to the Central

Bank being exempted. It must, at least, be treated equally. [*Crosstalk*] You should have dealt with that at the time. So we see that there is nothing wrong with that.

The Member for Couva South made the point that we are transferring functions from the Supervisor of Insurance to the Central Bank and that at the Central Bank there would now be an inspector of banks, and no supervisor of insurance. He complained about the fact that under the Supervisor of Insurance the supervisory function was not carried out properly, but that is the reason we are making the transfer. We believe that in putting it in that house there would be a higher level of supervision. That is the first issue.

Secondly he asked, given that we are doing that, how are we going to get information if the Central Bank is not subject to the Freedom of Information Act? That is a *non sequitur*, because the Freedom of Information Act only came in 1999 and people used to get information before that. The way Members opposite are carrying on this afternoon, that we need this Freedom of Information Act to get information, I ask: What was England doing before it had the Freedom of Information Act? It appears that it was only last year they got one. Members are free to ask questions. We can debate any matter. Other than legislation, the bank must put out certain information. The Freedom of Information Act is not to say no to anything; one can get information outside of that as we used to before.

Quite frankly, I do not see any other issue. My friend from Fyzabad, we can, in fact, ignore him, but I want to make the point that it is fallacious to assume that because you do certain things that others would do the same. I remember that at Christmas time, when they were in government, his leader gave out thousands of hampers. Do you remember that?

**Mr. Sharma:** Yes, we still do.

**Hon. K. Valley:** He believes that the same manner in which they financed their hampers, we on this side would do the same. Speaking on behalf of Diego Martin Central, first of all, I do not give out 4,000 hampers; I give out about 300 hampers a year and, as a fact, Members would know, and I advise them to do the same thing, when I went into my constituency I organized certain activities for my welfare fund, so that come Christmas we have something in the kitty. We start with our carnival fete the Friday before Carnival; those of you who do not come, do not know what you are missing. It is a very cheap fete.

**Dr. Khan:** You did not invite us.

**Hon. K. Valley:** Well you are all invited for next year. People will tell you that it is the best Carnival fete out; that is the first activity. Coming up at the end

of July we will be having our ball; you can come to that also. You have to have activities in your constituency so you can have funding to get your Christmas hampers; you do not have to depend on corporate sponsors. However, we are always thankful when they come. *[Interruption]*

**Mrs. Persad-Bissessar:** Hon. Minister, I will ask you not to use the Parliament to advertise your fete to make money. *[Laughter]*

**Hon. K. Valley:** It is not for myself. *[Crosstalk]*

**Mr. Narine:** But she just advertised a march for the UNC.

**Hon. K. Valley:** Mr. Speaker, the hon. Member asked a very interesting question. He said, “You think that we do not know what you do; why then are you in government?” It sends a clear message: The Member feels that is why you are in government. I think a number of his colleagues felt that way also and now they know that it is not supposed to be the way. I will counsel you, as I have counseled you on other matters: You are not in government to put your hand in the till.

**Mr. Sharma:** All your deeds are well known! *[Crosstalk]*

**Hon. K. Valley:** Lastly, Mr. Speaker, another pattern of the Opposition is to search for “piddly” stuff now, because the arm of the law seems to be on some of their members. They are saying, “You do it too.” So you find that the Member for Oropouche takes issue with the Prime Minister who got a ride on some plane when he was on government business. He was not on private business to say that he is getting a benefit for himself; he was in London doing the business of the State and for whatever reason, for efficiency, he took a ride on a private jet. That Member took it up. He wrote to every Tom, Dick and Harry, but I could tell him what would have happened to that long ago.

Then they have taken up a new issue: my colleague Sen. Yuille-Williams acted as Prime Minister and had to stay in a hotel. Because somebody must be late in paying their bills, it is now \$109,000, they are trying to make an issue out of that, but that is legitimate. *[Crosstalk]* Is it an issue? What is the issue there? She lives in San Fernando, if she is acting as Prime Minister she has to have some residence here. Either you are going to rent an apartment for her somewhere or you have to put her up at the Hilton.

**Mr. Sharma:** What about the housing allowance?

**Hon. K. Valley:** The housing allowance is not for that; you know very well it is not for that. *[Crosstalk]* When you acted as Prime Minister what did you do?

Did you go down to Siparia everyday? Did you go to Siparia? [*Crosstalk*] What did you do on other days? You stayed at the Hilton, not so?

**Mrs. Persad-Bissessar:** I stayed at Flagstaff. [*Crosstalk*] He asked me. There is a housing allowance that a Member of Parliament—[*Interruption*]—Minister, please, you asked me. There is a housing allowance; some Members preferred to take the money, that is the housing allowance, and stay in south, and some Members preferred to take the housing accommodation and use it where necessary. That is the difference. In other words, I gave up the money so that I would have the accommodation when needed.

