

Leave of Absence

Friday, May 01, 2009

HOUSE OF REPRESENTATIVES

Friday, May 01, 2009

The House met at 1.30 p.m.

PRAYERS

[MR. SPEAKER *in the Chair*]

LEAVE OF ABSENCE

Mr. Speaker: Hon. Members, I have received communication from the following Members requesting leave of absence from today's sitting of the House: hon. Dr. Keith Rowley, Member of Parliament for Diego Martin West; hon. Fitzgerald Jeffrey, Member of Parliament for La Brea. The leave which the Members seek is granted.

STATUS OF CHILDREN (AMDT.) BILL

Special Select Committee

(Appointment of)

Mr. Speaker: Hon. Members, I am to inform you that Mr. Subhas Panday, Member of Parliament for Princes Town North and Miss Mickela Panday, Member of Parliament for Oropouche West, have been appointed as Members of the Special Select Committee to consider and report on the Status of Children (Amdt.) Bill, 2009, upon the resignation of Mr. Jack Warner, hon. Member for Chaguanas West and Mr. Ramesh Lawrence Maharaj SC, hon. Member for Tabaquite.

PAPERS LAID

1. The annual audited financial statements of National Entrepreneurship Development Company Limited for the year ended September 30, 2005. [*The Minister of Finance (Hon. Karen Nunez-Tesheira)*]
2. The annual audited financial statements of National Entrepreneurship Development Company Limited for the year ended September 30, 2006. [*Hon. K. Nunez-Tesheira*]
3. The annual audited financial statements of Trinidad and Tobago Film Company Limited for the year ended September 30, 2007. [*Hon. K. Nunez-Tesheira*]
4. The annual financial statements of Trinidad and Tobago Film Company Limited for the year ended September 30, 2008. [*Hon. K. Nunez-Tesheira*]

Papers Laid

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5. The annual audited financial statements of Export Centres Company Limited for the year ended September 30, 2007. [*Hon. K. Nunez-Tesheira*]
6. The annual audited financial statement of Community Improvement Services Limited for the financial year ended September 30, 2007. [*Hon. K. Nunez-Tesheira*]
7. The audited financial statements for the Trinidad and Tobago Electricity Commission (T&TEC) for the year ended December 31, 2006. [*Hon. K. Nunez-Tesheira*]
8. The audited financial statements for the Trinidad and Tobago Electricity Commission (T&TEC) for the year ended December 31, 2007. [*Hon. K. Nunez-Tesheira*]

Papers 1 to 8 to be referred to the Public Accounts (Enterprises) Committee.

9. The report of the Auditor General of the Republic of Trinidad and Tobago on the financial statements of the University Students Guarantee Loan Fund for the year ended December 31, 2007. [*Hon. K. Nunez-Tesheira*]
10. The administrative report of the Betting Levy Board for the financial year July 01, 2007 to June 30, 2008. [*The Minister of Works and Transport (Hon. Colm Imbert)*]

Papers 9 and 10 to be referred to the Public Accounts Committee.

11. The annual report of the Ministry of Public Administration and Information for the year October 2006 to September 2007. [*Hon. Colm Imbert*]
12. The report of the Auditor General of the Republic of Trinidad and Tobago on the public accounts of the Republic of Trinidad and Tobago for the financial year ended September 30, 2008. [*Hon. K. Nunez-Tesheira*]
13. The public accounts of the Republic of Trinidad and Tobago for the financial year 2008 (Volumes 1—3). [*Hon. K. Nunez-Tesheira*]

Papers 15 and 16 to be referred to the Public Accounts Committee.

14. The administrative report of the Ministry of Social Development for fiscal year 2006/2007. [*Hon. C. Imbert*]

PROTECTION OF CHILDREN BILL**Special Select Committee Report****(Presentation)**

The Minister of Works and Transport (Hon. Colm Imbert): Mr. Speaker. I wish to present the Second Interim Report of the Special Select Committee (2009 Session) appointed to consider and report on a Bill entitled “An Act relating to the Protection of Children and for matters related thereto”.

ORAL ANSWERS TO QUESTIONS

The Minister of Works and Transport (Hon. Colm Imbert): Mr. Speaker, regrettably we do not have any answers today. I would crave the indulgence of the House for a two-week deferral of the questions on the Order Paper.

Mr. Speaker: I just want you to note that the Minister of Health has at least, I think, four questions which would have qualified in early February. So, hopefully in the next two weeks we can have the answers.

The following questions stood on the Order Paper:

Brian Lara Sporting Complex**(Tarouba)**

3. With respect to the Brian Lara Sporting complex in Tarouba, could the hon. Minister of Sport and Youth Affairs state:
 - a) the projected cost of the entire project;
 - b) the amount of money that has already been spent on the project;
 - c) the expected date of completion of the entire project; and
 - d) the projected annual cost of maintenance of the Complex after completion of construction? [*Dr. H. Rafeeq*]

Johns Hopkins University/Hospital**(Terms and Conditions of Arrangement)**

8. Could the hon. Minister of Health state:
 - (a) whether there is any formal arrangement between the Government of Trinidad and Tobago/Ministry of Health and the Johns Hopkins University/Hospital for the provision of services to the people of Trinidad and Tobago; and

- (b) if the answer to (a) is in the affirmative, could the Minister state the terms and conditions of the arrangement? [*Dr. H. Rafeeq*]

Tucker Valley Farm

(Details of)

11. Could the hon. Minister of Agriculture, Land and Marine Resources state:
- a) the total amount of money spent so far on the Tucker Valley Farm and provide an itemized listing;
 - b) the total projected annual costs of preparing, cultivating and reaping the crops at the Tucker Valley Farm; providing an itemized listing; and
 - c) the projected annual income from the sale of produce from the Tucker Valley Farm? [*Dr. H. Rafeeq*]

Private Hospital Board

(Details of)

24. Could the hon. Minister of Health state:
- (a) whether there exists a Private Hospital Board;
 - (b) if in the affirmative, when was the board appointed, who are the members of the board, what are their qualifications, experience and tenure on the board; and
 - (c) if the answer to (a) is negative, what are the reasons for non-appointments and provide the empirical data to substantiate supervision of the private hospitals? [*Dr. T. Gopeesingh*]

Registered Private Hospitals

(Details of)

25. Could the hon. Minister of Health state:
- (a) how many private hospitals are registered under each of the (6) classes of private hospitals according to the Laws of Trinidad and Tobago, Chap. 29:03, section 8;
 - (b) the date the licence was issued for each; and
 - (c) what was the last date an inspector or inspection team inspected the hospital as required according to sections 18 and 19 of Chap. 29:03 of the Laws of Trinidad and Tobago? [*Dr. T. Gopeesingh*]

Compensation for Farmers

- 33.** Could the hon. Minister of Agriculture, Land and Marine Resources state:
- a) whether the Ministry revised the schedule of compensation for farmers' crops lost during flooding and other emergencies; and
 - b) if the answer to (a) is in the negative, when will the schedule of payments be revised? [*Mr. H. Partap*]

**Families' Safety
(Freedom Street, Cocorite)**

- 35.** Could the hon. Minister of Planning, Housing and the Environment state:
- A) whether four families at Freedom Street, Cocorite, whose homes were badly damaged during the December 2008 flood were forced to return to unsafe buildings, despite assurances from Government that alternative accommodation would be found for them?
 - B) what steps are being taken to assist these four families at Freedom Street, Cocorite to make their dwelling safe? [*Mr. H. Partap*]

**Caroni (1975) Limited
(Names and Locations of Squatting Communities)**

- 41.** Could the hon. Minister of Planning, Housing and the Environment state:
- a) the names and locations of squatting communities on lands formerly owned by Caroni (1975) Limited;
 - b) the total number of households in each squatting community; and
 - c) what is the authority that enables squatters to benefit from a supply of water and electricity? [*Mr. N. Baksh*]

**Regional Health Authorities
(Existing Vacancies)**

- 45.** Could the hon. Minister of Health state:
- a) the number of vacancies existing in each Regional Health Authority for doctors, nurses and pharmacists?
 - b) the disciplines in which the vacancies for doctors exist? [*Dr. H. Rafeeq*]

**Chaguanas District Health Facility
(Construction of)**

- 46.** With respect to the Chaguanas District Health Facility, could the hon. Minister of Health inform this House:
- a) whether a contract for the construction of this health facility has been awarded?
 - b) if the answer is in the affirmative, to whom has the contract been awarded and what is the cost of the construction?
 - c) if the answer is in the negative when will the contract be awarded?
 - d) when will construction of this Health Facility commence and what is the expected date of completion? [*Dr. H. Rafeeq*]

**Agricultural Access Roads
(Fiscal Year 2009)**

- 52.** With respect to fiscal year 2009, could the hon. Minister of Agriculture, Land and Marine Resources state:
- a) how many Agricultural Access Roads will be built and/or rehabilitated in the Princes Town Constituency in the area bounded on the North by the Guaracara Tabaquite Road, South by the Lengua Road, East by the San Pedro Road and on the West by Garth/Williamsville;
 - b) the exact location and name of each road;
 - c) the nature and scope of the rehabilitation to be undertaken on each road; and
 - d) the length of each road to be built? [*Mr. S. Panday*]

**Council of Pharmacy Board
(Details of Appointees)**

- 56.** Could the hon. Minister of Health inform this House:
- a) When did the Council of the Pharmacy Board of Trinidad and Tobago (“The Council”) inform the Minister that his two appointees to the 2008—2010 Council were required?
 - b) When did the Minister make those appointments to the Council and what caused the delay in making the appointments?

- c) Have the said appointees attended any meetings of the Council since their appointment?
- d) If not, why have the appointees refused to attend any meetings of the Council? [*Dr. T. Gopeesingh*]

**Council of Pharmacy Board
(Non-attendance of Members at Meetings)**

57. Could the hon. Minister of Health state:

- a) Whether the Minister is aware that the non-attendance of his appointees to the Pharmacy Board is preventing a quorum of the Council from being constituted and the Council from meeting?
- b) Whether he is aware that the Council has not met for more than one year, since February 2008? and
- c) What measures have and/or will be taken by the Minister to ensure that the appointees attend meetings of the Council? [*Dr. T. Gopeesingh*]

Questions, by leave, deferred.

DEFINITE URGENT MATTERS

(LEAVE)

H1N1 Virus

(Swine Flu)

Dr. Tim Gopeesingh (*Caroni East*): Mr. Speaker, in accordance with Standing Order 12 of this House of Representatives, I hereby seek your leave to move the Adjournment of this honourable House for the purpose of discussing a definite matter of urgent public importance, namely, the failure of the Government to properly inform and educate the population on the prevention, early detection, management and containment of the spread of the deadly H1N1 virus, also known as Swine Flu virus in Trinidad and Tobago.

The matter is definite as it pertains to the confirmation of six suspicious infected citizens in Trinidad and Tobago, including a child, who has been quarantined as stated by the Ministry of Health.

The matter is urgent because of the rapid contagious spread of this deadly disease.

The matter is of public importance because citizens are extremely concerned and worried about contracting this deadly virus, and the planned inappropriate area of Caura Hospital for the quarantine of patients.

Mr. Speaker: Hon. Members, I have considered the Motion raised by the hon. Member for Caroni East, and have taken notice of the fact that this issue has been in the public domain for a while, and as such, the matter could have been brought to the attention of the House by other means. Other means meaning Standing Order 11; that is a three-day notice motion, and the matter has been in the public domain long before the last three days.

I have also taken notice of statements made by the Minister of Health, concerning this virus. In these circumstances the Motion, whilst it is serious, does not really qualify under this Standing Order.

Shortage of Potable Water

Dr. Hamza Rafeeq (*Caroni Central*): Thank you, Mr. Speaker. In accordance with Standing Order 12 of this House of Representatives, I hereby seek your leave to move the Adjournment of this House for the purpose of discussing a definite matter of urgent public importance, namely, the acute shortage of potable water in Flanagin Town, Caparo, Palmiste and surrounding areas.

The matter is definite since it refers to the specific issue of the residents of the mentioned areas, not having potable water in their taps, a situation which has gotten worse over the last few days.

The matter is urgent since the residents are being deprived of an essential commodity, which has the potential to cause serious health problems to the residents in these areas.

The matter is of public importance since hundreds of residents are affected and the Water and Sewerage Authority is the only source of potable water for drinking, cooking and performing other essential functions.

Thank you.

Mr. Speaker: Again, hon. Members, this matter does not qualify under Standing Order 12, but obviously would have done so under Standing Order 11.

INTRODUCTION OF BILLS

Mr. Speaker: Hon. Members, this item of business will be deferred to a later stage in the proceedings.

INTEGRITY IN PUBLIC LIFE (AMDT.) BILL

[Second Day]

Order read for resuming adjourned debate on question. [April 03, 2009]:

That the Bill be now read a second time.

Question again proposed.

Mr. Speaker: Hon. Members, the debate on the second reading of the following Bill, which was in progress when the House was adjourned on Friday, April 03, 2009, will be resumed: a Bill entitled an “Act to amend the Integrity in Public Life Act, Chap. 22:01”. On that occasion—that is on April 03—the hon. Minister of Works and Transport had spoken for seven minutes of extended time, he therefore has 23 minutes of additional time.

Hon. C. Imbert: Thank you, Mr. Speaker. On the last occasion that we dealt with this matter, I was explaining to this House the weaknesses in the Integrity in Public Life Act, 2000. I was also explaining why we are seeking to amend that Act through the Integrity in Public Life (Amdt.) Bill; essentially to introduce a number of natural justice provisions, in order to eliminate the potential for frivolous and mischievous complaints, for tedious and unnecessary requests from the Integrity Commission, for further information from persons in public life, and also to ensure that this legislation be brought on par with what occurs in other parts of the world.

Now, it is not my practice to respond to matters raised by persons who are not Members of this House, but there is a former presiding officer of the other place who has a habit of writing things in the newspapers.

1.45 p.m.

A particular letter was drawn to my attention which addressed my contribution on the last occasion, and that particular individual sought to trivialize the points that I had made. Now, there are people in this country who suffer from a form of bias, I think not yet known in law. On another occasion I went through the various forms of bias: real, apparent, potential and even unconscious, but there are persons in this country who suffer from a condition called chronic bias and the medical practitioners among us would know what chronic bias is, what kind of condition that is. It is like a chronic disease. These persons just cannot help looking at matters and situations with a very jaundiced eye and arriving at completely erroneous conclusions based on their own ignorance.

So to correct what I can only describe as the twaddle that has been put—

Hon. Member: The what?

Hon. C. Imbert: Twaddle, well yes, twaddle, that is the only word I could describe it—into the public domain based on uninformed speculation and I would say pure ignorance, deep ignorance, chronic ignorance. I have brought actual documents which I am afraid I cannot circulate in this House because they are

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confidential to me, but I have brought into this House some actual examples of how the Integrity Commission treats with persons in public life. So, these persons who are so wont to put pen to paper and write such arrant nonsense would be properly guided.

