

Leave of Absence

Friday, May 14, 1999

HOUSE OF REPRESENTATIVES

Friday, May 14, 1999

The House met at 1.30 p.m.

PRAYERS

[MR. DEPUTY SPEAKER *in the Chair*]

LEAVE OF ABSENCE

Mr. Deputy Speaker: Hon. Members, the following Members have sought and obtained leave of absence from today's sitting: The Speaker, the hon. Hector McClean; the Member for St. Augustine; the Member for Diego Martin West; and the Member for St. Ann's East.

REGIONAL HEALTH AUTHORITIES (AMDT.) BILL

Bill to amend the Regional Health Authorities Act, 1994, brought from the Senate [*The Minister of Health*]: read the first time.

PAPERS LAID

1. Report of the Auditor General on the accounts of the Deposit Insurance Corporation for the year ended September 30, 1998. [*The Attorney General (Hon. Ramesh Lawrence Maharaj)*]
To be referred to the Public Accounts(Enterprises) Committee
2. The Botanic Gardens (Amdt.) Regulations, 1999. [*Hon. R. L. Maharaj*]
3. The National Insurance (Harmonisation of Pension Fund Plans) (Amdt.) Regulations, 1999. [*Hon. R. L. Maharaj*]
4. Financial Statements of University Students Guarantee Fund as at December 31, 1997. [*Hon. R. L. Maharaj*]

ORAL ANSWERS TO QUESTIONS

The following question stood on the Order Paper in the name of Mr. Fitzgerald Hinds (Laventille East/Morvant):

**Industrial Relations Act
(Prosecution of Teachers)**

51. Mr. Fitzgerald Hinds (*Laventille East/Morvant*) asked the Minister of Education:-
 - (a) Would the Minister indicate whether it is his intention to have teachers who did not report on Monday April 19, 1999 prosecuted under the Industrial Relations Act?

- (b) If the answer to (a) is in the affirmative, could the Minister state the specific charge(s) for which the consent or authority to prosecute is being sought from the DPP in accordance with Section 78 of the said Industrial Relations Act?
- (c) Could the Minister indicate whether any names of teachers have been sent to the DPP for the purpose outlined at (b)?
- (d) Would the Minister indicate the present status as regards possible prosecution?

The Attorney General (Hon. Ramesh Lawrence Maharaj): Mr. Deputy Speaker, may I indicate that the Government would be answering all the questions, with the exception of question 51. May I request that question 51 be deferred for one week.

Question, by leave, deferred.

**Unemployment Relief Programme
Point Fortin Borough Corporation**

- 49.** Mr. Kenneth Valley on behalf of Mr. Hedwige Bereaux (*La Brea*) asked the Minister of Local Government:-
- (a) Would the Minister state the names, qualifications, job positions and responsibilities of all staff selected to administer, manage and implement the Unemployment Relief Programme in the Point Fortin Borough Corporation?
 - (b) Would the Minister indicate the recruitment process used to select the staff referred to in part (a) above, including the nature and dates of advertisement for the job positions, interviews, ranking of applicants and reasons for selection of the chosen persons?
 - (c) Would the Minister state whether the Council of the Point Fortin Borough Corporation was consulted prior to the selection of persons referred to in part (a) above?

The Minister of Local Government (Hon. Dhanraj Singh): Mr. Speaker, the job positions, responsibilities and names of the staff selected to administer the Unemployment Relief Programme in the Point Fortin Borough Corporation in 1999 are as follows:

NAME	POSITION	QUALIFICATIONS	RESPONSIBILITIES
Roy Davis	U.R.P. Manager	Extensive experience in the field. Former Regional Manager in the URP under the Ministry of Works and Transport.	Responsible for the overall management of URP in the Region
Irvin Bobb	Materials Manager	Extensive experience in the field. Former Regional Manager and Materials Officer in the URP	The co-ordination and maintenance of an inventory system for materials and co-ordination of transport services
Emry Duncan	Engineering Assistant	Over twenty years' experience in engineering, with expertise in plant maintenance. Former Engineering Supervisor with Caribbean Tyre Company.	Ensures the implementation of all projects at the construction site is in accordance with plans and specifications.
Gershun Duncan	Project Supervisor	Extensive experience in the field. Former Project Supervisor, Area Foreman and Labour Coordinator.	Supervises a group of skilled and unskilled workers engaged in the maintenance and care of public buildings, grounds, roads and other facilities.
Marsha Thomas Fredericks	Assistant Accountant	O' and A' levels with a Degree in Sociology and Management. Experience in the field. Former Accounts Clerk with PETROTRIN.	Maintains general accounts and supervises clerical staff in the Accounting Unit
Ingrid Ottley	Recruitment Officer	Experience in the field and former Recruiting Officer in the URP.	Recruits workers on URP projects from an approved list
NAME	POSITION	QUALIFICATIONS	RESPONSIBILITIES

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NAME	POSITION	QUALIFICATIONS	RESPONSIBILITIES
Margaret Gooding	Data Entry Clerk	O' levels with experience in the field and computer literate.	To maintain a register in an efficient and timely manner.
Yolande Whitelock	Clerical Officer	Extensive experience in the field.	Performs routine clerical tasks and able to communicate effectively.
Ann Marie Bascombe	Clerical Officer	O' levels with extensive experience in the field.	Performs routine clerical tasks and able to communicate effectively.
Natasha Mohammed	Clerical Officer	O' levels, computer literate with experience in the field.	Performs routine clerical tasks and able to communicate effectively.
Tammy Rojas	Clerical Officer	O' levels and computer literate.	Performs routine clerical tasks and able to communicate effectively.
Anthony Welcome	Clerical Officer	O' levels with experience in the field.	Performs routine clerical tasks and able to communicate effectively.
Dianne Phillip	Clerical Officer	O' levels, computer literate with experience in the field.	Performs routine clerical tasks and able to communicate effectively.
Judy-Ann Richards	Stores Clerk	O' levels with experience in a related field	Assists the Inventory Control Officer in the keeping and maintenance of stores
Tricia Cooper	Accounts Clerk	O' and A' levels, computer literate with experience in the field.	Assists the Assistant Accountant in maintaining general ledgers, posts entries to these books from supporting records.

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NAME	POSITION	QUALIFICATIONS	RESPONSIBILITIES
Sharmela Ralph	Accounts Clerk	O' levels and computer literate.	Assists the Assistant Accountant in maintaining general ledgers, posts entries to these books from supporting records.
Roberta Hillare	St. Accounts Clerk	O' and A' levels with experience in the field.	Assists the Assistant Accountant in maintaining general ledgers, posts entries to these books from supporting records.
Lloyd Nagee	Training Officer	O' levels with extensive experience in the field.	Among other things to interview applicants to determine suitability for placement under the Industrial Training Project..

Mr. Deputy Speaker, the advertisements for the Unemployment Relief Programme monthly-paid positions were carried in the press from December 15—17, 1998. These did not specify qualifications. A panel was established by the Ministry to conduct interviews for the positions. Interviews for the various positions were held as follows:

Position	Date of Interview
URP Manager	January 08, 1999
Materials Manager	January 11, 1999
Engineering Assistant	January 08, 1999
Project Supervisor	January 11, 1999
Assistant Accountant	January 12, 1999
Recruitment Officer	January 12, 1999
Data Entry Clerk	January 15, 1999
Clerical Officer	January 14, 1999

Position	Date of Interview
Clerical Officer	January 14, 1999
Stores Clerk	January 13, 1999
Accounts Clerk	January 13, 1999
Training Officer	January 13, 1999

1.40 p.m.

Mr. Deputy Speaker, this interview panel comprised senior officials from within the Ministry's head office fraternity. This panel had at its disposal representatives of Chief Executive Officers of Regional Corporations for consultation. Due to the large number of applicants, the panel short-listed four applicants for the advertised positions. The panel then selected persons based on a combination of experience and qualifications suitable for the positions.

Mr. Deputy Speaker, it has never been the official policy of the Ministry of Local Government to consult with the council or any municipal corporation prior to the selection of persons to be employed in the monthly paid positions in the Unemployment Relief Programme. Additionally it should be noted that the general practice in the past was never to obtain inputs from local politicians for the filling of monthly paid positions whatsoever. Mr. Deputy Speaker, thank you.

**Chairman—National Petroleum
(Travel Expenses)**

50. Mr. Kenneth Valley on behalf of Mr. Fitzgerald Hinds asked the Minister of Energy and Energy Industries:

- (a) Would the Minister indicate the total number of occasions on which the Chairman of the National Petroleum Marketing Company Limited (NPMC) travelled abroad at the expenses of NPMC?
- (b) Could the Minister also identify the destination, the total cost to the Government or NPMC and the purpose of each such trip?
- (c) Would the Minister state whether a Minister or Ministers formed part of the delegation in each such case, and if so, would he identify the Minister or Ministers?

The Minister of Energy and Energy Industries (Sen. The Hon. Finbar Gangar): Mr. Deputy Speaker, over the 14-month period January 1998 to April 1999 the Chairman of NPMC travelled abroad on 17 occasions at the expense of the

National Petroleum Marketing company (NPMC). As you are aware, the Government of Trinidad and Tobago has, since 1996, implemented a vision for the energy sector with a number of objectives:

- 1) The transformation of NPMC into a modern retail service station network capable of competing with global players in a liberalized environment.
This requires, among other things, an appreciation of best practices in the global fuel retail marketing industry.
- 2) To position Trinidad and Tobago as a focal point in the region for developments related to oil and gas.
This policy, which requires constant and proactive interaction with decision-makers and potential investors at the global level, has reaped enormous benefits to our country over the last three years.
- 3) The marketing of Trinidad and Tobago's energy sector in order to attract foreign direct investment.
- 4) To co-ordinate, rationalize and integrate the domestic energy sector, in particular, the state-owned energy sector into this policy of proactively interfacing with global players in the field of energy and energy-related industries.

Accordingly, Mr. Deputy Speaker, it was deemed necessary to have Trinidad and Tobago represented at major international fora by delegations comprising representatives of the Ministry of Energy and Energy Industries, the state companies in the energy sector and, at times, the private sector. It is in this context, therefore, Mr. Deputy Speaker, that I respond to the question from the hon. Member for Laventille East/Morvant.

1. July 27 to 31 1996:

Between July 27 and 31, 1996 the Chairman of NP was part of a Trinidad and Tobago delegation headed by the Prime Minister and hosted by the President of Venezuela to discuss areas of co-operation between our respective countries. Included in that delegation were the Chief Executive Officer of NPMC, Mr. George Sun, and Chairmen and Chief Executive Officers of Petrotrin, NGC, Plipdeco and TIDCO. Arising out of that initial meeting, a number of joint initiatives are currently being explored including the possible production of low-cost lubricants involving CITGO, the international marketing arm of PDVSA and NPMC. The total cost of this trip was \$9,713.16.

2. September 11 to September 13, 1996—Orlando, Florida:

In September of 1996 the Chairman and CEO of Petrotrin and the Chairman of NPMC were included in a three-day Latin American oil conference. This seminar assessed important developments in the regional energy sectors including critical issues of demonopolization, capitalization strategies and emerging legal and regulatory challenges affecting the energy sectors in general including the petroleum retail marketing area. Total cost \$30,479.55.

3. November 5 to 7, 1996—Quito, Ecuador:

In November that year, OLADE, the region's main energy organization, convened a seminar in Quito, Ecuador. The seminar's theme was "The Role of Women in Energy" and included the areas of research and development, alternative and renewable sources of energy, rural electrification and the expanding role of women in energy decision-making. A female technocrat attached to the Ministry of Energy and Energy Industries, Ms. Heather Higgins, and also the Chairman of NPMC, adequately represented Trinidad and Tobago at this conference. The total cost was \$20,409.00.

4. December 6 to 12, 1996—Miami:

In December of 1996 the Chairman and CEO of NPMC, Mr. George Sun, was present at the Miami conference on the Caribbean and Latin America which is held annually. From its inception the Chairman and CEO of NPMC traditionally attended. The total cost was \$16,995.63.

5. May 26 to 29, 1997—Venezuela.

In May of 1997 the Chairman and Chief Executive Officer of NPMC, Mr. George Sun, participated in a joint Venezuela/Trinidad and Tobago initiative involving the energy sectors of both countries. Included in the Trinidad and Tobago delegation were representatives from the Ministry of Energy and Energy Industries, Petrotrin and the National Gas Company.

The three state companies jointly hosted a hospitality suite which facilitated the showcasing of the energy sector in Trinidad and Tobago and encouraged networking and dialoguing with other Latin American state entities such as YPF,

PDVSA and ECO-PETROL. In addition, a presentation was made on the retail marketing sector; total cost \$11,666.46.

6. July 12 to 17, 1997—Barbados:

In July of 1997 Trinidad and Tobago was represented by a delegation comprising the Minister of Energy and Energy Industries, a representative of National Gas Company, National Petroleum Marketing Company and the technical advisory group for the energy subcommittee of Cabinet at the Natural Gas Development Strategies for Latin America and the Caribbean seminar held in Barbados.

NPMC's interest in the area included the use of natural gas as an alternative fuel to replace motor gasoline and possibly as a cooking fuel in specially targeted areas of the country. An opportunity was taken to visit the retail service network in Barbados and to examine the possibilities of upgrading and expanding NPMC's presence in Barbados. Total cost \$13,143.08.

7. August 20 to 23, 1997, Kansas:

In August 1997, the Chairman, the Head Project Implementation Unit, the Head Retail Sales, the Head Change Management and a member of NPMC's Board, Dr. Utam Maharaj, visited Kansas to view Ampride's systems and procedures for operating C-stores and fuel outlets. That visit was instrumental in NPMC's development of its operations manual, visual standards document and its Red Service Station inspection form. These are necessary prerequisites if NPMC is to maintain the aesthetic and customer service standards of its likely competitors.

In Houston, members of NPMC staff and its Chairman apprised themselves of CONOCO'S C-store concept and the kinds of research that company used outside the USA with a view to determining their relevance and applicability in markets such as Trinidad and Tobago. Total cost \$18,947.07.

8. October 18 to October 24, 1997—India:

This trip was undertaken at the invitation of the Government of India and the Indian Oil Corporation to foster co-operation between the energy sectors of Trinidad and Tobago and India. The opportunity was taken to review the Indian Oil Corporation's plans for upgrading the service

station network and to study the modern approaches in the refinery processing, petroleum research, petroleum management, lube oil blending, terminalling systems and aircraft refuelling systems. Total cost \$96,388.13.

9. November 9 to 15, 1997:

In November 1997, the Chairman of NPMC attended a World Energy Conference in Houston as part of the Trinidad and Tobago delegation which included the Permanent Secretary and other officials of the Ministry of Energy and Energy Industries. The conference dealt with a number of matters relating to the latest developments in energy including developments in the petroleum retail marketing sector. The Chairman, while in Houston, also took the opportunity to hold discussions with senior officials of CONOCO in respect of the technical services agreement which exists between that company and NPMC. Particular attention was paid to processes used in development of strategic plans by major oil companies. Arising out of that visit a strategic planning session was subsequently convened in Tobago for NPMC's senior managers, and experienced experts from CONOCO conducted that session. Total cost \$36,268.40.

10. November 22 to 23, 1997—St. Maarten:

In November 1997 the Chairman, CEO and Manager Industrial Marketing, travelled to St. Maarten to sign a five-year supply with St. Maarten's power generation company, G.E.B.E. The signing ceremony, which was held in St. Maarten, was attended by that country's Minister with responsibility for utilities, Chairman of G.E.B.E. and other members of the board of directors of the power supply company. The agreement calls annually for the supply of over US \$600,000.00 of industrial lubricants and represents a significant breakthrough in NPMC's export thrust. Total cost \$6,854.64.

11. March 4 to 6, 1998:

In March 1998, the Chairman of NPMC attended a two-day energy-related conference organized by CGES which focused on regulations in Latin America from state monopoly to private investment. The conference addressed issues pertaining to energy co-operation and integration in the western hemisphere, competition and market

restructuring, investment strategies, structured energy finance in Latin America, investment prospects and the emerging role of the Inter-American Development Bank in financing energy projects and reform in Latin America. Total cost \$43,907.55.

12. March 21 to 28, 1998—Brazil:

Trinidad and Tobago was represented at the trade and investment mission in Brazil by a delegation which comprised Ministers of Trade and Industry and Energy and Energy Industries, representatives of the Ministry of Energy and Energy Industries, the National Gas Company, Petrotrin, Plipdeco, the technical advisory group to the energy subcommittee of Cabinet and National Petroleum Marketing Company. The Trinidad and Tobago delegation participated in discussions with representatives in the state of Ceara and Minas Gerias and also with representatives of the private sector including CVRD and Petrobras with respect to the supply of fuels and lubricants. Total cost \$58,291.91.

13. June 22 to 24, 1998—London:

In June 1998, visits were paid to a conference convened by the Centre for Global Energy Studies and the deregulation of energy market globally. This conference was entitled “Analyzing the Risk and Rewards of the Global Energy Market”. The purpose of the trip was to analyze the growing importance of natural gas as a major fossil fuel, including gas to liquids technology and the deregulation of the energy markets globally. The Chairman of NPMC also made a presentation on emerging trends in the development of the energy sector in Trinidad and Tobago including plans for the retail marketing subsector to a group of potential investors in London. As you are aware, Mr. Deputy Speaker, the issue of market deregulation of the energy sector has relevance and applicability not only to the energy sector as a whole but also in our context of the retail marketing industry. Total cost \$70,168.00.

14. August 31 to September 10, 1998:

This conference was designed for chairmen, CEOs and permanent secretaries and provided a kind of forum for networking and articulating our vision in energy. In September 1998, the Chairman of NP attended the Oxford Energy Seminar at St. Catherine's College, University of Oxford. The Oxford Energy Seminar is a fully residential educational

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conference designed for government officials, industrialists, managers and other professionals engaged in either public or corporate decision-making in the field of energy. It provided us with a forum for networking and articulating the investment and other opportunities available in our energy sector. The theme of the conference that year was “World Energy: The Challenges of Recession Versus the Challenges of Growth”.

Subjects discussed included the world economy and energy; energy: a long-term planning perspective; the downstream oil industry worldwide and international gas markets supplies and trade; natural gas in Europe, Norwegian oil and gas issues; oil derivatives: forces for change in China’s energy and oil industries; human rights: is this an issue for the oil industry; international energy policies; gas and electricity integration; the impact of falling world oil prices; oil prices and the gulf economies; the challenge with a need for reform in refining and petrochemicals; aspects of producers' policies; some financial aspects of the world economy; the challenges facing the national oil companies and a Kuwaiti perspective.

1.55 p.m.

The foregoing afforded technocrats in Trinidad and Tobago the opportunity to be informed on a diverse range of energy related topics which provide the background which informs the high quality of decision-making in our energy sector. This is what has led prestigious publications, such as *Time Magazine* to describe us as a major focal point for energy and energy-related investments.

Total cost: \$60,000.00.

15. November 16—19, 1998—Santo Domingo.

In November of that year, the Chairman and CEO of NPMC attended an OLADE conference in the Dominican Republic, which dealt with the impact of trade liberalization on the energy sector.

The total cost: \$35,141.46.

16. December 14—16, 1998—San Francisco:

This seminar in December of 1998 attended by the Chairman of NPMC, dealt with the monetizing of gas reserves and the impact of gas to liquid technology on the emergence of alternative fuel supplies to refined products.

Participants at this seminar were presented with the latest updates in gas to liquid technologies, such as, the Shell gas to liquid technology, better known as SMDS process currently being applied in the Malaysian SMDS plant at Bintulu and the Fischer Tropsch process. In the case of the latter, the underlying requirements of metal, Fischer Tropsch catalysts, such as, iron and cobalt and the optimum design of the slurry bed and the fluidized bed reactors were examined.

As you may be aware, Mr. Deputy Speaker, Trinidad and Tobago is aggressively pursuing the construction of a gas to liquid plant as soon as it becomes economically viable.

At this conference, it was learned that gas to liquid technology is technically ready, economically viable for large scale commercial application and that some of the factors impacting on project economics are production capacity, gas costs, long term oil prices and a choice of technology, such as the use of oxidants. With respect to alternative fuels for the 21st Century, the following were presented:

- Methanol fuel cells
- DME as the alternative fuel of the 21st Century.
- Dimethoxymethane (DMM) as a diesel fuel component; and
- The evaluation of DMM and DMM diesel blended fuels for use in compression-ignition engines.

Other areas included syngas, LNG, Gas to wire, gas to olefins, Methanol and other innovative development technologies.

In its analysis of emerging trends NPMC has to be ever mindful of the potential of alternative fuels to replace its existing product mix. Some of these developments have implications for decisions being taken at present.

17. January 25—26, 1999—Houston.

In January of this year, the Chairman of NPMC, together with representatives of the Ministry of Energy, Petrotrin, NGC, Clico Energy, Plipdeco, BP/Amoco and Moraven attended the Latin American Energy Summit in Houston.

Among the topics discussed were:

- Recent developments in Latin American countries and their impact on local operations.

- Risks and rewards of joint ventures in the energy sector.
- Regulatory policies, market trends and policy options by regional energy experts.

At the country break out session at the conference, the Chairman of NP delivered a paper on the liberalization of the retail-marketing sector and its implications for Trinidad and Tobago and for potential investors. In addition the opportunity was taken after the conference to meet with a representative from methanol industry to discuss matters pertaining to the use of methanol as an alternative fuel and the environmental impact of the proposed introduction of unleaded gasoline which uses MTBE as an Octane enhancer. The company was also apprised of the latest technologies used in the identification, monitoring and prevention of contamination of underground aquifers by MTBE.

Total cost: \$28,500.78.

Mr. Deputy Speaker, one of the problems of the domestic petroleum retail marketing sector has been the historic neglect of the infrastructure by the former administration. We see it in service station buildings, in environmental matters, in the outdated policies and practices which were used in the sector. It was as if trends—both regional and global—did not exist or were ignored. That myopic *modus operandi* had to be arrested. We had to interact with energy counterparts regionally and globally. We had to and must continue to be informed of the latest information available to decision makers in the sector. The best way of doing so is by face to face interaction, regular exchange of ideas and by being enlightened through the same seminars and conferences which are held for and attended by decision makers in the world's energy sector. Mr. Deputy Speaker, I am convinced. In fact the world is convinced. The prestigious media abroad are convinced and they continue to articulate the success of our energy strategies.

All of this has reaped tremendous rewards for National Petroleum Marketing Company Limited. Since the arrival of the new Board, NPMC has witnessed a transformation of its vision and *modus operandi*. Profits have increased significantly, increasing by over 100 per cent in one year. In 1994/95 profit was \$16.8 million, in 1995/96 profit was \$33.2 million, in 1996/97 profit was \$38.9 million and in 1997/98 profit was \$63.4 million. [*Desk thumping*] This has not been achieved through withholding of Road Improvement Tax and/or Motor Vehicle Tax as has been suggested in certain uninformed quarters, but through effective cost containment measures and aggressive pursuit of the company's new

motto “National Pride Global Standards”. The organization has been restructured into three business units. The paradigm in changing performance indices is being developed with clear links between business processes, strategic objectives and performance measures. Strategic alliances have been developed with partners whether it be CONOCO, or the IOC or blending arrangements with multi-nationals. New staff are being recruited to meet the skills requirements of the evolving NPMC. The existing staff are being continuously trained. As an example, more than eight members of NPMC’s retail marketing function have been exposed over the last eight months to hands-on training in the United States in areas as diverse as inventory management, customer service and the use of Information Technology in C-Store operations.

Mr. Deputy Speaker, the answer to question 50 part (c) is as follows:

NO.	DATE TRAVELLED	DESTINATION	MINISTERS WHO TRAVELLED
1.	July 27—31, 1996	Caracas	In addition to the Prime Minister, the Minister of Energy and Energy Industries, the Minister of External Affairs and Chairman and CEO of NPMC and NGC.
2.	September 11—13, 1996		Minister of Energy and Energy Industries in addition to the Chairman and CEO of Petrotrin and the Chairman of NPMC.
3.	November 05—07, 1996		No ministers formed part of this delegation.
4.	December 06—12, 1996		No ministers formed part of this delegation.
5.	May 26—29, 1997		The Minister of Energy and Energy Industries in addition to the Chairman and CEO of Petrotrin, the CEO of Plipdeco, the National Gas Company, NPMC and the Chairman of NPMC.

NO.	DATE TRAVELLED	DESTINATION	MINISTERS WHO TRAVELLED
6.	July 12—16, 1997	Barbados	The Minister of Energy and Energy Industries, members of the Technical Advisory to the Energy Sub-Committee of Cabinet, Representatives of NGC and NPMC.
7.	August 20—23, 1997	Kansas	No ministers formed part of this delegation.
8.	October 18—24, 1997	India	The Minister of Energy and Energy Industries in addition to the Chairmen of NPMC and Petrotrin.
9.	November 09—15, 1997	Houston	Minister of Energy and Energy Industries, the Permanent Secretary of the Ministry of Energy and Energy Industries and NPMC representatives.
10.	November 22—23, 1997	St. Maarten	No Ministers formed part of this delegation.
11.	March 04—06, 1998	Miami	No Ministers formed part of this delegation.