**Hon. K. Valley:** As far as I know, that option is no longer available.

I am saying all of that to make a point: You are hearing Members talking about some enquiry into the La Brea Industrial Development Corporation (LABIDCO), this from a party that has just spent six years in government. Do you know that LABIDCO was in the period 1991—1995. There were three sets of enquiries and now they are asking about LABIDCO. I want to know what they want to find. What they should be concerned about is the cost to Trinidad and Tobago of their stupidity for moving Farmland, to the Point Lisas site, which had gotten certain benefits to go down there.

I say to my colleagues: Oh, God, listen, it is not easy to be in Opposition, I grant that; your job is to examine critically, and I do not have a problem with that. The one thing I ask you to do, in the name of Trinidad and Tobago, is to stay away from the race issue; that is not going to help us; that cannot help us build the country. Criticize us, tell us anything; one thing, please, I am begging you: stay away from the race issue. [*Desk thumping*]

**Mr. Speaker:** Order!

**Hon. K. Valley:** Our colleague's son died and I heard Members over there attempting to use that in a political way. Oh, God; let us have some humanity, some feeling for people; consider what he thinks of you when you do that. [*Crosstalk*] Let us understand what we are doing and try to build Trinidad and Tobago.

**Mr. Speaker:** Order!

**Hon. K. Valley:** Mr. Speaker, I think that my colleague, the Minister in the Ministry of Finance, made his case ably supported by my colleague from Diego Martin East. I feel convinced that the Members on the other side now understand why we took the step to exempt the Central Bank.

I thank you.

**Mr. Speaker:** Hon. Members, the question is:

*Be it resolved*, That the said exemption No. 2 Order 2003 be negatived.

All in favour say “aye”.

**Government Members:** Aye!

**Opposition Members:** No! [*Crosstalk*]

**Mr. Speaker:** It was supposed to be no. [*Laughter*] Let me repeat. Order, please!

*Be it resolved* that the said Exemption (No. 2) Order, 2003 be negatived.

*Question put.*

The House divided:        Noes 17        Ayes 10

NOES

Valley, Hon. K.

Khan, Hon. F.

Rowley, Hon. Dr. K.

Imbert, Hon. C.

Robinson-Regis, Hon. C.

Narine, Hon. J.

Williams, Hon. E.

Beckles, Hon. P.

Bereaux, H.

Rahael, Hon. J.

Roberts, Hon. A.

James, Hon. E.

Hart, Hon. E.

Callender, Hon. S.

Seukeran, Hon. D.

Job-Davis, Hon. E.

Achong, L.

AYES

Singh, G.

Yetming, G.

Persad-Bissessar, Mrs. K.

Khan, Dr. F.

Rafeeq, Dr. H.

Sharma, C.

Partap, H.

Lucky, Miss G.

Nanan, Dr. A.

Panday, S.

*Motion negatived.*

#### PROCEDURAL MOTION

**The Minister of Trade and Industry and the Minister in the Ministry of Finance (Hon. Kenneth Valley):** Mr. Speaker, I beg to move that this House continues to sit until the hearing of a petition by the Chief Whip, completion on the matters on the Adjournment and the Senate amendments.

*Question put and agreed to.*

#### PETITION

**Mr. Speaker:** Before the hon. Member presents the Petition of Susan Charleau, may I indicate that on the last occasion when this Petition was presented to the House by the hon. Member for Caroni East on behalf of the hon. Member for Siparia, the Government raised an objection, to wit, that the Petition should not have been signed by the hon. Member for Siparia as attorney-at-law. I ruled that I would allow it. Later on in the day's proceedings I checked the learning and, more particularly, our own Standing Order 85. The Member was not here when that explanation was given later on, so I am informing her accordingly. Standing Order 85 did preclude the Petition as signed by your good self, as attorney-at-law.

**Mrs. Persad-Bissessar:** Except that it says for a fee and I am not getting a fee.

**Mr. Speaker:** I would not know. [*Crosstalk*]

*Request for Hansard*

*Wednesday, May 26, 2004*

**Request for Hansard—Susan Charleau**

**Mr. Ganga Singh** (*Caroni East*): Mr. Speaker, I wish to present a Petition on behalf of Susan Charleau of Park Lane, Techier Village, Point Fortin in the Republic of Trinidad and Tobago.

I now ask that the Clerk be permitted to read the petition.

*Petition read.*

*Question put and agreed to*, That the petition be granted.