Mr. Speaker, I am going to refer to an actual case and in this particular case you would recall sometime ago, I think it was 2006, there was a newspaper story with respect to alleged acquisition by the Government of an aircraft purportedly for the use of the Prime Minister and the Cabinet. You would recall there was some noise in the public domain about the alleged acquisition of an aircraft, a Bombardier jet.

Now, when the story broke it was on the front page of a particular newspaper. I had not seen the paper that day, it was a Cabinet day and I had not read the papers before I went to Cabinet so I was not familiar with the story, I certainly was not familiar with the jet, not having been a participant in the test ride on the particular aircraft.

Mr. Manning: I was.

Hon. C. Imbert: Yes. I knew nothing of it! As the person within the Cabinet at that point in time with the responsibility for civil aviation, for airports and aircraft generally, I was asked as the responsible Cabinet Minister to go to a press conference after Cabinet to clear the air, which I did. I pointed out to a civil gathering—the media—that the Government at that time had no intention whatsoever of purchasing an aircraft, I was asked whether I had travelled on the aircraft which I replied in the negative. I said I knew nothing about it, I was not on the plane, I simply came here on behalf of the Government to report that the Government has no intention of purchasing this plane. This would have been around the end of 2006.

So, all of that was published in the newspapers, that I was not involved in the acquisition of this plane, I was not on the test flight and I knew knowing about it. It was published and received prominent publication in the newspapers. Lo and behold, in January 2007 I got a love letter from the Integrity Commission and I shall read it:

“A complaint has been received by the Integrity Commission stating that you along with other public officials to whom the provisions of the Integrity in Public Life Act may apply, have accepted gifts of unpaid travel benefits in September 2006 from companies closely associated with the Bombardier group of companies and by so doing exposed yourself to be in a conflict of

interest in accordance with section 27 of the Act. The Commission is required under section 33 of the Act to enquire into any alleged breach of the Act. You are requested to furnish this Commission within 14 days all information regarding the allegations.”

I got this strange letter, picked up the phone, called the Integrity Commission and said, “What does this mean?” Mr. Speaker, this is not the idle speculation of somebody suffering from chronic bias, this is real, so I called the Integrity Commission and said, “What does this mean? What is an unpaid travel benefit?” I was confused. They say, “Well, you were on a flight”. I say, “Flight, where?” They say, “De flight”; I say, “Which fight?” They say, “On de plane.” I say, “Which plane?” They say, “De Bombardier plane.” Then it clicked, I said, “Wait, wait, you are telling me that somebody has accused me of travelling on that Bombardier plane and as a result I am in a conflict of interest situation?” They say, “Yes.” I said it was published in the newspapers that I was not on the plane. So, I decided, look, I am not going to let this rest, so I wrote them a letter and I will just read the last two lines of the letter:

“This allegation is completely untrue and for the avoidance of doubt I did not accept a free flight on an aircraft on September 2006. I am satisfied that whoever made this allegation did so knowing it to be false and the complainant is therefore in breach of section 32 of the Act. In accordance with the principles of natural justice therefore, I would be grateful if you would provide me with a copy of the letter of complaint within 14 days of receipt of this letter...”

That is me writing to them because I know this thing is nonsense.

Mr. Ramnath: Arrant nonsense.

Hon. C. Imbert: Arrant. Look at the response I got:

“The Integrity Commission acknowledges receipt of your letter. Thank you for your prompt response and cooperation—”

This time all I said, “It ain’t true, you know.” They asked me to provide all the information and so on. I called them and said, do you have the passenger manifest? Do you have a photograph of me on the plane? Do you have a statement from the pilot? Do you have any evidence from anyone who saw me on the plane? This time they have none of that, so they said:

“The Integrity Commission acknowledges receipt of your letter. Thank you for your prompt response and cooperation in this matter. The Commission is of the view that there was no breach of the Act.”

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Think it easy. [*Laughter*]

When I challenged them and say, “I want to know who made this complaint because I know it to be false. I want a copy because I want action to be taken under section 32”; they say, “It’s all right, you did not breach the Act.” So, I was not prepared to let that matter rest. So, sometime later, in the future when I got some time I wrote the Integrity Commission and pointed out to them that they had not sent me a copy of the complaint. I got another love letter from them, and this is why when people say things they just do not know what they are talking about.

“Dear Mr. Imbert,

I refer to previous correspondence on the subject ‘Unpaid Travel Benefits’. As previously advised the Commission is unable to accede to your request for a copy of the complaint. Section 35 of the Act protects such information and the Commission is not authorized to disclose same as may be necessary for proceedings in a court.

Yours faithfully

Registrar

Integrity Commission.”

And they done with me.

So, you understand what has happened here, somebody made a false, mischievous, frivolous complaint. I pointed out to the Integrity Commission it is a tissue of lies. I demanded to see a copy of the complaint so that action could be taken against the person, because it is public knowledge that I was not on the plane. They dodged me. They said, “It’s all right you didn’t breach anything.” When I insisted I want a copy they say, “No, no, section 35 says that the records of the Integrity Commission are secret and you cannot get it.” So, this is a real story. [*Interruption*]

So, Mr. Speaker, I thought I would put this matter into the public domain, because what I have just given is a real life example and I can tell you that this is the approach of the commission with respect to all of these matters. Somebody makes a false complaint on you, you tell them you want to know who it is, you want a copy, they are not giving it to you. You tell them then why are you bothering with this thing; they tell you they have no discretion but to investigate the complaint. I will read another letter for you with respect to the whole question of how they interpret their mandate—

Mr. Manning: I got six of them so far.

Hon. C. Imbert:—in terms of how they view the Act.

Mr. Manning: You should see the reply to that one.

Hon. C. Imbert: I will find the letter in due course, but when you talk to the commission about the fact that people are making frivolous complaints against persons in public life, foolish complaints, mischievous complaints, you get, as I said, a love letter from them telling you that under the Act they have no choice but to investigate complaints when they are made.

It does not matter if on the face of it the complaint is ludicrous, it does not matter if the complaint was brought with no evidence, it does not matter if it is impossible for the allegations in the complaint to be true. They write you and tell you that under the Act, once a member of the public makes a complaint they have no discretion and they must investigate the complaint.

Mr. Manning: But when Ramesh was with them “fellas” he was the man doing all of that.

Hon. C. Imbert: This is what we are going to fix. This is what this integrity in public life is all about. This is what we are going to fix. We are going to fix this mischief. So, from now on, if anybody wants to make a complaint against a person in public life, they better be prepared to face them, they better be prepared to identify themselves. [*Desk thumping*] They better be prepared to face the person because it is a principle of natural justice, you have a right to face your accuser and that is what is so wrong with this Integrity in Public Life Act.

That is what is so wrong with it, the way the Act operates and the way the commissioners interpret it, people can just make the most absurd complaint and they initiate an investigation immediately, send an investigator behind you and subject you to all sorts of interrogation and this time the complaint is made without a shred of evidence. This is why we put into this Bill, we are asking that when the complaint is made, the Integrity Commission can dismiss the complaint if it is not supported by any evidence of probative value. We are putting in here that persons must swear to an affidavit. We are giving the Integrity Commission discretion which they say they now do not have and we are making it mandatory that the person who makes the complaint, all the documents that they submit to the Integrity Commission must be shared with the person who is the accused person so that that person will have a right to defend themselves.

It is because of these sections in this Act that so many good people of this country have shied away from being persons in public life. It is because of that and this is not idle speculation, as I said, by persons outside there who feel they could just write any foolishness in the newspapers, not supported by facts. So many people in Trinidad and Tobago have shied away from serving as persons in public life because of the way the Integrity Commission operates and the way in which the commission has interpreted the Act that they have no choice but to initiate investigations once they get a complaint no matter how foolish it is.

I do not think I need to say anything more, the evidence speaks for itself. We are here to clean up this Act, to bring this Act in line with what occurs in developed countries. In developed countries, if you want to make a complaint against a person in public life, you have to go and swear to an affidavit. In developed countries, if someone is accused of something, they are provided with details of the accusation. In developed countries the enquiring body has discretion to dismiss frivolous complaints, not so in our legislation.

So, with those few words, Mr. Speaker, I commend this Bill.

2.00 p.m.

Mr. Subhas Panday (*Princes Town North*): Thank you very much, Mr. Speaker. My dear friend the Member for Diego Martin North/East spoke about the former President in another place, when he commented on his contribution on the last occasion. However, I observed that he refused to read it into the record, so I will assist him. This letter was from the former President of the Senate of Trinidad and Tobago, "Imbert needs sound legal counsel"—[*Interruption*]

Mr. Imbert: [*Inaudible*]

Mr. S. Panday: "That is why yuh take the front before the front take yuh"—Friday, April 10, 2009. He says inter alia:

"Because the Prime Minister has not approved its recommendation, Parliament is without its Chief Parliamentary Counsel, whose role is to advise Members of Parliament and to guide them in preparing legislation.

I believe the absence of appointments to these two critical legal posts, has had a telling effect on Minister Imbert's contribution in Parliament to the Integrity in Public Life (Amendment) Bill"

He then dealt with the issues:

"Error 1: Imbert uses Rowley case as supporting the need for the amendment. Wrong! The existing section 38 requires, 'reasonable notice to be given such

a person...and the person be allowed full opportunity to be heard in person or by an Attorney-at-Law"—[*Interruption*]

Mr. Imbert: [*Inaudible*]

Mr. S. Panday: "Ah coming to you."

"Error 2: Imbert and *Hansard*—'the law as it now stands...a mischief maker or a deceitful person to make an anonymous complaint, and when that anonymous complaint is made', section 33...kicks in. Section 33 of the Integrity in Public Life Act says:

'The Commission—

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

He says:

"So, you have to take the ability of the mischievous complaint to be made anonymously, because this is what the law currently allows. It allows anonymous complaints to be made. You have to take that right or that ability that is there and to tie it in section 33."

He was tying the various sections.

"...because the commission has no discretion. Wrong! Anonymous complaints belong to the garbage...except perhaps in political parties. The Solicitor General would have so advised.

Error 3: Imbert and *Hansard* again—"The Commission has made it clear that we must interpret section 33(b) to mean that whenever a complaint is made, whether it is a frivolous complaint or an absurd complaint, or whether there is any evidence associated with that complaint or not, they shall 'consider and enquire into any alleged breaches of the Act'. The Integrity Commissioners were just misguided or incompetent, or both, as the Rowley case illustrated. The Integrity Commissioners should have sought advice from the Solicitor General. Their business is not to interpret..."

This is the point I want to make today, and that is the point you have been making earlier in this debate today. You are saying that they are interpreting the law in a particular way. There is nothing wrong with the legislation, but you are saying that they are interpreting the law in the wrong way. Why did you not

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communicate with the Integrity Commission and indicate to them the way you are interpreting the law is wrong—and as such, you should interpret in this way.
[*Interruption*]

Mr. Imbert: [*Inaudible*]

Mr. S. Panday: But you said there were a number of communications with them. Why did you not assist them, or why did the Solicitor General not assist them? But this Government has not appointed a Solicitor General.

He says:

"Then you would get a letter that quotes section 35—and I am not speculating here. This is not theory. I am talking from knowledge, telling you the records of the commission and any information revealed by a witness or the production of documents shall not be disclosed. So, they say, we are not giving it to you. Rubbish!

This is clearly a conflict in section 38:

'...the person be allowed full opportunity to be heard either in person or by an Attorney-at-Law.'

Flawed interpretation Minister, where is the Solicitor General?"

And he went on. I would not pursue much further because I think he has dealt with you in a meaningful way.

However, I shall go to the introduction of the hon. Member for Pointe-a-Pierre, when the hon. Member tried to give a history of the integrity legislation, and it seems to me that she forgot the most important thing. That this PNM government came into office in 1956 and this government never introduced or never touched the issue of integrity or they have never introduced integrity legislation.

As a matter of fact, that same gentleman whom the Minister of Works and Transport cast aside, wrote another article on Friday, July 25, 2008.

Mr. Imbert: That is your [*Inaudible*]

Mr. S. Panday: Pardon?—in which he indicated that it is useful to recall that the first and I quote: "Integrity Commission pappyshow". Michael Williams on Friday, July 25, 2008 says:

"It is useful to recall that the first Integrity Commission draft Bill by Eric Williams was deliberately crafted to make it unworkable."

Mr. B. Panday: That is what they are doing now.

Mr. S. Panday: That is what they are doing now, so we are going around the circle. He says:

"The public's clamour was against ministers with control of State resources, numbering about 12 persons or less. But its scope was extended to perhaps 75—100 persons as I recall, and most with little rank or influence. Senators too were included for good measure, to hamper the bill's passage in Parliament, since Senators then were little involved and would resist such a measure."

And he says—I do not know why he attacks the hon. President like that—and I quote:

"It is now history...Mr. Imbert in his clownish and flippant style—a style unsuited to Parliament advocated thus: 'include everybody' in the Integrity Commission net. Thus we are saddled with today's absurdity, where corruption is rife, but good men and women will not submit to Integrity Commission circus."

So Mr. Speaker, when they come here today and say, they are interested in morality in public affairs, they stand for integrity, one must look at the history of the PNM and one would have seen that they were there for over 50 years and they never introduced any legislation to deal with integrity. But today, they come here with this amendment, to give the impression that they want to deal with integrity. The hon. Member said that we have come here to ensure that there is balance in integrity legislation.

Mr. Speaker, as I said, in order to fully comprehend the full purport of this amendment before this honourable House, that is the Integrity in Public Life (Amdt.) Bill 2009, one has to look at the genesis. One has to look at the history of integrity legislation in Trinidad and Tobago.

Mr. Speaker, you will remember that in the 60s and in the 70s, the PNM was raping the Treasury. The PNM was excusing corruption in enormous proportions. You will remember one of the major first scandals, the Lock Joint scandal where PNM Government Ministers made deals. You will remember the Caroni Racing Complex, where again, PNM Ministers made deals with Sam Wallace. You will remember the construction of Mount Hope Hospital, deals Sodetec. You will remember the cost overrun with the Hall of Justice. All that corruption took place—*[Interruption]*

Mr. Ramnath: The Tesoro scandal.

Mr. S. Panday: The Tesoro scandal, the Mc Donald DC-9 scandal. PNM Ministers were on a spree, raping the Treasury in corruption and the people could not bear it anymore. The people were calling and shouting for integrity legislation and Eric Williams, the former Prime Minister and the PNM government resisted and resisted; they never wanted to introduce the legislation.

Then, when I read that article, although the hon. Member for Diego Martin North/East said, "That man filled with bias"—[*Interruption*]

Hon. Member: Chronic.

Mr. S. Panday:—"chronic bias", I decided to find out if this man is really biased and he does not know what he is speaking, because he says Eric Williams introduced the legislation to include Senators. But I said that cannot be so because the first Integrity Act was passed in 1987 and Eric Williams died in 1981, how could this man speak like that? Then my research took me to 1976 Constitution, and in section 138 of the Republican Constitution you will see:

"(1) There shall be an Integrity Commission..."