2.05 p.m.

NO.	DATE TRAVELLED	DESTINATION	MINISTERS WHO TRAVELLED
12.	March 21—28, 1998	Brazil	Two Ministers, which included the Minister of Trade & Industry and Consumer Affairs and the Minister of Tourism in addition to representatives of National Gas Company (NGC) and National Petroleum Marketing Company.
13	June 22—24, 1998	London	The Minister of Energy and Energy Industries, in addition to the President and Chairman of NGC and the Chairman of NPMC.

NO.	DATE TRAVELLED	DESTINATION	MINISTERS WHO TRAVELLED
14	August 31— September 10, 1998	England	No Ministers formed part of this delegation.
15	November 16—19, 1998	Santo Domingo	No Ministers formed part of this delegation.
16	December 14—16, 1998	San Francisco	The Minister of Energy, in addition to the President and Chairman of NGC, the Chairman of Petrotrin and the Chairman of NPMC.
17	January 25—26, 1999	Houston	The Minister of Energy and Energy Industries in addition to representatives from NGC, Petrotrin, CLICO Energy, Plipdeco, BP Amoco, and NPMC.

Mr. Deputy Speaker, the aggressive and intensive marketing thrust of Trinidad and Tobago's energy sector has based significant dividends. Foreign direct investment in Trinidad and Tobago's energy sector, both upstream and downstream, has already exceeded US \$3 billion with the current negotiations in place for the Norsk Hydro Aluminum Smelter, the Atlantic LNG trains 2 and 3, the Ethylene project, the CVRD project another Ammonia plant, another Methanol plant, the Gas to Liquids plant, a further US \$5 billion of foreign directed investment were projected over the next three years.

It should be noted that in pursuit of this aggressive marketing thrust, the Chairman of Petrotrin made 18 overseas trips and the President of the National Gas Company, excluding Atlantic LNG board meetings, made 25 trips. Mr. Deputy Speaker, I submit that the results of these intensive marketing efforts speak for themselves in the form of unprecedented levels of foreign direct investment and unrivalled transformation of the energy sector in Trinidad and Tobago. In addition, National Petroleum Marketing Company has received four expressions of interest for joint venture partnering as strategic alliances from Texaco, Shell, Elf, Indian Oil Company and CITGO.

Further, the Chairman of National Petroleum Marketing Company, by virtue of a leadership position in a major state enterprise, and the expertise has actively participated in the preparatory work for negotiations and development of major

gas projects in the energy sector. She has been involved in final negotiations for the Norsk Hydro Aluminum Smelter project agreement and is actively involved in preparatory work pertaining to forthcoming negotiations for Atlantic LNG trains 2 and 3 and the Ethylene project.

All of this is part of the philosophy of the Minister of Energy and Energy Industries to develop within the state-owned energy sector a cadre of highly skilled and competent individuals who have the background, experience, knowledge capacity, self-confidence and negotiating skills to take Trinidad and Tobago's energy sector into the 21st Century. We must have that decision-making level of citizens who can match the skill and competence levels of their global counterparts. If they are sent, as has occurred in the past, into negotiations without the best data and the latest information, then Trinidad and Tobago will be shortchanged as we seek to take our rightful place in the global village.

I am confident that the strategy which we are using is the right one and it will reap dividends for Trinidad and Tobago. Thank you, Mr. Deputy Speaker. [Desk *thumping*]

Mr. Valley: Mr. Deputy Speaker, I wonder whether the hon. Minister would be kind enough to inform this House of the new projects arising from new initiatives in the energy sector which have started in Trinidad and Tobago.

Sen. The Hon. F. Gangar: Mr. Deputy Speaker, I do not properly understand that request.

Mr. Valley: Mr. Deputy Speaker, the Minister is saying that there is a burst of projects in the energy sector arising from the frequent visits abroad by the Chairman and personnel of National Petroleum Marketing Company. I am simply trying to find out from the Minister exactly what are the projects about which he is speaking which resulted from new initiatives from this Government.

Mr. Deputy Speaker: With all due respect to the Member for Diego Martin Central, that is a whole new question, and not a supplemental to this one.

Mr. Valley: I am sorry, Mr. Deputy Speaker. I thought that since the Minister indicated that there were these new projects, he would be kind enough to indicate them.

Mr. Deputy Speaker: You can choose to answer.

Sen. The Hon. F. Gangar: I would very much appreciate if the hon. Member for Diego Martin Central would file another question and I will give the appropriate answer.

Mr. Valley: I shall do so, Mr. Deputy Speaker.

The following question stood on the Order Paper in the name of Mr. Patrick Manning (*San Fernando East*):

Visit to People's Republic of China

- 52.** (a) Would the Minister of Trade & Industry and Consumer Affairs and Minister of Tourism indicate whether or not he recently paid an official visit to the Peoples Republic of China?
- (b) If the answer is in the affirmative, would the Minister indicate:
- i. the dates he was out of the country;
 - ii. Whether he officially visited any other country during his absence abroad and if so, could he list those countries and give the purpose of his visit;
 - iii. the total cost of this visit abroad;
 - iv. under what allocations were the total cost of this trip borne;
 - v. Whether the Prime Minister and the Cabinet of Trinidad and Tobago sanctioned the cost and purpose of this trip?

Mr. Kenneth Valley (*Diego Martin Central*): Mr. Deputy Speaker, I ask that this question be deferred in the absence of the Member for San Fernando East for one week.

Question, by leave, deferred.

**Voter Identification Cards
(Diego Martin East Constituency)**

- 53.** Mr. Colm Imbert (*Diego Martin East*) asked the honourable Prime Minister:-
- (a) Would the Minister state:
- (i) the number of Voter Identification Cards belonging to persons registered to vote in the Diego Martin East Constituency that have expired in the years 1996, 1997, 1998 and 1999 to date?
 - (ii) the number of Voter Identification Cards belonging to persons registered to vote in the Diego Martin East Constituency that are due to expire in 1999 and the year 2000?

**Expired Voter Identification Cards
(Resources for the EBC)**

54. Mr. Colm Imbert (*Diego Martin East*) asked the honourable Prime Minister:-

- (a) Is the Minister aware that a large number of Voter Identification (ID) Cards have expired within the last three years and a significant number of Voter ID Cards are due to expire in 1999 and 2000?
- (b) If the answer to part (a) is in the affirmative, in view of the Local Government Election which is constitutionally due in 1999 and the General Election which is constitutionally due in 2000, could the Prime Minister state the level and type of resources, in terms of financial, human and technical resources, that the Government is providing to the Elections and Boundaries Commission to enable the Commission to satisfactorily address the problem of expired Voter ID Cards in a timely manner?

The Prime Minister (Hon. Basdeo Panday): Mr. Deputy Speaker, by memorandum dated April 21, 1999 from the Permanent Secretary to the Prime Minister and Head of the Public Service to the Chief Election Officer, the subject being questions 53 and 54 of the 1998—1999 session of the House of Representatives, the following answer was received, and I quote:

“Questions 53 and 54 of the 1998—1999 Session of the House of Representatives, asked by the Member of Parliament for Diego Martin East for reply by the Honourable Prime Minister, qualify for the Order Paper on 30th April, 1999.

Accordingly, I should be grateful if you would submit, for consideration, draft Notes for Cabinet as a matter of urgency.

A copy of the Notice of Questions Paper, (1998—1999 Session) of the House of Representatives, is attached for your information.

/s/ A Nathaniel
/f/ Permanent Secretary
to the Prime Minister and
Head of the Public Service”

Mr. Deputy Speaker, by memorandum dated April 27, 1999 from the Chief Election Officer to the Permanent Secretary of the Prime Minister and Head of the Public Service, the subject being questions 53 and 54, the following reply was received, and I quote verbatim:

“As requested in your memorandum of April 21, 1999, (Ref. No. OPM:13/1/3 Vol. VIII) draft Notes are hereby submitted for the consideration of Cabinet in response to Questions 53 and 54 of the 1998—1999 Session of the House of Representatives.

To Question 53 which reads as follows:—

- (a) ‘Would the Minister state
- (i) The number of Voter Identification Cards belonging to persons registered to vote in the Diego Martin East Constituency that have expired in the years 1996, 1997, 1998 and 1999 to date?
 - (ii) The number of Voter Identification Cards belonging to persons registered to vote in the Diego Martin East Constituency that are due to expire in the remaining months of 1999 and the year 2000?’

The reply is as follows:

Every card issued by the Elections and Boundaries Commission is entitled “National Identification Card” and not “Voter Identification Card” as erroneously described in the Question.

In the Diego Martin East Constituency, the number of National Identification Cards which expire and would expire ten (10) years after their issue are as follows:

<u>Electoral District</u>	<u>Year</u>		<u>Number</u>
Diego Martin East	1996		1045
Diego Martin East	1998		5284
Diego Martin East	1999	(Jan—April)	959
Diego Martin East	1999	(May—Dec)	4325
Diego Martin East	2000		3245

(No Identification Cards were introduced in 1987)

To Question 54 which reads as follows:—

- (a) Is the Minister aware that a large number of Voter Identification (ID) Cards have expired within the last three years and a significant number of Voter ID Cards are due to expire in 1999 and 2000?
- (b) If the answer to part (a) is in the affirmative, in view of the Local Government Election which is constitutionally due in 1999 and the General Election which is constitutionally due in 2000, could the Prime Minister state the level and type of resources, in terms of financial, human and technical resources, that the Government is providing to the Elections and Boundaries Commission to enable the Commission to satisfactorily address the problem of expired Voter ID Cards in a timely manner?"

The Attorney General (Hon. Ramesh Lawrence Maharaj): Mr. Deputy Speaker, I thank the hon. Prime Minister for giving way, but having regard to the time factor, there is a limit under Standing Order 19, so I beg to move that notwithstanding Standing Order 19(7), the period of question time be extended by 15 minutes.

Question put and agreed to.

Hon. B. Panday: Mr. Deputy Speaker, I continue:

“The reply is as follows:

According to the Commission's records the total number of National Identification Cards which expired and would expire 10 years after their issue are as follows:—

1996—62,940

1998—182,241

1999—138,230

2000—117,782

(No Identification Cards were produced in 1987)

Approximately three months before the expiry date noted on every card registrants are sent letters by mail advising them of such expiry, and

requesting that they attend the relevant registration office for the purposes of effecting their renewals. It is only after such attendance, that the necessary steps begin or are made for the renewal of their National Identification Card (Specimen letter attached).

In response to requests made in November, 1998, and further in early January, 1999, additional funds were made available to the Commission to meet an upsurge in demand for such renewals, caused chiefly by late responses to the Commission's letters advising registrants of the expiry dates of their Identification Cards. As a result, a total of 106 temporary clerical assistants were taken on by the Commission, for a period of four (4) months at a cost of \$638,120.00.

The Commission anticipates that by the end of May, 1999, all arrears on hand would be eliminated. For the information of the Prime Minister a table showing the present position with respect to such arrears as at April 9, 1999, is attached.

The Commission requests that it be noted that the arrival of an expiry date on a National Identification Card does not in any way affect the continued validity of a person's registration as an elector, nor does it disenfranchise such a person as an elector."

This memorandum is signed by the Chief Election Officer of the Elections and Boundaries Commission. [*Desk thumping*]

Mr. C. Imbert: Mr. Deputy Speaker, as a supplemental question, the Prime Minister referred to a table regarding arrears. Could the Prime Minister indicate what is the quantum of arrears of expired ID cards that have not been renewed?

Hon. B. Panday: The table is as follows:

"Registration Area	Outstanding Applications			Area Total
	First Instance		Renewals	
	Electors	Non-Electors		
PORT OF SPAIN	2	17	820	839
SAN FERNANDO	132	159	1956	2247
ARIMA	13	15	177	205
POINT FORTIN	38	54	545	637

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DIEGO MARTIN	201	145	1182	1528
SAN JUAN	117	253	1006	1376
TUNAPUNA	77	140	782	999
PIARCO	183	85	994	1262
2.20 p.m.				
SANGRE GRANDE	85	169	1845	2099
CHAGUANAS	94	197	2298	2589
PRINCES TOWN	265	366	4902	5533
PENAL/DEBE	152	257	2772	3181
COUVA	196	229	2244	2669
SIPARIA	165	292	3762	4219
RIO CLARO/MAYARO	40	130	949	1119
TOBAGO	94	210	1188	1492
LAVENTILLE	41	73	940	1054
TABAQUITE/TALPARO	107	226	1841	2174
TOTAL	2,002	3,017	30,203	35,222

Mr. Imbert: Supplemental question. Is the Prime Minister aware it is taking over three months for persons who have applied for renewed identification cards to actually get the identification cards? If he is aware, what is being done about it?

Hon. B. Panday: I am not so aware since that matter is for the Elections and Boundaries Commission.

Mr. Imbert: No problem.

Hon. B. Panday: If the Member wishes me to draw this to the attention of the Commission—

Mr. Imbert: Yes.

Hon. B. Panday: I will certainly do so.

Mr. Imbert: Yes, I would like you to do that. *[Interruption]*

**Port of Spain East Cultural Complex
(Repairs)**

55. Mrs. Eulalie James (*Laventille West/Morvant*) asked the Minister of Social and Community Development and Minister of Sport and Youth Affairs:

- (a) Could the Minister indicate what works have been done so far on the Port of Spain East Cultural Complex otherwise called Despers Centre?
- (b) Is the Minister aware that work on the water system for the Centre, roadway drainage, covering and toilet facilities for the band practice area is incomplete?
- (c) If the answer is in the affirmative, would the Minister indicate what measures are put in place to ensure that these works are speedily carried out?

The Minister of Social and Community Development and Minister of Sport and Youth Affairs (Hon. Manohar Ramsaran): Mr. Deputy Speaker, the works which have been completed to date on the East Port of Spain Regional Cultural Complex as reflected in the valuation report recently submitted by NIPDEC are as follows:

- (1) Construction of the Youth Centre and Administration Building; and
- (2) Construction of the pre-school.

The Ministry of Social and Community Development is aware that the works are incomplete. In this regard, it should be noted that with respect to the Pan Theatre, the foundation works and reinforced concrete frame have been completed. The blockwork and steelworks are 95 per cent complete, external works are 70 per cent complete, plumbing and engineering installation are 20 per cent complete and the floor, walls and ceiling finishes are 10 per cent complete.

Mr. Deputy Speaker, yes, I am aware that work on the water system for the centre, roadway, drainage, covering and toilet facilities for the band practice area is incomplete.

The East Port of Spain Cultural Complex was developed as part of a programme funded by a grant given to the Government of Trinidad and Tobago by the European Economic Commission to develop community centres throughout the country to improve the standard of community life, and simultaneously foster self help, self reliance and sustained development. A grant

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in the sum of \$19 million was provided to construct 12 community centres of generic design and one specifically designed as a cultural complex which was further classified as a regional complex located in East Port of Spain.

The projects were initiated by the then Ministry of Community Development, Culture and Women's Affairs under the former administration.

On December 1, 1994, NIPDEC was contracted as the implementing agency to construct the 13 centres at a total cost of \$19 million. The construction work at the East Port of Spain Cultural Complex was scheduled to commence in January, 1995, and a proposed completion date was given as January, 1996. However, due to the numerous changes in designs and costs, this project was inherited by the present administration in an incomplete condition.

I wish to advise the Member for Laventille West of the situation which developed with respect to this complex and which is of great concern to my Ministry.

The approved projection cost for the construction of the East Port of Spain Divisional Cultural Complex was \$3,623,900.00. The latter was based on a brief prepared by the Ministry of Community Development and Culture and Women's Affairs. Total architectural and technical control was then given to the Ministry of Works and Transport in 1994. As a consequence, NIPDEC stated that it could not guarantee that there would be no cost overruns since it was not in charge of designs.

Subsequently, the Ministry of Works and Transport was given further instructions to develop another brief and designs for 'one of a kind' Pan Theatre, which deviated from the original brief. The variations in designs which were undertaken by the PNM administration were quite elaborate. No consideration was given to the fact that the European Economic Commission grant for the sum of \$19 million was to be used for the construction of 13 centres.

Mr. D. Singh: Thirteen, 13.

Hon. M. Ramsaran: The project architect specified state-of-the-art equipment and specialized finishes which were expected to increase the project cost by approximately \$5 million.

Considering the elaborate designs, NIPDEC requested approval for an increased contract price. As a result of the changes in the designs, the project cost has since been increased from TT \$3.623.9 million in 1994 inclusive of furnishings, to TT

\$9.028 million in 1996, exclusive of furnishings. An additional grant of \$3.6 million was made available by Cabinet in July 1995, for works on two complexes: East Port of Spain and Fyzabad. This, however, was insufficient to absorb the increased cost of the East Port of Spain project. Because of the wastage, the Fyzabad Complex was never started.

I am in no way against the construction of this complex. However, I am deeply concerned about the fact, that the moneys were not properly utilized.

The actual start date of construction activities was September 4, 1995—that was supposed to start in January and it started on September 4. The duration of the project was expected to be approximately 12-months. Under this administration, Cabinet, at the end of the 12 month period in September 1996, requested a full status report on the East Port of Spain Cultural Complex. The report submitted indicated a cost overrun of approximately TT \$5 million and the final revised cost for the construction of the East Port of Spain Regional Cultural Complex was over \$9 million.

In view of the foregoing, Cabinet agreed that the Minister of Community Development, Culture and Women's Affairs cause an enquiry to be conducted into the circumstances resulting in the cost and structure of the East Port of Spain Cultural Complex. The Ministry of Social and Community Development nominated a committee to conduct the enquiry. The committee was approved by Cabinet in December, 1998.

In the interim, given a need to provide adequate community facilities in the East Port of Spain Complex, works on the project site continued.

On August 25, 1998, I attended a meeting with the representatives of the resident steelband, WITCO Desperados, in order to address the existing situation at the project site. At that meeting it was agreed by all parties present that priority be given to the following works:

- (1) Covering and enclosure of the area used for practice sessions by the resident steelband;
- (2) Installation of gates;
- (3) Provision of proper drainage facilities;
- (4) Installation of a new water service connection;
- (5) Repairs to the roof;

- (6) Provision of toilet facilities for the band practice area; and
- (7) Completion of the electrical and plumbing works.

In addition, at the meeting, I stated that upon completion of the works outlined, then and only then will the complex be commissioned.

NIPDEC was requested to undertake these works, and a scope of works and cost estimates were subsequently submitted by NIPDEC to the Ministry. The scope of works included activities which were previously outlined, as well as, air-conditioning, guttering, full concert sound system and landscaping. The value of the works was stated as \$495,535.00. In December 1998, Cabinet agreed to the provision of funds in the sum mentioned.

According to a report from NIPDEC dated April 29, 1999, works at the site with respect to the installation of a new water service connection with a meter commenced on February 22, 1999 as scheduled and was completed on February 26, 1999. The other major works are scheduled to commence in May, 1999.

2.30 p.m.

Additionally, the hon. Member is advised that in February, 1999 a board of management was appointed and the members are as follows: Mr. Curtis Edwards, Chairman; Ms. Veronica Budd; Ms. Linda Lee; Ms. Meniva Mc Fee; Ms. Yolander Spence; Mr. Trevor Mc Meo; Mr. Robert Dick; Mr. Patrick Wilkinson and representatives of the Ministry of Social and Community Development, Ministry of Sport and Youth Affairs, Ministry of Local Government and the Ministry of Health.

Mr. Deputy Speaker, I will be happy when this complex is completed. I know the history of this area and the length of time the people have been waiting for this facility. Rest assured, Mr. Deputy Speaker, I would be there to commission this historical complex.

Thank you.

Mrs. James: Mr. Deputy Speaker, a supplemental question. I am not satisfied that the Minister has answered part (c) of the question in the way I would wish. I need to hear deadlines like when this work would be completed.

Hon. M. Ramsaran: Mr. Deputy Speaker, I mentioned it started in May, 1991.

Mr. D. Singh: They want everything, but they are still wearing the Balisier.

Hon. Member: That is when it started, not when it would be completed.

PROGRESS OF EXPLORATION WORK ON BLOCK 2(C)

The Minister of Energy and Energy Industries (Sen. The Hon. Finbar Gangar): Mr. Deputy Speaker, I wish to advise this honourable House and the people of Trinidad and Tobago that a natural gas discovery has been made in Block 2(c), a relatively unexplored region off the North/East coast of Trinidad.

The well, known as the Angostura-1 exploration well is located 40 kilometres off the North/East coast of Trinidad and 40 kilometres to the North of the closest oil and gas field, the Samaan Field. This discovery, quite apart from the obvious potential positive impact on the economic fortunes of Trinidad and Tobago, opens up exciting geological prospects for the country.

Mr. Deputy Speaker, you may recall that in an effort to stimulate new exploration and production activity, the Government embarked on a phased competitive bid round involving selected marine acreage located within our territorial waters. Petroleum companies interested in exploring for and developing potential hydrocarbon resources were invited to submit proposals and compete for the rights to conduct work in these areas. As a result of these efforts, a total of 13 production-sharing contracts have been signed over the past 30 months. The companies involved represent a diverse mix of the major players in the international petroleum industry.

The successful companies are committed to spend a total of approximately US \$446 million on exploration work programmes. This work comprises approximately 10,000 square kilometres of three dimensional seismic and a total of 26 exploration wells.

The seismic programmes with respect to the 13 blocks have been completed and in many instances exceeded the minimum work commitment. Exploration drilling has commenced on seven of the 13 blocks, a total of eight wells have been completed resulting in a total of five hydrocarbon discoveries. The latest addition to the list of exploration successes is a hydrocarbon discovery represented by the success of the Angostura—1 Well recently drilled on block 2(c) operated by BHP Petroleum Trinidad Limited.

The Block 2(c) Production Sharing Contract was signed on April 22, 1996 with a consortium comprising Broken Hill Propriety Company Limited from Australia, (BHP) and ELF Aquitaine of France. Talisman Energy Company of

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[SEN. THE HON. F. GANGAR]

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Canada was later assigned a 25 per cent working interest in the Block on August 6, (30 per cent, and Talisman 25 per cent).

The exploration programme for this Block included acquisition of approximately 640 square kilometres of 3—dimension seismic and the drilling of an exploration well. The seismic programme was acquired in 1998 and the Angostura—1 Exploration Well programmed to a depth of 12,000 feet was spudded on March 24, 1999. The well was designed to test the hydrocarbon bearing potential in this area known to exist in producing fields onshore and on the west coast marine area.

A significant hydrocarbon bearing zone approximately 900 feet located in a previously unknown reservoir was encountered during the course of the drilling of this well. Initial tests conducted on this zone showed that it flowed natural gas at a rate of approximately 30 million cubic feet per day. These preliminary test results are currently being evaluated with a view to confirming the commercial potential of the discovery. This latest discovery will no doubt again significantly upgrade the country's hydrocarbon reserves and enhance the resource base required for downstream petrochemical development.

Mr. Deputy Speaker, hon. Members of this House would recall that in 1995 the proven gas reserves of Trinidad and Tobago was in the region of 8 trillion cubic feet and 3 1/2 years later, under the aggressive exploration thrust promoted by this Government, it has risen to be in excess of 21 trillion cubic feet. This discovery by virtue of its location and unique characteristics, potentially opens up new exploration targets and significantly improves the prospects of the north/eastern part of the East Coast marine area.

Notwithstanding the recent economic climate worldwide existing within the international oil and gas industry, exploration activities in Trinidad and Tobago have continued apace. This is directly linked to work conducted under the production-sharing contracts. Exploration activities in respect of this and other Blocks under production-sharing contracts are continuing with a view to identifying additional crude oil and natural gas reserves to fuel and sustain economic growth. To this end, the BHP Talisman consortium will commence drilling of the Kitchener—1 Well in the neighbouring Block 2(ab) immediately following the completion of drilling operations on the Angostura—1 Well.

The continued growth of the natural gas reserves would allow the Government to aggressively pursue with greater confidence its policy of monetizing the

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hydrocarbon assets of the country to the economic benefit of the people. This is particularly relevant to the ongoing development work now in progress with respect to US \$4 billion gas-based projects, mainly Norsk Hydro Aluminium Smelter, the Atlantic LNG train 2/3 expansion, the ethylene based petrochemical complex and the CVRD Steel District.

Thank you.

ARRANGEMENT OF BUSINESS

Hon. Ramesh Lawrence Maharaj: Mr. Deputy Speaker, I beg to move that the House now deal with Bills Second Reading under "Government Business" instead of "Motions".

Question proposed, That the House now deal with Bills Second Reading under Government Business instead of Motions.

Agreed to.