**TELECOMMUNICATIONS (AMDT.) BILL  
Senate Amendments**

**The Minister of Science, Technology and Tertiary Education (Hon. Colm Imbert)**: Mr. Speaker, I beg to move,

That the Senate amendments to the Telecommunications (Amdt.) Bill listed in the appendix be now considered.

*Question proposed.*

*Question put and agreed to.*

*Clause 4.*

*Senate amendment read as follows:*

A. Insert after paragraph (d) the following paragraph:

“(e) by adding the following terms and definitions:

‘testing of traffic’ means the examination of the codes and protocols used in order to verify the type of telecommunications signal being transmitted and received;”;

B. Renumber existing paragraphs “(e)” and “(f)” as “(f)” and “(g)” respectively.

**Mr. Imbert**: Mr. Speaker, I beg to move that the House of Representatives doth agree with the Senate in the said amendment.

*Question proposed.*

*Question put and agreed to.*

*Clause 9.*

*Senate amendment read as follows:*

B. Delete paragraph (a) and renumber existing paragraphs “(b)” and “(c)” as “(a)” and “(b)” respectively.

**Mr. Imbert:** Mr. Speaker, I beg to move that the House of Representatives doth agree with the Senate in the said amendment.

*Question proposed.*

*Question put and agreed to.*

*Clause 11.*

*Senate amendment read as follows:*

A. Delete paragraph (a) and substitute as follows:

“(a) in subsection (1)(c) by deleting the words “in respect of which the concessionaire is dominant,”;

(b) by deleting subsection (1)(i) and substituting as follows:

“(i) refrain from impairing or terminating the telecommunications service to a user or other provider of a telecommunication service during a dispute, without first having undertaken to resolve the dispute in accordance with established procedures approved by the Authority and where such dispute cannot be resolved, to seek written approval from the Authority; but in respect of a billing dispute the concessionaire shall collect such amounts that are not in dispute from such user or other provider; and’;

B. Renumber existing paragraph “(b)” as paragraph “(c)”.

**Mr. Imbert:** Mr. Speaker, I beg to move that the House of Representatives doth agree with the Senate in the said amendment.

*Question proposed.*

*Question put and agreed to.*

*Clause 14.*

*Senate amendment read as follows:*

Delete and substitute as follows:

“Section 28 of the Act is amended—

(a) in subsection (1) by deleting all the words occurring after the word “apply”; and

(b) in subsection (3), by inserting immediately after the words “public telecommunications service” the words “or value added service”;

**Mr. Imbert:** Mr. Speaker, I beg to move that the House of Representatives doth agree with the Senate in the said amendment.

*Question proposed.*

*Question put and agreed to.*

*Clause 19.*

*Senate amendment read as follows:*

Delete and substitute as follows:

“Section 36 of the Act is amended—

- (a) in subsection (1)—
  - (i) by inserting before the words “No person shall” the words, “Subject to subsection (2)”; and
  - (ii) by deleting the word “Minister” and substituting the word “Authority”;
- (b) by deleting subsection (2) and substituting as follows:
 

“(2) Where spectrum is required in respect of a concession that has been applied for under Part III, the licence application shall be processed as part of the concession application pursuant to section (21).”;
- (c) by deleting subsection (3) and substituting as follows:
 

“(3) The Authority shall notify the applicant of its determination within ninety days of receipt of the application.”;
- (d) by deleting subsections (4) and (5) and renumbering accordingly.
- (e) In subsection (6) as renumbered—‘
  - (i) by deleting the words “on the granting of a licence by the Minister”;
  - (ii) by deleting the words “to that effect” and substituting the words “of licences issued”.
- (f) in subsection (7) as renumbered by deleting all the words occurring after the word “scrutiny” and substituting the words “in the manner prescribed by the Authority”.

**Mr. Imbert:** Mr. Speaker, I beg to move that the House of Representatives doth agree with the Senate in the said amendment.

*Question proposed.*

*Question put and agreed to.*

*Clause 20 (existing).*

*Senate amendment read as follows:*

Re-number as clause 21.

**Mr. Imbert:** Mr. Speaker, I beg to move that the House of Representatives doth agree with the Senate in the said amendment.

*Question proposed.*

*Question put and agreed to.*

*New Clause 20.*

*Senate amendment read as follows:*

In Section 37(3)(e) delete the word “Minister” and substitute the word “Authority”.

**Mr. Imbert:** Mr. Speaker, I beg to move that the House of Representatives doth agree with the Senate in the said amendment.