So it is enshrined in the law.

"(2) The Commission shall be charge with the duty of—

- (a) receiving, from time to time, declarations in writing of assets, liabilities and income of members of the House of Representatives, Senators, Judges, Magistrates, Permanent Secretaries...Members of the Tobago House of Assembly..."

So what former President, Michael Williams was saying, Williams included Senators to make sure that it does not work. They blocked the Bill while it went through the House, and when one looks at the hard evidence, one would see when Williams tried to block it. He blocked it in the Constitution. The PNM put hurdles in the way of integrity legislation even in the Constitution.

Mr. Speaker, in 1976 the Constitution called for an Integrity Commission. The hon. Prime Minister was there. I asked him, what did they do to break the law to fulfil the requirements of the Constitution? For 11 years—this is 1976—the PNM sat down and they did nothing to deal with corruption. They did nothing to bring this legislation. It took the situation where the PNM had to be voted out of power in 1986, in order to get integrity legislation. That is why the first piece of integrity legislation we have, was in 1987.

They sat there for 30 and 40 years, from 1956 to 1987, and they never introduced integrity legislation, while the O'Hallorans and the Prevatts and them were raping the Treasury. Never wanted to touch your Ministers. What the people were calling for was legislation to deal with PNM Ministers because PNM Ministers were making the deal. Not Senators, not Members of the Opposition, and Eric Williams made sure that he included lock, stock and barrel that the legislation was unworkable. It is very sad that that hon. Member for Diego Martin North/East had the temerity and the brass face to come before this honourable House and attack the 1987 legislation—[*Interruption*]

Mr. Imbert: Why?

Mr. S. Panday: Because you were there for 30 years and you did nothing. The PNM did nothing to deal with corruption. They nurtured corruption.

Mr. Imbert: Look who talking.

2.15 p.m.

Mr. S. Panday: Mr. Speaker, when the National Alliance for Reconstruction (NAR) came into government, they passed the first Integrity in Public Life Bill. The PNM went back into office in 1991, and during the life of that Parliament they had an opportunity to see the Bill perform for a number of years; they never did anything again.

The PNM had to be voted out of power again; then they were voted out of power in 1996, and in 2000 you had the Integrity in Public Life 2000. Mr. Speaker, that has been the history of the PNM, they never want to deal with corruption. I will show you that is the situation here today again.

When one looks at the legislation one sees 1976 going all over again to 2009, because this legislation, this amendment—the first time the PNM interfered or touched integrity legislation, do you know what they did? This PNM has made a concerted effort to undermine the integrity law and to dilute the legislation; that is what they did. They have never brought it, but when other people bring it—the first time they have to do something about integrity legislation, they have attempted to dilute it. That was point the Michael Williams was making.

He comments, and I quote from the document of April 10:

"Much of Imbert's arguments were in a similar erroneous vein, and clearly without the benefit of learned counsel."

He does not know that you claim to be learned counsel himself. [*Interruption*]

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"He must persuade the PM of the cabinet's need of sound independent legal counsel.

His comments reflect unfavourably on the calibre of former integrity commissioners, under two businessmen without legal training. I judge the amendments will weaken, and not strengthen, the present Integrity in Public Life Act."

I thought if you had read the article, that you would come here today and argue that he was wrong, but he says, "I do not respond to public statements by people on the outside; I do not respond to the public; they are not important." It is not his style to respond to public statements.

I thought that this was a profound statement made by the former President of the Senate, who said:

"I judge the amendments will weaken, and not strengthen, the present Integrity in Public Life Act."

I asked the same question and I thought you would have answered it. I want to give you an opportunity, using some of my time to answer the query whether the legislation would tend to weaken the Integrity in Public Life Act. [*Interruption*]

Mr. Imbert: I thank you very much for giving way, and for giving me some of your time. I do not intend to take much of your time at all.

It cannot weaken it, it can only strengthen it, and I will show you why. I am reading an extract from a letter from the Commission:

"The Commission wishes to advise that its decision to investigate a complaint does not address the validity of the complaint. It merely indicates that the complaint falls within the provision of the Act. In accordance with section 33 of the Act, the Commission is bound to investigate such a complaint and can exercise no discretion in the matter."

So if that is how the law is, that it does not matter how absurd a complaint is, the Commission is saying that it has no discretion and that it must investigate, however ludicrous it is. Then it can only be to strengthen the Act when we remove that situation.

Mr. S. Panday: I really have now to concur with the opinion of the opinion of the honourable President of the Senate. He really needs legal counsel.

Mr. Imbert: Concur all you want, what I am saying is true.

Mr. S. Panday: He is not there; he is out of depth. [*Interruption*]

Mr. Speaker: Perhaps, hon. Member, so that you would not be misquoted by the press or others, it is a former President of the Senate.

Mr. S. Panday: I am guided by you, Mr. Speaker, and thank you for the correction.

The hon. Member for Diego Martin North/East really has not dealt with the matter, therefore, I shall not waste much time on his contribution, because it has been dealt with very adequately by members of the public.

I will show him now that the former President of the Senate was right and that he and the PNM are wrong. Before I go into that, I congratulate the hon. Member for Siparia on her contribution. When I read her contribution I saw that she touched most of the Act, it is really difficult to make further comment on the general principles of the Act. Therefore, I shall dissect the Act very scientifically. *[Interruption]*

Dr. Rafeeq: "Teach dem, teach dem!"

Mr. S. Panday: I shall dissect it to show you where the Integrity in Public Life (Amdt.) Bill will really weaken integrity legislation. I will not waste much time on clause 3 of the Bill, which tends to amend section 5:

"...receive and investigate complaints regarding any alleged breaches of this Act or any alleged commission of an offence under the Prevention of Corruption Act."

How much different is this from the original Act of 2000? I wish to say, "Hardly anything whatsoever."

It says:

"Section 8 of the Act is amended by repealing subsection (2) and substituting the following subsection:

“(2) The President shall terminate the appointment of a member of the Commission where the member—

- (a) is found to be of unsound mind and is incapable of carrying out his duties;...
- (f) is absent from three or more consecutive meetings without approval under subsection (1)(b);..."

Mr. Speaker, the repealed subsection (2) which says:

"A member of the Commission may be removed from office by the President acting in his discretion for inability to discharge the functions of his office whether arising from infirmity of mind or body or any cause, or for misbehaviour."

What is the big issue of merely enunciating? In the process of enunciating they did not read the law, because they repealed subsection (2) and brought back subsection (f) which says that he could be removed if he:

"...is absent from three or more Consecutive meetings without approval under subsection (1)(b);"

What is subsection 8(1)(b)? It speaks about a vacancy of the membership of the commission. It says:

"...on the absence of a member from three consecutive meetings of the Commission, unless the absence is approved by the President after consultation with the Chairman;..."

So in subsection 8(1), with the vacancies created by a member missing more than three meetings, do you know what they did, Mr. Speaker? They repealed subsection (2) and say that he could be removed if he is absent from said three consecutive meetings, without approval under subsection (1)(b). What happened, did you not read the whole Act? Did you only take a little piece and read it, and did not read the other piece?

When you are amending legislation, you need to read the whole Act so that one amendment will not make a fool of a previous section of the Act; but that is the way the PNM is going.

Mr. Speaker, I will not go into the editorials, clauses 5 and 6, those are merely editorials. I go on to Part V, and this is the area which is frightening and the area which I am certain would have undermined the integrity legislation. In that process I will attempt to put a lie to the argument of the Member for Diego Martin North/East.

Under the present law it says in section 32:

"A member of the public who wishes to allege or make a complaint that a person in public life or any person exercising a public function—

- (a) is in contravention of this Act...
may do so in writing to the Commission."

The hon. Member said that an anonymous letter could trigger an investigation; he assumes that is so, but no commission that is worth its salt or no member of the commission who has any intelligence whatsoever would take a crank call and start to investigate.

It says that a member of the public who wishes to allege, must do so in writing. I humbly submit that the commission must have the common sense to say that a complaint is not completed until it is signed. If it is not signed, how could you deem that to be a complaint? If somebody curses you and uses obscene language, a simple offence like that, Member for Princes Town South/Tableland, you go to court and sign the complaint. A complaint is not completed until it is signed. So this airy fairy argument that the Member is making, is merely justification to undermine the law. [*Desk thumping*]

The way the Integrity Commission behaved was probably because they did not have proper legal assistance. New section 33 says:

Having obtained the written complaint:

"The Commission—

...shall upon the complaint of any member of the public consider and examine any alleged breach of the Act or any allegations of..."—corrupt or dishonest conduct.

So it says that when the complaint comes the Integrity Commission shall, upon the complaint, start to enquire. It says that in carrying out its function, it may authorize an investigating officer to conduct an enquiry into the alleged or suspected offence.

If this is an anonymous complaint, and you put an investigator to investigate, the first thing an investigator would say is that this is an anonymous complaint, do not bother with it. What the investigator could do is that if they said that a particular member took a free ride on the bombardier jet, they did not have to go to him, they could probably go to bombardier.

Mr. Imbert: "Dey write me."

Mr. S. Panday: That is what I am saying; there are ways to do it. You are saying that they interpreted the Act wrong. [*Interruption*]

Hon. Anisette-George: That is the point.

Mr. S. Panday: You do not have to change the Act. They could have appointed an investigator who would have gone to Bombardier and they could say, "He never came on the plane." In those circumstances, it would have come to an end.

Mr. Imbert: But they did not.

2.30 p.m.

Mr. S. Panday: By their action they did not prevent an interpretation of the law like that, but that is bogus logic.

Mr. Speaker, that is stage 1. So if that investigator finds out that there is nothing in it, the enquiry comes to an end. So the Integrity Commission is breaking the law. [*Interruption*] You do not have to fix it, just ask them to obey the law.

Section 34(2) says:

“Where, in the course of any enquiry the Commission is satisfied that there is a need to further expedite its investigations, it may exercise the following powers:”

Therefore, when one reads section 34(2), one sees that at the end of section 34(1) the investigation can come to an end. So the issue which the hon. Member is speaking about that they must carry out an enquiry, if he is saying that they shall carry out an enquiry, the investigator shall be appointed, he can do his investigations and it could die at that stage.

The Minister is giving this Parliament the impression that the Integrity Commission does not follow the law and as such they wrote you that letter. That is a fallacious argument, he did not understand the law and if the Member really knew what he was doing he could have asked the Integrity Commission.

Minister, in pursuit of your investigations did you authorize an investigating officer to investigate or to conduct an enquiry? Instead, you wanted to make confusion. So that argument by the hon. Minister that they are taking away that power from the Integrity Commission is indeed a fallacious argument.

Mr. Speaker, the Minister is undermining the integrity legislation. Why did you not mention the omission in section 33(a) in the legislation? This section says the Commission may on its own initiative carry out investigation. Why did you take that out of the legislation? That is important. The Integrity Commission had the power for example, if it reads the newspaper and felt there are issues which the public has failed to bring to its notice, it can—

Mr. Imbert: You just answered it.

Mr. S. Panday: Why do you not give it the opportunity to act on its own initiative? For example, let us take the hon. Minister of Finance and the CL Financial bail out. In the first instance, there were allegations that the Ministry of

Finance had used insider information, that is, the Minister had broken the law which led her to withdraw moneys from CL Financial subsidiaries before the announced bail out. It is a fact that the Minister admitted that she was the Minister and her functions include the supervision of financial institutions.

If the Minister of Finance did in fact have insider knowledge and used the same to further her personal interest, she possibly may have committed a criminal offence. The Member for Siparia said that any person being an agent corruptly uses official information for the purpose of obtaining a gift, a loan, a fee, a reward or an advantage whatsoever for himself or any other person or corruptly communicates official information to any other person with a view of enabling any person to obtain a gift, loan, reward, gift, whatever, is guilty of an offence and there was a possibility that there was insider trading.

Everybody was asking how she alone knew to take her money out just in time and leave the public to suffer and cry? What is the truth? She is the Minister of Finance and she withdrew the money just before the bail out so there is only one issue to determine now and that is, whether she had insider information, and if the hon. Member had insider information then she would have broken the law. How did the PNM deal with that? The hon. Minister of Finance said that she had no insider information, no formal communication with the Central Bank or anyone. It is just like members of the public outside—

Mr. Imbert: Mr. Speaker, firstly, Standing Order 36(10):

“The conduct of the Governor, Members of the Senate or the House of Representatives...shall not be raised except upon a substantive motion moved for the purpose;”

And secondly, there is a substantive motion before the House to this effect. The Member is out of order.

Mr. Speaker: Yes, move on please.

Mr. S. Panday: The point I am making which I know he cannot understand—I will not say he is mentally challenged, but he really does not—this point. There was an issue whether there was insider trading because all the other facts have been admitted and hence, the Integrity Commission should have been given the opportunity to act on its own initiative to investigate.

I ask the question: If the Integrity Commission had investigated and came out with nothing, it could have gone public and cleared the Minister. If however, it had investigated and found out on its own initiative that indeed there was insider information, then something would have happened.

Mr. Speaker: On a point of order, it is a matter before the House, so you need to move on from that.

Mr. S. Panday: Thank you very much, Mr. Speaker. Take for example the issue of UDeCott, let us deal with UDeCott now.

Hon. Member: Move on!

Mr. S. Panday: Move on what? We are talking about insider information and giving the Integrity Commission the power to investigate issues on its own initiative. This PNM does not want the Integrity Commission to perform, that is why we are saying it is weakening the integrity legislation by preventing the Integrity Commission under this new amendment to act on its own initiative. Do you not trust them? You do not trust the Integrity Commission?

Mr. Speaker, the big scandal in UDeCott. Everybody knew what was going on there. Under the present legislation the Integrity Commission could have initiated investigation into UDeCott. Under this legislation, the Integrity Commission has become a “paper bulldog” according to a former Commissioner of Police. So PNM Ministers can run rampage in the country and although the Integrity Commission may know about it, and believe that there is a need to investigate, this PNM Government is preventing it powers which it held and taking away those powers.

Mr. Speaker, what have we been reduced to? Hear how wicked this legislation is, and how undermining is the PNM about the integrity legislation. Hear where we were before and hear what the Integrity Commission has been reduced to by this PNM Government. I have read the old section 33 in the law. Let us hear what the new section 33(1) says:

“The Commission—

- (a) may, where it is necessary, on its own initiative, upon examination of a declaration furnished pursuant to section 11; or
- (b) shall, upon complaint of any member of the public made in accordance with section 32...”

So they are giving the impression that the Commission has power, but it can act on its own initiative only after a declaration has been filed by a person in public office.

Therefore, one wonders why it had to put “on its own initiative”? Because when the declaration is submitted and something is wrong with it and they have the power to investigate—Why did you put the words in this legislation that it is

necessary on its own initiative to investigate when in truth and in fact you have tied the Integrity Commission down when you say it can only investigate on its own initiative when a member in public, I think has filed a declaration. So the Integrity Commission is really a “paper bulldog”.