FREEDOM OF INFORMATION BILL

[SECOND DAY]

Order read for resuming adjourned debate on question [April 30, 1999].

That the Bill be now read a second time.

Question again proposed.

The Minister of Legal Affairs (Hon. Kamla Persad-Bissessar): Mr. Deputy Speaker, as I indicated on the last occasion when we sat, I rise in full support of this landmark piece of legislation.

It is my respectful view that this Bill which seeks to promote transparency and open government, that information is in fact, the oxygen of democracy and without freedom of information, a democratic system and democratic institutions cannot flourish.

It is interesting to note this is a worldwide trend to provide for legislation to increase access to official information. Only last week we witnessed the Conference of Law Ministers of the Commonwealth of over 40 nations and they have endorsed this position, and I refer to a communiqué issued from that meeting of Commonwealth Law Ministers to give a further endorsement to this Bill before this honourable House. The communiqué reads with respect to the Right to Information:

"Ministers received a set of draft Principles and Guidelines on the Right to Know prepared by an Expert Group in March 1999. They recalled that at their

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meeting in Barbados in 1980 they emphasised the importance of access by citizens to official information in the promotion of public participation in a democratic governmental process. The benefits which such access can bring include the facilitation of public participation in public affairs, enhancing the accountability of government, providing a powerful aid in the fight against corruption as well as being a key livelihood and development issue. Towards this end Ministers...”

Including the Attorney General and the Minister of Legal Affairs.

“decided to adopt Annex 1 to this communiqué and... recommend that the Commonwealth Secretariat promote these Principles and also encourage other Commonwealth groups to consider ways in which they could contribute to the promotion of these principles.”

The Annex 1 which we adopted stated:

“Commonwealth Law Ministers recalled that at their Meeting in Barbados in 1980 they emphasised that ‘public participation in the democratic and governmental process was at its most meaningful when citizens had adequate access to official information.’

Ministers noted that since that time a number of Commonwealth countries have enacted freedom of information legislation establishing a public right of access to government information. Their experience has demonstrated that these laws enhance the effectiveness of government. Other Commonwealth countries are preparing legislation drawing on this rich practical experience.”

Trinidad and Tobago, if I may say so, has drawn on that experience and has been able to provide this Bill for debate.

“During the 1990s the Commonwealth, guided by its fundamental political values enshrined in the 1991 Harare Commonwealth Declaration, has sought to promote democracy, the rule of law, just and honest government and fundamental human rights. In consolidating the achievements of the past decade the Commonwealth seeks to focus its efforts on strengthening the processes of open and accountable government together with the promotion of sustainable development.

The 1990s has been a decade of democratisation with a number of countries, many within the Commonwealth, making the transition from one party and authoritarian regimes to elected representative governments.

The new millennium promises to be an era for transparency and accountability on the part of government and all sectors of society concerned with public life. These trends will be further stimulated by the growth of information technology and increased globalisation and interdependency of national economies.”

Mr. Deputy Speaker, with respect to the benefits of freedom of information, the communiqué continues as follows:

“Freedom of information has many benefits. It facilitates public participation in public affairs by providing access to relevant information to the people who are then empowered to make informed choices and better exercise their democratic rights. It enhances the accountability of government, improves decision-making, provides better information to elected representatives, enhances government credibility with its citizens, and provides a powerful aid in the fight against corruption. It is also a key livelihood and development issue, especially in situations of poverty and powerlessness.

Commonwealth Freedom of Information Principles

Ministers formulated and adopted the following Principles

1. Member countries should be encouraged to regard freedom of information as a legal and enforceable right.
2. There should be a presumption in favour of disclosure and Governments should promote a culture of openness.
3. The right of access to information may be subject to limited exemptions but these should be narrowly drawn.
4. Governments should maintain and preserve records.
5. In principle, decisions to refuse access to records and information should be subject to independent review.

Ministers recommend that the Commonwealth Secretariat takes steps to promote these principles and to report to Law Ministers about the progress achieved at their next Meeting.”

Mr. Deputy Speaker, I am saying that this endorsement with respect to freedom of information legislation, and the commitment of this Government to provide such legislation to this country is a worldwide trend that can be seen in

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the statute books of several countries which should be encouraged, and Government should promote a culture to the right of access to information but these should be narrowly drawn.

2.45 p.m.

Mr. Deputy Speaker, as we pointed out on the last occasion, the Opposition through the Member for Diego Martin East, attempted to attack this very important piece of legislation by taking one part totally out of context of the entire Bill, ignoring all the benefits contained in all the provisions. Even in selecting Part IV which deals with exemption, he dealt with only selected items with respect to the exemption. He did not go into the details of this.

This Government is committed to freedom of information, and the question to the Member for Diego Martin East and the Opposition is: What have they ever done to give access to information at any time? They never conceived of freedom of information legislation in all the 34 years they were there. In fact, as the record will show, and as the Attorney General pointed out, not once, not twice, but this is the third time that they have resisted efforts to introduce freedom of information legislation.

Mr. Deputy Speaker, you will recall a Motion brought by the Attorney General, a Private Members Bill when he was then in Opposition, that was resisted by the Opposition. You would recall thereafter a Motion that was brought for freedom of information legislation, and that too was resisted. Once again where we have a Bill before the Parliament, the Opposition has made it clear that it will not support it. It is my respectful view that they are just like Judas in that sense, not once, or twice, but three times they have betrayed the people of Trinidad and Tobago in resisting efforts to bring freedom of information legislation before the Parliament.

The hon. Member for Diego Martin East talked about democracy and he said that the kind of society the Government wants to create is oppressive, dangerous, anti-democratic. He said that we are going to see more and more brutality on members of the media, the Opposition and the public. That is total nonsense! In the almost four years of this Government being in office there has never been any contravention of any of the provisions of the Constitution.

Hon. Member: What!

Hon. K. Persad-Bissessar: In the three and a half years that this Government has been in office, it has never called a state of emergency. Remember, despite

crises that arose, there has never been the calling of a state of emergency in those years that this Government has been in office.

We must remember what a state of emergency is. When a state of emergency is declared, it wipes out, eradicates, every single right and freedom of the citizen. They will recall the state of emergency that was declared by the PNM to deal as they wanted to with C. L. R. James. They stripped him of every constitutional right. Of all people, C. L. R James! They body-searched him. At that time everyone, I am saying, was denied their rights.

The PNM declared a state of emergency to deal with one woman, the Speaker of the House. It was the PNM which declared a state of emergency in 1970 during the time when people of this country were protesting against discrimination and were marching in the streets. The PNM declared a state of emergency in dealing with workers of this country, and arrested Mr. Panday, Mr. Robinson and George Weekes as leaders of the workers movement. It is comical that they want to talk to us about dealing with and denying human rights and taking anti-democratic action; the Government is anti-democratic. It was the same PNM that banned Stokely Carmichael from returning to his homeland. They have forgotten that they did that. He was born here and grew up right on Oxford Street. They banned him from returning to his homeland.

Everything that this Government tries to do the PNM tries to do, the PNM always claim that they were thinking about doing it. In fact, that is why the Prime Minister talked to them about being "a coulda, woulda, shoulda" Government. One thing they cannot talk about and they cannot say that they were thinking about were things to do with freedom of information, human rights and the freedom of the media.

It was comical when the Member said that we would see more brutality on members of the media. The hon. Member has forgotten that the only freedom of the media that the PNM exercised was when the then Prime Minister, Mr. Patrick Manning, used the television to fire his foreign minister, that was the kind of freedom of the media they had, when he used the telecommunications system to fire by fax his head of mission! [*Interruption*]

During the 30 odd years they spent in office, they kept a stranglehold on the media of this country and we must not forget it. They never opened up the airways. All they did, in my respectful view, was to brutalize and muzzle the media. Do not forget that it was the PNM that took over the only television station,

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and one of the only two radio stations in the country, and the only other one—the one they did not take over—they never licensed it. They kept a hatchet all the time over that independent radio station.

During their 30 odd years, the records will show that they never licensed a single other radio or television station. Today, Minister Griffith will tell us that there are about 15 radio stations and so many television stations, but they want to talk to us about brutalizing the media. [*Crosstalk*] [*Interruption*]

Mr. Deputy Speaker, do not forget, that same Member for Diego Martin East, as the Minister of Works and Transport, chased a journalist out of his ministry. When investigative journalism was being done, he chased out the journalist, Natalie Williams. Up to today I do not think he has apologized at all. [*Crosstalk*] Do not forget that it was the then Prime Minister, Mr. Chambers, who also caused journalists to be chased out of the Arima Velodrome. [*Crosstalk*] Prime Minister Chambers said, "Chase them out!" [*Crosstalk*]

The only time the media in this country was opened up was during the National Alliance for Reconstruction (NAR)—Sister Pam would tell you that—not a single television licensed, and the only one existing they took it over. Not a single radio station licensed in all the 30 odd years, and they are talking about muzzling and brutalizing the media! Today, that trend continues under the hon. Minister, Dr. Griffith; 15 radio stations [*Desk thumping*], three television stations locally and 100 plus on cable, all opened up under this administration. [*Crosstalk*] Do not tell us about brutalizing the press and media!

They have forgotten, and the Attorney General reminded me, the *TNT Mirror* article dated May 27, 1994 which stated, "PM Declares War On Mirror" Not the present Prime Minister, the Prime Minister in 1994, the Member for San Fernando East. The article stated:

"Prime Minister Patrick Manning said Tuesday night that he has 'taken a certain position about the weeklies'.

Manning made the shock commitment while admitting that he holds regular meetings with editors of the daily newspapers."

The Prime Minister has not denied that. We have a confession from the Prime Minister openly discriminating against the weeklies. He is having separate meetings with the editors of the newspapers."

He was not holding meetings with the weeklies.

Hon. Member: Jones P. Madeira!

Hon. K. Persad-Bissessar: "The article continued:

"...Manning said, 'the Government is looking at an order of priority.' He talks normal talks!

All this he said, looking at priorities.

"When TnT Mirror's Samuel McKnight asked about the weeklies Manning replied: 'I have taken a certain position about the weeklies; they are not in the business of news.'"

There it is the then Prime Minister, the Member for Diego Martin East's Prime Minister, his political leader, clearly discriminated against the media, and he has the gall to come in this Parliament to talk about brutalizing and muzzling the media. [*Crosstalk*]. No shame whatsoever, none!

What the hon. Member did in his contribution on the last occasion, was to take the truth, bend and distort it to mislead us. It is clear that he does not understand. If he could have all these things in his record and history, and still say that he is for freedom of the press and freedom of the media, then I think he does not understand what it means.

He talked about clause 37 of the Bill, and said that it dealt with an exemption, because he went on to talk about all the exemptions, but this one he spent a long time on. He was talking about the media and freedom of the media. He said:

"37. Notwithstanding any other provision of this Act, where a request is made for access to a document held by the International Communications Network..."

Re TTT or NBS or whatever:

"that company shall not be required to give access under this Act to—

- (b) any recording of images or sound which was made or obtained for the purpose of being broadcast."

Have you ever heard anything more criminal than that? Let me read it again:"

And he read it again! He continues:

"When that is read to me it means one will get no information from TTT, NBS or any other communications company owned by the state, and they are legislating that now. They sneaked this into this Bill."

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Mr. Deputy Speaker, this is no sneaking into the Bill, but it is very clear that he does not understand the freedom of the press or what is the common law.

The common law in this country now is very clear. *[Interruption]* *[Mr. Imbert leaves]* He does not want to learn or listen.

Hon. Member: He cannot take it.

Hon. K. Persad-Bissessar: He does not know that the common law of this country is very clear, that a journalist is under no compulsion in the law to disclose the source of his information. How can we then in freedom of information legislation, legislate to force journalists to disclose their information? We cannot do it! We would be breaching the entire principle of freedom of information and freedom of the press. *[Interruption]* *[Mr. Valley stands]*

Mr. Valley: Please let me.

Hon. K. Persad-Bissessar: Your turn will come, you will speak after me.

Mr. Valley: I do not want to speak, I just want to get a clarification.

Hon. K. Persad-Bissessar: He is misleading us when he takes the clause out of context. He does not explain what it is, what it stands for, what are the benefits to be derived. He is totally selective in what he does. *[Interruption]*

Trinidad and Tobago Television is owned by the state. Both companies are owned by the state. We cannot compel those bodies. Because of the principles of freedom of the press, we cannot compel through legislation for them to disclose sources of their information. *[Crosstalk]*

They talk about democracy being under threat, and the Member for Diego Martin East spent quite some time on us being oppressive and anti-democratic. It is our respectful view that it is the truth that is under threat, not democracy. It is the truth that what the Member has done in his contribution was to distort the provisions of the Bill by selectively reading parts of it.

The prime example of truth being under threat is this whole Penco tragedy that we are reading about every day and the seeking of information. It is astonishing that there are allegations that the Government lied about the Penco tragedy. The question is: In what way did the Government lie? Government gave the facts on the day of the incident, that Caesar fatally had shot Commander Penco, that he had then shot Heather Wiltshire, and then turned the gun on himself and died. What is the lie? What is the cover up? *[Crosstalk]*

Mr. Deputy Speaker, if we read the report carried in one of the newspapers, the eye-witness to the incident substantiated exactly what was in the Government's report. It was very clear if you read that report, that the facts disclosed by the Government were the same that she had seen. I ask again, What is the lie? What is the cover up? I want to ask those who are alleging that the Government has lied: do they have information that others do not?

Is it that they have information otherwise about this incident? And, if they do, are they then denying the authorities in the public that information that they have? If they do, I can only agree with the hon. Prime Minister, Basdeo Panday, that they bring the evidence, bring the information; disclose it if they have other information, than that disclosed by Government; bring that information forward. Do not say that it is a lie. I am asking then: What is the lie and what is the cover-up?

3.00 p.m.

Mr. Deputy Speaker, I ask you to look at the *Daily Express* editorial of today, Friday, May 14, 1999 headlined "Seek the truth and nothing but..." the truth. I ask Members to have a look at that article, because it is very clear that there has been no cover-up and no lie with respect to the tragedy that occurred at the Prime Minister's residence.

So, we come to the Member for Diego Martin East talking about the Bill being an abomination; the Bill being a UNC secrecy act. Again, if we look at the record of the PNM, we can see clearly where the secrecy is and where the secrecy was, and maybe that is why they are resisting this freedom of information legislation because it will make public, many of the things they held secret when they were in government, and things that people in the public domain wanted to know.

You will recall, for example, Mr. Deputy Speaker, the Hall of Justice of this country which was scheduled to cost \$97.5 million. Do you know what was the cost finally? There was a cost overrun of \$150 million. Is the public not entitled to know why that was so? What happened and why was that so? The Eric Williams Financial Complex—the contract price was \$188 million; they expended \$429 million, a cost overrun of \$240 million. That was their style of government, yet we do not know why that came about.

Mr. Deputy Speaker, we see a government minister was forgiven 75 per cent of his loan. People had forgotten that; the public have a right to information to know the details of that.

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So, when we look at the secrecy surrounding the divestment of assets, the contracts with the current government—and we could list all of those—again, I am saying whether it was that government or this one, the public is entitled to know the details of that, and to get the information.

We heard Members saying that there were so many exemptions in this legislation that what is, in fact, being done is legislating the right of public authorities to deny information to the public. It is totally opposite. We bring provisions to allow access to information, the Member tells us we are legislating for secrecy; we are legislating to deny information to the public.

Part IV of the Bill very clearly deals with all the exempt documents about which the hon. Member spoke, and it talks about the circumstances under which a public authority shall give access to an exempt document. That concept of providing for restrictions on access to information is not new. It is not something we in Trinidad and Tobago sat and thought about to be sinister and to be in some way secretive, to prevent people from gaining information. There is nothing phenomenal about the restrictions. There is nothing sinister about them. There is nothing dangerous, oppressive or anti-democratic, as the Member for Diego Martin East said.

Because, if we look very carefully at freedom of information legislation in countries all over the world, all contain provisions which restrict access to private, confidential and commercially sensitive information and to information which would breach Cabinet confidentiality and information that would compromise state security.

If we look at the legislation elsewhere: Sweden has introduced its freedom of information legislation; Finland has introduced theirs; the United States has introduced theirs; Denmark, France, the Netherlands, Australia, New Zealand, Canada, Greece, Ireland. Trinidad and Tobago is now seeking to introduce it. Is it that all countries which have sought to bring freedom of information legislation into their statute books, are all legislating for secrecy, are all anti-democratic, oppressive and dangerous?

If we look at the legislation itself and look at the provisions in these other countries, we will see that the exemptions contained in our Bill are no different from those contained in freedom of information legislation throughout the other jurisdictions.

For example, the hon. Member for Diego Martin East spoke about clause 24 which dealt with Cabinet documents. He attempted to paint a picture that was sinister and full of subterfuge on the part of the Government, attempting to exempt Cabinet documents. Clause 24 stated that these documents will be exempt.

In Australia, Cabinet documents are also exempt at section 34 of their legislation. In Canada, Cabinet documents relating to the operations of government are also exempt at section 21 of their legislation. In Ireland, it is the same—section 19 of their legislation. Is it then that they are all legislating for secrecy? Is it then that they are all oppressive and anti-democratic?

Mr. Deputy Speaker, clauses 25 and 26 about which the Member spoke, again have to do with exemptions relating to documents about defence, security and international relations. Again, these exemptions are provided for in Australia at section 33 of their legislation; in Canada, at section 15 of their legislation; in Ireland, at section 24 of their legislation.

Clause 27 is another exemption with respect to internal working documents. Again, Australia in section 36 of their legislation exempts these; in Canada, section 14 exempts these; and in Ireland, sections 20 and 21.

Clause 28 refers to law enforcement documents which were referred to by the Member for Diego Martin East as an exemption which was oppressive and legislating for secrecy. Again, in the legislation in Australia, section 37 makes provision for this; in Canada, it is section 16 of theirs; Ireland, it is section 23 of their legislation. I have only selected these three. All the others contain provisions for exemptions that are in like nature to those of Trinidad and Tobago.

Clause 29—documents affecting legal proceedings or subject to legal professional privilege. It is same thing. These are in the legislation of Australia at section 42; Canada, section 23; Ireland, it is also included.

In clause 30 relating to documents affecting personal privacy. Australia, section 41; Canada, section 19; Ireland, section 28.

Clause 31, referred to by the Member for Diego Martin East—documents relating to trade secrets. He said these were exempt; they were oppressive; they were legislating for secrecy. Again, Australia, section 43; Canada, section 18; Ireland, section 27.

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He mentioned clause 32—documents containing material obtained in confidence. Again, in the legislation of Australia, section 45; Canada, section 13; Ireland, section 26.

There are other exemptions which the Member did not mention at all. Again, he selected only those to create his mischief to give the impression that the legislation we were seeking to bring was oppressive, but we have documents affecting the economy, commercial affairs concerning the operations of public authorities at clause 33 which are exempt and, again, these are reflected in the legislation in the other countries—Australia, sections 40 and 44; Canada, section 18; Ireland, section 31.

Clause 33 of our legislation was again not mentioned by the Member. This also includes information obtained from a third party and the disclosure can only be obtained with the consent of the third party. Again, these are in the legislation of the other jurisdictions.

Provisions in clause 34 of our Bill and not an exemption, are also in the legislation. If we go through all the exemptions, we will see everywhere that there is freedom of information legislation, it is very clear that there are exemptions. Therefore, what the Member has done is to create mischief—not really mislead—to give the impression that Trinidad and Tobago has been sinister, that this Government is being sinister in placing these exemptions into place.

It goes even further than that. The Member again distorted the truth, because, as I said, he selected some of the exemptions, then he read only parts of the exemptions and left out completely a clause of this Bill that would allow any document whether it be exempt or not, to be available and made accessible to Members of the public. That is to say, even though the document is an exempt document, clause 35 of the Bill requires that access to an exempt document be given to the public where there is:

- “(a) abuse of authority or neglect in the performance of official duty;
- (b) injustice to an individual;
- (c) danger to the health or safety of an individual or of the public; or
- (d) unauthorised use of public funds,”

So, when he sought to give the impression that documents of the National Insurance Property Development Company, the National Insurance Board and all these other state agencies, were listed as exempt documents under some of the

provisions, that he felt they were caught within the exemption provisions, he failed to deal with clause 35 which is the overall clause of the Bill which clearly states that if there is unauthorised use of public funds—

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

Motion made, That the hon. Member's speaking time be extended by 30 minutes. [*Hon. M. Assam*]

Question put and agreed to.

Hon. K. Persad-Bissessar: Thank you, Mr. Deputy Speaker, and Members of the House.

I am saying that this omnibus clause, clause 35 is a very, very important clause, because it makes provision for any document, be it within or outside the categories of the exemptions, to be made available and accessible to members of the public. Therefore, the insinuation where it was being alleged that National Insurance Property Development Company would have overspent moneys and so forth, and there would have been no access to those documents, is totally untrue, because it makes it very clear that where there is unauthorized use of funds, that documents can be brought forward. It makes it very clear where there is injustice to an individual, even if that document is within the exempt category, it can still be made available to the public.

Failing all that, there is still yet another safeguard, another check and balance within the provisions of the Bill, that is to say, where you are aggrieved by being denied access to information or access to a document, you can apply for judicial review of the decision of the public authority. So, in the final analysis, an independent body—and I think the Member made the point. He was saying that the public authority would be itself unto itself so that it could deny and decide what was in the public interest and what was not in the public interest. That, again, is very far from the truth.

The truth is if the public authority has acted outside its jurisdiction in refusing to grant access to the document, if it is they deny you the document or the information you seek, you go to the highest place in this land, which is the court of justice to have redress, judicial review of any decision of a public authority to deny you access to a public document. So, there are three points basically in looking at these exemptions.

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The first is, everywhere in the world, there are exemptions to freedom of information legislation and this is exceedingly important. It is important that you must have checks and balances, that you do not cause injury and damage to persons from allowing total freedom of access of all information where it is in the interest of national security, *et cetera*: Within the provisions for exemptions, there are certain areas where the documents will not be, in the first instance, granted ready access.

However, there is still a second bite at it and that is, where that happens, the document is classified as an exempt document. There is clause 35 which says if there is abuse of authority, if there is neglect in the performance of duty, if there is injustice to an individual, if there is danger to health and safety of anyone, if there is unauthorization of the funds, then you are required to give that document to members of the public.

If you are still denied on that second bite, you have a third bite and the third bite is to seek redress in the courts for any arbitrary decision of a public authority to deny you information.

So, I am saying that the picture painted by the Member for Diego Martin East is a really select picture that takes the provisions with respect to exemptions totally out of context from within the Bill and fails to show all the benefits with respect to allowing access to freedom of information. He talks, for example, about no police records—

Mr. Bereaux: Madam Minister, before you leave clause 35, could you address the forum to which you would go in order to get redress under clause 35? Is it only to the courts?

3.15 p.m.

Hon. K Persad-Bissessar: We will look at it and get back to you on that.

We will get back to the Hon. Member's question with respect to the exemptions; clause 25 which is one of the exemption clauses—the Member says:

“as a result of this, no police records would be available to the public because...any police record or any police matter would be likely to prejudice the lawful activities of the security services”.

Mr. Deputy Speaker, I want to say this is simply not true. The public will have access to police records that will not prejudice lawful activities of the security

services. For example, if police records contain information about unlawful practices in a particular place or a particular station, then I cannot see how access to those records could prejudice lawful activities of the security services. It is either the Member misunderstood the object or intent of the clause or that he deliberately attempted to mislead this House, Mr. Deputy Speaker. He is saying that no police records would be available. I am saying that is totally untrue.

He quoted again, clause 26. He says:

“A document is an exempt document if disclosure under this Act would be contrary to the public interest.

He then asks:

“Who determines that?”

Who would determine if it is contrary to the public interest? If he had read the Bill he would have realized that, in the first instance, the public authorities determine whether or not the disclosure would be contrary to public interest.

However, thereafter, as I explained earlier, clause 39 provides for judicial review of the decision. Ultimately it is the court that will determine whether disclosure would be contrary to the public interest at all.

He quoted the exemption in clause 26(a) which states:

“A document is an exempt document if disclosure...would be contrary to the public interest.

- (a) would prejudice relations between the Government of the Republic of Trinidad and Tobago and the government of any other State;”

Again, he is objecting to this. In fact, he objected to all the exemptions basically. He is saying even if the disclosure of information would harm the conduct of international relations or affairs with the Government here, then the Member does not want that disclosed at all. He has no care for the international relations of Trinidad and Tobago as it falls with other countries.

He talked about clause 27(1)(a)—Internal working documents. I might say, selectively 27(1)(a). He read that alone. He did not read part (b) which contains a public interest safeguard. Also, he did not realize that both parts (a) and (b) must be taken together, so that information, eventually, must be disclosed to the public unless the harm that it would cause to the public or that would arise from that disclosure, would outweigh the public interest.

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Again, clause 28(1) deals with an exempt document which would:

“prejudice the investigation of a breach... of the law or prejudice the enforcement or proper administration of the law...”