*Question proposed.*

*Question put and agreed to.*

*Clause 21 (as renumbered).*

*Senate amendment read as follows:*

Delete and substitute as follows—

“Section 39 of the Act is amended—

- (a) in subsection (1) by deleting all the words from “Subject” to “where” and substituting as follows:

‘Subject to this section, the Authority or the Minister, on the recommendation of the Authority, in respect of frequencies assigned for the operation of services to which Part III refers, may suspend or terminate the licence where’—;

- (b) in subsections (2) and (4) by adding after the word “Minister” the words “or Authority as the case may be”;

- (c) in subsection (5) by—
  - (i) deleting the words “during the period that the Minister is considering exercising his power to suspend or terminate the licence,”;
  - (ii) inserting after the word “Minister” in both places where it occurs, the words “or Authority as the case may be,”;
- (d) in subsection (6) by deleting all the words from “Before” to “licensee” and substituting the words “Before a licence is amended the licensee shall be served with”;
- (e) in subsection (7) by inserting after the word “Minister” the words “or the Authority”;
- (f) in subsection (8) by deleting from the word “Upon” to the word “Authority” and substituting the following:
  - “(8) Upon application by a licensee for the renewal of the first licence issued to him under this Act, the Authority or the Minister, on the recommendation of the Authority, in respect of frequencies assigned for the operation of services to which Part III refers, shall renew that license for a period equivalent to the period for which the first license was granted unless—”;
- (g) by deleting subsection (9) and substituting as follows:
  - “(9) The period of renewal shall be as agreed between the licensee and the Minister acting upon the recommendation of the Authority or the licensee and the Authority, as the case may be.”

**Mr. Imbert:** Mr. Speaker, I beg to move that the House of Representatives doth agree with the Senate in the said amendment.

*Question proposed.*

*Question put and agreed to.*

*Clause 21—26 (existing).*

*Senate amendment read as follows:*

Renumber as clauses 22 to 27.

**Mr. Imbert:** Mr. Speaker, I beg to move that the House of Representatives doth agree with the Senate in the said amendment.

*Question proposed.*

*Question put and agreed to.*

*Clause 22 (as renumbered).*

*Senate amendment read as follows:*

Delete paragraph (a) and renumber the subsequent paragraphs accordingly.

**Mr. Imbert:** Mr. Speaker, I beg to move that the House of Representatives doth agree with the Senate in the said amendment.

*Question proposed.*

*Question put and agreed to.*

*New Clause 28.*

*Senate amendment read as follows:*

By adding immediately after clause 27 as renumbered the following new clause:

“28. Section 85 of the Act is amended by adding after subsection (4) the following:

“(4A) Persons other than those to whom subsection (4) relates and who commenced operations of a public telecommunications service prior to the coming into force of the Act may remain in operation thereafter pending an application to the Authority for a concession pursuant to Section 21.

(4B) An application shall be made within six months of the coming into effect of the Act and shall be considered in accordance with section 21.”

**Mr. Imbert:** Mr. Speaker, I beg to move that the House of Representatives doth agree with the Senate in the said amendment.

*Question proposed.*

*Question put and agreed to.*

*Adjournment*

*Wednesday, May 26, 2004*

**ADJOURNMENT**

**The Minister of Trade and Industry and Minister in the Ministry of Finance (Hon. Kenneth Valley):** Mr. Speaker, I beg to move that this House be now adjourned to Friday, June 04, 2004 at 1.30 p.m. That is going to be Private Members' Day, but we expect to do Finance Committee first.

**Mr. Singh:** Mr. Speaker, the normal convention for convening Finance Committee is prior to 1.30 p.m., but from 1.30 p.m. to 4.30 p.m. is Private Members' Day.

**Hon. K. Valley:** It could be later than 4.30 p.m. If other Members wish, however, we can convene the Finance Committee at 11.00 a.m. on Friday. Members will be so informed if we are having Finance Committee.

**Mr. Singh:** Mr. Speaker, I have been receiving promises about this Finance Committee holding its meeting on, at least, two occasions. I hope that the hon. Leader of Government Business would make sure that we are circulated in appropriate time consistent with the Standing Orders, with the necessary documentation.

**Hon. K. Valley:** Members will be informed if we are having Finance Committee at 11.00 a.m. I am sure that it is not the first time that the Member has received promises which were not kept. [*Laughter*]

**Mr. Speaker:** Before I put the Motion on the Adjournment, there are two matters to be raised. I now call upon the Member for Pointe-a-Pierre.

**Escalation in Criminal Activity  
(Government's Failure to Address)**

**Miss Gillian Lucky (Pointe-a-Pierre):** Mr. Speaker, the matter to be debated is very simply put: The failure of the Government to stem the escalation of criminal activity in Trinidad and Tobago resulting in gruesome murders, including the son of the Member of Parliament for Naparima.