Mr. Speaker, we must look at the legislation how it was before and where we are now, and one would say that the PNM is really undermining the Integrity Commission and the legislation. The words “on its own initiative” are put so you will be caught when you read the two sections, but when the law is really analyzed; you will see the Government has really destroyed the Integrity Commission.

Mr. Speaker, I am taking it section by section and showing how this Government is undermining. Let us go back to the new section 32 and I am saying after today no member of the public will ever be making any report to the Integrity Commission.

In the present legislation you could do it in writing, now the new legislation says in section 32(1):

“A member of the public who wishes to make a complaint that a person in public life or any person exercising a public function—

- (a) is in contravention of this Act;
- (b) in relation to the Register of Interests, has a conflict of interest; or
- (c) is committing or has committed an offence under the Prevention of Corruption Act, shall submit the complaint in writing to the Commission, duly sworn as a statutory declaration in the form specified in Schedule 2.”

So they make you feel it is just like before, but the sting in the tail is coming now.

2.45 p.m.

Mr. Imbert: What is wrong with that?

Mr. S. Panday: Mr. Speaker, I want the population to understand that that Minister and that PNM Government is saying “What is wrong with that?” Mr. Prime Minister, do you say that too?

Mr. Speaker: Hon. Members, the speaking time of the hon. Member for Princes Town North has expired.

Motion made, That the hon. Member’s speaking time be extended by 30 minutes. [*Dr. H. Rafeeq*]

Question put and agreed to.

Mr. S. Panday: Thank you very much, Mr. Speaker and thanks to Members of the House. That Member for Diego Martin North/East told the hon. Member for Siparia: “What is she talking about?” The fine remains the same: \$500,000 for making a false complaint or five years hard labour. But do you know what this Government has done here? This Government has put both fists in the face of the public, because under this legislation, if you make a false allegation you can be fined \$500,000 or five years imprisonment. But they have also now confronted you with the Perjury Act. So out of one action they have created two offences on a member of the public who wishes to make—

What does the Perjury Act say? Indeed, the Perjury Act at section 5, I think, says that if you make a sworn false declaration—and I want to read the Perjury Act, Chap. 11:14:

“A person who—

being required or authorized by law to make any statement on oath for any purpose, and being lawfully sworn...”

It says if you commit a misdemeanour—

“is liable, on conviction on indictment, to a fine and imprisonment for seven years.”

So under the present legislation you could get five years, but then they throw the Perjury Act in your face and say, “Look, you make a mistake here; you member of the public, you make a mistake, you could end up getting seven years.” So you could be charged under two pieces of legislation. For one act which you performed, now you could be charged under two pieces of legislation: the Integrity in Public Life Act and also on the Perjury Act.

That, in my humble view, is intended by the PNM to scare persons from making complaints about people in public life; the Calder Harts, Ministers. “You come and try to make a complaint. We will catch you! We could catch you under this Act and under the Perjury Act.”

Why did you do that? Why are you putting that stress on the people?

Mr. Imbert: What are you lying for?

Mr. S. Panday: I am coming to you now. It goes on. Look at the weakness in the legislation. It says under section 32(2)(a):

“the particulars of the alleged breach or alleged act of corruption (must be) supported by documentary evidence...”

Mr. Imbert: Of course.

Mr. B. Panday: How can you get documentary evidence of corruption?

Mr. S. Panday: People will have information but it does not fit into evidence. Member for Princes Town South/Tableland, you may have information but you may not have the evidence. So what you are telling members of the public now is, go and get the evidence and unless you have the evidence, we are not going to investigate.

Mr. Manning: You must have a basis.

Mr. S. Panday: No. That is the law, Mr. Prime Minister. This Government has methodically over a period of time restricted the Freedom of Information Act; it has removed companies from the Freedom of Information Act, so when you apply to companies for information about corruption in the company, are you getting that? Not at all, because the Government has undermined the Freedom of Information Act.

So we may have information, but we may not have evidence. The evidence is in the hands of the perpetrator. How do you get that? In those circumstances, no complaint could ever be investigated or fulfil the requirements of the law.

Mr. B. Panday: Where could you get Calder Hart information from?

Mr. S. Panday: I am coming to that now. For example, the Engineers Association said Calder Hart had a telephone or fax number for Sunway which is his brother-in-law's company on his name. That was information the architects had. They had no evidence. It took a commission of enquiry to extract the evidence like you are extracting a tooth, from TSTT, to get that evidence out. It was only because of a commission of enquiry that TSTT produced the evidence to the commission of enquiry.

Therefore, the public may have information but not evidence. Why are you putting that extra burden on the public that they must have the evidence? They will never have the evidence because the evidence would be, as I said, in the hands of the perpetrator. This is what the PNM is doing! In those circumstances, there will be no complaints.

But what is most frightening is—let us go back to section 32. Under the present law you could write a letter; put it in the registered mail and send it to the Integrity Commission. Now it is not that again. It says:

“...duly sworn as a statutory declaration...”

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Okay. Let us read the Schedule at the back now. Listen to how they are frightening you on the statutory declaration. It says:

“Read carefully...before completing this form:”

It goes on where the complainant signs the documents and he has to declare and swear before a third party, a JP or a Commissioner of Affidavits. Look at the rate at which witnesses are being killed. So if this person goes to a third party to give this information—before they give this information to the Integrity Commission, they could be bumped out before the information reaches the Integrity Commission.

Take a case: You have this complaint against Mr. X; you prepare this complaint and you have to go and show it to a Commissioner of Affidavits or a JP and you sign it in his presence. Confidential information; serious information about people is being sent to a third party. We know Trinidad and Tobago. That commissioner or Justice of the Peace could pass that information on a person in public life right away and next thing, that person's life could be in danger. If one looks at the legislation, it puts no sanction on the JP who sees the complaint as to confidentiality.

Take another example: Suppose a man goes before the JP and he gives the information and he swears to it and he changes his mind subsequently, that person could still take that information and take it to the person in public life and deal with him. Do you know how many witnesses are being killed? Even JPs are being killed. Justice Best was killed.

In those circumstances, this PNM is putting the lives of complainants and the JPs in a serious situation. Therefore, members of the public, because of the strictures which this Government has placed on members of the public in making a complaint, a fellow would say: “You see me, I afraid for my life.”

Mr. B. Panday: Which is what they have done with the killing of witnesses—

Mr. S. Panday: Also, look at the number of witnesses who say: “I am not coming to court; I am not coming to give evidence; I do not want to be killed.”

So the PNM is telling members of the public: “You come; you make complaints; your life could be in danger.” That is the way this could be interpreted by members of the public. Therefore, members of the public will now say: “You see me, I see corruption of members in the PNM and UDeCott and dem boys; I smell corruption; I taste corruption, but me, if even I have the documentary evidence ah not speaking because I could put my life in danger.”

This is what we see when one looks at the legislation; when one gives a legal analysis. I am telling you, this is the reality on the ground! Witnesses in Trinidad and Tobago are being killed! By so doing, the PNM now and the persons in public life will have a field day to do as they see fit.

One would have thought that if you really wanted to protect the persons, you could have said: “Look, if you really want to make a complaint, you may go to the Integrity Commission office and get an investigating officer who has sworn an oath of secrecy and probably sign it in front of him. But you are going to any Tom, Dick and Harry JP in Cedros, Toco, or Princes Town to give that information?”

The PNM does not want investigation. In those circumstances one can clearly say—and I ask them here today when they said: “so what is wrong with that”; you all would not be killed; you all have drivers; you all have police officers to protect you, but members of the public who are concerned about integrity in public life, their lives are not protected.

The hon. Member for Diego Martin North/East also made a point: “You must face your accuser.” They are setting up members of the public to get hit. If you really want to strengthen the legislation, we could help you and assist you in strengthening the legislation. What happens is that instead of saying the member of the public who makes the complaint, he must face you, it could be shifted. Let us take simple criminal law. Let that person be the virtual complainant and let an officer of the Integrity Commission be the complainant.

For example, in criminal law, if one person commits an act against a private citizen, the police takes the matter up; the police takes the information and the police gathers the information and gets the evidence, and the police becomes the complainant. So when you are facing your accuser, you are facing a member of the Integrity Commission and you are protecting the person who has made the complaint. This is the way you can deal with the issue on both ends. One, let the accused person know what is the allegation against him and give that information to him, and at the same time, let a member of the Integrity Commission or the Integrity Commission be the complainant in the matter.

When you go to the assizes, how does the indictment read? “The State v John Brown”. Why is it that we cannot use the law which we have in order to protect the lives of witnesses? I do not know if it is from a lack of competence or it is a strategy by the PNM to undermine the legislation. I feel it is the latter.

Therefore, when one looks at this piece of legislation, it says again at section 34—the section which he likes to say, when you report under section 33, section

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34 kicks in. Listen to what they did in section 34. They said that the complaint must be supported by evidence of a probative value. You have to be a lawyer practising law to know whether the evidence is of probative value.

When a member of the public comes or makes a complaint, he does not know the niceties of the rules of evidence. He does not know the niceties of the law. He comes with the naked facts before you. When he gives you the naked facts, then, a burden is put on the Integrity Commission by merely looking at the complaint to go through it with a fine-tooth comb to see if there is not information, but evidence of probative value. I humbly submit that the aim of that section is indeed to prevent persons in public life from making any complaints against persons in public life.

3.00 p.m.

One asks the question why at this time this legislation has been brought before the Parliament. People are saying that the corruption is so rife and PNM is so steeped in corruption. All the State purpose companies are so steeped in corruption and that is why they bring the legislation now. They put the Integrity Commission in a bind. If after six months you do not re-submit, according to the new rules with those strictures, they would throw away your complaint. Why did you not allow the complaints that are there to continue? Is it that they want to send the Member for Siparia to jail? The question is: Why now? It is that the PNM wants to carry on with corruption without anybody investigating them. The Prime Minister says that the PNM wants to continue corruption without any let or hindrance.

Mr. Manning: Mr. Speaker, please?

Mr. S. Panday: Wait. That is mirrored in a statement which the Prime Minister delivered in the Senate on May 13, 2008. In a speech by the hon. Patrick Manning, Prime Minister of Trinidad and Tobago, he said:

“Permit me to thank you for allowing me the opportunity to address you in this august Chamber on the matter of national interest.

...it was announced that the Government of Trinidad and Tobago would make a statement on the issue of recent comments widely ventilated in the media on the activities of UDeCott.

...four Government Ministers with varying responsibilities made themselves available...”

This is the punch line.

“Mr. President...I wish to advise this honourable Senate that there have been no specific areas of corruption...”

It fits into the Act. It is exactly what he said there. They framed the legislation to suit that point.

“...no specific areas of corruption...”

That is no documentary evidence of a probative value, according to section 34(2).

Mr. Manning: Who said that?

Mr. S. Panday: You! This is you speaking.

“...no specific areas of corruption that have been brought to the attention of the Government...there have been wide allegations in vague terms of the amount of money being handled by the company... lack of supervision, proceeding without the knowledge and approval of Cabinet...”

Look at what happened! The same thing that the hon. Prime Minister went to the Senate on May 13, look at what happened in the commission of enquiry. “Yuh seein specific allegations now?” They said that they had no procurement procedure and when they had it, they violated it. Then, the hon. Prime Minister came to the Senate and said, “wide and vague allegations”. This, what you said, is manifested in this amendment. The Prime Minister went on:

“...let me attempt to synthesize the reports reaching us as best as I can. The company is in charge of billions of dollars.

True.

“One man is more powerful than the Prime Minister.”

True.

“There is no transparency.”

True.

“..no accountability.”

True.

“There is non conformity to statutory regulations.

The company is unsupervised.”

“Ent dat is why the Member for Diego Martin West was called a wajang?” The same thing that he is saying here is manifested in the Bill.

More latterly, in a press report, an Opposition Member adverted to a shady deal involving UDeCott in the purchase of an unnamed, unlocated property in Port of Spain allegedly at an inflated price.

This institution, as a consequence, has been given heavy responsibility and is entrusted with sizeable portions of public funds in achieving Government’s goals.”— and ideals.

That is 2020 vision. He said that if that is all we are interested in, they are not interested in the corruption that is taking place in UDeCott. This legislation is passed to protect UDeCott. Hear what the Prime Minister says about Calder Hart who has been tarnished in the commission of enquiry:

“I am absolutely satisfied that the board of directors of UDeCott who are responsible for policy and its Chief Executive Officer can deal adequately with details...”

Adequately deal with details? He said that Israel Khan was roughing him up. The Prime Minister went to the Senate and said that they could deal with it.

What did the hon. Prime Minister do? He tried to cover up again by saying to forget about the Integrity Commission. He said that there was a Finance Committee of Cabinet; the board of directors filed reports every six months; there were audited annual accounts to be laid in Parliament. How do those audited accounts come? Not when the deal is taking place, but long after. Then you set up a Joint Select Committee of Parliament which you are sure would not have worked. That is why we say that this PNM is indeed corrupt. This is a government that really speaks from four sides of its mouth. He went on:

“These robust arrangements have been clearly established to buttress our strong and unchallenged record of accountability...”

What does the commission of enquiry say about the Brian Lara Stadium? The Prime Minister said that the Minister of Works and Transport had given an example. Just as how that Minister gave example today, he used that same Minister to give the example. “All yuh doh get suspicious about both ah dem?”

The challenges that face the Government from pre-qualification to submission of tender took a certain length of time. Are you saying that you are going to

sacrifice integrity in public life at the altar of so-called efficiency? No! Both must go together. This legislation prevents that from taking place. He complained:

“One Member of the Opposition in the other place hammered last Friday that the Government has something to hide.”

So has the Uff Commission. We think things through; seek appropriate technical advice and take courageous decisions.

I say indeed, it is a courageous decision you took to undermine the integrity legislation.

“That is our approach as we work sedulously to...preserve the integrity of the Government and at the same time, continue to expand our delivery system...”

Groan how much you want! This is what the Prime Minister said. Everything he said in this statement in the Senate is reflected in the amendments here today. That is to cover up corruption. He went on to say:

“In the event that you are asking yourself why a commission of enquiry has not been appointed...”

Although the public was putting pressure on the Government? I repeat. The reason there was no commission of enquiry is because there was not a single substantial allegation or complaint that would give the commission specific direction.

Now you have set up the Uff Commission, have there not been specific allegations? Why did you go to the Senate and said that you refused to appoint a commission of enquiry?

“I must emphasize that those who purport to know of no instances of impropriety by public officials are free to send such information to the Integrity Commission.”

That was information. Now, you want evidence! You spoke about the Exchequer Act. He said:

“We have nothing...to hide but we are resolved not to be deflected from our pursuits of development by wild, reckless, uninformed statements by certain persons.”

Is this not what this legislation is saying? It is identical to what you said in the other place, the Senate in 2008. He also said:

“this Government is resolved to ensure the highest standards of conduct, propriety and accountability in all areas of the governmental process. At the

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same time we must resolutely stand firm.”—this Government is standing firm—“against growing propensity of some who keep screaming about corruption without a scintilla of evidence to support thereof.”