Mr. Deputy Speaker, one cannot over-emphasize the need to take precautions to protect the lives of citizens. That is what that exemption is about. We have to protect information, the disclosure of which could endanger the life or physical safety of any person or the identity or source of information or assistance given in confidence for law enforcement or security purposes.

One only has to look at the spate of very brutal slayings there have been of key prosecution witnesses to appreciate the importance of an exemption such as that contained in clause 28.

Mr. Deputy Speaker, you will remember a state witness, Clint Huggins, killed in February 1996; Sieunarine Goolcharan, killed in May 1993; and Fabrina Alleyne, killed in April 1994. All these state witnesses were killed; evidence which would have been of vital importance to the state in prosecution of those matters. I am saying that the exemption in clause 28 is of vital importance for law enforcement in the proper administration of the law.

The Member also failed to mention clause 28(2) which provides a detailed list of documents that do not fall within the ambit of the exemptions. Do not fall completely. These documents include documents revealing illegal investigating methods used in law enforcement and reports dealing with the performance of public authorities in the area of law enforcement. These documents are not within the categories of exemptions.

The combined effect of clause 28 would be to strike a balance between disclosure and non-disclosure affecting the proper administration and enforcement of the law.

Mr. Deputy Speaker, another exemption which the Member did not appear to understand is that in clause 29(1) which deals with legal professional privilege. He may not be aware of the fact that the legal profession is governed by, what is called, the Professional Code of Ethics.

In Trinidad and Tobago, this code is enacted in the Third Schedule of the Legal Profession Act, No. 21 of 1986. More specifically, rule 23(2) of Part A of the Code of Ethics states:

“An Attorney-at-Law shall scrupulously guard and never divulge his client’s secrets and confidences.”

The attorney-client privilege is a basic and fundamental principle of the legal profession, and I am sure that the average man in the street understands the importance of that.

If the Member appreciated the significance of this clause—it may well be that he did, because he called it “a gem of a clause”. The Member for Diego Martin East said this was a “gem” of a clause. It is a gem, because without this exemption, the legal profession would become dysfunctional without the kind of protection afforded in that particular clause 29.

No client would be able to speak freely to his lawyer for fear that his information would be disclosed to his detriment.

Mr. Deputy Speaker, I have already pointed out that nothing, in the final analysis, is totally exempt. There is no absolute exemption because of the provisions of clause 39 and the redress to the courts.

In addition, if we look at the exemptions as they stand, there are checks and balances that are designed to safeguard the individual in a number of cases. Clause 29, with respect to lawyer-client privilege, is an exceedingly important one for the functioning of the legal profession.

Clause 31 addresses the exemption relating to trade secrets. Again, the Member demonstrated his very selective reading skills with this particular clause. This is a very important clause because it serves a two-fold purpose. Firstly, there is a public relations function and secondly, it allows for commercially sensitive information to be withheld from the public gaze.

Disclosure of documents relating to trade secrets would seriously prejudice the competitive, commercial activities of the state or the public authority in question. Such disclosure could significantly interfere with contractual negotiations or obligations relating to the state or public authority.

Mr. Deputy Speaker, as you are well aware, if this is undermined it could well affect the internationally accepted commercial codes and practices relating to trade secrets. This is not just here in Trinidad and Tobago, this is everywhere. In fact, there are other pieces of legislation which clearly safeguard trade secrets to prevent unfair competition taking place.

Clause 21 has also been misunderstood by the Member, because this clause would permit the refusal of a request on the grounds that the work involved in

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processing would substantially and unreasonably divert resources from the authority's other operations.

Mr. Deputy Speaker, in my respectful view, the exemptions are all in order, in the sense that they reflect what is seen in other countries of the world. They are very clear that the purpose of the exemptions is to protect members of the public: to protect individuals from harm and injury that would arise if such disclosures were made.

However, the final point: it is clear that there is still within the Bill, a provision that overrides all exemptions and that is the one contained in clause 35 of the Bill. Also, there is the additional safeguard under clause 39 for the application for judicial review.

Mr. Deputy Speaker, the Attorney General mentioned several of the advantages of the provisions of the Bill. I have attempted to deal with the objections raised by the Member for Diego Martin East with respect to the exemptions. I would not go into all the advantages because the Attorney General has done so.

There is one that I feel is of particular importance, and it has to do with medical records. I think the hon. Minister of Health talked about being able to access medical records through the Freedom of Information legislation. I quote here from a brochure that has been put out by the National Consumer Council of the United Kingdom, headlined "*A Spoonful of Secrets*", the Right to Know—*A Spoonful of Secrets* by Claire Reena. Someone has written a letter—it could be anyone of us in this country or anywhere. It states:

"Can you help me find out a few things? It's not that I'm after revenge or anything like that. I just want information, but at the hospital they say they can't help me. I think it's more that they won't, you know what doctors are. My wife died five months ago. She had had a heart condition for years and they tried her out on this new drug which they thought would help, but she went downhill and I lost her after she'd been on these new pills only three days. The doctor says it couldn't have been...(the pills) that did any harm as she hadn't been on them for long enough and that her heart was very bad, but I want to know more about them and what they were. But no one will tell me..."

Letters are sent with this kind of complaint all the time in this country. There is nothing in our law which compels medical authorities to disclose records to individuals.

3.25 p.m.

So that a person who has been seeking treatment information from the hospital with respect to their relatives or to themselves, a person whose relative may have died as a result of treatment—Mr. Deputy Speaker, being a member of the profession I am sure you are very much aware of this. There is no law which puts the hospital under a legal obligation to give information to an individual if that individual goes to the hospital. If that individual has a perception that the hospital, a nurse, an official or doctor has been negligent, and if that patient seeks the records of that hospital, there is no way that they will give them that information.

Every day in this country there are so many persons who are treated at institutions and who complain of negligence, but there is no law that compels these institutions to provide that information to them. There is no law which puts the hospital under an obligation to provide information to the family to satisfy the injured family where there has been sudden death in the family or injury when the person has gone into the hospital for care. People do not have the right to that information and they resort to other means.

When I was in private practice and persons were injured in accidents, whether motor vehicle or otherwise, and they were seeking compensation in their lawsuits for the damage and injury they had suffered, I remember the tremendous difficulty we had in obtaining records from the hospital with respect to the treatment they had received. Remember, the compensation would have been premised on the kinds of damage and care and treatment received at the hospital. One could not get that information. Persons resorted to all sorts of methods in order to get that information.

What this means at present is that there is a sort of discrimination taking place. As there is no obligation in law there are those who use other means of obtaining records and they get that kind of record. There are also others who do not utilize those methods to obtain the records. There is a sort of discrimination but also it is a sort of corruption with respect to the service being given. People want to know about these matters and it is clear that there are times, I know, when people pay a little something in order to obtain information when there is no legal obligation anywhere for obtaining that information, so it leads to a sort of corruption in what is taking place.

It is a very serious matter, Mr. Deputy Speaker. As a Government and any of us, all of us in this country, if we care about the rights of people, if we care about

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their right to health care, protection of the law and equality of treatment, if we want to ensure that there is a level playing field so that not only some, but all persons will have access to their medical records, then this piece of legislation will do exactly that. What it will do, then, is provide medical records for patients, something that has never happened before, which provision would now seek to eradicate the kind of corruption and discrimination that has taken place and also the kind of hardship and pain people feel when their family member has been subjected to negligent care at institutions.

Mr. Deputy Speaker, I commend this Bill to this honourable House. I say that the hon. Member for Diego Martin East again talked about Members on this side in respect of getting information about inducements offered to them. He was referring, I think, to the Member for Point Fortin and the Member for Arima and he said, “We want to get information about what inducements were offered to them for joining that side of the House”.

He talked about it last week. In fact, they have said very clearly that the only inducement offered to them was the opportunity and the chance to serve the people of Trinidad and Tobago. [*Desk thumping*] The only inducement that they had was the opportunity and the chance to serve in a Government that is committed to unity in this country. [*Desk thumping*]. The hon. Members said that the only inducement they had was seeking to improve the quality of life of the people of Trinidad and Tobago and that their inducement to join those of us on these benches was clear, Mr. Deputy Speaker, because of the vision and the commitment they had in terms of taking Trinidad and Tobago into the new millennium, not on donkey carts as the others would have done, but clearly to take this country forward with a vision that would take us maybe with a space rocket and we would shoot into the 21st Century.

That was the kind of inducement that they received, Mr. Deputy Speaker. There was no other. However, it is the truth that is under threat. Each time they come into the House and attack the two Members, making it appear that this side of the House in some way improperly induced the Members—there was no improper inducement. It was the commitment of the Members to serve and treat— [*Interruption*] The only inducement—I am telling you what the inducement was. It was the opportunity and the chance to serve the people of Trinidad and Tobago.

Therefore, Mr. Deputy Speaker, if the Member wants to talk about oppressive, anti-democratic, dangerous and legislating for secrecy and so forth, I say that there

is a saying that the eye does not see by itself. The eye only sees by reflection. Perhaps that is what they were about, Mr. Deputy Speaker, so that they accuse this Government of being anti-democratic, oppressive and dangerous. Do you know what the Member said as well, Mr. Deputy Speaker? He said, "When we get into government we will reverse all that anti-democratic legislation".

I want to join with the hon. Prime Minister and say they have a very long wait and if they continue in this mode I feel that opposing freedom of information legislation is not the way to go. That is no way for them to ever return to this side. This piece of legislation is clearly designed to provide the people of Trinidad and Tobago with information that would allow for openness and transparency.

I ask hon. Members to support this Bill and make sure that the people of Trinidad and Tobago are not in any way short-changed, that the things that are done in government—all the allegations they make all the time, if there was legislation like this, Mr. Deputy Speaker, they would not have that problem because they would be able to access the information. I thank you, Mr. Deputy Speaker. [*Desk thumping*].

Mrs. Camille Robinson-Regis (*Arouca South*): Mr. Deputy Speaker, this Bill is a clear example of this Government's dualism, Janus-facedness and two-facedness. Throughout this Bill which is now before us, the Government is giving with one hand and taking away with the other. This is a Government which has shown by its every action, by its every deed, that it is ambivalent, that it vacillates and vacillates, and is ambivalent in all things except the pursuit of corruption, nepotism, favouritism and those issues they pursue with an evangelical zeal.

It is for those reasons that the principle of freedom of information legislation may be laudable. The way this Government has perverted the legislative process, has perverted the governance of Trinidad and Tobago, so much so that we cannot, by any stretch of the imagination, support this legislation in the form in which it is now before the Parliament of Trinidad and Tobago. [*Desk thumping*].

Mr. Deputy Speaker, can this legislation truly achieve freedom of information? If, in fact, it could have done so by its very clauses, we would have supported this legislation. We are contending, however, that a Government which has developed a legacy of disregard for truth, disregard for honesty, disregard for freedom of the press and freedom of expression, can never come to this Parliament with any will or ability to truly bring a Freedom of Information Bill

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which can be accepted by this side or indeed by the people of Trinidad and Tobago. [*Desk thumping*].

This is a government which had its genesis in secrecy and has developed a history, indeed a legacy, of secrecy in government and lives by the code of lies, half-truths and innuendoes. It is amazing the lengths to which members of this Government would go to pretend that their cause is just and noble. They would go so far as to distort the truth, both inside and outside of Parliament, pretend, plagiarize and do all manner of evil in order to give the impression that they are working in the interest of the people of Trinidad and Tobago.

This so called unity government was, as I said previously, conceived and born in secrecy. To this day we do not know exactly what deals were made to bring this Government into effect. We do not know what inducements, and I repeat what my colleague for Diego Martin East said, were held out and paid for the Members for Point Fortin and Arima to now sit in the front benches of the Government. They are pretending that freedom of information and transparency in government are top priority.

However, this Government has turned secrecy in government, the suppression of information and the annihilation of those who have exposed them into a fine art. So that this Freedom of Information Bill is seen by us on this side as nothing more than another sham, another package of pretence to divert the population's attention from their true intent, Mr. Deputy Speaker, and we are contending that this legislation does not and will not give any freedom of information to any member of the public. It simply serves to add another layer of bureaucracy. It simply serves to protect the information that they now hold.

I would like to put on the record of this Parliament the fact that this Government has demonstrated that they do not have the political authority to carry forward any of the legislation that they have brought to this Parliament as they know full well that they do not have the support of the population in these pieces of legislation. Clear evidence of this is their marketing efforts with regard to the Constitution (Amdt.) Bill.

3.40 p.m.

Mr. Deputy Speaker, indeed, if they had the support of the population they would never have had to use taxpayers' money to market the Constitution (Amdt.) Bill. [*Desk-thumping*] It is clear, from the eminent jurists who spoke out against the Constitution (Amdt.) Bill, and the later decision of this Government to

proceed with the Bill, nonetheless, and use the media to market, through paid advertisements, the Constitution (Amdt.) Bill, that they did not and do not have the authority and the will of the people of Trinidad and Tobago in the legislative path they have decided to take.

We, on this side, would like to know, quite clearly, from the Members on that side and, in particular, the Member for Couva North, the Prime Minister, exactly what was this so-called “private poll” that was taken which showed them that the people of Trinidad and Tobago were in support of the Constitution (Amdt.) Bill.

If this were in fact a true poll, then why did they not bring the evidence of that poll to the Parliament of Trinidad and Tobago? Why are they contending that a poll was taken, and yet no results of that poll were ever published? They have paid for advertisements but they have not chosen to reveal that so-called poll which gave evidence that the population is behind them in that particular measure. What is the reality? We are contending that they have no authority; they have no support, and they will continue to operate without the authority or the mandate of the people of Trinidad and Tobago.

I must take this time to indicate if someone were to try to get the information on how that poll was conducted, or if in fact a poll was conducted, and this legislation were in operation, how possible it would have been for somebody to get that information.

I turn to Part III of the Bill, which deals with “Right of Access to Information”. Clause 11 of the Bill indicates that there is now a statutory right of access to information. Clause 13 indicates that anyone who would like to get information must make a request for the information on a prescribed form and must also indicate, in some way, what exactly is the type of information they are seeking, and the manner in which they would like to get the information, whether by photocopy, typed copy, or the like. Then it states that whoever applies, there is a duty on the public servant to assist the applicant. However, clause 15 states:

“A public authority shall take reasonable steps to enable an applicant to be notified of the approval or refusal of his request as soon as practicable but in any case not later than thirty days...”

Mr. Deputy Speaker, after you make a request the public authority has no duty to necessarily give it to you immediately. Despite the urgency of your request, they have as long as 30 days within which to give that request. However, it is said by an amendment to clause 17—which has just been passed out—that:

“(4) ...where a public authority fails to give an applicant access ... within seven working days of the payment of the relevant fee ... the applicant shall, in addition to access to the official document requested, be entitled to a refund of the fee paid.”

However, Mr. Deputy Speaker, there is nothing in the existing legislation or, indeed, in the amendments which changes the effect of clause 15. So, 30 days really is the time limit that someone has to get this information. When we speak about a time limit, an examination of clauses 18 and 19 of the legislation indicate:

“(19) A public authority which receives a request may defer the provision of access to the document concerned if the document has been prepared-

- (a) for presentation to Parliament;
- (b) for release to the media; or
- (c) solely for inclusion, in the same or in an amended form, in a document to be prepared for a purpose specified in paragraph (a) or (b).”

Mr. Deputy Speaker, the question must be asked: how is it to be proved that the document you are requesting is for use for presentation to Parliament or for release to the media? You may be asking for access, let us say, to the poll that the Member for Couva North spoke about, and they may tell you that they cannot give you access because it is for presentation to Parliament, or for release to the media. You have no mechanism of proving at the time you make the application, or at the time the access is deferred, whether in fact, this is true.

As I said when I opened, they are giving with one hand and taking away with the other, because even though they are saying there is a statutory right to access, throughout the legislation, particularly in Part III, there are mechanisms for deferring access or not giving access at all. Indeed, in clause 21 it indicates that a request may be denied outright.

Mr. Deputy Speaker, it is said that when a request is refused or denied, as clause 21 (1) states:

“A public authority dealing with a request may refuse to grant access to documents in accordance with the request, without having caused the processing of the request to have been undertaken...”

They would have done nothing as yet, but they may refuse if the public authority is satisfied that the work involved in processing the request would substantially and unreasonably divert the resources of the public authority from its other operations. Mr. Deputy Speaker, giving with one hand and taking with the other. It also says in clause 21 (2), that access may be refused if the public authority is of the view that the request will result in difficulty in identifying the documents, editing the documents, and in examination of the documents.

The question which must be asked is: if when a request is made these spurious reasons can be given for refusing access, what in fact, is the worth of this piece of legislation? [*Desk thumping*]. It also says the access may be refused if it is apparent that the documents asked for are exempt documents.

Additionally, Mr. Deputy Speaker, throughout this entire Bill, it must be remembered that there are persons who decide whether access should be granted to a public document, or one of the documents identified by this legislation. This is of extreme importance, because even though the legislation in Part III gives a general right of access, clause 22 (1) of the legislation says that for any request made to a public authority for access to documents, those persons who would decide whether that access should be granted are: the responsible Minister, a Permanent Secretary, a Head of Department, a Chief Executive Officer and officers of that ilk.

3.50 p.m.

Mr. Deputy Speaker, I am asking, in fact, if a document relates—and we saw it in the exemption section—to an issue involving any of these Ministers over whom we have question marks, and they are the ones who can decide if someone will have access to the document, we ask whether, in fact, they will ever give any member of the public access to these so-called documents that are now freely available to the public? We on this side say that this piece of legislation is a sham and, clearly, it is not designed to give any freedom of information at all. [*Desk thumping*]

Speaking on behalf of the Members on this side concerning the issue that now occupies the minds of several persons in relation to Dr. des Vignes, where access to his information from the Medical Board was denied, we are contending that if this Bill becomes law, there would be absolutely no difference, because the person who can give the decision to give access is the Minister—and this is the first person named. Mr. Deputy Speaker, we on this side contend that the Minister will

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control every piece of information that comes out from his or her Ministry. Clearly, there will be absolutely no freedom of information. We make no apologies for stating that, because from the very behaviour of those on that side, we know that our contention is rooted in the truth. *[Desk thumping]*

There was a time in the early life of this Government when there were some members of the Government who, it was felt, were not part of the chicanery and deception that has characterized this Government. Indeed, the Member for Siparia was one of those persons who many felt was not part of this chicanery and deception, but from her very words in this debate, she seems to have been sucked into the vortex which surrounds this Government—that vortex of deception, chicanery and untruthfulness. I do not say this lightly.

Mr. Deputy Speaker, I would like to remind you of some of the issues that the Member for Siparia raised in her contribution today. She indicated that under the People's National Movement, no radio stations were given licences, no radio stations were opened up, no newspapers were allowed to operate and the like. However, I would like to remind the Member for Siparia that it was under the People's National Movement that Radio 103 got the licence to operate in Trinidad and Tobago and to operate a totally East Indian station. *[Desk thumping]* It was under the People's National Movement!

Similarly, under the People's National Movement, Radio Central 90.1 was allowed the licence to operate. It was under the PNM that the *Bomb*, the *Tnt Mirror*, the *Express* and the *Newsday* came into existence. So, when she contends that we have had a history of closing the press, of denying access to information, I am saying that she has joined the ranks of those who will deceive and pretend to the population of Trinidad and Tobago. *[Desk thumping]*

I will not stop there, Mr. Deputy Speaker, for she contended that it was under the People's National Movement that various states of emergency were enforced. Let me remind her that a state of emergency is a constitutional measure. We have never gone outside of the Constitution in any way. *[Desk thumping]* It is a constitutional mechanism. Mr. Rafeeq Shah, who was charged for mutiny, served in the Parliament of Trinidad and Tobago under the People's National Movement; he is now a trade unionist, he is now operating as a journalist, and he operated under the People's National Movement. George Weekes entered Parliament, the Member for Couva North, Mr. Basdeo Panday, the current President of Trinidad and Tobago, both of whom she claimed were locked up, became Prime Ministers

and Presidents, and there was nothing done by the People's National Movement to stop these people from going about their normal everyday duties. Even the Member for Nariva, who posed for years as a journalist and was, in fact, a UNC stooge, and is now operating in the Parliament.

Mr. Deputy Speaker: Concerning what the Member said about the Member for Nariva, I caution her to withdraw that last statement.

Mrs. C. Robinson-Regis: Mr. Deputy Speaker, if you are of the view that "stooge" is unparliamentary, I withdraw it. The Member for Nariva, who was clearly a UNC supporter, while he posed as a journalist, is now in the Parliament of Trinidad and Tobago. He was not attacked in any way. He was not hindered in the performance of his duties as a journalist.

We have seen this Government, in the same three and a half years about which the Member for Siparia spoke, attack Jones P. Madiera, Ken Gordon, Julian Rogers, the *Trinidad Guardian* newspapers, and every aspect of the media; the print media and electronic media, in every way. In three and a half years! [*Desk thumping*] So, it is amazing that the Member for Siparia could get up and claim that this Government has not put the media under constant and continuous attack.

Mr. Deputy Speaker, I would like to take this opportunity to indicate what this Government has done to the media of Trinidad and Tobago. Apparently, to this Government the media is a threat, and the headlines of the newspapers are clear. The *Independent* of Friday July 4, 1997: "Media want coup, Humphrey warns of plot to overthrow Government"; the *Express* of November 8, 1998: "When the Prime Minister lost his cool". Mr. Deputy Speaker, let me just indicate to you what this was all about. I am asking for permission to quote. It says:

"The incident attracted the attention of several of the guests including Culture and Gender Affairs Minister, Daphne Philips, who had stopped eating her hors d'oeuvres and was attempting to calm the Prime Minister. Attorney General Ramesh Lawrence Maharaj had placed a hand on Mr. Panday's shoulder as if to instruct him to temper his comments. The Prime Minister's three guards looked concerned."

And they are talking about the PNM tried to attack the media?

Continuing, Mr. Deputy Speaker: Monday, November 9, 1998; "PM lashes media again. Is war. Mother of all battles coming." November 9, 1998, *Express*: "PM Calls for Boycott, Blows for the media, supporters attack reporters".

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November 9, 1998, *Newsday*: "Media kicked, cuffed at UNC rally". The *Trinidad Guardian*: "Media March, thousands walk for press freedom". And the Member for Siparia is saying that in the three and a half years, they have not put the media under pressure? Mr. Deputy Speaker, April 25, 1999: "PM guns for showdown with media. Panday gears for rising tempo before Miss Universe Pageant".

I have taken this opportunity brought on by the Member for Siparia to indicate that her statements could not be further from the truth. [*Desk thumping*] This Government has done nothing to make anyone believe that they are truly interested in granting freedom of information to anybody in Trinidad and Tobago.

4.05 p.m.

Mr. Deputy Speaker, their behaviour as it relates to the media has prompted not only comments within Trinidad and Tobago but international comments.

It is amazing that the Government led by the Member for Couva North, continuously says that the media would make Trinidad and Tobago look bad. Mr. Deputy Speaker, I ask the question, is it the media that is making Trinidad and Tobago look bad?

As a matter of fact, the headline of *Sunday Express* January 31, 1999: "Manohar lashes out at media they're making T & T look bad."

But, Mr. Deputy Speaker, *Newsday* Tuesday February 13, 1996: "Two Grenada publications criticize PM. Panday." Is it the media making Trinidad and Tobago look bad?

Mr. Deputy Speaker, the Media Council that was established, Friday July 4, 1997: "Media Council gets most complaints against the Gov't."

July 5, 1997: "Camwork disappointed by attacks on TT media."

Express dated July 15, 1997: "World news group slams Green Paper."

Mr. Deputy Speaker, *Express* November 20, 1998: "US group wants report on attack from Panday."

Mr. Deputy Speaker, again I ask the question, is it the media that is making Trinidad and Tobago look bad?

The article of the editorial of the *Sunday Observer* dated June 29, 1997, perhaps, best summarizes how the regional and international community view the Prime Minister and his UNC Government attacks on the media. Mr. Deputy Speaker, if I could be permitted to quote:

“dissatisfied with the style of the *Guardian’s* reportage, Mr. Panday,”

Sorry, “Mr. Panday, an ethnic Indian, branded Mr. Madeira a racist—a charge he now apparently reserves for anyone in the press who challenges his high-handed arrogance and attempts to bring the press to hell. He has since called Ken Gordon, the publisher of the *Express*, a ‘pseudo racist’. On this score, Mr. Panday is dangerous for the Caribbean.”

I repeat:

“On this score, Mr. Panday is dangerous for the Caribbean. Should he succeed in cowing the press, the danger is that the cancer could quickly spread across the region.”

Mr. Deputy Speaker, from this very editorial, it is clear that throughout the region and indeed internationally, this Panday-led UNC Government is being viewed as a plague—a plague, Mr. Deputy Speaker, because he and his Government are seen as dangerous to the region.