Mr. Speaker, I am sure that all members on the other side will be listening very carefully to this debate. I especially know that I will have the rapt attention of the Member for Diego Martin Central, because only a few minutes ago he indicated that he would definitely listen to contributions that did not have any racial insinuations or expressed racial intent and, secondly, that he would be prepared to listen to contributions that deal with matters that are of national concern.

Let me state from the outset that this particular contribution, for which the speaker only has 15 minutes, one minute of which I have, perhaps, already taken, is not meant in any way to politicize a very unfortunate death. That is why I want

*Escalation in Criminal Activity*  
[MISS LUCKY]

*Wednesday, May 26, 2004*

all Members in the House to be aware that even in its wording the matter includes that unfortunate death of the son of the Member for Naparima, but the whole debate on crime is not exclusive to that very unfortunate circumstance.

It has been said that the sun never sets on an unsolved murder, and I have used that phrase oftentimes in this very House. If things continue to go the way they are going in Trinidad and Tobago, at present, I can assure you that amongst other bad impressions people would have of Trinidad and Tobago, our country would also become a place that is known as a country in which the sun never sets, because our crime rate is escalating and no one is safe. At the end of the day the only people who could be blamed for the failure to stem the high criminal activity in our country is the Government of Trinidad and Tobago. In the style of the Minister of Foreign Affairs who recently took ministerial responsibility for what occurred with respect to the drugs found in the diplomatic pouch, I say tonight, without any apology that the Government of this country must take full collective responsibility for failing to deal with national security in this country. [*Desk thumping*]

I am going to pre-empt the Minister who is going to respond to me in this way: we are going to hear about helicopters, coast guard boats, police stations that will be built and resources that will be given. I am sure, at this point, if the Minister has that in his speech he would probably scratch it out. The Government is getting carried away with setting records. While we have a lot to be happy about when Brian Lara does very well on the cricket field and George Bovell III does excellent in the swimming pool, both breaking records, this Government is also breaking a very sad record: to date we have crossed a century in murders for the year 2004. That is wholly unacceptable.

To this particular Minister who likes to boast that he is working quietly, I remind him that criminals also operate very quietly. I am not saying that he is a criminal; I am making that very clear, because we have been referring to a particular Standing Order for the entire afternoon, and I do not intend to violate any Standing Orders. Actions speak louder than words; it is high time that the Minister stops hiding behind the silence and come forward and tell this nation exactly what this Government is going to do to stop the escalation in criminal activity. Stop comparing yourself to predecessors. Stop saying that you are working quietly and that you cannot come out and tell the nation what is going on. The nation is looking. [*Desk thumping*] The nation is not seeing anything happening to give it that level of confidence that it can walk the streets or that we are living in a safe environment.

The statistics as they stand now show that there is one murder every 35 hours. Therefore, if this rate continues, the number of persons murdered by the end of this year will be more than the figure last year, which was already too high. In the proposition it states that the Government has failed. Has this Government really failed? The answer is a resounding, “Yes”. First of all, I refer to page 5 of the *Guardian* newspaper of May 10, 2004 which states:

“UK expert says Ministries need to fix house

Public outcry against crime

In the eyes of the T&T public, all Government Ministries need to improve their performance.

However, crime requires the most attention of all,...

So says British communication expert James Humphreys.

Somebody has come from the outside. This is a government that likes to make sure that it spreads its propaganda throughout the country. Here is a UK expert telling ministers at some session, “Listen, all the ministries are bad, but when it comes to crime that particular ministry is in the worst state of all.” So you have an independent assessment being done of the particular Ministry.

I refer to page 27 of today’s *Guardian* newspaper, Wednesday, May 26, 2004:

“Making regions safe, secure”

I am sure the hon. Minister knows the article to which I refer. I cannot understand why he is smiling in this picture. How can one smile bearing in mind that in this very article the Minister is saying that in Trinidad and Tobago during the first four months of this year alone 5,308 serious crimes were reported? That represents approximately 44 crimes per day and almost two incidents of crime per hour. I know the hon. Minister would not have chosen this particular picture, but this is one Minister who should be wearing a sad face like a Sad Sack throughout the country, because things are very bad in his Ministry.