This is what they were saying and that is what this legislation is doing to protect them. This legislation is *ex facto*. You said that these corporations do not have procurement process. In 2004, the Government had printed a Green Paper, Reform of Government Procurement Report. The deal takes place at the time of negotiating contracts. Why did you not try to deal with corruption before it happened? Why did you not take preventive measures to deal with corruption? Why you tried to use integrity legislation to act *ex post facto*? We ask: Why did you not move the Green Paper forward into legislation?

Your report says that the Central Tenders Board at this stage could only buy mops and brooms for places. Why do you not put a procurement regime and legislation in place to prevent corruption? No! You do not want to do it. Do you know why? Because you want to perpetuate corruption.

Do you know what the PNM does? The Prime Minister said that they will create a number of small businessmen. They gave big contracts like the Member for Port of Spain South—what about the community centre in Tunapuna? A contract of \$4.2 million, money given to a PNM man named Spencer from San Fernando. He collected \$4.2 million and nothing has happened. I heard that on Saturday you went there to try to close the lock to prevent anything.

I am closing now, but I have a lot more to say. The Government is giving jobs to the boys to build big buildings and they cannot even build a bench. They are subcontracting the work and that person is subcontracting again. That is why we have so much corruption and cost overrun. PNM is creating the corruption. The PNM is in corruption from the ministerial level to the state companies. The time has come when we must deal with this Government in a most serious manner.

Thank you.

The Attorney General (Sen. The Hon. Bridgid Annisette-George): Mr. Speaker, thanks for giving me the opportunity to join the debate on this very important amendment and very topical issue. As we all know, the Integrity in Public Life Act, Chap. 22:01, provides a two part scheme: one dealing with disclosure through declaration of assets, income and liabilities which are done annually and a declaration of registerable interest. In addition to that it prescribes a code of conduct which, according to the long title, is intended to regulate the conduct of persons exercising public functions.

3.15 p.m.

From the outset, Mr. Speaker, I want to be guided in my contribution by the code of conduct. In no way, by the widest stretch of the imagination, could this be considered a conflict, but having regard to my own parliamentary oath and what is playing in the public domain, however, I want to put on the Table that a very close relative of mine is an employee of the CL Financial Group and has so been for almost 30 years.

In saying that, I want to say that integrity cannot be legislated. It is almost in the terms of the famous statement of the hon. Member for Couva North in his own contribution to the Equal Opportunity Bill, where he said that love cannot be legislated. Do you remember that?

Mr. B. Panday: [*Inaudible*]

Sen. The Hon. B. Annisette-George: I do not know; maybe you know. In asking what is integrity, a lot of discussion has been happening and I want to refer to an article in the *Daily Express* of Tuesday, April 28, this year by Julian Kenny. He said, referring to integrity,

“that in its broadest sense it means to be in the state of wholeness as opposed to being fragmented. The word is derived from a Latin word meaning “entire” or “untouched”; from the integer, there are the various derivatives of integral, integrate, interrogative and, of course, disintegrate and disintegration.

In human affairs, the word “integrity” is acceptable to mean essentially an uncompromising adherence to a code of moral or other human values such as absolute sincerity, honesty and candour”.

While I do not accept a lot of other things that were said in that article, I endorse that integrity includes things like candour, honesty and absolute sincerity.

In saying that, I want to say that in the contributions from Members opposite, much emphasis was placed solely on the declarations in the Act, as if the declaration is the be all and end all of integrity and not sufficient emphasis was placed on absolute sincerity, honesty and candour. I refer particularly to the contribution of the hon. Member for Siparia on the last occasion in this debate. Here you see the preoccupation with declarations. I quote:

“If you look at non-compliance, you will see that in every report put out by the Integrity Commission for 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007 which is the last report, the commission talks about the number of persons who have failed to file. They have not complied; they have breached the law.”

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She went on ad infinitum with respect to failure to file declarations. [Interruption] She did not talk about false declarations; she was talking about failure to file and the whole preoccupation with just the filing of the declarations and the effect of criminalizing a normal administrative act.

Many Members opposite are lawyers—like the hon. Member for Oropouche East who is on his way to becoming a lawyer—and will know that he who comes to equity must come with clean hands and in all societies and religions, when we embark on something sacrosanct, there are certain rituals. We who are Roman Catholics know that when we enter a church we make the sign of the cross and we genuflect. If one is a Muslim, before one enters the mosque, one takes off one's shoes as a sign of respect.

I would have thought that in speaking on a topic like the Integrity in Public Life (Amdt.) Bill, that in our contributions we would at least have observed the basic principle of integrity. I say this because I want to go to the contribution of the hon. Member for Siparia—she has gone—on the last occasion. This is paraphrasing. She asked why the Government is bringing the Integrity in Public Life (Amdt.) Bill where there is no Integrity Commission. Imagine that!

The hon. Member for Siparia went on to ask why we are operating in breach of the Constitution by not having these commissioners appointed and called on the President to appoint them. The hon. Member for Siparia stated that this may not be the place, but the hon. Member for Siparia wrote to His Excellency and went on with a whole story. The hon. Member for Siparia also went on to tell us that the President was being somewhat dilatory with the delay in appointing members and that consultation had taken place; that His Excellency had written to the hon. Member for Couva North, who is the Leader of the Opposition and that he had responded to the letter, so why the delay. You see, Mr. Speaker.

Mr. B. Panday: [*Inaudible*]

Sen. The Hon. B. Annette-George: That is not the point. This is April 03 and in her contribution, the hon. Member is saying that the hon. Leader of the Opposition had already responded to the letter from the President. She said that she was advised—I guess that she could only have been advised by the hon. Member for Couva North. The Member for Siparia is a lawyer and in that very contribution she spoke about her years in court and who went to court and who never went to court.

I expect that if is saying that she has been advised, that she also verily believes. As the events have unfolded and if I should believe the newspaper—the hon. Member for Couva North is here—apparently the letter only came on

April 09, which is after April 03. So the Member could not have answered a letter that did not come. Worse yet, the first response of the hon. Leader of the Opposition was that he would like to see that letter that the President sent. The following day, as the newspaper would report—you cannot believe everything you read in the newspaper, but if I quote the hon. Member for Princes Town North, one should believe everything in the newspaper because that is the gist of his whole argument.

As I said, with respect to integrity, one would expect that in approaching a topic like this, one would come almost like Caesar's wife, ensuring accuracy of the contributions one would make. I am being guided by some information from the Member for Diego Martin North/East. At this stage, the least I say, the better. Therefore, I move on.

I would like to address some of the points made by the hon. Member for Princes Town North with respect to this amendment. In growing up, when we did Civics in school—almost every Member would have been taught Civics, except the hon. Member for Oropouche West—we were taught the importance of our duty as a citizen. I am guided again when I speak about Civics and about being a good citizen.

In a speech made by the now deceased, former President of the United States, John F. Kennedy, when he said—it is a quotation that is over 40 years old, but holds as good today as it did then—to his fellow Americans, and this applies equally to us as Trinidadians: “Ask not what your country can do for you; ask what you can do for your country.”

Therefore, it is expected that one of the hallmarks of good citizenship is a willingness to serve one's country. The Integrity in Public Life Act, as it now stands, has the unintended consequence of driving away many honest, deserving and brilliant citizens from fulfilling that civic duty, that highest duty of citizenship; the persons that we need. From March of this year's *Newsweek*, I think, I borrow a caption and say that our Integrity in Public Life Act is almost an enemy of the good and this unintended consequence is what the amendments being debated here are seeking to rectify.

Many a commentator, not only now, we can go back to 2006—I refer to an article in the newspaper—have made the point that the underlying assumption of the Integrity in Public Life Act is that all of those who come to public office are criminals. It is that fear, that stigmatization that is driving away a lot of our good and deserving citizens.

Since I assumed the office of Attorney General, I have met with the Trinidad and Tobago Chamber of Industry and Commerce. It has made the point that its members want to contribute but when opportunities come to contribute the first question its members ask is: Are we subjected to the Integrity in Public Life Act? Once the answer is yes, the natural reaction is that they reject an opportunity to serve. Captains of industries, members of the academia, simple honest people who have something to offer and who want to contribute are being driven away by this legislation.

3.30 p.m.

COMMITTEE OF PRIVILEGES
(MEMBER FOR SIPARIA)

Mr. Speaker: Hon. Members, I had previously received correspondence from the Member for Lopinot/Bon Air West, concerning a matter that he intended to raise in the House today; this is a matter of privilege. He had communicated with me today that he was not yet possessed of all the necessary material in order to raise his matter. He is now in possession of that material and I would now allow him to raise the matter that he has indicated to me that he would raise today.

The Minister of Information (Hon. Neil Parsanlal): Mr. Speaker, during the debate in this House on April 03, 2009, on the Integrity in Public Life (Amdt.) Bill, the hon. Member for Siparia referred to the official conduct of His Excellency the President of the Republic of Trinidad and Tobago, alleging that:

- (i) His Excellency the President failed to act on correspondence sent to him by the Leader of the Opposition in relation to the appointment of persons to the Integrity Commission;
- (ii) While the Leader of the Opposition has complied with the constitutionally required consultation process, His Excellency the President had not acted with sufficient dispatch;
- (iii) By his delay in taking action, notwithstanding correspondence sent to him by the Leader of the Opposition, His Excellency, the President has denied citizens their statutory right to make complaints to the Integrity Commission; and
- (iv) His Excellency the President, as a consequence, is in breach of the Constitution.

Mr. Speaker, you have ruled in this House on a previous occasion that the privilege of freedom of speech in debate conferred on all hon. Members of this

House inevitably involves the imposition of corresponding duties. You have stressed that all hon. Members are expected to exercise this privilege responsibly, that it must not be abused and that it is not an exemption to account to the House itself.

Mr. Speaker, in my submission to you today, I have attached official documentation, which reveals that contrary to the statements of the Member for Siparia and the innuendoes contained therein in her statements, it is established that on April 06, 2009, the Office of the President advised, via a media release, that His Excellency had not received correspondence from the Leader of the Opposition in relation to the appointment of persons to the Integrity Commission.

Secondly, on April 29, 2009, the Office of the President further advised, via another release to the media, that by letter dated April 09, 2009, the President had written to the Leader of the Opposition advising of the names of those persons whom His Excellency desires to appoint, with the request that the Leader of the Opposition indicate whether he has any objections and that His Excellency has at that date received no response to his letter.

The facts are abundantly clear. On the date that the Member for Siparia made those damaging statements about His Excellency in this House, she knew or ought reasonably to have known that her allegations in relation to His Excellency were incorrect. The Member therefore wilfully and deliberately misled this House.

Additionally, her mischievous remarks found their way into the immediate where they were widely circulated and repeated. Those statements were calculated to and may very well have succeed in bringing the Office of the President into odium, ridicule and public distrust, causing that office to comment on April 29 that:

“It is regrettable that the facts of this matter are being misrepresented to the media by persons who ought to know better.”

I refer this matter to you for your consideration. On the strength of parliamentary authorities, I maintain that the actions of the Member for Siparia amount to a high contempt of this House. In accordance, therefore, with Standing Order 27 of this House, I ask that this matter be referred to the Committee of Privileges for consideration and report.

Mr. Speaker: Hon. Members, I have heard the privilege matter as raised by the Member for Lopinot/Bon Air West and I will rule later on concerning same.

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The sitting of this House is now suspended and we would resume at 5.00 p.m.

Mr. B. Panday: Why?

Mr. Speaker: It is within my inherent authority and it is—[*Interruption*]

Mr. B. Panday: I know of that.

Mr. Speaker: It is intent free.

Mr. B. Panday: Talk!

Mr. Speaker: I am on my feet.

Mr. B. Panday: You are standing! I will go.

3.36 p.m.: *Sitting suspended.*

5.00 p.m.: *Sitting resumed.*

**COMMITTEE OF PRIVILEGES
(MEMBER FOR SIPARIA)**

Mr. Speaker: Hon. Members, I have, during the suspension of this honourable House, considered the privilege matter raised today by the hon. Member for Lopinot/Bon Air West. I have carefully examined the contribution of the hon. Member for Siparia, as recorded in the *Hansard* of April 03, 2009, looked at the supporting documents referred to me by the hon. Member for Lopinot/Bon Air West and I am satisfied that *prima facie*, he has established a case for the referral of the matter so raised by him to the Committee of Privileges. I, therefore, rule that this matter be referred to the Committee of Privileges for its urgent consideration and report.

INTEGRITY IN PUBLIC LIFE (AMDT.) BILL

Sen. The Hon. B. Annisette-George: Mr. Speaker, in continuing I also want to disabuse the Members of this honourable House and the citizens of Trinidad and Tobago of claims made by Members opposite that the Government of the People's National Movement does not believe in integrity and that it has done nothing to promote integrity in Trinidad and Tobago.

Sometimes when we listen very carefully, we hear actual conflicts in the words being spoken. The hon. Member for Princes Town North would have stated in his contribution that in 1976, in section 138 of the Republican Constitution, provision was made for the Integrity Commission. It was established, for the first time, by virtue of section 138 of the Republican Constitution. History would tell

us under whose watch that new Constitution came into being. It is no doubt that the Republican Constitution came into being under a government led by the People's National Movement. History itself, the actual words spoken by the Member for Princes Town North, puts a whole question and puts to rest the point he is trying to make, with respect to the People's National Movement.

He goes back into history and talks about Tesoro and all sorts of things that no Member on this side at this time would have formed part of the government. But, people in glass houses must not pelt stones. That was the lovely thing about when we were young and growing up; the way our parents would speak. People in glass houses should not pelt stones. If we go back to 1995–2000, there are Members opposite who would have been part of a government. Those Members, under their watch, lots of things happened if we want to talk about integrity in public life. We do not have to go far back to remember and matters are still continuing concerning those. We would remember Desalcott and Piarco I and II.

5.05 p.m.

Mr. Speaker, I would not say anything more about that matter because it is in recent history. Members opposite were part of a government under which certain actions were perpetrated and which had very dire consequences. We all know that at this time the Government of Trinidad and Tobago is pursuing certain matters and the recovery of moneys has been made for the benefit of the people of Trinidad and Tobago. So, people in glass houses must not pelt stones.

You see, the people in the national community know different. They said that the PNM has not done anything about promoting integrity in public life legislation. I want to refer to an article in the *Trinidad Guardian* dated Sunday, January 02, 2005. This article was written by Dr. Hamid Ghany. It is under the caption: “PNM got it right first time”. He was referring then to amendments to the first Integrity in Public Life Act, 1987 which produced the Integrity in Public Life Act, 2000 and I quote:

“In October 2000, the position adopted by the PNM on the Integrity in Public Life Bill and the amendment of the Constitution was uncompromising and forced the then UNC Government to make amendments to the proposed legislation.”

