

Leave of Absence

Friday, May 21, 1999

HOUSE OF REPRESENTATIVES

Friday, May 21, 1999

The House met at 1.35 p.m.

PRAYERS

[MR. SPEAKER *in the Chair*]

LEAVE OF ABSENCE

Mr. Speaker: Hon. Members, please be advised that I have received communication from two Members of this honourable House who have asked to be excused from today's sitting. The leave of absence they seek has, in fact, been granted. These Members are: the Member for Diego Martin West, who is out of the country officially on the business of Parliament until May 24, 1999; and the Member for Port of Spain North/St. Ann's West who has asked to be excused up to June 25, 1999.

PAPERS LAID

1. Intellectual Property Office Annual Report 1997. [*The Minister of Legal Affairs (Hon. Kamla Persad-Bissessar)*]
2. Financial Statement of the National Gas Company of Trinidad and Tobago Limited for the year 1994. [*The Attorney General (Hon. Ramesh Lawrence Maharaj)*]
3. Financial Statement of the National Gas Company of Trinidad and Tobago Limited for the year 1995. [*Hon. R. .L. Maharaj*]
4. Financial Statements of the Youth Training and Employment Partnership Programme Limited for the year ended December 31, 1997. [*The Minister of Education (Dr. The Hon. A. Nanan)*]
5. Financial Statements of the Youth Training and Employment Partnership Programme Limited for the period ended June 30, 1998. [*Dr. The Hon. A. Nanan*]
6. Financial Statements of Trinidad and Tobago Freezones Company Limited for 1998. [*The Minister of Trade & Industry and Consumer Affairs and Minister of Tourism (Hon. Mervyn Assam)*]

Papers 2 to 6 to be referred to the Public Accounts (Enterprises) Committee

Papers Laid

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7. Annual Report of the Trinidad and Tobago Securities Exchange Commission for the year ended December 31, 1998. [*Hon. Mervyn Assam*]

ORAL ANSWERS TO QUESTIONS

The following questions stood on the Order Paper:

**Tunapuna/Piarco Regional Corporation
(Roads paved)**

58. (a) Would the Minister of Local Government indicate the names and locations of the roads paved in the Tunapuna/Piarco Regional Corporation by the Minister of Local Government during the financial years 1998 and 1998/1999?
- (b) Would the Minister indicate:
- (i) the name(s) of the contractor(s) who paved the roads;
 - (ii) whether the contracts were awarded by the Central Tenders Board;
 - (iii) the cost of each road paved;
 - (iv) whether the Ministry had the approval of the Tunapuna/Piarco Regional Corporation to carry out these projects;
 - (v) under which allocation at the Ministry of Local Government were the funds identified to make payments for the said contracts;
 - (vi) the source of his authority for the Ministry of Local Government to undertake road paving in Regional Corporations. [*Mrs. C. Robinson-Regis*]

Visit to People's Republic of China

52. Mr. Patrick Manning (*San Fernando East*) asked the hon. Minister of Trade & Industry and Consumer Affairs and Minister of Tourism:
- (a) Would the Minister indicated 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 was 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. P. Manning*]

The Attorney General (Hon. Ramesh Lawrence Maharaj): Mr. Speaker, the Government would be able to answer all the questions on the Order Paper with the exception of question No. 58 and in respect of that question, I beg to move that the Government be given two further weeks to answer that question.

Mr. Valley: Mr. Speaker, could I ask that question No. 52 in the name of the Member for San Fernando East be deferred for a further period of one week, given the absence of the same Member?

Questions, by leave, deferred.

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

51. Mr. Fitzgerald Hinds (*Laventille East/Morvant*) asked the hon. 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 Minister of Education (Dr. The Hon. Adesh Nanan): Mr. Speaker, this question demonstrates to the entire nation, yet again, the lack of preparation and the frivolity that often characterizes the questions that emanate from the other side.