The Member for Ortoire/Mayaro is one Minister who is known for always smiling throughout even very serious events. When I looked at him at the funeral of Ashmead Baksh, in fairness to the hon. Minister, he did not smile. I looked at him throughout. He walked into the room where we were all gathered, recognizing the seriousness of the event. As the Minister sat there I looked at him and said that he must be feeling that sense of weight, not only because of the loss of a 30-year-old man, but the realization that the party to which he belonged could not provide national security for the citizens of this country. [*Desk thumping*]

*Escalation in Criminal Activity*  
[MISS LUCKY]

Wednesday, May 26, 2004

I could be dramatic and talk about how the blood of all the murdered people in this country rests on the PNM, but I am not going to do it. [Crosstalk] Pay attention! I said I would not do it, and you have fallen for it, because at this hour I can keep the attention of all sides, including yours! [Crosstalk] They think that energy comes to an end around this time. [Crosstalk]

**Mr. Speaker:** Order!

**Miss G. Lucky:** I will continue. They cannot face the reality. [Crosstalk] This afternoon reference was made to the budget of 2004. [Crosstalk] I am ignoring those Members, because they are not going to take any time from my 15 minutes. [Crosstalk] In the budget speech a declaration was made that there was going to be a war on all the criminals. What war? If there has been a war on the criminals then certainly the criminals have won. [Interruption] Mr. Speaker, I am prepared to sit, but I do not want my time to be taken away from me.

The reality is in this very manifesto reference is made to the fact that new police stations were built; let us use that as an example: a new police station in Brasso; nothing done about Brasso; a new police station in Oropouche, the Oropouche station was broken down; a new police station in Maracas. It was this Minister who decided to take an aerial visit of all the dilapidated police stations and the helicopter could not get off the ground at the savannah. I cannot blame the hon. Minister for wanting to go in a helicopter, because he recognizes that the place is not safe for anybody to walk. [Crosstalk]

**Mr. Speaker:** Hon. Members, please; Member for Diego Martin West, please; the *Hansard* reporter is also having difficulty.

**Miss G. Lucky:** They cannot face reality. They cannot face the fact that all citizens are letting this Government know, in their own way, that they are not going to take it anymore, enough is enough; Barrackpore, Penal, Chaguanas, San Fernando and all over. It will culminate in a march on Sunday that will not only be with UNC supporters, but with everyone who is frustrated with what this Government is doing. People are going to come out in their thousands on Sunday. We can expect the propaganda; we can expect people to try to intimidate those who want to send a message to the Government; but let this Government wake up, everybody is fed up and nobody is safe.

Sometimes when a bad thing happens, people are often tempted to say, "Maybe if it happened to you, you would understand." I would never wish what happened to the Member for Naparima to happen to anybody in this House; nobody deserves that: PNM, UNC, NAR or people who decide they do not want to

belong to a political party. Nobody needs that to happen to him or her. If those on the other side were doing more listening and more enacting of what policies the Opposition had suggested, the murder rate would be a lot less today, and that is a reality. [*Desk thumping*] I could stand by it.

The Minister realized that it was unsafe for him to visit certain dilapidated police stations, but it is okay for the police officers to work there on a daily basis. Carenage Police Station is a case in point. Manzanilla Police Station—so much cocaine washed ashore in Manzanilla; roadblocks all over the place seven days after the event and the Manzanilla Police Station is not up and running, and this Government wants people to believe that it is serious about what is going on?

If you stand in this Parliament and suggest that in foreign territories when drugs are found they look for the branding, because all the cartels brand their drugs, so when drugs are found in the diplomatic pouch a determination could be made as to where they came from, whether they were from the Manzanilla washing ashore—[*Crosstalk*]—I speak to custom officers who are able to explain, because I do not believe that I am the repository of all knowledge, like you on that side. I care for all citizens in this country and I recognize that whether you are in government or Opposition, you have a duty to the people. The Minister of National Security is failing miserably in his duty. What makes it worse is that he came in to replace somebody who had little or no track record, so he had a very low benchmark to try and succeed or to better, and he failed. That is the reality that we are dealing with.

I could spend time this afternoon talking about the death of Ashmead Baksh, the fact that he was tied with wire and his body burnt, but you should hear the reports where residents indicated that they were calling the police and nothing was happening. In fact, from page 3 of the *Guardian* of Monday, May 17, 2004, it states:

“MP’s son found dead...

Chopped, shot and burnt

Subhas Panday, parliamentary colleague of Baksh’s father Nizam Baksh, said relatives had been pleading with police to send sniffer dogs and a helicopter to search for Ashmead at Platanite Trace, Penal, where he had gone to a job site, but their requests fell on deaf ears.”

This Government has to stop fooling the nation. Police Officers at stations would tell you that they do not have vehicles. There is no system in place by this Government to deal with crime. Criminals are not afraid of the system.

**8.10 p.m.**

So when this Government talks about anti-kidnapping legislation not supported by the Opposition and all the other nonsense that it says with respect to crime, the criminals do not fear the system because they are not being detected. What does the Government do at the end of the day? It sets up a committee and when you look at the persons who are on that committee, you really have to wonder if this Government is serious about anything.