So, when one says that the PNM has not done anything to promote integrity in public life and legislation to support integrity in public life, the people in the national community know different. If you want to refer to articles in the newspaper, this is one.

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Mr. Speaker, I want to deal with some of the provisions of the Act. As I was saying before we broke, there is a fundamental flaw in the philosophy of the Integrity in Public Life Act, and that fundamental flaw is that all people who come to public office come with some intent to corrupt or some dishonest intent to steal from the public purse. As I have said before, the effect of that is that it prohibits our best, brightest, most experienced citizens and also our simple honest citizens from coming forward to contribute. When one says that, people like to ask who refuse and then put question to what is being said as if one is making that up. Again, if there is one thing about the written word of history is that it is always there to refer to.

I now refer to an article in the *Sunday Guardian* dated January 08, 2006. This is a call by one of our brightest and honest citizens. The heading is “Scrap Integrity Legislation now”. This is an article by Dr. Terrence Farrell. This was written in the context where Dr. Farrell had declined an offer to join the board of a certain state enterprise. What he pointed out there—this was back in 2006—again, he referred to the unwarranted presumption. I quote from the article where he says: “Why do all these intelligent and well-meaning persons of integrity want to be exempted?”

He pointed out that the first and most fatal flaw is not the requirement to declare one’s assets. He went on to say that the legislation presumes that once a person is in public life that person is likely to be or could be or would be corrupt. He listed a number of flaws that he had seen, which really detracted from him personally offering himself for public service. That was in 2006.

Later, this year—I am talking now about February this year, under the authorship of the same Dr. Terrence Farrell, he writes about revisiting Integrity in Public Life”. In that article he said:

“Since I wrote that article and declined the invitation to sit on the board of Caribbean Airlines, many persons who did accept invitations to sit on State boards have told me that they have rued their decisions to accept appointments, and that my predictions about the impact and deleterious effects on their personal and professional lives of declarations to the Integrity Commission were entirely accurate.

Several of these persons have since resigned, fed up with the harassment by the staff of the Commission seeking to implement a wrong-headed piece of legislation...”

Mr. Speaker, earlier in the contribution of the hon. Member for Diego Martin North/East this afternoon, he gave us his own real life experience. It would appear that the Member for Princes Town North might have been late in coming to this house. It is either that or, again, “stick break in his ears”. That is what our old people would say. The hon. Member for Diego Martin North/East gave us his real life experience of what occurred with him with the Integrity Commission. The Member for Princes Town North, in a way in his contribution, supported what the Member for Diego Martin North/East said. He said that nothing is wrong with the legislation, but it is a question of misinterpretation and misapplication, and it is precisely that, because there has been misinterpretation and misapplication that we are seeking to tighten the language. [*Desk thumping*]

Now, the first point was the question of anonymity. The hon. Member for Princes Town North in his contribution said that once the complaint is in writing, it cannot be anonymous. The hon. Member sought to say theoretically what the Integrity Commission should do if it should get a complaint in writing with no signature. The hon. Member applied his theory to what he thought was real life experience, but from the contribution of the hon. Member for Diego Martin North/East, we saw a classic example of an anonymous complaint being acted upon by the Integrity Commission.

In fact, when the Member for Diego Martin North/East, in his earlier contribution on April 03, 2009 used and referenced the case of Dr. Rowley as one of the reasons for the amendments that was scoffed upon. That was a classic example from the very article referred to by the hon. Member for Princes Town North of a misinterpretation and a misapplication. You read it into the *Hansard*.

Mr. S. Panday: It does not make the law wrong.

Sen. The Hon. B. Annisette-George: Nobody is saying that the law is wrong. What we are saying is that we are tightening the language so that it leaves little room for misinterpretation and misapplication, and we tied that to one of the amendments where we said the Integrity Commission is only exonerated where it has acted in good faith. So, we have tightened the language both in limiting the amount of discretion and room for misinterpretation and misapplication by further saying that it is only if you acted in good faith. So, it rules out bad faith and malfeasance. You are not exonerated in those scenarios.

Now, we are looking particularly at Part V which seems to be the one that is subject to a whole set of scrutiny. Under Part V, we have sought to clarify what would be the complaint mechanism. There is nothing wrong with requiring that the complaint be done on oath, because we have to balance the rights of honest,

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deserving citizens and balance that against what would be a complaint that is founded, that has a basis and one that is serious. So, it is not a question of driving away valid and legitimate complaints. It is a mechanism to limit mischief, frivolous and vexatious complaints and weighing that against the preservation of one's reputation and one's credibility.

The point was also made that it has retained the commission's power to initiate an investigation or an examination on its own initiatives, but it has narrowed that because we have seen in the example given by the hon. Member for Diego Martin North/East that when the commission used its own initiative it was really founded on an anonymous complaint arising out of something that they themselves did not even have an appreciation of what it was. Something was said in the newspaper which was very vague with no foundation, no basis and no support for it, and they acted on that. They had to retreat in the light of questions being asked by the hon. Member for Diego Martin North/East. Thank God it was he. If it were some other ordinary citizen, that person would have been harassed and hounded by the Integrity Commission.

Mr. Speaker, in this, we have asked persons who have made complaints to support their complaints with, where applicable, documentary evidence and that they give particulars of their complaints that are known to them or from time to time the commission would make regulations and they would prescribe other particulars which may be required. Again, that supports the whole balance against making a complaint that is mischievous against a complaint that is a valid one.

We heard a lot of hot air concerning exposing people; a lot of hot air about setting up people for killing and that is without any basis at all. I would have thought that this amendment would have been congratulated on the basis of the amendment provided by clause 15. [*Desk thumping*] The hon. Member for Siparia in her own contribution referred to it; our undertaking under the convention to make provisions for protection for whistle-blowers.

5.20 p.m.

Clause 15 of this Bill, which introduces a new section 42A makes provisions for the protection of employees, who have acted in good faith, on a reasonable basis, on reasonable belief, that they would not be harassed, suspended, disciplined, dismissed or in any way denied a benefit from their employment.

So, one cannot sit here and say that we are not serious about promoting integrity in public life and the integrity in public life legislation. We have provided in this Bill, that the Integrity Commission would be allowed, once a

complaint was filed and it was without any basis, to use its discretion to not go any further, to file and ensue with an examination and an investigation.

Again, the hon. Member for Princes Town North said yes, they already have that discretion, but section 33 says "shall", which we understand to be mandatory. Additionally, actual evidence was given of a letter written by the Integrity Commission saying how they interpret it, whether rightly or wrongly, and as a consequence, how they apply that section 33, by saying that once a complaint was made, it is not a question for them to decide whether to act on it, but that they must act on it.

Therefore, in the interest, not just only of honest, deserving citizens, but also in allowing the Integrity Commission to make efficient and effective use of their resources, we have provided in the draft Bill that they would have a discretion where there is no basis for the complaint to not proceed with examination or an investigation.

Further, Mr. Speaker, we have also provided that where citizens have made a complaint and even though nothing has come out of the complaint, that they would have defence in law against prosecution for having made a false complaint. So, you do not necessarily suffer a penalty for having made a false complaint. You are protected if you can establish that you have acted in good faith and you acted because you have reasonable grounds for suspecting that an offence was committed. Again, the balance, which promotes people coming forward if they have a basis for evidence.

We have also heard a call in the national community for decriminalizing the failure to file complaints, or decriminalizing the filing of late complaints. Again, we have sought to strike a balance in that we feel that it is important to the working of the scheme that there be monitoring, that people should file their declaration, and that there must be some mechanism to ensure that they file and they file in a timely manner.

What we provided is an amendment to section 11 of the Act—that is 11(2)—in that under section 11(2) as it exists the Commission can grant an extension of six months. We have now provided by clause 6(b) that that extension would now be for 12 months, so that one is still compelled to file. It would be still an offence if one does not file, but we felt by giving a little more latitude in the period of extension, it struck the balance between the onerous responsibility and the heavy penalty for failure to file or filing late, by giving to our persons in public life some latitude with a period of 12 months.

Now, we have also taken into account the fact that because the filing and completion of your declarations of income and assets is such a very meticulous and tedious exercise, we have allowed some relief by saying, if the income is under \$10,000 and one has failed to declare income from some source under \$10,000, that would be permitted by the amended legislation.

Again, bringing into account economic realities, we have also provided that as far as gifts, which under section 27 of the Act, if the gift as it currently stands is over \$2,000 one must report the gift. Having regard to the real value of money in 2009, we have extended that to a sum of \$5,000. So, if the gift or the series of gifts from the same source that one has received in a 12-month period exceeds \$5,000, it is only then that you are required to file that with your declaration and make a discloser of that.

In balancing, we have introduced an amendment to section 21 of the Act, by putting a limitation period for prosecution of an offence under the Act. Therefore, if five years have passed after one has left public life and there has been no proceedings instituted against you, proceedings can no longer be introduced, and that is reverting to the provisions in the 1987 Act.

In balancing and in allowing people in public life to bring closure to certain chapters of their lives, the legislation as it now stands provides that you get a Certificate of Compliance after you file your declaration of assets. What has happened is, because very often the Integrity Commission is overburdened by the number of declarations it has to process, years passed without people having received, with respect to any particular year, the Certificate of Compliance.

Therefore, to bring some sort of closure to that, what we provided in the legislation is that if within an 18-month period of having filed, no further information or particulars are requested from you, and if no investigation has begun against you, it would be deemed that you would have complied with the requirements, that you filed a satisfactory declaration, and that a declaration has been fully made in accordance with the law, and therefore, even in the absence of having received a Certificate of Compliance, you would have deemed to have complied and fulfilled the requirements of the legislation.

So, what we are really seeking to do is to bring balance, to encourage our deserving citizens, the majority of whom are honest citizens. We are also trying to rectify the mistaken philosophy that you are filing declaration for declaration sake, and that this legislation exists just as an ends in itself. It is intended where there is corruption, to capture corruption.

Mr. Speaker: Sorry to interrupt you. Hon. Members, the speaking time of the hon. Attorney General has expired.

Motion made, That the hon. Attorney General's speaking time be extended by 30 minutes. [*Hon. C. Imbert*]

Question put and agreed to.

Sen. The Hon. B. Annisette-George: I thank you, Mr. Speaker. As I said, what we are trying to do is to achieve the balance that corruption—while we do not support corruption, we want to nip corruption in the bud. We do not accept that philosophy that our best, our most deserving, are naturally and inherently dishonest people.

I also want to deal with the point made with respect to fine and penalty for if one made a false allegation against a person in public life. Yes, I would say that the legislation provides that there is a fine of \$500,000 or five years imprisonment. While some may say that that is onerous, it is a question again, of balancing and preventing persons who want to be mischievous and vexatious from without a foundation, throwing very reckless allegations against people. It is intended to be a deterrent and rightfully a deterrent.

The fact that it is a declaration and one would also be exposed to the provisions of the Perjury Act, shows the seriousness with which we view an unfounded allegation done in bad faith, a mischievous allegation, a frivolous allegation. I think, having regard to many mischievous statements that are made in this society—and the hon. Member for Couva North made the point, where he said he wanted certain provisions of legislation to apply in here, and he is correct, because very often, we ourselves use the privilege of Parliament in a manner that inflicts pain and damage to the reputation of our citizens.

Mr. Imbert: He said that?

Sen. The Hon. B. Annisette-George: "Yeah", Mr. Panday said that just now.

Mr. Imbert: When?

Sen. The Hon. B. Annisette-George: When, when—[*Interruption*] No, no, well, that was yesterday, that was not today.

5.35 p.m.

Mr. Speaker, we have taken a very holistic view of the complaints mechanism, and tried to improve it and tighten it to ensure that we would bring some measure of comfort to our citizens, that they do not see the integrity in public life legislation as

some sort of draconian act that would make them shy away, not because they are dishonest, but make them shy away because they feel they are going to be harassed, that they are going to be abused, that they are going to be persecuted, that they are going to be subject to *mauvais langue* in our society unjustifiably. I think that all of those concerns that the members of the national community have and harbour about this legislation are founded and that is what motivates us to make the amendments that we have proposed here.

“A person appointed is found to be of unsound mind or is incapable of carrying out his duties, is found to be bankrupt, he is convicted of an offence which brings his office into disrepute, he is guilty of misconduct in relation to his affairs, he misbehaves in public office.”

Or there have been instances where, because the Act captures your dependent children and you may have a dependent child who is over the age of 18 years, who may be abroad at school, who may in the course of an academic year pick up a little grant here, a little bursary there, and you really do not know the details but you are required to bring that into account.

You are also required to bring into account things that are there in the public domain, for instance, shares that are traded publicly and are public knowledge. You are required to say what is the increase in the value of the shares, when you would have provided information to show that your shareholding, your actual units—your actual number of shares have not changed and you are required to give down to the cent the changes of that, and it is in the public domain the value of your shares.

So, we sought to bring again some regularisation to that by what we have done in section 13(4) which was defected by clause 8 of the Bill. We have also provided for publications to be not just limited to the *Gazette*, we have also provided for publications to be also done in a newspaper in daily circulation, and that refers to section 18 of the Act which when there is a finding of a tribunal that a person has in fact made full disclosure after an enquiry this is published in the *Gazette*. We feel because the *Gazette* is not in general and popular circulation, the fact that someone would have been subject to an enquiry that would have received great attention in the public domain and great exposure, the fact that someone would be subsequently and has subsequently exonerated the Commission should be compelled to ensure that a similar amount of highlight is given to that and therefore we have included that in addition to publication in the *Gazette* there should be publication in the newspaper.

The other editorial change, as I have said, Mr. Speaker, is section 27 and this is in clause 11 and this affects the value of the gifts moving from \$2,000 to \$5,000. All that has been said by Members opposite with respect to the amendments to the Integrity in Public Life Act, all that has been said about its ills, all of that is unfounded, it is without any basis, without any foundation and it is totally rejected by Members on this side. I want to reiterate that we on this side are totally committed to integrity in public life, and in fact every Member on this side without exception could say that the hon. Member for San Fernando East, the Prime Minister of Trinidad and Tobago and our political leader [*Interruption*] reiterates and emphasizes to us all that when it comes to the question of our integrity, that our integrity is supreme and if any one of us is challenged on our integrity we stand alone.

Our political leader, the hon. Member for San Fernando East—if my recollection serves me well—has said that in many a public fora and has said it applies to every Minister of Government without exception, including the hon. Minister of Local Government.

Mrs. Nunez-Tesheira: That is right!

Sen. The Hon. B. Annisette-George: And that has been said in public fora.

I want to close by quoting from Shakespeare—and you see the Member for Couva North in another incarnation most probably would have played this part.

Mr. Imbert: What is that?

Sen. The Hon. B. Annisette-George: This is from Othello: “Who steals my purse steals trash...”

Mr. B. Panday: “Who steals my purse steals trash; who steals my good name steals that which not enriches him...”

Hon. Member: “Aye, aye.” [*Desk thumping*]

Mrs. Nunez-Tesheira: I have to give you a clap for that, I could see you are thespian.