Mr. Deputy Speaker, we on this side are contending that no amount of Freedom of Information legislation, couched in terms which clearly indicate that there is no freedom of information brought on by this legislation, will convince anybody that this Government has changed from its course, and has changed from its clear intent to remain a secret and closed Government.

Mr. Deputy Speaker, we are contending that the Member for Siparia has indicated that the Member for Diego Martin East failed to read all the parts of the exemptions, and as a mechanism for indicating that the Government is, in fact, really about transparency and accountability, the Member read from the UNC Manifesto and clearly, Mr. Deputy Speaker, she did exactly what she accused the Member for Diego East—leaving out essential elements of the section that she read. She read from pages 22 and 23 and particularly, page 23, under the rubric “The Parliament”, and she indicated that:

“The Government of the day must be accountable to the people through the Parliament.

Freedom of Information legislation would also be enacted by a UNC Government...”

What she failed to indicate under that section, however, is that a UNC Government, as is said in the manifesto:

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“...will implement those provisions of the Constitution which require a Member of Parliament to vacate his/her seat if the Member is expelled or resigns from the political party on which ticket the member was elected.”

I ask the question, given the information that has come to the People’s National Movement regarding the request or the decision that costs in the matter involving this issue would not be waived, especially in circumstances where the state has had a history of waiving costs in Constitutional matters, whether the UNC has forgotten this aspect of their manifesto.

Mr. Deputy Speaker, we ask the question whether with their history of vindictiveness and pretence; whether in all issues they will continue to operate in this way?

Mr. Deputy Speaker, based on this contention, I repeat, we are of the view that this legislation is nothing more than a sham, a pretence. [*Desk thumping*]

Mr. Deputy Speaker, I would like to refer to section 33 of the legislation before us which says in part, that documents which would affect the economic or commercial affairs of a public authority would be deemed exempt documents and if a document would negatively affect the financial interest of a public authority, then it would be deemed an exempt document.

4.15 p.m

There is also the section which deals with an exemption relating to trade secrets and in relation to those two issues, I ask the question whether the situation involving the Trinidad and Tobago Bureau of Standards would fall under this exemption in the Freedom of Information Bill. Mr. Deputy Speaker, would it mean, that the Minister of Trade, the Member for St. Joseph would not be able— at the request of someone who wanted information—to reveal it?

I quote from the Trinidad and Tobago Bureau of Standards letterhead a document dated December 16, 1998 addressed to the First Citizens Bank Limited and with your leave, I quote the contents of this document.

“BSC 1.1

1998-12-16

First Citizens Bank Limited
Eastern Main Road &

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Cochrane Streets
TUNAPUNA

ATT: Ms June Roberts

Dear Ms Roberts

FIXED DEPOSIT #1018070

This is to inform you that the above fixed deposit account in the sum of \$1,500,000 should be vested in Mrs. P. Narine-Chang, Executive Director, and Ms Jennifer Khan, Finance Manager.

Please acknowledge receipt and confirmation that this has been carried out by signing and returning a copy of this letter.”

Mr. Deputy Speaker, here are two functionaries of the Trinidad and Tobago Bureau of Standards being allowed, by whose authority I wonder, to vest the moneys of the Trinidad and Tobago Bureau of Standards in themselves. Two functionaries requesting that the fixed deposit of \$1.5 million be vested in their individual names.

Mr. Assam: Mr. Deputy Speaker, I would not say that the Member for Arouca South is misleading the House, but is misinterpreting the whole matter. What happened, very simply, was that the fixed deposit continued to be in the name of the Trinidad and Tobago Bureau of Standards. The two persons mentioned in that letter were using the wrong terminology in attempting to inform the First Citizens Bank that they were the new signatories authorizing them to either break the fixed deposit and use it to drawdown in order to continue the building programme of the Trinidad and Tobago Bureau of Standards. So she is misleading the House.

Mrs. C. Robinson-Regis: Mr. Deputy Speaker, in circumstances where the Member for St. Joseph is clearly implying that functionaries of a state enterprise have the authority to take the state enterprise’s money and put it in their own names, I am asking the question, is this a situation of new rules and regulations operating under this UNC Government? I am asking the question because it is not the first time that a Minister—and I am not sure it is the Minister—but he has now confirmed that he has no difficulty with this situation. It is not the first time. *[Interruption]* I am not giving way.

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

Motion made, That the speaking time of the hon. Member be extended by 30 minutes. *[Mr. K. Valley]*

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Mrs. C. Robinson-Regis: Mr. Deputy Speaker, it is not the first time that a Minister has authorized that an account relating to Government funds be put in the names of private citizens. You will recall I am sure, the action of the Minister of Local Government.

Mr. Assam: Mr. Deputy Speaker, I rise on a point of order.*[Interruption]*

Mr. Deputy Speaker: What is the point of order?

Mr. M. Assam: Where she says...defalcate funds of the Government to put it on private people's names.

Mr. Deputy Speaker: The Member is alleging certain parts of a letter as far as I understand and the Member for St. Joseph got up on a point of clarification. The Member for Arouca South said she was making a statement, and the Member now starts to read and said maybe, from what you said, but if the Member for Arouca South could read the letter but not pointing in the direction of any Member of this Chamber or the other Chamber, I think that would be the way to go with this letter, rather than pointing a finger at somebody for a point of clarification.

Mr. Assam: Mr. Deputy Speaker, she said it is not the first time a Minister—blaming me. It is not the first time a Minister directed public servants to put Government's money in a direct account, meaning I directed them. I think you need to rule on that because she said I directed public servants to put money on their name.

Mr. Deputy Speaker: Did the Member say that in any form or fashion as the Minister is explaining?

Mrs. C. Robinson-Regis: Mr. Deputy Speaker, what I did, was read a letter which indicates that a fixed deposit account in the sum of \$1.5 million would be vested in the names of two functionaries of the Trinidad and Tobago Bureau of Standards. If I am to recall what happened, the Minister gave an explanation as to why there was no problem with this transaction, and what I am contending, is based on the Minister's information that there was no problem with this transaction, then, perhaps, there is some—*[Interruption]*

Mr. Deputy Speaker: Member for Arouca South I just listened to what you are saying and you used the word "perhaps". You are alluding an impropriety to the Member for St. Joseph. I think you should stay from—I am not speaking to

you, Member for La Brea. I am on my feet and if you look at Standing Order 40 you would understand I am not speaking to you.

Member for Arouca South, please withdraw that statement about the Member for St. Joseph as the Minister and continue.

Mrs. C. Robinson-Regis: Mr. Deputy Speaker, I am not sure which statement I should withdraw—perhaps I should withdraw the word “perhaps”. *[Interruption]* Mr. Deputy Speaker, I think you have made a ruling, and I said I would withdraw, I cannot understand why the Member for St. Joseph is on his legs.

Mr. Deputy Speaker: Member for St. Joseph, during the tea break I would go through the *Hansard* and come back to this point.

Member for Arouca South, just carry on without referring to the Member.

Mrs. C. Robinson-Regis: I will do as you request Mr. Deputy Speaker. Just for a sense of clarity, the letter says, and I quote from the Trinidad and Tobago Bureau of Standards to the First Citizens Bank:

“This is to inform you that the above fixed deposit account in the sum of \$1,500,000 should be vested in Mrs. P. Narine-Chang, Executive Director and Ms Jennifer Khan, Finance Manager.

Please acknowledge receipt and confirmation that this has been carried out by signing and returning a copy of this letter.

Thank you for your co-operation.

Jennifer Khan
Finance Manager

Parbatee Narine-Chang
Execitove Director”

The two persons who are asking for the money to be vested in their names.

Mr. Deputy Speaker, I ask the question, if, under this so-called freedom of information legislation, something like that which, perhaps, would fall under the clause which talks about internal working documents which are exempt, would this document fall under the clause which deals with the economy, the relationship as it relates to fiscal matters, would it then be an exempt document? Would this document be seen as stated in this legislation as a document which would place the public authority at a disadvantage if the information is revealed? Would this document even surface if this Freedom of Information Bill is passed and the person who can give the authorization for this information to come out is the responsible Minister?

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I am asking the question, if in fact, this type of information would ever surface if they place this so-called statutory right of access to government-held information? I am contending that throughout this Bill there is very little information which will, in fact, be brought to the attention of the populace once this so-called Freedom of Information Bill is made law, because practically everything which is given is eventually taken away by the exemptions.

Mr. Deputy Speaker, we on this side are contending that not only is this Bill the source of a great deal of pretence, because in fact, there is now true mechanism for assessing the information that is needed. I take this opportunity to go to clause 35 which the Member for Siparia contended that in fact, when persons were told that a document is exempt, they could go to clause 35 and obtain the information. Mr. Deputy Speaker, I quote clause 35.

“A public authority shall give access to an exempt document where there is reasonable evidence that significant—

- (a) abuse of authority or neglect in the performance of official duty;
- (b) injustice to a individual;
- (c) danger to the health or safety of an individual or of the public; or
- (d) unauthorised use of public funds,

has or is likely to have occurred and if the circumstances giving access to the document is justified in the public interest having regard both to any benefit and to any damage that may arise from doing so.”

Mr. Deputy Speaker, I have never read a more farcical clause in a piece of legislation, because if we go back to the right of access, we would see—and I have to repeat this over and over—that the right to access is determined by the responsible Minister, the permanent secretary, the CEO. If in fact, a document is exempt and it is one which would show that there has been abuse of authority, do you think the responsible Minister is going to give access to that document? In fact, the document shows evidence of an unauthorized use of public funds. Do you think the Minister is going to give access to that information, Mr. Deputy Speaker?

Hon. Member: Never.

Mr. Deputy Speaker: Hon. Members, the sitting is suspended for half an hour.

4.30 p.m.: *Sitting suspended.*

5.05 p.m.: *Sitting resumed.*

Mrs. C. Robinson-Regis: Thank you, Mr. Deputy Speaker. I just wanted to indicate that in relation to the issue involving the Trinidad and Tobago Bureau of Standards, the bank that was written to as the letter indicates, the First Citizens Bank, they were not even the bankers of the Trinidad and Tobago Bureau of Standards as stated in their letterhead. The bankers were, in fact, Republic Bank Limited, and a request was being made to the First Citizens Bank to have this transaction take place.

I will also indicate that on August 18, 1998, the Minister of Local Government, the Member for Pointe-a-Pierre, wrote a letter to His Worship the Major of the Arima Borough Corporation. With your permission, I would quote where he said in part:

"I am to inform you that by virtue of the power vested in me as Minister of Local Government, by section 269 of the Municipal Corporations Act 1990, I have taken the following decisions with a view to ensuring that the policy objectives of the Government of Trinidad and Tobago with respect to the URP, are carried out. In addition to the general and/or specific duties, powers and responsibilities assigned to the Administering Officer, the Town Clerk and Treasurer Arima Corporation, by the honourable Minister of Finance, the Town Clerk and Treasurer Arima Corporation shall be charged with full financial responsibility and control of the Unemployment Relief Programme. In furtherance of these objectives, the Town Clerk and Treasurer is hereby authorized to:

- (1) open a bank account in the name of the Town Clerk and Treasurer, Arima Corporation;
- (2) the bank account shall be designated Unemployment Relief Programme for the Arima Borough Corporation; and
- (3) to transfer to the said account any existing balances from any previously designated URP account. The authorized signatories to the account shall be the Town Clerk and Treasurer, and the Accountant II, as main signatories with the Deputy Town Clerk, and Accountant I, as alternate signatories."

Mr. D. Singh: Take me to court for doing that!

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Mrs. C. Robinson-Regis: Mr. Deputy Speaker, it seems as though, similar to the situation involving the Bureau of Standards, an account which should normally come under the subjection of the Exchequer and Audit Act and the Financial Regulations of the Local Government Act, was, in fact, being superseded by this kind of highhanded operation of the Minister of Local Government, and two functionaries were now being named as the account holders for the moneys which, from my understanding of it, belonged to the state. Two persons have access to the account, and it is said that the account shall be in conformity with a memorandum from the Permanent Secretary, no relation to Exchequer and Audit Act and the Financial Regulations of the Local Government Act. So it seems as though it is a habit. [*Interruption*]

I would indicate that it is amazing that the Attorney General appeared to have absolutely nothing to say in relation to these occurrences in the Ministry of Local Government and at the Trinidad and Tobago Bureau of Standards, or perhaps he did give an opinion but he was totally ignored. It is also interesting that now that the Attorney General, the Member for Couva South, has the opportunity to give certain rights, when in his Motion he had indicated whilst he was in Opposition, if he had the power to enact a Right-to-know Act—the actual Bill before us moves so far away from some of the things that he said on August 26, 1994, to be exact, that if he were to establish a Right-to-know Act—he would give the authority of the public "to have the ability", as he put it, to inspect and obtain copies of their employment records, guidelines used by any public body in making decisions or recommendation affecting them, machinery for correction of official records to obtain any report or recommendations which directly or indirectly affect that person's rights or obligations.

Interestingly enough, the Bill that is before us does not in any way give any of those kinds of rights that the Minister, who was then the Chief Whip in Opposition, said if he had the authority he would give to the people of Trinidad and Tobago.

Mr. Deputy Speaker, additionally, when he was speaking in that debate he said:

"There is a moral and constitutional obligation on this Government..."

That is the PNM Government—

"...to take steps to ensure that the freedom of the press is enjoyed not in a narrow legalistic sense, but in a wide sense. That is to say, the freedom of the press includes the right of the public to get Government information."

Then he went on to indicate:

"Freedom of the press does not mean that a government should have secret meetings with the press, and do not have press conferences.

Mr. Deputy Speaker, does that sound familiar to you? I think I recall that the Members were warned that they should not speak with certain members of the press or have press conferences with certain newspapers and journalists.

Additionally, he said:

"or as my leader says freedom of the press does not mean that a government should threaten to withdraw advertisements or openly discriminate against sections of the press."

Very strange words coming from the Attorney General when in this November 9 newspaper article which is headed:

"PM declares war on media, journalist attacked at UNC rally."

Panday said his Government must target racist reporters and do them before they do us. [*Crosstalk*] An advertisement boycott by the UNC and its supporters at media houses who are at war with the party and a call for the entire population to boycott as well."

I do not know if his words were words of prophecy, but in the normal two-facedness of this Government, they said one thing in Opposition, and then when they have the power to do what they said they would do in Opposition, they move totally in the opposite direction.

They are doing everything in their power to ensure that the media is controlled. That is why consistently throughout my examination and my response to their contentions in relation to this Bill, I contend that they do not want any freedom of information. I would like again to quote from the Motion of 1994 by the Attorney General.

"Madam Speaker, openness in Government would improve the quality of decisions. Secret decisions are more likely to be bad decisions. Keeping a decision secret means that only a handful of people—maybe the Ministers'

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friends or the public official friends, or some contact somebody has for a particular decision with a person working in the Ministry, those matters would not be able to come out to the public if there is the present setup."

Mr. Deputy Speaker, clause 27 of this legislation indicates that a document is exempt if it:

"would disclose matter in the nature of opinion, advice or recommendation prepared by an officer of Minister of Government, or consultation of deliberation that has taken place between officers, Ministers of Government, or an officer and a Minister of Government, in the course of, or for the purpose of, the deliberative processes involved in the functions of a public authority;"

I contend that this is, in fact, what the Attorney General was saying should not take place. Indeed, the very documents which would indicate how a public authority or a minister came to make a decision are exempt. Again I ask the question: Where are we really going with this piece of legislation? I contend that we are going absolutely no where because it does not give anything to any member of the public.

I ask the question: If it was of the view that the public should have access to information and that there shall be transparency and openness in Government, why has the Government failed to lay the Soodhoo report before the Parliament of Trinidad and Tobago? They say they are transparent and open, yet they failed to lay the Soodhoo report. Why have they failed to indicate exactly what is taking place in relation to the airport contract? They said "let the chips fall where they may", yet this transparent and open Government has closed all access to information relating to the airport. They have said that even the Attorney General's opinion cannot be made public. Where are we going; when by the legislation itself the advice of the Attorney General would now be clearly seen as advice that cannot be made public? Who are they trying to fool? It is so clear that this piece of legislation is not in any way going to move us in the direction of freedom of information.

Clause 37 of the Bill shows quite clearly where this Government is heading. It states—and this is under miscellaneous:

"37. Notwithstanding any other provision of this Act, where a request is made for access to a document held by the International Communications Network, that company shall not be required to give access under this Act—

- (a) any part of the document which consists of information obtained in the course of making any programme or broadcast or discloses the source of any such information; or
- (b) any recording of images or sound which was made or obtained for the purpose of being broadcast."

5.20 p.m.

Mr. Deputy Speaker, this sums up the intent of this Bill very clearly. No information would be coming to the public. I mean, Mr. Deputy Speaker, the ICN, or NBN as it is now called, is one of the main areas of access to governmental information to be brought to the public—

Miss Nicholson: Griffith say no news.

Mrs. C. Robinson-Regis:—and by this clause, no kind of broadcast material would be accessible.

It is clear that if this Government were really serious about freedom of information and guaranteeing the rights of journalists and members of the public to access information without the interference of the state, which was the Attorney General's contention in Opposition, then we would not be here today talking about these clauses which are, to put it mildly, farcical.

We contend that this entire Bill is a cumbersome, complex, quagmire of legislative confusion. This Bill would provide no true freedom but put the public in further doubt as to the transparency, openness and truth that can be associated in no way with this Government. We on this side contend that this legislation is not a Freedom of Information Bill but, indeed, an attempt to control news as the Minister responsible for communications has said, "News control—media monitors in place says Minister".

We are saying that this is far from freedom of information legislation. Indeed, we contend that this is nothing more than a national gag order and with that, we are saying that we cannot and will not support this Bill.

Thank you, Mr. Deputy Speaker.

The Minister in the Office of the Prime Minister with responsibility for the Environment (Dr. The Hon. Vincent Lasse): Mr. Deputy Speaker, as you are aware, whenever I rise to make a contribution in this honourable House, I deal with the issues before the House and I shall be doing that today.

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Dr. Griffith: Teach them!

Dr. The Hon. V. Lasse: However, because of the nature of the Bill, a Bill on the freedom of information; the Constitution (Amdt.) (No. 3) Bill—

Mr. Maharaj: Take your licks! Do not go!

Mrs. Robinson-Regis: He cannot give me licks.

Dr. The Hon. V. Lasse:—which was passed in this House on Wednesday, April 28, 1999, dealing with information, transparency, openness and democracy and a bill soon to be debated, the Equal Opportunities Bill, I believe it is necessary, pertinent and germane for me to comment briefly on the attitude of a few Members—a minority, so to speak—who believe that by casting aspersions, pontificating, and making wild and reckless comments, they would look good and that would, of course, prevent their veil of secrecy and hypocrisy from being shown. We are who we are, and attempts to convince the national community otherwise are an exercise in futility.

Mr. Deputy Speaker, since the Member for Arouca South questioned what inducement I receive from being in Government, I shall say none. But, I wonder what inducement she receives from the Leader of the Opposition for being under him all the time?

Mr. Deputy Speaker, I will not wish to descend to the level of a “jamet”, to trade words. What I do know is those who live in glass houses must not throw stones.

When this Bill was being debated on Friday, April 30, 1999, I was saddened by the atrocious behaviour of certain Members of this honourable House. Behaviour descended to an all-time low in this honourable House, to the extent that you, as Deputy Speaker, suspended the proceedings and, during the tea break and suspension, a certain Member had to come to my rescue to prevent me from some verbal abuse which continued outside this honourable House.

This, I submit, Mr. Deputy Speaker, is the level to which we have sunk in this honourable House and I am very sad. We could disagree with each other; we could be spineless as some people; we could be political opponents if we wish; but we must maintain a certain standard of decency in this honourable House. You see, Mr. Deputy Speaker, in the final analysis, when parliamentarians are criticized, we all may pass in a rush, so to speak.

I read an article in the *Bomb* dated May 7, 1999 on the behaviour of certain Members of Parliament, when this Bill was last debated. With your permission and since it is relevant to what took place in this debate, I shall quote parts of that publication. [*Mrs. Robinson-Regis begins leaving Chamber*]

Hon. Member: Do not run!

Mrs. Robinson-Regis: Run! Run from you all!

Dr. The Hon. V. Lasse: The article stated:

“The Opposition Members of Parliament are making the respectable Lower House a big disgrace... Apparently, these Opposition no-goods reserve their nastiest comments and fish-market attitude just for Parliament. The Lord forbid these...”

—and I will not quote the word—

“...ever become the government again.”

The article went on to state:

“Imagine big men calling one another names and carrying on with stupid cross-talk even when cautioned by the Deputy Speaker of the House... By now everyone in Trinidad and Tobago knows that they should not let their children look up to Opposition MPs as good examples.”

What is very frightening in this episode is that all parliamentarians may be put in the same category. That is why I continue to say we should all, despite our political stance, try to maintain the high standard and preserve the dignity of this honourable House. We should not come here full of hate, spite, vindictiveness and vengeance, and with poisoned tongues rebuke each other when we have no moral authority and some of us no spine so to do. We should instead, demonstrate wisdom, strength, understanding and stand by the courage of our conviction, remembering full well that we all have fundamental rights and freedoms as enshrined in the Constitution of Trinidad and Tobago.

But, as this Bill and others will demonstrate, these rights are not absolute. In the Preamble of our Constitution is stated:

“Whereas the people of Trinidad and Tobago—

- (d) recognise that men and institutions remain free only when freedom is founded upon respect for moral and spiritual values and the rule of law;”

Mr. Deputy Speaker, one of the enshrined rights we shall be dealing with in this Bill is the right of the individual to have respect for his private and family life and this will come under the clause dealing with exemptions.

Later in the course of my contribution, I shall establish how the Member for Diego Martin East tried to distort the meaning and purport of certain clauses dealing with exemptions. In a very mischievous and wicked manner, he tried to hoodwink Parliament and, by extension, the population.

Although the Member for Arouca South has left, I shall deal briefly with some of her remarks and, apart from calling names of persons who are not here to defend themselves, and taking us down the road to what some will call “bacchanal”, her arguments were rather limited. One would have expected more reasoned arguments from a person trained in the law.

The Member for Arouca South failed to recognize that at the present time there is no legal right to obtain information. Under this Bill, that will be permissible. Exemptions that would be in this Bill are in line with other jurisdictions, for example, the United States, Canada, Australia, New Zealand and Ireland, to mention some.

The Member for Arouca South does not want to give more rights to the people and that is what this Bill is trying to do. Of course, she failed to recognize the fact that the court always has the right to enforce rights, *viz-a-viz*, freedom of information.

We will be debating this Bill on freedom of information and, soon, we shall be debating the bill on equal opportunity. But I must refer to what the hon. Prime Minister said—and I agree with him—in the debate where he mentioned the fact that all the Leader of the Opposition was doing was coming to this honourable House to speak about corruption and race, while this Government is demonstrating its propensity towards good governance. This Freedom of Information Bill is yet another positive step by this Government to preserve and foster democracy in Trinidad and Tobago. [*Desk thumping*]

Mr. Deputy Speaker, permit me to recite sections of the Explanatory Note to establish my case. I quote:

“The object of the Bill as set out in clause 3 is to extend as far as possible the right of members of the public to access to information in the possession of public authorities by—

- (a) making available to the public, information about the operations of public authorities and, in particular, ensuring that rules and practices affecting members of the public in their dealings with public authorities are readily available to persons affected by those rules and practices; and
- (b) creating a general right of access to information in documentary form in the possession of public authorities limited only by exceptions and exemptions necessary for the protection of essential public interests and the private and business affairs of persons in respect of whom information is collected and held by public authorities.”

5.35 p.m.

This, in my view, is the crux of the Bill, which of course must be elaborated. But simply put, the Bill calls for making information available to the public about the operations of public authorities. And, at the same time, the Bill seeks to protect confidentiality, that is to say, there are exceptions and exemptions necessary for the protection of essential public interests and private business affairs of persons.

Mr. Deputy Speaker, in my opening remarks I referred to the enshrined rights of individuals in the Constitution of Trinidad and Tobago. Despite the fears being expressed by Members of the other side, and their continued expression of mistrust of the Government; the Government is proceeding in a very positive manner to clearly indicate its call for openness, transparency and the protection of democracy.

If one looks at clause 7 of the Bill one would clearly see this. Clause 7, among other things, requires a public authority to publish certain statements such as a statement setting out the particulars of its organization, functions and decision-making powers and the particulars of any arrangement for public consultation in the formulation of policy by the public authority. Other statements that would be required to be published include a statement of the categories of documents maintained in the possession of the public authority and a statement of the procedure to be followed by a person making a request for access to such a document.

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As I see it, Mr. Deputy Speaker, this relates to individuals' right to know; and no reasonable or prudent individual can accuse the Government of any sinister plot, or Government's attempts to interfere. But, as you would see from the debate, I am certain that some Members on the other side, in a very clever manner would find a way to insinuate that this is too good to be true. Of course, the constant search for shadows will continue.