I heard over the weekend, I think it was, the Member for San Fernando East, the Prime Minister of this country, saying: "Thou shall not steal." I have no problem with the Prime Minister telling people "thou shall not steal", but you know there are commandments that come before that. There is: "Thou shall not kill". And murderers in this country are not getting the message that they should not kill because this Government is embracing criminals and doing nothing to send that message that those who kill would be dealt with.

Needless to say, there is another commandment just before "thou shall not steal" which is, "you shall not commit adultery", but I am sure the Prime Minister did not think that was applicable.

At the end of the day, as my time is now up, the point is, people are dying and it is time that this Minister comes forward and tells the country what is being done about a witness protection programme, the Forensic Science Centre, giving the police the resources that they need, because at the end of the day with the way this Government is going, we would continue being guilty as a nation of not providing national security for our citizens. Let that statement change. We cannot continue being known as a nation in which the sun is not setting because murders are remaining unsolved.

I thank you, Mr. Speaker. [*Desk thumping*]

**The Minister of National Security (Sen. The Hon. Martin Joseph):** Mr. Speaker, I am here to respond to a Motion on the adjournment that says: "The failure of the Government to stem the escalation of criminal activity in Trinidad and Tobago resulting in gruesome murders, including the son of the Member of Parliament for Naparima."

I find the phrasing of the Motion rather disingenuous when it speaks of the failure of the Government to stem the escalation of criminal activity in Trinidad and Tobago resulting in the gruesome murders, including the son of the Member of Parliament for Naparima. It strikes me that the hon. Member seems a bit confused about which government she is referring to. It was not the leader of this

Government, Prime Minister Manning, who disparagingly threw up his arms announcing to the entire national community its impotence to deal with the escalating crime. [*Crosstalk*]

**Mr. Speaker:** Order!

**Sen. The Hon. M. Joseph:** Indeed, Prime Minister Manning's Government acknowledges that the crime situation in Trinidad and Tobago is justifiably causing extreme concern for the citizens of the country. It is understandably an emotive issue and our citizens are demanding action and this Government is responding, as I would outline hereunder.

The crime situation in our country can be seen from two distinct perspectives, namely the commission and fear of crime. The execution of crime is quantitative and therefore measurable. The Government is fully aware of both dimensions and remains committed to exploring every possible nexus to reduce the escalation of crime in Trinidad and Tobago.

The role of the Executive is to ensure that our law enforcement agencies are provided with the necessary resources so that they can successfully combat crime, criminal activities and lawlessness and to hold these agencies accountable for their results.

The Ministry of National Security has been involved in a concerted effort to ensure that our law enforcement agencies are capable of reducing the level of criminal activity with which the nation is currently faced. This effort involves the following initiatives in responding: Facilitating the transformation of the police; the introduction of the special anti-crime unit of Trinidad and Tobago; liaising with international organizations and the introduction of new legislation.

Mr. Speaker, our first area of emphasis, notwithstanding all the emotion and all the carryings-on, was allocating sufficient funds to the Ministry of National Security to execute its various development and recurrent programmes. This Ministry has consistently been among the top three ministries in terms of Government's annual budgetary allocations. For example, in 2002, the Ministry of National Security was provided some \$1.6 billion; in 2003, some \$1.8 billion and in 2004, \$1.9 billion. In 2004, it represented some 10 per cent of the national budget.

These statistics show that this Government recognizes the need to inject appropriate funding if the issue of national security and public safety is to be effectively addressed. In its effort to strengthen police visibility, the Ministry embarked on an initiative to increase the human resources within the police service.

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In the five-month period of December 2003—May 2004, the number of police officers was increased by some 853. As at May 2004, the total number of police officers in the police service stands at some 7,261. Just for the information of this honourable House, each year the FBI publishes information that delineates statistical information with regard to crimes in local, state and federal jurisdictions. Part of the published report also summarizes the average per capita officer to citizen ratio.

During the mid and late 1990s, the number stood at 2.5 officers per 1,000 residents as an average in the United States' cities with a population of over 250,000. Today that number has risen to 3.2 officers per 1,000 residents. New York city has an average of 5.2; Los Angeles, 2.7; Philadelphia, 4.4. It is instructive, with our police service of 7,261 officers and a population of about 1.3 million, the per capita officer to citizen ratio is 5.8 officers per 1,000 persons. This figure compares favourably with what exists in developed societies. Mr. Speaker, this clearly highlights the need for appropriate training and development to maximize the effectiveness of the human resource potential of the service.  
[*Crosstalk*]

**Mr. Speaker:** Hon. Members, please show some respect to the Member. [*Interruption*] No, but you cannot say that. Member for Nariva, please, maybe on the next occasion you can contribute in a debate, but do not sit there and keep shouting remarks.