Sen. The Hon. B. Annisette-George: Mr. Speaker, I have heard about his skills in the theatre and we have seen it here today. [*Interruption*] I thank you and you are correct. [*Laughter*] You are correct!

"Good name in man and woman, dear my lord,

Is the immediate jewel of their souls.

Integrity In Public Life (Amdt.) Bill
[SEN. THE HON. B. ANNISSETTE-GEORGE]

Friday, May 01, 2009

Who steals my purse steals trash; 'tis something, nothing;
'Twas mine, 'tis his, and has been slave to thousands;
But he that filches from me my good name
Robs me of that which not enriches him,
and makes me poor indeed."

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

Dr. Tim Gopeesingh (*Caroni East*): Mr. Speaker, after that closing quotation from Shakespeare by the hon. Attorney General ably assisted by the Leader of the Opposition who knows it ad verbatim and in fact quotes from Shakespeare regularly, [*Interruption*] you could see the character of training and ability of the Leader of the Opposition. [*Interruption*]

What we witnessed here this afternoon at around 3.30 p.m. shows once more the continuing incompetence of this Government and the bungling of this Government. [*Interruption*]

Mr. Speaker: Order!

Dr. T. Gopeesingh: They seem not to be able to put their house in order at anytime. [*Interruption*] We had been on recess from this House from since April 03, 2009 almost a month, and to come here today for the Government to push down on us as Members of the House of Representatives, an august body, and dictatorially tell us that we want to suspend the House at 3.30 p.m., it shows contempt, disgrace and a malevolent attitude towards this august House. [*Desk thumping*]

It is disgraceful behaviour by a Government that seems intent on continuing with its charade and dictatorial tendencies on a daily basis. [*Crosstalk*] It is very sad.

Mr. Speaker: Order!

Dr. T. Gopeesingh: Not to even have the courtesy of telling us. The Government Chief Whip could have easily gotten up and said, "Well, Mr. Speaker, I would like to suspend this House for so and so reason." Then we would have heard what the reason was and we would have decided whether to support them if it was important. [*Interruption*] But for them to unilaterally just go and tell this House—

Mr. Imbert: It is the Speaker's fault.

Dr. T. Gopeesingh: It is not the Speaker's fault, it is your fault. You have been bungling and the Speaker cannot do anything about it.

Hon. Member: It is your fault.

Dr. T. Gopeesingh: The Speaker cannot do anything about it, but that is what I had to say on that issue. It was Thomas B. Macaulay, a 19th Century poet—

Mr. B. Panday: Oh yes, this House is degenerating to literature. [*Crosstalk*]

Dr. T. Gopeesingh: He was a historian and a Member of Parliament who said:

“The measure of a man's character is what he would do if he knew he would never be found out.”

This Government seems to have been intent on the philosophical approach that it would never be found out. [*Interruption*]

Mr. Speaker: Order!

Dr. T. Gopeesingh: This seems to have been proliferated from since when they took over in the 1950s to now; 43 years out of the 54 years from since 1956.

What we are witnessing today with this Bill is a demonstration of the mass hypocrisy of this Government. [*Desk thumping*] Their main intent is to stifle the words and the feelings of citizens of Trinidad and Tobago who see when corruption takes place and they are frightening and scaring them from even attempting to file a complaint before the Integrity Commission. That is what their main intent is.

It is not a matter of the Integrity Commission members being appointed or not being appointed at all, it is a matter for this Government, what they are trying to do is to mash up the entire Integrity Commission, they do not want it whatsoever. [*Desk thumping*] They do not want their people who are in top positions on state boards, state enterprises, statutory authorities and special purpose companies to undergo the scrutiny of an independent body. They want all of these state enterprises, all the chairmen and members of boards of these state enterprises to go free, spend state money and do not have to account for it whatsoever.

Hon. Member: Correct. [*Desk thumping*]

Mr. Ramnath: They also want the Presidency.

Dr. T. Gopeesingh: "Yeah." Mr. Speaker, this PNM corruption for 43 years out of the 54 years of governance has caused severe and serious damage to Trinidad and Tobago. They have eroded almost every aspect of life in this

country. The social and economic development has been held back by the PNM's corruption. The political life is poisoned by corruption and even the rule of law is undermined by PNM's corruption and the country's reputation is damaged tremendously and we could see from the corruption perception index of 2001 when we were ranked number 32, we are now ranked a low level of 79 in 2007.

5.50 p.m.

Mr. Speaker, we heard from the hon. Member for Diego Martin North/East this afternoon and the last occasion, when he said that Trinidad and Tobago should be focusing on unjust enrichment and there should be soundness in public life, there should be public confidence and integrity of Government and even-handedness and fair play. This is an hon. Minister of Government who has been saying and bringing about a point that there have been unanimous people who have been making complaints to the Integrity Commission and this should not continue. So therefore, they want to stifle any complaint whatsoever. But this afternoon want to, I tell the hon. Member for Diego Martin North/East that there have been many salient complaints and factual complaints that have reached the Integrity Commission, for which nothing has been done as yet. And it seem as though this Government is afraid of any complaint that is being brought before the Integrity Commission because they know their hand in the pie and the Treasury is being raided on a daily basis.

I want to indicate that in July 2008, the hon. Prime Minister gave a commitment to investigate anyone who has been accused of wrongdoing within his party and I quote what he said.

"Any allegation that is made will be investigated. We will issue the appropriate enquiry. "

Mr. Speaker, I want the honourable House today, to note and to be aware of a legitimate claim made by a member of the public, who was not afraid to name himself as making a report or a complaint to the Integrity Commission. And just like the Member for Diego Martin North/East quoted and read something into *Hansard*, I want to read a letter into *Hansard* today, dated August 16, 2007, written to the Integrity Commission. It is written to Mr. Martin Farrell, acting Registrar, Integrity Commission.

"Dear Mr. Farrell,

I am the Executive Chairman of NH International (Caribbean) Limited (NHIC). NHIC was contracted to Colm Imbert's company, ICS (Grenada) Limited

(Imbert) to substantially construct the Grenada National Stadium in 1997. The contract was wrongfully terminated by Imbert in October 1999, which resulted in the filing of a lawsuit No. 3400 of 1999 by NHIC, as well as International Arbitration proceedings.

NHIC was ultimately successful in all the subsequent High Court and Appeal Court matters to date, and in the International Arbitration proceedings arising out of which they obtained a substantial Award, later confirmed as a judgement of the High Court.

In the ongoing Court Case No. 3400 of 1999, affidavits were sworn to by various parties and these are all a matter of public record. Copies of all relevant documents are available from our Attorneys, Messrs. Byrne and Byrne.

Within those sworn affidavits, and in the documentary records of the now completed Arbitration proceedings, there is an undisputed admission by Clico Investment Bank (CIB), the financiers of the project, that Imbert had drawn down approximately US \$6 million out of the project funds for his personal use, as at the date of wrongful termination in October 1999." *[Interruption]*

Mr. Ramnath: I do not believe that.

Dr. T. Gopeesingh: "These funds were transferred in US dollars from CIB to a bank account controlled by Imbert. The paper trail and the ultimate destination, distribution and use of these funds from CIB to Imbert's bank accounts, are easily available to any lawful authority.

From my personal knowledge of the project, I am of the view that only a relatively small portion of that US \$6 million received by Imbert was expended directly on the actual construction work on the project as at October 1999.

If Imbert did not declare all or any part of the surplus he received, and the interest or investment income thereon, either to the Inland Revenue of Trinidad and Tobago or on his annual declarations to the Integrity Commission after 1997"—*[Interruption]*

Mr. Imbert: On a point of order. *[Crosstalk]*

Dr. T. Gopeesingh:—"then it would be a serious criminal breach of the laws." *[Crosstalk]*

Mr. Imbert: Mr. Speaker, on a point of order. *[Crosstalk]* Point of order!

Mr. Speaker: Order! Sit down, please!

Mr. Imbert: Mr. Speaker, Standing Order 36(5), the Member is imputing improper motives to me. [*Crosstalk*]

Mr. Speaker: Hon. Members, as long as I am here, let me do the ruling. If any one of you wants to take the seat, well there is a process to do that.

Hon. Member for Caroni East, I notice that you are referring to Imbert, but the letter originally spoke about Imbert Construction Company, and then hereinafter refer to as Imbert?

Dr. T. Gopeesingh: Yes.

Mr. Speaker: Is that what you are saying?

Dr. T. Gopeesingh: That is in the letter.

Mr. Speaker: But the contract is between Imbert Construction Company and the NHIC?

Dr. T. Gopeesingh: Yes.

Mr. Speaker: And then you said in the letter as quoted, "hereinafter refer to as Imbert", is that correct?

Dr. T. Gopeesingh: The letter has Imbert in bracket.

Mr. Imbert: No, that is not what he said.

Mr. Speaker: No, no. Yes, I think that is what I understood. The contract was between NHIC and Imbert Construction Company from the letter, and you said the letter went on to say "hereinafter refer to as Imbert".

Dr. T. Gopeesingh: Yes.

Mr. Speaker: Okay.

Mr. Imbert: He did not say that.

Mr. Speaker: No, I think he said that.

Mr. Imbert: He did not say that.

Mr. Speaker: Could you read it again, please?

Mr. Imbert: Yes, read that again.

Dr. T. Gopeesingh: "NHIC was contracted to Colm Imbert's company, ICS (Grenada) Limited (Imbert) to substantially construct the Grenada National Stadium."

Mr. Speaker: Yes. The contract was between NHIC and the company, and in the letter, the author of the letter said when he was writing the Integrity Commission, "hereafter refer to as Imbert".

Mr. Imbert: He did not say that.

Mr. Speaker: Yes.

Mr. Imbert: No.

Mr. Speaker: Read it again for the benefit of the Member.

Mr. S. Panday: I tell you he really duncy.

Dr. T. Gopeesingh: "I am the Executive Chairman of NH International (Caribbean) Limited (NHIC). NHIC was contracted to Colm Imbert's company ICS (Grenada) Limited (Imbert) to substantially construct the Grenada National Stadium in 1997".

Dr. Moonilal: Correct him.

Mr. Speaker: That is what I understood it to mean. I see the difficulty is in the author of the letter saying, "hereinafter refer to as Imbert", so in reading the letter as the author has written it, "(Imbert)", obviously the Member would think it is him in his personal capacity. So perhaps—

Dr. T. Gopeesingh: Imbert Construction Company.

Mr. Speaker: Yes.

Dr. T. Gopeesingh: But I am just reading the letter and I will tender this letter for the House.

Dr. Moonilal: Yes, give everybody a copy. [*Interruption*] Read it slow and loud for him.

Dr. T. Gopeesingh: "CIBC was forced to transfer the equivalent of these funds as they claim that the High Court proceedings to have already disbursed these injuncted funds to Imbert..."

That is the letter.

"after the wrongful termination, and in apparent defiance of the High Court injunction obtained in the 1999 matter."

If this is so, then it would be important to establish whether the 2004 transfer of funds to UTC was a loan to Mr. Imbert, or whether any unreported surplus funds previously held by Imbert—

Mr. Imbert: Misquoting

Mr. Speaker: Yes, you see—

Mr. Imbert: Misquoting the letter

Mr. Speaker: No, I do not know if he is misquoting. No! Order, please! I do not know if he is misquoting the letter. But all—I know—I am saying that if somebody has said something there in a letter that offends the rules, you cannot repeat it. I took the point earlier on about Imbert Construction Company hereinafter called Imbert, so that is all right, but you cannot refer to Mr. Imbert in the context in which you—although it is in the letter, you cannot do it.

Mr. S. Panday: Although you get the money.

Dr. T. Gopeesingh: I understand what you are saying, Mr. Speaker. I would not labour that point. Everybody knows who Grenada Construction Company is and everybody knows who NHIC and the amount of US \$6 million [*Desk thumping*] that was put into an account and this letter now states:

"Because of the gravity and urgency of this matter, and based on the advice of my attorneys, I would be grateful if under section 32 of the Integrity in Public Life Act, you could investigate this breach of law in a timely manner.

Yours faithfully

Emile Elias"

Mr. S. Panday: That is not anonymous.

Dr. T. Gopeesingh: This is not an anonymous letter that was sent to the Integrity Commission.

Mr. S. Panday: Why did you not read that one today?

Dr. T. Gopeesingh: Mr. Speaker, this is a letter that indicated that—[*Interruption*]

Mr. Imbert: [*Inaudible*]

Mr. Speaker: Hon. Members for Diego Martin North/East and Princes Town North—

Mr. S. Panday: I apologize, Mr. Speaker.

Mr. Speaker: I want to hear what the letter says and if you all are interrupting, I cannot hear it and some of your colleagues cannot either.

Mr. S. Panday: He does not want to hear it, Mr. Speaker. I will behave myself, so you can hear it.

Dr. T. Gopeesingh: So Mr. Speaker, that letter was written on August 20, 2007 to the Integrity Commission by Mr. Emile Elias, and that letter was copied on August 20, 2007, via hand delivery to the hon. Patrick Manning, Prime Minister of Trinidad and Tobago. This letter is dated August 20, 2007 and it says:

"Dear Prime Minister,

I feel it is my duty to keep you fully apprised with respect to a pending investigation by the Integrity Commission"—[*Interruption*]

Ms. Kangaloo: It is apprised.

Dr. T. Gopeesingh: Or apprised—"under section 32 of the Integrity in Public Life Act regarding Colm Imbert.

Attached is a letter I sent to the Integrity Commission in that regard.

If an investigation reveals a breach of the Act, the consequences would be extremely serious.

Yours faithfully

Emile Elias"

Dr. Moonilal: You are the bionic man.

Dr. T. Gopeesingh: So, Mr. Speaker, what we have here is letter sent to the Integrity Commission indicating that US \$6 million was transferred to an account of the owner of ICS (Grenada) Limited for the construction of Grenada International Stadium, and a copy of this letter was sent to the hon. Prime Minister on August 20, four days after.

The hon. Prime Minister knew that one of his Ministers was sent to the Integrity Commission on a US \$6 million account, and he did nothing about it.

Mr. Imbert: Mr. Speaker! Come on.

Mr. Speaker: No, listen. There is a difference in law as you well know as a student of law between an individual and a company, so you cannot say the Minister was sent. The company—

Dr. T. Gopeesingh: Mr. Speaker, I want to ask if under this Act, did Mr. Ellis swear to an affidavit? And if now you want to change this Act and make sure that he has to swear to an affiliate, I am sure he will swear to an affidavit again

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[DR. GOPEESINGH]

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because he believes—So whatever you do, whether you want to stifle people, whether you want to stifle people from laying complaints—

Mr. Speaker: Order!

Dr. T. Gopeesingh:—under the Integrity in Public Life Act, there are people brave enough, there are people comfortable enough that they have the relevant information and appropriate information, so they feel comfort to be able to lay these claims.

6.05 p.m.