Mr. Deputy Speaker, clauses 8 and 9 of the Bill would require the public authority to make certain documents available for inspection on purchase; and would also require the public authority to publish a statement listing the reports prepared by, or for the public authority. Here again, this relates to the individual's right to know.

The right to know and obtain information is legally enforceable under this Bill. Because, as is stated in the Explanatory Note:

“Part II of the Bill furthers the objective set out in 3(1)(b) by granting members of the public a legally enforceable right to obtain, with certain essential exceptions, access to official documents held by public authorities and by providing for the procedure to be followed for enforcing that right.”

Mr. Deputy Speaker, again, with your permission, I shall quote from the publication of the American Civil Liberties Union entitled “*Using The Freedom of Information Act*”. At page 2 of that document there is a quote attributed to James Madison which stated that:

“A popular government, without proper information, or means of acquiring it, is but a Prologue to a Farce or a Tragedy - or perhaps both. Knowledge will forever govern ignorance, and a people who mean to be their own Governors must arm themselves with the power which knowledge gives”.

This article went on to state that:

“The Civil Liberty Union has long argued: ‘that government secrecy about its operations endangers individual liberty. For example, in 1954 the government denied that lethal radiation had resulted from nuclear bomb tests in the South Pacific. News media that attempted to discover the truth about the tests ran into a wall of government silence.

In response to this impasse, the American Civil Liberties Union commissioned a report entitled ‘The People's Right to Know: A Report on Government News Suppression’ which argued that increased media access to government

records was necessary to protect democracy. During the next decade, the American Civil Liberties Union continued its campaign to pass laws that would enable citizens to 'know what their government is up to'. The culmination of the fight was the passage of the Freedom of Information Act."

That is the United States Freedom of Information Act.

"This Act was passed by Congress in 1966 and amended in 1974. Based on the premise argued by Madison and Hamilton that openness in government will assist citizens in making the informed choices necessary to a democracy, the Act creates procedures whereby any member of the public may obtain the records of the agencies of the federal government. The purpose of this Guide is to help you exercise your right to 'open agency action to the light of public scrutiny'".

Mr. Deputy Speaker, while we have not yet, in Trinidad and Tobago an Electronic Freedom of Information Act, it should be of paramount importance to put into the record a statement issued by President Clinton upon signing the 1996 Freedom of Information Act Amendments into law on October 02, 1996.

President Clinton stated that:

"I am pleased to sign into law today H.R. 3802, the 'Electronic Freedom of Information Act Amendments of 1996'".

This Bill represents the culmination of several years of leadership to bring this important law up-to-date. Enacted in 1966, the Freedom of Information Act was the first law to establish an effective legal right of access to government information.

5.45 p.m.

Mr. Deputy Speaker, this is what we are now trying to do here. In his closing remarks the President of the United States went on to state that his administration had launched numerous initiatives to bring more government information to the people. He said that they had established worldwide web pages which identify and link information resources throughout the Federal Government. He went on to state that there is an enormous range of documents and data, including the Federal Budget, which is now available on line. He also said that in the last year they had declassified unprecedented amounts of national security material including the information on nuclear testing.

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Mr. Deputy Speaker, the points that he was trying to make and the points that I would like to emphasize are that this legislation, as that of the United States, is of paramount importance because it creates in itself openness in government. The operative words in the address of the President of the United States on the Bill were “openness in government, democratic principles and accountability”. The Bill now before this honourable House is designed to fulfil these basic principles and because of the noble objectives Members should be objective also and forward-looking and, as such, lend their support to the Freedom of Information Bill.

I now turn to the contribution of the Member for Diego Martin East which will be an anticlimax to what I have said before and, of course, the concrete and logical points advanced in support of the Bill. Every contribution of the Member for Diego Martin East is the same and, for this reason, one can use the same material each time to reply to the mischief he creates every time he gets up to speak in this honourable House. For the past three years he has been saying the same thing. He takes 75 minutes in so doing. He speaks about the Minister of Finance, he speaks about corruption and he speaks about the airport in every single debate before this honourable House.

In my eight years in Parliament I have never seen a man so obsessed with another man; indeed, it is bordering on the ridiculous. The honourable, pious, distinguished and highly arrogant Member for Diego Martin East sees the hon. Minister of Finance in everything he does and says. When he eats I presume he sees the Minister of Finance. In his living room I presume he sees the Minister of Finance; and I would stop there. In every single Bill brought before this House he sees the Minister of Finance. On the Constitution (Amdt.) Bill he saw the Minister of Finance. On the Freedom of Information Bill he saw the Minister of Finance and, Mr. Deputy Speaker, I am sure that when we are debating the Equal Opportunity Bill he will see some way of putting the Minister of Finance in that Bill.

Before I quote from the contribution of the hon. Member for Diego Martin East, I want to state that this fixation, this vendetta, this unexplained passion of the Member for the Minister of Finance is frightening especially as it is a known fact that the Minister of Finance was once a close friend of the Member for Diego Martin East: he was his campaign manager and the one who assisted him in many ways. It must be remembered that the distinguished Member for Diego Martin East was only a lecturer at the university then—only a lecturer—but one who can now be considered, after a very short space of time, a financially successful

individual after being a Minister for just three years. One will say that ought to be a meteoric financial rise.

Mr. Deputy Speaker, he comes here as a knight in silver armour, as pious as an honest and respectable individual, as a respectable plantation owner speaking down to his minions, full of sound, fury and arrogance. The Member must remember that he is well-known by some of us in this honourable House. By stating that someone else is corrupt does not absolve the accuser or any pious one. I continue to say, those who live in glass houses must not throw stones and whatever is done in darkness will one day come to light. As it is said in calypso, "Talk the talk, you mocking pretender".

I will now quote from the contribution of the hon. Member for Diego Martin East. What you will see, Mr. Deputy Speaker, is that the Member used a few clauses and then began to treat with his favourite topics, the Minister of Finance, the topic of corruption and, of course, the airport. But had he been given the opportunity to complete what he had started on airport pride, some may say that Satan would have been as pious as an altar boy. As I said before, I shall establish the wickedness and deceit of the Member for Diego Martin East because, as it is said sometimes by himself, he is playing smart with foolishness. By reading only a convenient line of a provision or a clause, he draws his own conclusion.

For example, he read part of clause 25 of the Bill which states that

"A document is an exempt document if it contains information, the disclosure of which would be likely to prejudice the defence of the Republic of Trinidad and Tobago.

...if it contains information, the disclosure of which would be likely to prejudice the lawful activities of the security or intelligence services."

He stopped here, Mr. Deputy Speaker, and began to speak about the police records and other types of unrelated matters. The operative words in that clause are, "security or intelligence services" and not police records as the Member for Diego Martin East would have us believe. I hasten to say that this exemption has found a genesis in the American Freedom of Information Act wherein exemption relates to national security and that relates to agency records which reasonably could be expected to cause damage to national security if disclosed. I accept.

This kind of data, Mr. Deputy Speaker, usually includes military plans, weapons, scientific and technological data that relate to national security and, for

example, CIA records. So we see the deceit of the Member for Diego Martin East. He takes the clause dealing with exemption relevant to national security and he begins to speak about police records. In another attempt to hoodwink this honourable House and, by extension, the public, the Member for Diego Martin East quoted from section 28(a) only and started once again to display his arrogance by stressing, “no availability of police records”.

As you would see from the *Hansard* dated April 30, 1999 between 3.00 p.m. and 3.15 p.m., the Member was speaking about police records while the clause dealt with law enforcement documents; yet another attempt to deceive the public and, in his words, utter rubbish, utter nonsense. This, Mr. Deputy Speaker, is the manner in which he speaks. I want him to know that he can fool some of the people some of the time.

6.00 p.m.

Mr. Deputy Speaker, permit me to read again into the record. Clause 28 (1) states:

“Subject to this section, a document is an exempt document if its disclosure under this Act would, or would be reasonably likely to -

- (a) prejudice the investigation of a breach or possible breach of the law or prejudice the enforcement or proper administration of the law in a particular instance;
- (b) prejudice the fair trial of a person or the impartial adjudication of a particular case;
- (c) disclose, or enable a person to ascertain, the identity of a confidential source of information in relation to the enforcement of administration of the law;
- (d) disclose methods or procedures for preventing, detecting, investigating, or dealing with matters arising out of, breaches or evasions of the law the disclosure of which would, or would be reasonably likely to, prejudice the effectiveness of those methods or procedures; or
- (e) endanger the lives or physical safety of persons engaged in or in connection with law enforcement or persons who have provided

confidential information in relation to the enforcement or administration of the law.”

Mr. Deputy Speaker, when the Member for Diego Martin East comes before this honourable House to debate, he must be more prepared and try not to hoodwink the Parliament and by extension the public. What does he mean when he says that “this Bill is going to legislate the right of Government and public authorities to withhold information”. What does he mean by this? I submit that this Bill is about the freedom of information which is necessary, and of course, the exemptions to protect the enshrined rights of individuals.

It is significant to note that the United States Freedom of Information Act provides nine legal categories that are exempted pursuant to section 552(b) of the Act. I am referring to these to totally destroy, once and for all, the weak arguments advanced by the Member for Diego Martin East—arguments, which I said before and continue to say, are totally devoid of logic. For this reason, I would once again refer to the nine exemptions under that Act.

- 1) National Security—which would be agency records which reasonably could be expected to cause damage to national security.
- 2) Internal Agency Rules—information related solely to internal personnel rules and practices of the Agency.
- 3) Governed by statutes—information that is specifically exempted from disclosure by other statutes.
- 4) Business Information—which will be trade secrets, commercial or financial information, confidential information, and information obtained from a person. Trade secrets including sales statistics *et cetera*.
- 5) Internal Government Memoranda—these are inter-agency or intra-agency memoranda or letters that concern confidential communications between an attorney and client, or information compiled in preparation for a trial.

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

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

Question put and agreed to.

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Dr. The Hon. V. Lasse: I thank the hon. Members for extending my speaking time.

- 6) Private matters—personal files, medical files, and other files that would lead to an invasion of personal privacy if released.
- 7) Law Enforcement Investigations—which would be any data that is compiled for law enforcement purposes.
- 8) Regulation of Financial Institutions—this exemption pertains to records related to examination, operation or condition of certain financial institutions which are subject to federal regulations; and
- 9) Oil Wells.

Mr. Deputy Speaker, it is very clear that these exemptions which are also in this Bill, are exemptions [*Interruption*]

Hon. Member: Oil Wells?

Dr. The Hon V. Lasse: Yes, oil wells. Geological and geophysical information concerning oil well locations.

As will be seen, these exemptions can also be found in other jurisdictions. Apart from the United States jurisdiction they are also in Australia, Canada, New Zealand and Ireland. All have similar clauses on exemptions. What was strange was that the Member for Diego Martin East felt that he was making a clever point by simply stating that, the Attorney General was looking or using exemptions relevant to the United States only. He did not elaborate on the nine exemptions, and I shall do this now, and I will also ask these questions:

- 1) What is wrong with exempting records which would reasonably be expected to cause damage to national security?
- 2) What is wrong with exempting information that is specifically exempted from disclosure by virtue of another statute?
- 3) What is wrong with exempting business information—trade secrets *et cetera*?
- 4) What is wrong with exempting private matters, personal files, medical records *et cetera*?
- 5) What is wrong with exempting law enforcement investigations—any data compiled for law enforcement purposes?

I ask the Member for Diego Martin East, what is wrong with these matters? These are, in my view, valid exceptions which any reasonable and prudent individual should be in agreement with.

6.10 p.m.

It seems to me that when a person is opposing simply for the sake of opposing, logic and reason can find no place in his thought process. What is also disturbing, Mr. Deputy Speaker, is to see the hon. Members thumping the desk in approval when certain points are being made.

Mr. Deputy Speaker, I wish to conclude my contribution by referring to the reasons why Members should fully support the Freedom of Information (No. 2) Bill.

Firstly, if we are truly concerned about democracy, this Bill treats with the critical need of open access to information in the possession of Government agencies. The major objective of the Bill is to make information available to the public on the one hand, and on the other, to ensure limited exceptions and exemptions which are necessary to protect essential public and private interests.

Secondly, it has been said, and I agree, that a popular Government without proper information or means of acquiring it is but a prologue to a farce or tragedy, or perhaps both. Knowledge will forever govern ignorance and the people who mean to be their own governors must arm themselves with the power which knowledge gives. This Bill is about that, Mr. Deputy Speaker.

Thirdly, this Bill is designed to ensure and perpetuate the people's right to know, which is vital and necessary to the protection of democracy and, at the same time, it provides the mechanism through which citizens would know what their Government is up to.

Having put forward these valid points, I can only hope that Members on the other side would see the wisdom and good sense in supporting this Bill on the freedom of information. I thank you, Mr. Deputy Speaker.

Mr. Hedwidge Breaux (*La Brea*): Mr. Deputy Speaker, I did not intend to join this debate on the Freedom of Information (No. 2) Bill. Sometime ago, early in my career in this honourable House, when I was sitting somewhere around here and she was sitting behind me, the hon. Member for Tobago West told me that when I am finished speaking, I should get the *Hansard* and read it and see if the *Hansard* has done credit to me. I listened to the speech of the hon. Member for Point Fortin and, in particular, his introduction, and I am going to give him the same advice.

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Mr. Deputy Speaker, before I go on with my contribution I would like if you would please ask the hon. Member for Fyzabad to cease disturbing me. You may not be hearing him, but he is disturbing me, and if he continues, I would have to sit.

Mr. Deputy Speaker: Member for Fyzabad, the Member for La Brea has asked that you refrain from disturbing him. *[Interruption]*

Mr. H. Breaux: If you want me to be rough and ready, I will deal with that. I was saying, Mr. Deputy Speaker, that we are dealing with freedom of information and nobody who has lived in a democratic society and who believes in the principles of democracy can truly say that they would be against an act which would provide for the freedom of information.

As I had to say in this honourable House on the occasion of the debate on the Constitution (Amdt.) Bill, to a large extent, some of the opposition and the attacks which this Government brings upon itself, is self-inflicted by its behaviour from time to time. It is also a question of the singer and not so much the song, and the extent of the ambivalence and duplicity in which this Government engages—basically, to begin, when there is a situation based on concrete information which one has in one's possession at this time, one sort of examines in a very minute way, the Bills that come before this honourable House to see what the Government would try next.

Mr. Deputy Speaker, I want to see what they are trying now. The reason is that we have noticed in this honourable House, from time to time, the hon. Attorney General coming with Bills. He knows very well that they need a certain majority, but he tries to slip them through in different ways. We look at that and are on the look out for what else he will try. We know that any time there is an outburst from the hon. Prime Minister, the Member for Couva South, it is because they are usually, we discern—not Couva South, it is Couva North. I know that the Member aspires to be Prime Minister, but not yet. He will have to wait his turn in due course.

Dr. Griffith: You will get your turn.

Mr. H. Breaux: To answer the Member for Arima—or should I say “the squatter”—who has indicated to me that I will get my turn, may I tell him that I have already had my turn and I have reached to where I aspired.

As I was saying, we know in this country that the minute there is an outburst from the hon. Prime Minister and Member for Couva North, it is because there is some activity they are trying to hide. There was the matter involving InnCogen; it

is something the government is trying to hide. Unfortunately, for the Member for Couva South, we happen to be on the same planet, so most of the things he tries, I have seen them a long time ago.

Dr. Griffith: Are you a seer man?

Mr. H. Breaux: You do not understand, because you are not a member of the legal profession, so this escapes you. I was saying about the Member for Point Fortin, that I believe that as much as I have certain differences with his behaviour, I believe that he has surprised me tremendously today and disgraced himself, not so much with what he said in his contribution, but all the various preliminaries which he went through. If I were to choose to attack him in respect of those things, I am certain I could put forward a blistering attack on him, but I want to tell him straight that when I spoke to the Member in the tea room, it was to tell him that he should not disturb himself. If a man chooses to go in a particular direction and he thinks he likes it, I would use the Bahamian saying: "If he likes it, let it kill him".

I want to tell the hon. Member for Point Fortin who said that we come here to oppose for opposing sake, with respect to our duty in this House as the Opposition in Government—the people who do not support the Government—our duty and responsibility to the country is to critically analyze the action of the Government and to show the population the other side of every Bill. In fact, it is of critical importance, because when we do it, we get explanations and there are many occasions when the population gets to know certain things that have not been clearly indicated in the Bill.

In addition, there are corrections that have been made from time to time, and time and again, on more than one occasion in this honourable House, the points we have made in alleged criticism have proven to be correct, and this Attorney General and this Government have had to come back to Parliament to correct them and to apologize sometimes. [*Desk thumping*] I am not saying that there is anything wrong with that. I am not making any complaint. If they have done anything incorrectly, the proper way to do it is to admit they are wrong and move ahead. And if those on the Government side were doing that a little more often, they would have no problems with me.

Mr. Deputy Speaker, the Member for Point Fortin purports to be a lawyer. One or two Members asked me what cases had I won. I could list several now because I am now in practice, and I am doing very well. The Member for Point Fortin is a

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US lawyer, if he is qualified to practice anywhere. And he is not a jurist. He is not in our class of law practice, so when he comes and starts to quote his US law, he has to deal with what we are giving him here. When he comes to this honourable House and says “there is no legal right to obtain information from the state”, that is incorrect. Totally incorrect!

Before there was statute law, there was the common law; law common to All England introduced in 1066, and as a result of that, it is standard practice—and the learned Attorney General and the Minister of Legal Affairs, from time to time, tell us “if one does not like it, one has a right to go to court”, but they also know that when one goes to court, or if one takes a public authority or the state to court, there is then the question of discovery of documents. If it is handled properly, discovery is wide, so there is a right to information. The right is given by the judge.

They cannot tell me there is no right. We have a right now. That right is based on our law; a law that was there in practice that has been built up over the years. The learned Attorney General would talk about precedent, and there are certain documents and things which one can find out.

If he does not know that, any first year student knows that. You stay quiet and find it out. Magistrate? You are talking about the High Court.

6.25 p.m.

Mr. Deputy Speaker, as I was saying, he is referring here to the laws of the United States and telling us the number and class of documents in the United States that are exempted, but what he is not saying is, that from time to time in the United States of America certain very important and sensitive documents are declassified. Where in this Information Act does it talk about declassification of documents? When one compares the documents for instance, trade documents, there was also the principle where information can be said to be in the public domain and one could get it. All of these side issues in respect of documents are there—but that is just to deal with him.

Mr. Deputy Speaker, I want, in particular, to deal with clause 37 which the hon. Member for Siparia made a big song and dance about. She complained that the Member for Diego Martin East had misread it, but I am going to read it again.

“Notwithstanding any other provision of this Act, where a request is made for access to a document held by the International Communications Network,”
that is ICN and the new group, I suppose—

“that company shall not be required to give access under this act to—

- (a) any part of the document which consists of information obtained in the course of making any programme...”

So once you have obtained that information you can make any programme. If you obtained information to make a programme for children, and somebody wants to find out that information—information, not where you got the information—you cannot get that because the “or” in simple English, is disjunctive, so it means any part of the document which consists of information obtained in the course of making any broadcast.

So if you get information that was used to make a broadcast, you cannot give that either or any part of the document which consists of information obtained in the course of making any programme or broadcast. You cannot let it out, and the one limb that has some merit is the clause, “discloses the source of any such information”. We are talking about protection of journalists’ sources. And if you are saying, well, all right, you want to protect the sources of journalists yes, and you have that and say ICN is not required to do that, then that is another point.

Mr. Deputy Speaker, this sets up ICN as an entity separate and apart because in certain instances, TV 6 or somebody else dependant on what the information reveals could in some cases be forced to give the information, because if they have information relevant to the commission of a crime that the police is investigating, this excuse and effort, or should I say these lengths to which the hon. Member for Siparia went to try to tell us that that particular 37(a) is only a question of trying to protect the source of the journalist is incorrect. Unless I get disturbed by the Member for Arima again, I am going to point out to him that if it was said that—

Mr. Maharaj: They said they want Lasse to fight La Brea.

Mr. H. Breaux: That is all right. I may not be the man. We have a discipline on this side in respect of seats. Some of the people from Point Fortin came and asked me to fight Point Fortin. *[Laughter] [Interruptions]*

Mr. Deputy Speaker, as I was saying, one would say if it is that the programme that is being broadcast and the information collected, because of its nature would immediately reveal the source of the information and then one wants to some extent to say we do not want that. Well then there may be a way to handle it.

Mr. Deputy Speaker, that is supposed to be the Minister of Information. I would expect that an important matter like this, the Government would trust him

to make a contribution in this matter and I look forward with bated breath to hear his contribution on this matter, so if he would not stop disturbing me I would make my contribution. *[Interruption]*

Mr. Deputy Speaker: Are you finished?

Mr. H. BÉREAU: No, I am not finished. Mr. Deputy Speaker, I was saying that the question about this matter and the explanation given by the hon. Member for Siparia is inadequate and incorrect. The Government must, therefore, explain to me why they have it in, and then it goes further:

“any recording or images or sound which was made or obtained for the purpose of being broadcast.”

So any image one takes no matter how innocuous, once it was made for the purpose of being broadcast, you cannot try to discover it. I am saying that has to be totally incorrect, out of place and unless the hon. Attorney General who would speak obviously, or whoever else speaks, explains why they have this in, we have to draw our own conclusions and, unfortunately, we have not been dealt with by a Government who would cause us to draw any favourable conclusions on what they have done. Mr. Deputy Speaker, I am saying that that particular complaint is invalid and I want the Minister to look at it again because it is too wide.

Mr. Deputy Speaker, I want to go further, and we have here in this honourable House, a statement made which says that if you are upset and you cannot get information from the media or the public authority, you can always go to Court. Let us look at clause 35.(a) Mr. Deputy Speaker:-

“35. A public authority shall give access to an exempt document where there is reasonable evidence that significant—

- (a) abuse of authority or neglect in the performance of official duty;
- (b) injustice to an individual;
- (c) danger to the health or safety of an individual or of the public; or
- (d) unauthorised use of public funds,

has or is likely to have occurred and if the circumstances giving access to the document is justified in the public interest having regard both to any benefit and to any damage that may arise from doing so.”

6.35 p.m.

Mr. Deputy Speaker, then we come to determine who decides what is in the public's interest? First, there is no definition here about public interest. No definition about reasonableness and unreasonableness. When we talk about who decides, clause 22(1) says:

“A decision in respect of a request made to a public authority may be made, on behalf of the public authority, by the Responsible Minister, a Permanent Secretary, a Head of Department, a Chief Executive Officer or a designated officer of the public authority or by an officer of the public authority acting within the scope of authority exercisable by him in accordance with arrangements approved by the Responsible Minister, a Permanent Secretary, a Head of Department or a Chief Executive Officer.”

We are told in clause 22(1) who would make a decision, or whether something can be released or not. What we have here is no mechanism, no body, no authority, no impartial or independent institution to determine who will say that something is in the public interest. Who will determine whether it is reasonable? Who will determine where there is reasonable evidence that there is significant abuse of authority or neglect in the performance of official duty? Who will determine those things? Who will determine whether there is an injustice to an individual? That kind of determination must be put to some independent authority and the Bill is bereft of that.

I know the hon. Attorney General would tell me that there can be judicial review, but there is a statement that goes like this: “The courts, like the Ritz is open to all men...” And then quietly they say, “...who can pay.

Mr. Maharaj: See clause 39.

Mr. H. Breaux: I have been directed to look at clause 39(1) which says:

“For the removal of doubt, a person aggrieved by a decision of a public authority under this Act may apply to the High Court for judicial review of the decision.”

I am aware of that, and that is why I am saying the courts, like the Ritz is open to all people who could pay.

Clause 39(2) says:

“Notwithstanding any other law to the contrary, where an application for judicial review of a decision of a public authority under this Act is made to the

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High Court, that application shall be heard and determined by a Judge in Chambers, unless the Court, with the consent of the parties, directs otherwise.”

Mr. Deputy Speaker, there is always the question of payment. Access to the court is open to those who can pay. Are they going to say there was a time when it was understood that since in order to enforce certain rights under the Constitution and under the law—which were rights enshrined—when a litigant brings a matter to court in respect of those rights regardless if he was successful, he got cost and if he was not successful against the state or public authority, there was no order as to cost. But they are saying there is no convention like that anymore, or at least, if there is a convention, it is not being observed by this Government. Since we are talking about conventions, we are talking about some things which from time to time, conventions change and I am not one who accepts that. We now have a situation where, although this Bill purports to give a right, it is a right only for the few who could pay and who are not prepared to risk their money on a situation like that. So I would like the Attorney General to address that.