**Sen. The Hon. M. Joseph:** Thank you very much, Mr. Speaker.

The mover of the Motion talked about the fact that this transcends political boundaries; this is of national concern. I am trying to provide the honourable House and, by extension, the national population, what we are doing as it relates to the treating of crime. On my initiative, executive officers and the nine Divisional Commanders of the Trinidad and Tobago Police Service are being exposed to an Executive Leadership Development Series. This programme was designed to assist the officers in making the shift from administrator to manager, to leader, and to understand that successful best practice methods used in successfully performing organizations can be used in transforming the police service into a high performance organization.

There was a time when talk was that the only way that we can bring about efficient management in the police service is to bring in foreigners. They were talking about bringing in Guiliani as the answer to some of the problems. In trying to get the executive officers and the divisional commanders to understand that it is

their responsibility to ensure that they manage the criminal and crime activity, we decided to expose them to some of the successful leaders in Trinidad and Tobago. That programme started off by having Mr. Robert Riley, President of BP Amoco, talk to that group; that was followed by Mr. Ronald Harford, Chairman and Managing Director of Republic Bank. Then we had Mr. Ken Gordon, Chairman of FCB and Chairman of the Prime Minister's Crime Committee; that was followed by Dr. Bhoë Tewarie, Principal of UWI. Then we had Chief Gerald Darling, Deputy Chief of the Miami Metropolitan Police, who spent four days in Trinidad and Tobago dealing with the COMSTAT model of crime management and control; use of force and community policing. Only last week we had the former mayor of Cali, Colombia, Mr. Rodrigo Guerrero, who received remarkable success in addressing issues of crime in his city during his tenure as mayor.

We have been getting the police to shift, as I said, to the COMSTAT adaptation, basically asking them to shift accountability to divisional managers of the nine police divisions in Trinidad and Tobago, to encourage the timely use of statistics; to manage and to prevent crime; to highlight the geographical responsibility as the main requirement for a successful crime control model.

In other words, we are asking them to have a sense as to what their division is like, where the hot spots are, where the trends are, so that they could be a little more proactive in terms of the treating of crime and the use of existing technology to assist in the management of these hot spots and trends.

We are also using some of the specialized agencies to work with these divisional commanders in their quest to treat with crime. We have increased the amount of training and development for other members of the police service. Over the past three years this Government spent some \$2.6 million to improve the training and development of these police officers. They have been exposed to training in areas of crime scene and forensic investigations, narcotic investigations, criminal justice, information technology in terms of specialist technical training, in terms of bloodstain evidence, basic hostage negotiations and in terms of death investigations.

We have also introduced the Interagency Task Force and the Special Anticrime Unit. On the basis of the activities of some of these agencies, it is not possible—and this is the problem that some Members on the other side are having, and that is, it is not in the interest of the nation's national security for the Minister of National Security to be every day saying, "These are the activities that our intelligence agencies are engaged in."

Let me give this House the assurance that the technology exists for us to be able to detect and be able to have an upstart, thumbs up, in terms of some of the

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things that are taking place. As the technology becomes more operational, as the officers become more competent, as the shift in terms of divisional accountability takes root, we will be able to treat with the crime and criminal activities, and this is notwithstanding the fact that Members of this honourable House realize that we are dealing with a constraint. We need to make sure that the police legislation bills must be introduced in order for us to be able to speak to it. [*Desk thumping*]

It is clear to all of us that every member of the society has a role to play in the fight against crime. The police service cannot undertake this responsibility by itself. Intelligence and information is critical and it is here where we call on all citizens to assist and provide information to law enforcement officers. We, too, believe, as has been said by the former Prime Minister, that those who do the crime should do the time. In that respect, clearly both sides are united in our desire to address what has become a national priority.

This Government does not believe that the crime situation is beyond us, contrary to the view expressed by the former Prime Minister and Minister of National Security, Mr. Basdeo Panday. As the Executive, we are prepared to commit the resources to do what is necessary. There remains the challenge to be taken up by Parliament. We, as parliamentarians, have an obligation to create the needed legislative framework to ensure public safety and public order in Trinidad and Tobago.

I thank you, Mr. Speaker. [*Desk thumping*]

**Mr. Speaker:** Hon. Members, I cannot help but comment on one thing before I move the motion on the adjournment. We here as parliamentarians are supposed to set a better example, a better standard of behaviour so that the public would see us in a different light. Perhaps what goes on outside may be a reflection of what goes on here.

*Question put and agreed to.*

*House adjourned accordingly.*

*Adjourned at 8.25 p.m.*