What this Government wants to do is to shut off everybody, but I am sure you will not be able to shut off Emile Elias. Do you know what he wants him to do? He wants him to refile that. With the present Bill, the Government wants everybody who has filed complaints to the Integrity Commission to refile under a statutory thing, to swear to an affidavit. I am sure that there are many people who will not be afraid. There are people who are brave. I have filed things in the Integrity Commission against one of your colleagues, the Minister of Health, and I got a response. On the Trinre issue, I got response from the Integrity Commission they have investigating the matter. I got a response from the Director of Public Prosecutions awaiting the response from the Integrity Commission for them to decide what to do in the future.

We are not afraid, no matter how much you want to stifle people in Trinidad and Tobago for laying complaints. You want to shut up this country; you want to hush up everybody, so that nobody must lay a complaint against any one of your people, your party hacks and stooges and persons holding chairmen of boards all over the country, you want them not to go under the Integrity Commission. Nobody will stop the people; the people have a right to speak. [*Desk thumping*]

There seems to have been an invisible hand somewhere that seemed to have stopped the Integrity Commission from performing its duty at that time. This letter was written on August 20, 2007. We are asking questions. Whose invisible hand went to the Integrity Commission and stopped the probe. Is it Kamla's hand? We have to ask; we are asking. This letter was sent to the hon. Prime Minister. Whose invisible hand stopped the probe for one of his boys, while for one of his other boys he hurriedly sent to the Integrity Commission and made a faux pas of that? He hurriedly sent one of his other boys to the Integrity Commission, who he did not want with him. [*Interruption*]

Mr. Speaker: I think what you are saying can be interpreted as imputing improper motives against the Member for San Fernando East, so be careful.

Dr. T. Gopeesingh: Okay, Mr. Speaker; I am guided by your years of experience and integrity, as always.

On January 15, 2009, it seems as though the Integrity Commission had written back to Emile Elias, NHIC, to provide certain information which was required in the assessment of the complaint of the US \$6 million.

Mr. Ramnath: The \$6 million man!

Dr. T. Gopeesingh: The letter was written:

"January 15th 2009.

Office of the Integrity Commission.

4th Floor..."

Emile Elias and Company responded:

"For the attention of: Mr. Martin Farrell —Registrar

Dear Sirs,

We refer to previous correspondence including, in particular, your letter of 14th July, 2008.

On the instructions of our client, and in response to your requests contained in the referenced letter, we enclose herewith copies of the following documents and materials:

1. The affidavits of Mr. Emile Elias sworn on 5th November 1999 and 6th September 2002 respectively in High Court Action No. 3400 of 1999 between NH International (Caribbean) Limited and Clico Investment Bank Limited, ICS (Grenada) Limited and National Stadium Project (Grenada) Corporation ('the said action') together with attachments;
2. The affidavits of Mr. Colm Imbert sworn on 16th November 1999, (two) and 14th October 2002 respectively in the said action with attachments.
3. A statement of Mr. Emile Elias made on 21st November 2007;
4. The articles of incorporation of National Stadium Project (Grenada) Corporation and ICS (Grenada) Limited;

5. A private faxed communication which we are instructed was sent by Mr. Colm Imbert to Mr. Emile Elias on 5th August 1999;..."

I will not read the entire letter, but I will tender these letters to the House for entry into the records and for whatever the House deems fit.

The letter continues:

"We are instructed direct you in particular to

- (a) the private faxed communication which refers to a 'Finder's Fee/Service Fee' of EC \$2,000,000.00
- (b) paragraph 24 of the affidavit of Mr. Emile Elias sworn on 5th November 1999 which refers to Clico Investment Bank Limited's assertion that as at 2nd June 1999 approximately US \$18,000,000.00 out of an available fund of US \$23,000,000.00 had been disbursed to or on the instructions of National Stadium Project (Grenada) Corporation and ICS (Grenada) Limited..."

Mr. Speaker, I just want to reread that paragraph:

- “(b) paragraph 24 of the affidavit of Mr. Emile Elias sworn on 5th November 1999 which refers to Clico Investment Bank Limited's assertion that as at 2nd June 1999 approximately US \$18,000,000.00 out of an available fund of US \$23,000,000.00 had been disbursed to or on the instructions of National Stadium Project (Grenada) Corporation and ICS (Grenada) Limited (companies beneficially owned by Mr. Colm Imbert) in connection with construction of sporting facilities at Queen's Park, Grenada ('the Project'); and
- (c) paragraph 13 of the affidavit of Mr. Emile Elias sworn on 6th September 2003 which confirms that the sum of US \$11,960,294.21 only had been paid to NH International Caribbean (Limited), the contractor engaged for the Project.”

This is saying that US \$18 million had been paid to the company from the Grenada Corporation and \$11.96 million had been paid to NH International, so approximately \$6 million went somewhere else. [*Crosstalk*]

“Please note that the said action has not yet come up for trial.

Our client is willing to meet with you...”—that is the Integrity Commission—
“and/or any investigators appointed by you to point out those further parts of the enclosed material which he says, both individually and collectively, point

to a possible breach of both the 1987 Integrity in Public Life Act and the Integrity in Public Life Act Chap. 22:01 by Mr. Imbert.

We look forward to hearing from you.

Yours faithfully.

Byrne & Byrne...

Attorney at law”

Mr. Speaker, I will like to tender these letters [*Laughter*] to the House for evidence of which I have.

Mr. S. Panday: And mark "TM1". [*Laughter*] [*Crosstalk*]

[*Documents handed to Mr. Speaker*]

Dr. T. Gopeesingh: The Integrity Commission responded on January 20, 2009; that is this year. They wrote:

"Byrne & Byrne

Attorneys-at-Law

77 Abercromby Street

Port of Spain.

Dear Mr. Byrne,

I hereby acknowledge receipt of your letter dated January 15, 2009, with its attachments, the contents of which will be brought to the attention of the Integrity Commission.

Yours faithfully

Martin Farrell

Registrar

Integrity Commission"

I will like to tender this as well. [*Document handed to Mr. Speaker*]

Mr. Speaker: Hon. Member, I know you are studying law, but until such time as you are admitted to practise, you cannot sit on the Opposition Benches and tender anything to the House. [*Laughter*] I urge you to continue your studies. You will be able to do it, but not necessarily in this place. [*Laughter*] [*Documents handed to Dr. Rafeeq*]

Dr. T. Gopeesingh: I was just reading it for the House records, for anybody who wants to see it.

Mr. Speaker, the attorneys-at-law, Byrne & Byrne wrote the Integrity Commission on February 06, subsequent to that last letter. The letter says:

"For the attention of Mr. Martin Farrell—Registrar

Dear Sirs.

We refer to previous correspondence ending with ours of 15th January 2009 and your acknowledgement of receipt dated January 2009."

Mr. S. Panday: This is not anonymous, you know!

Dr. T. Gopeesingh: This not an anonymous letter; these are not anonymous letters. This is from Mr. Emile Elias and attorneys-at-law submitting correspondence to the Integrity Commission.

"We confirm that following our referenced letter we met with a representative of the Office of the Integrity Commission at the request of Mr. Virgil Wellington for the purpose of tabbing the documentation accompanying our letter so as to render its constituent parts more readily identifiable."

So there is correspondence between the attorneys for Emile Elias and the Integrity Commission. The attorneys are assisting the Integrity Commission in identifying the relevant documentation to corroborate their complaint. I am giving substantial evidence.

This is not an anonymous letter, so whatever they try to do in stifling whatever legislation they try to bring to stifle person's reporting incidents like this to the Integrity Commission, they will be surprised. There are persons who have the testicular fortitude to do whatever they do which they think is right. [*Desk thumping*]

The letter continues:

"Our client will now be grateful for your urgent confirmation that the Commission has resumed investigations into our client's complaint that Mr. Colm Imbert may have breached both the 1987 Integrity in Public Life Act and the Integrity in Public Life Act, Chap. 22:01." [*Interruption*]

Mr. Speaker: You cannot refer to Mr. Colm Imbert; it is a company. Remember I had earlier indicated to you that it was a company, so whilst the letter may have Mr. Colm Imbert, when you are saying it, you must refer to it as the company.

Mr. S. Panday: "But we will know it is he you talking about!"

Dr. T. Gopeesingh: If they succeed in passing this Bill this evening, or the next occasion when we meet, based on what they want, from the construction of the persons who wrote these letters to the Integrity Commission, would they have to resubmit them? This is what they are trying to do, to frustrate the efforts of persons, to undermine confidence in the Integrity in Public Life Act. [*Desk thumping*]

It seems as though this is a deliberate effort and a ploy on their part to ensure that persons are frustrated in their efforts to report things to the Integrity Commission. [*Crosstalk*]

The next letter, February 09, 2009, was addressed from the Registrar of the Integrity Commission to Byrne & Byrne:

“Attention: Mr. Adrian Byrne

Dear Sir,

I hereby acknowledge receipt of your letter dated February 06, 2009, the contents of which will be brought to the attention of the Integrity Commission on its installation.

Yours faithfully

Martin Farrell”

Well, now that the Integrity Commission members have been appointed, we hope that they will move expeditiously in determining this issue that has been sent to them with all the relevant documentation.

Mr. Speaker, do you know what is very surprising—well, not surprising at all—I want to quote from an article, a letter of September 14, 2008 from the *Guardian*. The headline reads:

"Imbert failed to declare US \$6 million"

Mr. S. Panday: “Not de company, yuh know, you!”

Dr. T. Gopeesingh: This is the newspaper, an article written by Gail Alexander. [*Interruption*]

Mr. Imbert: Mr. Speaker, this is becoming tedious. Standing Order 36(5), he is constantly accusing me of all sorts of improper practices; it is becoming tedious.

Mr. S. Panday: "Do so eh like so!"

Dr. T. Gopeesingh: Mr. Speaker, I just want to read one little part of the letter:

"A complaint has been made against Leader of Government Business in the House, Colm Imbert, that he collected US \$6 million which he did not declare to the Integrity Commission."

Hon. Member: Wow!

Dr. T. Gopeesingh: "UNC Chief Whip, Ramesh Lawrence Maharaj SC made the allegation while speaking..." [*Interruption*]

Mr. Imbert: Mr. Speaker—[*Interruption*]

Mr. Speaker: You are reading a letter—

Dr. T. Gopeesingh: This is not a letter; this is from the newspapers.

Mr. Speaker: Again, while they may have—

Dr. T. Gopeesingh: It is a public document.

Mr. Speaker: I am still saying that you cannot read something, wherever it comes from, whether it is from a lawyer or Mr. Elias or from the press, that imputes improper motives to him.

Dr. T. Gopeesingh: I am not imputing; I am just quoting from the newspaper article which is published for public consumption. [*Crosstalk*]

The letter states:

"Maharaj had asked Imbert across the floor whether the claim was true or false. Imbert had said then that it was false. And contacted yesterday..."—that is, the newspaper article by Gail Alexander—"Imbert dismissed Maharaj' claim as garbage he said."

This today shows that what was said was not garbage. Therefore, what he said was garbage at that time—[*Interruption*]

Mr. Imbert: Standing Order 43(2); I am asking you to invoke Standing Order 43(2). [*Crosstalk*]

Mr. Speaker: Order!

Dr. T. Gopeesingh: I am finished; I am moving on.

Mr. Speaker: Can I have your assurance. I will implore the Member to withdraw. He has moved that I have warned you a couple times not to do it and you continue to do it; at this point I could put it to a vote. [*Crosstalk*] Order, please!

Mr. Ramnath: [*Inaudible*]

Mr. Speaker: Member for Couva South, please! You are giving an assurance that you will not transgress the—

Dr. T. Gopeesingh: I rest that matter.

Mr. Speaker: You are giving an undertaking to the House that you are not going to transgress the Standing Orders? I am imploring the Member to take the undertaking as given.

6.20 p.m.

Dr. T. Gopeesingh: I give you that assurance, I have rested my case.

Mr. S. Panday: He does call people “dotish”.

Mr. Speaker: Please! [*Crosstalk*]

Mr. Imbert: Mr. Speaker, in accordance with Standing Order No. 43(2), I move that the Member be no longer heard. [*Desk thumping*] [*Crosstalk*]

Mr. Speaker: Hon. Members, in accordance with Standing Order No. 43(2), the hon. Member for Diego Martin North/East has moved that the hon. Member for Caroni East be no longer heard.

Question proposed.

The House divided: Ayes 21 Noes 12

AYES

Imbert, Hon. C.

Nunez-Tesheira, Hon. K.

Kangaloo, Hon. C.

Dumas, Hon. R.

Ross, Hon. J.

Taylor, Hon. P.

Swaratsingh, Hon. K.

Beckles, Miss P.

Mc Donald, Hon. M.

Le Gendre, Hon. E.

Browne, Hon. Dr. A.
Callender, Hon. S.
Cox, Hon. D.
Hospedales, Hon. A.
Hypolite, N.
Roberts, A.
Sinanan Ojah-Maharaj, Mrs. I.
Hunt, Hon. G.
Abdul-Hamid, Hon. M.
Parsanlal, Hon. N.
Regrello, J.
NOES
Rafeeq, Dr. H.
Panday, B.
Ramnath, K.
Moonilal, Dr. R.
Gopeesingh, Dr. T.
Bharath, V.
Panday, S.
Panday, Miss M.
Sharma, C.
Persad-Bissessar, Mrs. K.
Partap, H.
Baksh, N.

Question agreed to.

Mr. Speaker: Hon. Members, the result—[*Interruption*] I can still put Members out even at this stage.

Mr. Ramnath: We would love to go.

Mr. Speaker: Shortly.

Hon. Members, the result of the division is 21 Members voted for the Motion, 12 against and there were no abstentions.

ADJOURNMENT

Motion made and question proposed, That this House do now adjourn to Monday, May 04 at 1.30 p.m. [*Hon. C. Imbert*]

Mr. Speaker: Are there any Motions?

[*Crosstalk*] [*Interruption*] Order! Order!

ARRANGEMENT OF BUSINESS

Mr. Speaker: Before we adjourn, we have to revisit the introduction of Bills. Please proceed.

ELECTIONS AND BOUNDARIES COMMISSION (LOCAL GOVERNMENT AND THE TOBAGO HOUSE OF ASSEMBLY) (VALIDATION OF THE NINTH REPORT OF THE ELECTIONS AND BOUNDARIES COMMISSION) BILL

Bill to validate the Ninth Report of the Elections and Boundaries Commission on the boundaries of the electoral districts in the electoral area for Tobago under the Elections and Boundaries Commission (Local Government and Tobago House of Assembly) Act, Chap. 25:50 [*The Minister of Works and Transport*]; read the first time.

SECURITIES BILL

A Bill to provide protection to investors from unfair, improper or fraudulent practices; foster fair and efficient capital markets and confidence in the capital markets in Trinidad and Tobago and to reduce systemic risk; to co-operate with other jurisdictions in the development of fair and efficient capital markets, and for other related matters [*The Minister of Finance*]; read the first time.

Question put and agreed to.

House adjourned accordingly.

Adjourned at 6.26 p.m.