If we want to give a right to the people, for instance, even under the environmental management, there are a number of people who would like to bring matters to court, but they are afraid to do so because if they make one mistake, even if it is a procedural mistake, one may end up having a bill costing hundreds of thousands of dollars. I am not so sure of how that should go. I have not reached a position on that yet, but I am saying when people come to this honourable House and start speaking about the American way and the US Constitution, and the US rights, they must also tell us that in the United States of America, when an action like that is brought, there is no order as to cost. None. I know that system. I have worked in that system. *[Interruption]*

Mr. Maharaj: Democracy money.

Mr. H. Bereaux: That fund is all right. Do not worry about that. I am concerned Mr. Speaker—Mr. Deputy Speaker—you should be Speaker anyhow. I would support you. As I was saying, in the United States of America, when you bring an action against a public authority or against the state, there is no order as to cost, it has nothing to do with cost. So when you want to foist American jurisprudence upon us, you must be prepared to go the whole route. Do not come with any half measures.

Let us put that right in the Act; you can sue any time, and you cannot be charged costs. Put it in. *[Interruption]* Mr. Deputy Speaker, once we are going to

do this and everywhere you hear judicial review, it is not for the small man, or anyone who is earning a few thousand dollars, it is for those who could afford. *[Interruption]* Not me, I cannot afford. I could get a friend to help me, like the Minister of Public Utilities. If somebody sues me, I would get somebody to defend me without cost. That is the only thing that would help me.

Mr. Deputy Speaker, this particular provision is mentioned in several places. A number of places in the Bill, there is the right to a judicial review. We need to correct that. The hon. Member for Arouca South referred to it, but I want to remind Members that the request—and I want to underscore it even further—that has to be made to a public authority to give out documentation has to go to the same people who have been dealing with your matter. The same people who are oppressing you, and who did not want to give you the information, those are the people who have to determine whether they can do it or not do it.

Take for instance, we had a situation when the hon. Member for Arouca South was talking about a person who signed the letter from the Bureau of Standards whereby the money from the Bureau of Standards was put on the names of two persons. Those persons were the persons who signed the letter, the financial comptroller and another. I am looking at something here and I am seeing a money to buy computers in the United States of America, and I am also seeing a sourcing fee, 5 per cent of total sales and who is it paid to? The person with the same name like the one signing. I am not going to say there is something wrong there, but if I have to write to Hemanchal Narine to find out why a finder's fee, a sourcing fee of 5 per cent of the purchase of certain computers, was paid to Christiana Gopaul-Narine, do you expect me to get that information if I do not have an impartial body to deal with it? I am worried.

Hon. Member: How you got that?

Mr. H. Bereaux: I got it legally. I got it from the United States, from the person to whom it was sent. You see the first question, how you get it? By the very question asked by the Member for Arima and the Member for Nariva who are asking me how I got it worries me. Therefore, I am led to believe that if those two Ministers had the opportunity to prevent me from getting it I would not have it. If I would have had it based on this legislation, why are you questioning how I got it?

Mr. Deputy Speaker, now that I see the hon. Member for Siparia, I want to deal with a few comments made by her when she tried to give the impression that under the People's National Movement there was repression.

6.50 p.m.

Mr. Deputy Speaker, people use the law—especially this Government, the Member for Siparia, and to some extent, the Member for Couva South—the way a drunk uses a lamp post, not for enlightenment, but for support. They do not use it to deal with things the way they should, but for support.

The Minister indicated about freedom; well, I follow the Constitution of the Republic of Trinidad and Tobago and it speaks about freedom of thought, expression and religious belief. The Constitution speaks in Part I, 4(i), about freedom of thought and expression; and in 4(k) about freedom of the press. Freedom of the press cannot exist without freedom of information and I recognize that. But this same person, the Member for Siparia, her Prime Minister, and my Prime Minister too, her leader—not my leader, I would not follow him—said when he was asked to sign the Declaration of Chapultepec involving and supporting freedom of the press, he was adamant that he would not do it, and I would tell you why. He was adamant because he is guilty of the most blatant attack on the press, and he is not alone in that.

My honourable colleague reeled out a number of instances where Members of this Government and Ministers have attacked the press. We have the most recent—I will get to that—but they have attacked the press. They have pelted them physically and then by word. My mother used to say that words are wind, but blows are unkind. Sometimes it is despicable to attack them verbally or orally, but it is far worse to attack them with missiles, as was done at Mid Centre Mall in Chaguanas. I was not there but I saw it on the television, thanks to the media. *[Interruption]* I said attacked with missiles. If you do not understand or if you think that missiles only mean what is hitting Yugoslavia and Kosovo, it means stone and bottle too; *[Interruption]* all those things.

We have a situation where the head of the Government instigates attacks upon the media, and the Member for Siparia has the audacity to come here and talk to us about the press, but it is a good thing that under the PNM and previous administrations to this one, we developed a strong media. I am not going to pretend that we are always chummy with the media, we are not. You do not have to be chummy with them, you just have to respect them, because their duty is to act as a watchdog for the people. If you are in government the media would scrutinize your actions, so you might not like some things they say, but you have to be prepared to defend their right to do it.

What is the point when they come here and talk about freedom of the press or freedom of information? As I said, I empathize with the intention of the Bill and with what was said. There are some errors in it and some changes that one may say need to be made, but I empathize with what they are saying. The problem is, there is a hollow ring, a certain ambivalence and duplicity in what they are saying, and that is the big problem I am having. If we were certain, and had some indication from the head of the Government that they were going to try to do things on a path that was—

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

Motion made, That the speaking time of the hon. Member be extended by 30 minutes. [*Mr. C. Sharma*]

Question put and agreed to.

Mr. Maharaj: None of them would do it for you.

Mr. H. Breaux: Mr. Deputy Speaker, I thank Members of this honourable House, and in particular the hon. Member for Fyzabad, for moving that my time be extended in respect of this issue that I am dealing with. [*Desk thumping*] [*Interruption*] In the heat of the moment during the debate about this serious matter, and the way I feel about it, anything like that could happen. [*Interruption*]

Mr. D. Singh: It has two donkeys on that side.

Mr. H. Breaux: Mr. Deputy Speaker, I will choose to ignore the pastoral references made by the Member for Pointe-a-Pierre. I know he likes to show off guns and various parts of his anatomy. I do not propose to get into any problems with him. [*Laughter*]

Mr. Maharaj: What part?

Mr. H. Breaux: Mr. Deputy Speaker, the Minister talked about the PNM doing certain things and, in particular, a state of emergency, which is a device under the Constitution of the Republic of Trinidad and Tobago. Definitely, any government in power if it perceives or anticipates a situation that would put the country under a certain situation, it is entitled to do it. In fact, sometimes when we observe the behaviour of the hon. Prime Minister, we believe that he is provoking the population in order to call a state of emergency. Nobody told me, but I look at his behaviour and he sounds so irrational. I do not believe that he is rational. I

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believe that there is a plan behind it, and that is the plan. I do not know, but I can only conclude that having regard to his behaviour.

Look at what happened on Tuesday last: two Members of the Upper House of this Parliament made certain comments in respect of what they thought was improper or inadequate information given to them concerning the tragedy—and I can only describe it as a tragedy; I would not go into any details because I do not want to particularly deal with that type of thing—which occurred at the Prime Minister's home. We have a statement which goes, "tragedy is here for everybody". What the Senators were saying was that the media, in their view, was telling more than the state, and they were saying to the Government, "come clean".

Now, I could expect that any government which has some kind of respect for the freedom of information would just simply reply, if they believed it, "We have told you the gist of all information we have." If you are an honourable Senator and somebody who is a Member of the Parliament, and I give you something more and tell you, "This is the report here, read it and you would see I am speaking the truth; you could go out and justify that I am speaking the truth." I could then put you under an undertaking not to reveal things from that document to anybody else. We know that as people in the legal profession, that is done from time to time. Even with this same information, when a party claims that a document is privileged, there are times when the Master or the Judge in Chambers would say, "Bring the document I would read it, and determine which parts, if any, are privileged, or if the whole document is privileged"; that is done.

A Member of the Senate is not just an ordinary person. More importantly, an Independent Member of the Senate is somebody chosen by the President of the Republic of Trinidad and Tobago from groups of persons whom he feels would represent the various interests, and bring a sort of non-partisan deliberation to the Upper House. The very attempt by the Minister of Public Administration to chastise the two Senators over the television, tells you about the kind of vibes we are getting. The way this Government is behaving with respect to persons or any revelations of any information it does not like—admittedly, the hon. Prime Minister did say to send any information the Senator had, to him. I think he was trying to put Humpty Dumpty back on the wall, as it were. [*Interruption*] But Humpty Dumpty mark "done jump off and gone". I mean no derogation or disrespect to the hon. Minister of Public Administration. [*Crosstalk*] Mr. Deputy Speaker, that is the kind of thing—. Take for instance, we hear the Government

saying that it wants the media to print good news. There is a song that goes, "Let me hear some good news today". We all want good news, but I would tell you that really, all news is good news, because sometimes news which appears to be negative and against the country, makes us look inward and try to correct matters.

Take for instance when I was coming to this Parliament week after week and talking about the problems in Parrylands, how they were killing out young children there, and the news came out, the media took it up.

Hon. Member: What did you do?

Mr. H. Breaux: The problem did not exist then. [*Interruption*] No, it did not! Mr. Deputy Speaker, because of the discussion in the media and the media attention, something [*Interruption*] You did not solve the problem, you did what I told you to do. Way in advance I told you to close it and you did. [*Desk thumping*] Have you noticed that I have not pinpointed anything on it again? Because you did what you were told to do by an intelligent man. [*Crosstalk*]

I keep telling the Member for Arima that the problem did not exist during the PNM's time. [*Crosstalk*]

7.05 p.m.

He is approaching eight years but he has not reached there yet. He has to know how long he has been in this honourable House.

Dr. Griffith: I have nine years and five more.

Mr. H. Breaux: The Member for Siparia spoke about—and I have long wanted to address this matter—firing by fax. Well, fax is a colloquial issue. It is a facsimile letter; if you do not know what it is, I am correcting you. What we call a fax—you can send a letter by post; you can send a letter by diplomatic courier; you can send it by hand; or you can send it by facsimile. Go in the dictionary to look for it. I just wanted to point that out.

I used to be a teacher many years ago as you would be able to attest, Mr. Deputy Speaker, and ignorance is something I like to correct whenever I am able to do it. I am not always able to do it.

So, Mr. Deputy Speaker, requests may be refused in certain circumstances. Clause 21(1) says:

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“A public authority dealing with a request may refuse to grant access to documents in accordance with the request, without having caused the processing of the request to have been undertaken, if the public authority is satisfied that the work involved in processing the request would substantially and unreasonably divert the resources of the public authority...”

I am having serious doubts about the way in which public authorities function. I know how people in authority behave in some of these public authorities. I know of cases, when people apply for planning permission—and I know the views of the Ministry of Planning and Development, the man in charge of housing, and I want to say it could not be him. What do you think happens, Mr. Deputy Speaker? A person applies and is supposed to get an answer within two months. They delay it, although they know the property very well, and when it reaches the seventh week, if you do not have information, if you cannot find it, they then pass it to the person who has to make the decision and that person suddenly decides that he or she wants to find out from Drainage Division what is the setback. Do you think they will send a fax to find out? No. They are supposed to write you back and tell you that they want some extra time, in order to send it from Town and Country Planning to Drainage Division to find out the setback from a ravine. They tell you they want three months and they do not tell you until you call two weeks after you should have been written to.

Dr. Mohammed: Who is to blame for that?

Mr. H. Bereaux: No. It is not a question of blame. Remember, as a government, you and your party came and said that things were wrong and you were going to correct them, and you are attempting to correct those things by provisions in this Bill. I am looking at it critically. If you are incapable of seeing that I am trying to point out certain weaknesses so that when you begin to deliberate on it, you will be able to say that you have the other opinion. If you believe that the representative of the people whom I come here to represent, must not have a say, you do not understand the process of our system in Parliament.

Because nobody in their right mind would say they are totally against freedom of information; nobody is totally against it; but we are concerned about certain elements of it and we are concerned about the Government that at present is bringing it forward and, to some extent, the hon. Attorney General is caught, because he is too smart. If he was ah “chupidee”, possibly we would not have

been so concerned about it. But we are concerned, because we know his curves. We are concerned about his curves.

Dr. Mohammed: What is ah “chupidee”?

Mr. H. Breaux: Well, that is a Trinidadian colloquialism.

Mr. Deputy Speaker, the hon. Member for Point Fortin was so busy. He indicated that all we were talking about here was corruption, corruption and corruption. This Government has the ability to make this side of the House stop talking about corruption.

Dr. Griffith: Do you want the man’s seat? Why are you attacking him so?

Mr. H. Breaux: I am not about seat at this point, I am dealing with this Bill. The Government has the ability to make this side of the House stop talking about corruption and the way to do it, as their political leader and Prime Minister said, is by good governance. Unfortunately, every time you go one step forward in good governance, you go back some steps.

We were so happy, to some extent, to hear that we were hosting Miss Universe. They spent \$81 million on that and now we are hearing from other sources, that they did not do the advertisement they should have done abroad to cause people to come to Trinidad and Tobago, so now all the small hotels are more or less in the same state they would have been this time of the year if we had no Miss Universe. Then, there is Singing Sandra and—

Mr. Hart: Manohar moving vagrants!

Mr. H. Breaux:—Black Stalin [*Interruption*] That is why I said you have Singing Sandra and Black Stalin telling people they were going to sell. Sell to whom? People are not coming. They are not here.

But I want to tell the Member for Nariva that if the Government succeeds and the country does well, the Members of the Opposition will also do well. So, we do not want the Government to fail, we just want it to work good and be honest. That is what we want. I do not want the Government to fail. Do you think I want a country in which the dollars start to come like the Guayanese dollar? Or, where people eating up one another and fighting each other? No. I am living in a nice country. This is my country. I have nowhere to go. So, do not tell me I am jealous. I would wish to be jealous of this Government because, if that were the case, the country would prosper.

Mr. D. Singh: Hedgey, you have enough money!

Mr. H. Beraux: No, if I had enough—anyhow, I am not answering that.

The point I was making, Mr. Deputy Speaker, before I was rudely interrupted, was that there is a situation now where we were expecting a certain kind of visitor turnout. Of course, you did not put any visitors particularly anywhere so you could not be sure that they would come. But, they had to do certain things to make sure that people would come and what you find is, they did not do their work and, now, the hon. Attorney General showed us this Bill and said that with this Bill, it would happen. But, when that is done and my good friend, the hon. Minister of Trade and Industry, says, “No. No.” He made the decision; we cannot get the information. I have to pull out some money, or John Thomas down the road has to pull out some money, to get judicial review. We cannot handle that.

That is the bug bear to start. That is a critical problem with this. Because the ordinary man, the average man, the person who does not have a substantial sum of money, or who does not have a big organization behind him—or if he has a big organization, you all would bring down a set of European Currency and raise the cost; even if he has a big organization behind him—cannot access.

This Bill, with all its other faults, cannot and will not, and will go down as a legislative disgrace, once there is not put somewhere here—either you put a tribunal which we could access in the manner of the Industrial Court. And do not tell me, Mr. Deputy Speaker, that there is no precedent for this; we cannot do it. Not only have we done it in a conventional kind of way, by the people from Guayamare and so forth, the Government not taking costs from them.

Mr. Maharaj: What about the Jamaat? Would you defer costs against them?

Mr. H. Beraux: In respect of what? Land? Which one?

Mr. Maharaj: You were the Government then. You know.

Mr. H. Beraux: Wait. Let me get down to the one we are talking about. You know much about the Jamaat.

Mr. Maharaj: And you want me to waive the costs against them?

Mr. H. Beraux: You know much about the Jamaat.

Mr. Maharaj: You, too?

Mr. H. Breaux: To answer you, all I know is what you want me to tell you, and I will tell you that if I do what they did to this country and you waive costs for me, I would dislike you; I would disrespect you and I would think nothing of you, simply because of that.

Let me go on. I am saying that in the jurisprudence of this country, there are statutes in this country that provide for courts—C-O-U-R-T-S—which do not charge costs and I refer to the Industrial Court. If you go to the Industrial Court, because it is considered a court at which labour has to plead its case and labour has to seek to get rights, you do not get costs. Not only do you not get costs but, also, if it is a trade union, there are certain rules protecting the trade union.

I am saying that you say this is a special Bill; you say you are seeking to do certain things, although the things you are doing here fall far short of what you said you would do when you were in Opposition. All right, I am prepared to say, “Okay, if you think that is what you could do today and you are going to do it; do it, but give to the people.”

I am saying, Mr. Deputy Speaker, that in order for this Bill to mean anything, even as imperfect as it is, even as suspect as the motives are, as distrustful as we are of this Government, if this Bill is to mean anything, and to move any step further to give more information, or to make more information available to the public, then there must be no costs in respect of litigants approaching the court to seek judicial review in respect of that.

7.20 p.m.

In fact, what we should have more of is legal aid available for this. Then we could say that we are really concerned about freedom of information. As I say, freedom of information is like brotherhood. I tend to agree with the Member for Point Fortin. This is one of the few things which I agree with, since he crossed over there—that no right is unlimited.

Mr. Maharaj: You have more respect for him than your leader.

Mr. H. Breaux: You know that is not true. No right is unlimited. Rights can be circumscribed. As one man would say: “your right is like a man swinging a stick in a crowd and is told: “you cannot swing that stick there”, he then says: “I have a right to do it”. The other man says: “yes, but your right ends where my nose begins”. I agree with that, but I am saying the person who seeks information under this Act let us make that person able to go to the High Court without cost;

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make legal aid available and/or put a mechanism in place for easy dealing with simple matters. Maybe the person to do this is the Ombudsman. Something like that. I have not looked at that particular Act this time. Maybe that is an area we could deal with. Until that is done and certain other inefficiencies and inelegancies in this Act have been corrected, I cannot support it. Thank you, Mr. Deputy Speaker.

The Minister of Tobago Affairs (Dr. The Hon. Morgan Job): Mr. Deputy Speaker, I rise to support this Freedom of Information (No.2) Bill, 1998. The last speaker, the Member for La Brea, seems to be in the role of misleading the public again. In the sense that the legal system we operate, containing the accumulated wisdom of centuries, thought it fit in order to avoid frivolous, mischievous and vexatious petitions that some judges should have the right to impose costs.

The PNM—[*Interruption*] I am not reading what you think I am reading, and it is my right to read anything I want to read, as in fact I do. Mr. Speaker, the question of costs is paramount in the minds of the people of the Opposition because they had frivolously, mischievously and vexatiously engaged the courts of this country with petitions that had no merit. The judges in their wisdom sought to send a message to the country and in particular to people who use political partisanship for their own gains—in the sense of not promoting the public interest but their own personal gain. When they do not want to pay costs, then, the judges in their wisdom thought that they must send a message that if they must come to the courts, they must come in the public's interest, not in their personal interest. That is the problem there. The judges are not perverse.

The problem in this country—I want to say it again, whether it is before the Member for Diego Martin Central or after him, before the Member for San Fernando East or after, before the Member for La Brea or after—the press do not print what I say. They are defending the freedom of the press and saying the Government is against the press. Perhaps the Government has a right to be against the press. I am not against the press, but there must be some justification. How is it, for two years I am in this House, whatever position I speak, whatever time I speak, nothing comes in the media, and everything that they say is in the media! There must be some perversity, some injustice there.

For example, it will not be seen in the Sunday newspapers what I just said. But, the judges in their wisdom decided that the PNM must pay costs because the motion was not in the public interest. It was in the interest of particular individuals. Frivolous, vexatious and mischievous that is the whole problem. You

are talking about my radio programme. All of you there talking a set of foolishness that you made Radio 103. There is a logic, Mr. Deputy Speaker, there is a thing called *post hoc, ergo propter hoc*. They do not understand these things. They do not understand the *post hoc* fallacy. They do not understand it. The Member for Arouca South got up—I sat here this evening and listened in amazement and wonder. She said that the PNM has fought for freedom of the press in keeping Radio 103 alive.

Mr. Deputy Speaker, Marcel Mahabir and I worked together in Radio 106, subsequent to which both he and Henderson left and opened Radio 103. All these radio licences and opening up of the media was done by the NAR. But you see, that is the wickedness of the way in which they present themselves—misleading the public. Somewhere in *Macbeth* it is stated:

“But ‘tis is strange;
And oftentimes, to win us to our harm,
The instruments of darkness tell us truths,
Win us with honest trifles, to betray’s
In deepest consequence.”

It is indeed true that under the PNM, Radio 103 got a licence, but in terms of the way the argument is presented, it is totally fallacious, deceptive, evil and mischievous, because for the whole history—have you ever heard about Jimmy Bain? Jimmy Bain fired everybody in a radio station because of something they did that the PNM did not like. Remember Williams and the undated letter? They are talking about fascism. They never said PNM signed an undated letter. Mr. Hudson Phillips decided that he was not signing it and resigned. All the rest of them signed it. Quislings! Yellow-bellied, weak-kneed crawling, creeping creatures. That is what they are. Hungry people that can do nothing else except go like Jeremy Taylor said:

“Anything I say, you say you will tell the people”

That is what they are. That is their culture. Coming here this evening to say that this—I am listening to the Member for La Brea.

7.30 p.m.

Freedom of Information Bill
[DR. THE HON. M. JOB]

Friday, May 14, 1999

You see, there is no logic in their argument because the Member for Arouca South, the whole preamble, about 15 minutes, was denunciation; “This is wicked, evil, mischievous, deceitful, fascism”; the Member for Diego Martin East, ditto. I have his speech here. He went into Orwell and all kinds of nonsense—long quotation from Orwell. “Everything in this is lie.” Then the Member from La Brea gets up and says, “Well, you know, nothing ain't really wrong with this. It is a good Bill. Just avoid the costs. Just come and tell us that you do not have to pay costs. Just say that and then we will support you”.

So, therefore, they are speaking with forked tongues. Let us be consistent. [*Desk thumping*] They are not reading from the same page, the same book, the same chapter. [*Desk thumping*] That is what we need to deal with in this Parliament. The way these people come in—I wish the press will report what I am saying. You see, I will demonstrate to the public that these people are not about freedom of information because every speech I have here from Mr. Manning, all these—the Member for San Fernando East—are so deceptive. I have the evidence here showing that these people come into the Parliament deliberately to use the Parliament to mislead people, to state little simplistic untruths, the better to mislead the public that they are the saviours of mankind.

I was reading last night a speech from Mr. Manning when he quoted Venezuela and I said, “I wonder if the man really understands the lessons from Venezuela, that Chavez is the President because the traditional parties in Venezuela have lost all credibility”. They could not even send up a candidate on whom they agreed. Nobody will support them and that is the position of the PNM; absolutely no credibility. That is what is happening—seven miles. You could go on any mountain top in Trinidad and see Venezuela from there and he does not understand that is the message.

So that we have a Bill which we did not have before and which allows the citizens of this country, for the first time in history, to have a legal remedy if indeed he wanted information to which he does not now have access and it is denied. This is what the Bill is about and which Members opposite are telling me they do not want. It tells how one must get information about InnCogen so that Minister Ganga Singh will be brought into disrepute, the hon. Member for Caroni East will be brought into disrepute and shame and disgrace. It tells how one must go and find out what Galbaransingh did. It tells how one must go and do all of that. This is the law.

If the law is not adequate for that purpose, well then, let us debate that, but do not say you do not want it. Do not say you do not want it. You understand, Mr. Deputy Speaker? So that, I am saying whether one is talking about Farrell House or whether one is talking about National Fisheries or whether one is talking about what went on in Caroni during their day or whether one is talking about Sam P. Wallace, it says how one must access the information, you know, and things of that sort.

If Members do not agree that the wording, the clauses or the subsections are not equal to the purpose, then let us see how we could make them equal to the purpose. But do not do like the Member for Arouca South, the Member for Diego Martin East, and say this is a denial of information Bill—what is the word again—a Secrecy Act, and every word he heard, everything, done with it. Toilet paper has better value, according to him, than this Bill. That is what he said. So I do not see how one could make what he said consistent with what the Member for La Brea is saying. It is not logically possible, Mr. Deputy Speaker. It is not logically possible, Sir, at all, at all, not what I read last night, not what I read this morning in the statement here.

Mr. Deputy Speaker, there is no question in my mind that whether we are talking about the Soodhoo Affair or about all these corrupt issues about which they are talking, the remedy, as I said the last time I spoke here, is to put those laws and institutions in place, create the kind of culture, public understanding and civic responsibility necessary to nurture that kind of understanding so that together these things might work and collaborate in the public interest. In that way we do not come to this Parliament and behave in this petty, picayune, perverse, partisan, nonsensical way talking about corruption, corruption, corruption. Then sometimes they bring ethnicity and race in between and return the next week with the same thing. That is not advancing the public interest.

ADJOURNMENT

The Attorney General (Hon. Ramesh Lawrence Maraj): Mr. Deputy Speaker, I must thank the hon. Member for giving way. He has not completed his contribution. I have just interrupted him with his consent and your approval.

Mr. Deputy Speaker, I beg to move that this House do now adjourn to Friday, May 21, 1999 at 1.30 p.m. when we would hope to complete debate on this Bill.

Mr. Deputy Speaker: Hon Members, before we take the adjournment we have two matters on the motion for the adjournment.

**Bagatelle Constituents
(Unfair NHA Treatment)**

Mr. Kenneth Valley (*Diego Martin Central*): Mr. Deputy Speaker, I rise to raise the matter on the adjournment standing in my name, to wit, the arbitrary manner in which the constituents of Bagatelle in the electoral district of Diego Martin Central are being treated by the National Housing Authority (NHA). As the Member of Parliament for Diego Martin Central I have had numerous complaints about a particular officer attached to the National Housing Authority.

As a result of these complaints I had reasons to call the National Housing Authority. I tried, first of all, I think it was about two Fridays ago, to get the individual who was not there, and eventually I think it was sometime last week I eventually, one afternoon, got in touch with the individual at NHA, but a very interesting thing happened, Mr. Deputy Speaker. When the phone rang there I heard, first of all, somebody saying to some other person, "Do you have it?" The name was called and what I heard at my end was "Dr. Sammy", and then someone else came on the line. So obviously there were two persons, to my mind, on the phone there.

Having met this officer previously, I think it was around February; a person came to me and said, "I am Ms. D'Abreau of NHA." I was at the City Mall and we spoke and I told her of the complaints I was hearing. I told her what we really needed to do was set up a meeting so that we can hear the complaints in order to understand better the constraints under which NHA is working in order to deal with the matter, and we left it at that. So that, getting further complaints, I thought I was doing what was correct, going first to the source of the problem, trying to deal with it, rather than, for example, bothering the Minister. On occasion here I mentioned to Mr. Humphrey that we needed to have a meeting in Bagatelle to clear the air on exactly what was happening with respect to squatting in the Bagatelle district.

However, Mr. Deputy Speaker, I got a rude awakening from this officer. I got on the phone and I said, "Ms. D'Abreau, I am still getting some complaints from my constituents. Why do we not get together and talk through the issues and see whether we can have some kind of meeting of the minds?" What I heard on the other end was, "What is there to talk about? There is nothing to talk about. There is no problem. We are carrying on with the work", and so forth. I then mentioned to the individual, "Well, that cannot be because I am getting all types of

complaints from the people up there and I think we ought to meet.” She said, “But no, I have no time to meet. I am just carrying on my work” and so forth.

Mr. Deputy Speaker, I told the individual, “Well listen, if you do not want to meet then I will have to make it very warm for you, extremely warm”. She then asked me whether I was threatening her and I said, “No, it is a statement of fact because I do not play tricks”. I want to read to you, Sir, some of the complaints that I have been getting from my constituents, and some of them are in the public gallery. *[Interruption]* They came. The first one says:

“On March 18 Mrs. D'Abreau, an officer from the Department of Squatter Regularization Unit of the NHA, visited me. She approached me in a hostile manner, loud and insulting with verbal and nonverbal threats. These are her words. ‘I am going to break your home down or you can do it with the men who built it. I gave someone else the lot you occupied. You cannot continue to live there. If you paid for the fruit trees you can take them and go. I do not care where you go, just get off this lot. You can go by which Minister you want, I will still break down when the tractor comes. I am not going to regularize you or relocate your house.’

On that same day I saw the Minister of Housing and Settlements and he wrote a small letter which I have attached to this paper. On April 22 the crew of men with policemen came to break my house down. I showed the letter the Minister gave me and they left.”

This is signed by one Hayden Stewart and attached to it, Mr. Deputy Speaker, is the notice of removal of illegal structure and there is a note at the side of it which says:

“Ms. Diane Balor, Assistant to the Minister Housing and Resettlement. Diane, could you help this individual get regularized on the lot he occupies? Advise me of any problems that may exist.”

However, Mr. Deputy Speaker, my constituents are telling me that Ms. D'Abreau is telling them that she does not care about any Minister or Member of Parliament, you know, that she is a law unto herself.

I have another letter, Mr. Deputy Speaker:

“In late February Ms. D'Abreau visited me at my house in Second Trace, Bagatelle. She told me, ‘I know you have a house here but you do not have to worry. I am not going to move you’.”

Bagatelle Constituents
[MR. VALLEY]

Friday, May 14, 1999

This is the law, you know, Mr. Deputy Speaker. I should say, remember we passed here in October an Act to protect certain squatters from ejection from state lands and so forth, assented to on October 28, 1998. Under this piece of legislation, there is supposed to be set up an agency that is supposed to be managed by a Land Settlement Committee which shall be headed by a Land Settlement Chairman. This is the agency, as far as I am aware, that is supposed to be seeing about the regularization of squatters.

Up to today, as far as the information I have—because I sent to the library today and asked the librarian, “Could you kindly loan a copy of the *Gazette* in which the appointment of members of the Land Settlement Committee was noted?” The reply I got was, “Mr. Valley, I have checked every Gazette from the date of October 25, 1998 that was published. I have not seen any appointment of a committee.” So here it is that the Land Settlement Committee has not yet been established but there is a particular officer going into communities and telling residents that she is going to break down their house and, in fact, has broken down structures, sent people to damage people's foundations and so forth in the Bagatelle area.

I will continue reading this letter:

“I am not going to move you or break your house so do not worry.”

Mr. Samuel McLean, who is another functionary up there and who seemed to be doing his own thing, was present. He said to her:

“The map you have is trouble and they left on March 18. Ms. D'Abreau returned and she was very upset and rude. She said to me, ‘You want to see I move you?’ and started to walk—”

Now this is an individual who, my constituent tells me, comes, walks 150 feet that way, walks about 50 feet the other way and says, “That is your new area.” She is operating in my constituency, the Bagatelle area, as though she is the law up there. In fact, the Land Settlement Committee that is supposed to be established has not even been established as yet.

Mr. Deputy Speaker, the number—and I told her quite clearly that I will make it extremely warm for her in the Diego Martin area if she does not conduct herself properly. Indeed, Mr. Deputy Speaker, as far as I am concerned—[*Interruption*] I will make it extremely warm for her. I hope you understand that, because there is nobody who is going to be breaking the law in Diego Martin Central and escape unscathed. Do you understand that? There is nobody, okay, because a person in

that position must understand the concept of caring and if that person does not understand caring she has no purpose whatsoever in that job. [*Desk thumping*].

7.45 p.m.

Mr. Deputy Speaker, what annoyed me about that public officer was that when I approached her and said, “Let us sit down and speak”—because I am well aware that in a job like that there will be certain difficulties—because the concept was for us to meet with the residents to see how we can work this thing out rather than attempting with just one of my constituents. While the laws says: if you have adult children, and they are entitled to be regularized and so forth, this individual is saying “I gave someone else that land.” When the person informs her that he has spoken with the Minister and the Minister said no, this is what the law says, she said she does not care about any Minister. So, it is not only Ken Valley she does not care about, she does not care about John Humphrey, and I do not know whether she cares about the Parliamentary Secretary in the Ministry of Housing and Settlements.

I am saying, that while Ministers—because it is not only Ken Valley—get blamed sometimes there are public officers who are wrongly placed, and if that is so, we must get them out, especially in such a sensitive position. When we are dealing with the landless we need people in there who would have the sensitivity to deal with the people.

There is another situation here. This letter says:

“I have been occupying a little less than one acre of land...”

This is an agriculturist.

...at the above named address, which is 2nd Trace Bagatelle, Diego Martin, since 1983 for the purpose of Agriculture. In 1985/86, I built my home on the said land and continued my agricultural planting...”

He is doing short crops such as cabbage, tomatoes, sweet peppers *et cetera*.

“...on three fifths of the said land.

On the other two-fifths of the land my house is situated together with fruit trees in an enclosed area in which I rear poultry such as Creole fowls, ducks, and so forth.”

Bagatelle Constituents
[MR. VALLEY]

Friday, May 14, 1999

The important thing here is that this individual outlined his case to the Minister.

“On Tuesday March 23rd, I delivered a copy of the said letter to the Squatters Regularisation Section of the NHA.”

That is a letter he got from John Humphrey.

The Minister sent him to the Ministry of Agriculture—and I think the Minister of Agriculture, Land and Marine Resources may know of this case—Mr. George, who came to see him on the instructions of John Humphrey telling him:

“Reeza,

Could you send an extension officer to examine Bagatelle Diego Martin to help regularize agricultural squatters along with what we are doing for housing squatters, and we will discuss an appropriate strategy?

Sincerely,

John.”

Here you have the Minister of Housing and Settlements attempting to deal with the situation, but you have a little—you know. We have to understand that there are some public officers—I have been a public servant for a number of years and I am making the point that while the majority are excellent, every now and then you come across one like that Ms. D’Abreau. She might do very well in some other part of the public service. I am saying she is very well misplaced in the Squatters Regularisation Unit, and the quicker the Government can get her out of there, the better. As a matter of fact, I hope you would take steps to get her out of Bagatelle immediately! It does not matter where you put her. I think she should come out of that unit as a whole, but get her out!

This is not a personal matter, this concerns my constituents. What is happening is that this lady is terrorizing my constituents. She is coming in and moving them, telling them that they would have to relocate. She is threatening to break down their houses and so forth, saying that she has given other persons the land; and they are coming to me, and when I attempt to speak to her to understand the situation, I can get nowhere with the individual. I am saying we need to deal with the situation. She had Dr. Sammy on the line. She can write other Ministers; she can get her Minister to give her side. What I want to know is when I have

constituents in Diego Martin, they are squatters; they are governed by Act 25 of 1998, and as long as the Government acts in accordance with this Act, I have no problem. If there is a public official who is going to be coming here like the law of the land—when even the land agency has not been established, obviously she is going to have a very difficult time in Diego Martin, where Ken Valley is the Member of Parliament. I thank you.

The Parliamentary Secretary in the Ministry of Housing and Settlements (Sen. Carol Cuffy Dowlatt): Mr. Deputy Speaker, before I begin I want to take this opportunity to thank hon. Members for this singular honour and privilege to be in this House. However, I am a little disappointed that I have been called here to respond to a matter that is obviously of a personal nature between the Member for Diego Martin Central and a public servant. But more than that [*Cross talk*].

Mr. Deputy Speaker: Members on the Government Benches, could you kindly allow the hon. Acting Minister to continue her contribution, and give the Member for Diego Martin Central the respect that he deserves for the problem he has brought here?

Sen. C. Cuffy Dowlatt: Thank you, Mr. Deputy Speaker. I am also aware that a report has, in fact, been made to the police station by this particular lady for an assault by the Member for Diego Martin Central. Therefore, we have heard him this afternoon say exactly what he would have said to the young lady, and this is what has been reported to the police, so I know the matter is being investigated, both on a criminal level and a civil level. Therefore, I prefer not to contribute to that matter at this time.

Mr. Deputy Speaker: Order, order!

Sen. C. Cuffy Dowlatt: It is amazing also, to have listened and to have read the statement by the hon. Member for Diego Martin Central when he speaks of the arbitrary manner in which the constituents of Bagatelle in the electoral district of Diego Martin Central, are being treated by the National Housing Authority. [*Interruption*].

Mr. Deputy Speaker: Member for Diego Martin Central, the night is late.

Sen. C. Cuffy Dowlatt: Thank you, Mr. Deputy Speaker. The statement says: The arbitrary manner in which the constituents of Bagatelle in the electoral district of Diego Martin Central are being treated by the National Housing Authority.

Bagatelle Constituents
[MR. VALLEY]

Friday, May 14, 1999

According to Webster's dictionary, "arbitrary" has several meanings. All of which "connotes" an extremely negative and unfavourable image: unreasoned, despotic, unfair, inconsistent and irrational. These are the meanings of the word arbitrary as against the National Housing Authority. I have listened, and the hon. Member has not led any evidence as the National Housing Authority being described as unreasonable, despotic, unfair, inconsistent or irrational.

However, the National Housing Authority is an agency of the Ministry of Housing and Settlements under the stewardship of the hon. John Humphrey, and has in no conceivable manner adopted the stance of being tyrannical to any of its citizens in any of its constituencies. We have shown no preferable treatment for any citizens in any constituency—equality—to the constituents of Bagatelle.

Mr. Deputy Speaker, however, according to the Elections and Boundaries Commission the electoral district known as Diego Martin Central encompasses a large area bounded partly on the Eastern side by the North Coast Road and the Western side by Bagatelle Road. The following communities fall within the area defined as Diego Martin Central for the purposes of the State Land Regularisation of Tenure Act 25, 1998—North Coast, River Estate, Jean Avenue, St. Lucien Road, Diego Martin River Bank, Petit Valley, Four Roads, Cocorite, Dundonald Hill, Fort George, Powder Magazine and certain areas of the Foreshore.

Significantly, the community of Bagatelle falls outside the electoral district of Diego Martin Central. [*Crosstalk*].

Mr. Valley: If the National Housing Authority do not know, I am talking about Bagatelle [*Crosstalk*].

Sen. C. Cuffy-Dowlatt: Mr. Deputy Speaker, according to the Elections and Boundaries Commission, the community of Bagatelle does not fall in the electoral district of Diego Martin Central. But then again, I know the hon. Member for Diego Martin Central is a Christian, I know as a fact, that his political leader did not tell him to keep an eye on Diego Martin Central. So, obviously, he must be looking after his brother's interest. [*Crosstalk*].

7.55 p.m.

Mr. Deputy Speaker, in accordance with the State Lands (Regularisation of Tenure) Act, No. 25 of 1998, a structured approach is provided to the regularisation of tenure. Bagatelle is, in fact, included in this regularisation programme and is an integral part of River Estate, which was initially developed

by the National Housing Authority, but will soon be under the umbrella of the land settlements agency. Bagatelle itself was developed by the Project Execution Unit of the Ministry of Housing and Settlements under the Inter-American Development Bank Loan 584-OC/TT. Other areas within the electoral district of Diego Martin Central to be regularized under the Act include: Jean Avenue, Diego Martin; Simeon Road, Petit Valley; Dundonald Hill, Port of Spain; Waterhole, Cocorite; River Estate, Diego Martin.

Under section 4 of the Constitution of Trinidad and Tobago, Mr. Deputy Speaker, every individual is guaranteed the right:

“...to equality of treatment from any public authority in the exercise of any functions;”

In keeping with this guarantee, all laws passed by this Parliament under this administration have ensured the equality of treatment of its citizens. Act No. 25 of 1998 is no exception and, therefore, the Ministry of Housing and Settlements and its agencies are, in fact, going to uphold the Constitution and will continue to uphold the Constitution of this country.

Mr. Deputy Speaker, the Bagatelle area has been zoned for residential use and, therefore, has to comply with the standards set out for residential parcels of land. So, when I hear the hon. Member for Diego Martin Central, talking about a one-acre parcel of land, he must now appreciate that Bagatelle has been zoned for residential purposes and, more than that, the Member for Diego Martin Central is quite aware that under his administration, lands under the National Housing Authority for residential purposes, amounted to about 3,500 square feet.

Now, what we have done is increased the allocation to 5,000 square feet, more or less. There is a reason for this. What we want to do is to empower people for sustainable development, micro-enterprise and kitchen gardens, so that they can begin to help themselves and get away from the dependency syndrome, hence the need for increasing the allocation from 3,200 square feet to approximately 5,000 square feet. More than that, those who are interested in agriculture can, in fact, be located to agricultural sites, hence the letter and the communication between the Minister of Housing and Settlements and the Minister of Agriculture, Land and Marine Resources.

Bagatelle Constituents
[SEN. C. CUFFY-DOWLAT]

Friday, May 14, 1999

I think that when Members of this honourable House and the Member for Diego Martin Central decide to read a piece of correspondence, it must be read in the context in which it was written. Obviously, the Minister of Housing and Settlements is attempting to find a solution for an agricultural squatter who wanted to plant food. This is what we are encouraging, hence the communication between the Minister of Housing and Settlements and the Minister of Agriculture, Land and Marine Resources.

Every beneficiary under the Ministry of Housing and Settlements Programme, under the stewardship of John Humphrey, is guaranteed equality of treatment by the Ministry of Housing and Settlements and its agencies. [*Desk thumping*]

**Beetham Landfill Site
(Smoke Emanating from)**

Mrs. Eulalie James (*Laventille West*): Mr. Deputy Speaker, I stand to deal with the Motion standing in my name: The unacceptable level of pollution, and, in particular, smoke emanating from the Beetham Landfill site which has, for some time, been of great discomfort; and the health hazard affecting the well-being of the residents of the Beetham and surrounding areas.

Mr. Deputy Speaker, I am hearing words like “PNM started the fire”, or something like that. This fire started on May 1; it has been approximately two weeks now—today is the 14th—since this fire is on-going at the Beetham. I raised this out of concern for the residents who are suffering very much.

To give some examples of the suffering, Mr. Deputy Speaker. We have children who are asthmatic; we have adults suffering from sinus; we also have a portion of that Beetham where senior citizens live and they are severely affected. As early as 2 o’clock in the day, sometimes, they have to close their doors because of that thick smoke.

No one has told us exactly what is causing this fire and why it is they are taking so long to out this fire. If this fire had been in some other area where there were all the “big shots”, or even the Members on the other side living, this fire would have been put out long ago. Maybe, it is because it is the people of Beetham. I am really concerned about this. [*Desk thumping*]

Mr. G. Singh: Who sited the dump there?

Mrs. E. James: That is not being discussed here. The point is the smoke is affecting the residents and I was asked to raise it, because if one goes to one of the homes now, one would see the curtains are black; inside the house is filled with smoke; the people have their doors closed very early. Sometimes, they claim that smoke and dust are in their nostrils. Are we going to wait until somebody dies before we put this fire out? I raise it here because I hope that the authorities will do something urgently to put out this fire causing the smoke, so that the residents could be at peace once more.

Mr. Deputy Speaker, the people of the Beetham are very concerned about this condition, and I hope that something will be done very soon to ease the kind of suffering that they have because of the smoke at this point in time. I hope that the concern I have raised will be responded to favourably to let me know exactly when they hope to put this fire out.

Even yesterday, the fire was spreading like wild fire because of the breeze. Today, another fire was lit. We do not know who is lighting these fires, but they are escalating and nothing is being done to help the people of the Beetham to rid themselves of this.

I feel very hurt about the conditions of the residents and, particularly, the children whose parents have to find money to take them to the doctor, and we know that on the Beetham there are parents who are not working anywhere. How they are making out to find these moneys to take them to the doctor, I do not know. I hope that in raising this matter here, the Members on the other side, or whoever has to answer this Motion, will give me a favourable answer as to how soon the Government expects to put out the fire. Unless the fire is put out, they will not be able to do all the tests they expect to do. The important thing here is to put out the fire.

Mr. Deputy Speaker, I thank you.

The Minister in the Office of the Prime Minister with responsibility for the Environment (Dr. The Hon. Vincent Lasse): Mr. Deputy Speaker, I am very happy that the issue of the environmental problems at the Beetham Estate has been raised in this honourable House, as it provides me, as Minister responsible for the Environment, to inform the country of the work being done at the division of the Environment in the Ministry of Planning and Development. This has been done to deal with a legacy of environmental problems which this Government inherited since coming into office.

I will respond to this Motion in two parts. First, the question of pollution in the Beetham area generally; and secondly, the problem of the smoke emanating from the landfill.

Following a mandate from the hon. Prime Minister to urgently address the environmental problems in the Beetham area in the last quarter of 1998, I appointed an Inter-Ministerial Committee under my chairmanship to examine the situation at Beetham, and to make recommendations to deal with the environmental problems in the area.

In undertaking its assignment, the committee examined past studies and reports on the area, consulted the relevant authorities and agencies and made site visits to the area, during which extensive discussions were held with the residents. I believe on one occasion the Member for Laventille West met with a group from the Ministry.

On the basis of all this, the Committee identified the following as the major factors responsible for the poor state of the environment at the Beetham: an inadequate drainage system; malfunctioning sewer treatment and septic disposal facilities; industrial pollution. Having completed its work, the Committee made a wide range of recommendations to deal with the problems identified, both in the short and medium term.

I am happy to report that the Cabinet accepted the report of the Committee and has mandated all the relevant Ministries and agencies, as a priority exercise, to devise strategy action plans to address the environmental problems in the Beetham Estate. This exercise is now in progress.

Regarding the question of smoke emanating from the Beetham landfill, it is unfortunate that the landfill has been located in such close proximity to the City of Port of Spain, to a housing development and to the sea. It must be appreciated, however, that this situation which was inherited, cannot be addressed in the short-term.

It is also unfortunate that the Beetham landfill does not satisfy all the international standards required of a sanitary landfill, but this is also a situation that has been inherited. These circumstances, notwithstanding, I wish to assure this honourable House that given available resources, every effort is being made to manage the landfill in a manner that does not result in unacceptable levels of risk to human health and the environment.

A major problem confronting the management of the landfill and one which is related to the recent fire, is the high incidence of unauthorized access to the site. The problem derives in the main from the close proximity of the landfill site to the Beetham Housing Development to which attention has been drawn earlier. Apart from providing a convenient located source of items which can be salvaged for use, the landfill also provides a lucrative source of recyclables, particularly copper. Other recyclables retrieved at the landfill site include bottles, plastic, paper and ferrous materials.

The problem of unauthorized access has intensified over the years, particularly with the expansion of the market for recyclables.

8.10 p.m.

Inadequate security is also a contributory factor. While there is a 24-hour security in place, and every effort is made to restrict unauthorized entry, it is physically impossible to secure the site completely, as the landfill is spread over 150 acres of unfenced land.

The current fire at the site serves to dramatize the ongoing problem of unauthorized access. As investigation suggests, the fire might have been started as a result of the burning of the covering material by salvagers, in their attempt to extract copper wire for which there is a ready market in the recyclable market.

Other possible factors include: the dry weather conditions and the high percentage of uncovered waste at the landfill.

I have been informed by the Solid Waste Management Company that the fire at the landfill started on May 1, 1999, and engulfed the south western sector of the landfill site, igniting almost 80 per cent of the uncovered waste.

Additionally, resources have been mobilized to deal with the problem. These include:

- (a) Equipment for covering the waste;
- (b) Cover material;
- (c) Supervising and security personnel; and
- (d) Water tanker services.

The Fire Services, Environmental Management Authority and Solid Waste Management Company Limited have been collaborating to extinguish the fire.

Beetham Landfill Site
[DR. THE HON. V. LASSE]

Friday, May 14, 1999

About 60 per cent of the affected area has since been covered with soil and drenched with water. Despite these efforts, however, the fire continues to affect large portions of the site. While one area is being put out, another area becomes ignited and others become re-ignited. Consequently, it has become evident that significantly more resources are required to extinguish the fire.

The Environmental Management Authority on the advice of the fire services has secured a 1,500 GPM water pump to be used to saturate the site with water. This system for percolating water into the burning garbage is being installed and will be fully operational by Monday 17, May, 1999. It is expected that the fire will be completely extinguished soon thereafter. The situation continues to be closely monitored.

Efforts have also been made to strengthen control measures at the landfill site with the view to minimizing the risk of occurrence. These include:

- (a) Increased frequency of the covering of waste;
- (b) Increased equipment allocation for developing infrastructural fire control mechanism;
- (c) Increased security arrangements;
- (d) Implementation of planned site infrastructural works such as access road, gas vents, *etcetera*.

Hon. Members would be aware that the Environmental Management Authority has been collaborating with Solid Waste Management Company Limited in dealing with the smoke situation at the landfill site on a continuous basis. In this regard, the Environmental Management Authority has undertaken analysis of the toxic gases that one would expect to find emanating from the burning of waste. The results indicate that all parameters were within acceptable international standards for ambient air quality, except that in respect of sulphur dioxide.

The Environmental Management Authority is at present making arrangements for Respiratory Specialists from the Mount Hope Medical Complex to examine affected residents with the view to determining the extent of the impact of exposure to sulphur dioxide and to taking corrective measures. This exercise is scheduled to commence by Monday, May 17, 1999.

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Mr. Deputy Speaker, I take this opportunity to inform Members that it is the effort of the Government to deal in a holistic way with the Solid Waste Management problems of the country.

The Government has initiated discussions with the Inter American Development Bank in respect of the project involving a complete reappraisal of the Solid Waste Management system in the country, with a view to upgrading and modernizing the infrastructural base, as well as, operational systems. This is expected to result in the control improvement in the management of solid waste.

I want to give Members of this honourable House and the population the assurance that the Environment Division of the Ministry of Housing and Settlements, Ministry of Planning and Development, the Environmental Management Authority and the Solid Waste Management Company Limited will continue to monitor the situation very closely at the Beetham Landfill and will take the initiatives which are necessary to ensure that there is no reoccurrence of this situation in the future. Mr. Deputy Speaker, I thank you. [*Desk thumping*]

Question put and agreed to.

House adjourned accordingly.

Adjourned at 8.18 p.m.