I am not aware of any action by teachers on Monday, April 19, 1999, the date mentioned by the hon. Member for Laventille/East Morvant which would warrant consideration by the Director of Public Prosecutions to determine whether there should be any prosecution for possible breaches of the law. If the hon. Member has information to that effect he can share it with the Director of Public Prosecutions. [*Desk thumping*]

Mr. Speaker, based on the incorrect date and inaccurate nature of the question therefore, there will be nothing for me to respond to today. However, since this Government has grown quite accustomed to correcting the errors, omissions and commissions of the other side, especially when they make mistakes with respect to dates, I wish to suggest to him that, perhaps, the date he had in mind was Friday, March 19, 1999 and not Monday, April 19, 1999.

1.45 p.m.

Mr. Speaker, the Minister of Education, in pursuance of the oath he has taken as a Minister of Government to uphold the Constitution of the Republic of Trinidad and Tobago and its laws, has a duty to inform the Director of Public Prosecutions of any possible breaches of the law. It was, therefore, incumbent upon me, having regard to the circumstances in which some teachers did not report for duty on Friday, March 19, 1999, to inform the Director of Public Prosecutions of their names in order for the Director of Public Prosecutions to determine whether provisions of the Industrial Relations Act were breached and whether, in his view, any prosecution should be commenced in respect of their actions.

It would be a serious misconduct for any Minister or Member of Parliament, who becomes aware of possible breaches of the law being committed, not to take steps to bring it to the attention of the Director of Public Prosecutions. The Constitution of the Republic of Trinidad and Tobago gives absolute discretion and duty in respect of these matters to the Director of Public Prosecutions. The Minister of Education does not intend to usurp the functions of the Director of Public Prosecutions.

The names of the teachers were sent to the Director of Public Prosecutions in pursuance of my duty which I stated in my answer given at (a). Mr. Speaker, this

is a matter within the knowledge of the Director of Public Prosecutions and the Minister of Education does not intend to interfere with the functions and duties of the Director of Public Prosecutions.

URP Allocations
San Fernando City Corporation

56. Mr. Barendra Sinanan on behalf of Mr. Patrick Manning asked the Minister of Local Government:

- (a) Would the Minister indicate the allocations under the Unemployment Relief Programme (U.R.P.) to the San Fernando City Corporation:
 - (i) for the year 1998, and the actual expenditure for the same period; and
 - (ii) for the 1998/1999 period?

The Minister of Local Government (Hon. Dhanraj Singh): Mr. Speaker, in response to question No. 56 part (i), for the year 1998 \$4 million was allocated to the San Fernando City Corporation for its Unemployment Relief Programme. However, it is to be noted that the financial year was changed as at September 30, 1998. The expenditure for the period January to September 30, 1998 was \$3,161,096.00.

With regard to part (ii), for the financial year 1998/1999, the total allocation for the Unemployment Relief Programme was \$90 million. This represented a 30 per cent reduction when compared to the 1998 Unemployment Relief Programme allocation. Notwithstanding the reduction in the overall allocation for 1998/1999, all the PNM controlled corporations, with the exception of the Tunapuna/Piarco Regional Corporation, received approximately the same or an increased percentage of the total allocation when compared to the 1998 programme.

In fact, percentage wise, Point Fortin had its allocation increased from 2.5 to 3.52; San Juan/Laventille from 17.5 to 17.58; and Arima Borough Corporation from 2.5 to 3.52. These corporations received an increased percentage of the total Unemployment Relief Programme allocation for the 1998/1999 financial year. However, in the case of the Tunapuna/Piarco Regional Corporation, because of gross mismanagement in the allocation of the 1998 programme, its allocation was reduced for the 1998/1999 programme.

Accordingly, Mr. Speaker, the San Fernando City Corporation's allocation for 1998/1999 was \$4 million which amounted to almost 5 per cent of the total

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allocation to municipal corporations' Unemployment Relief Programme for 1998/1999. This compares favourably with the 4.92 per cent allocation in 1998. Finally, the expenditure as at April 30, 1999 for the San Fernando City Corporation's Unemployment Relief Programme was \$1,493,823.00. Thank you, Mr. Speaker.

**URP Allocations
Point Fortin Corporation**

57. Mr. Hedwidge Breaux (*La Brea*) asked the Minister of Local Government:

- (a) Would the Minister indicate the allocations under the Unemployment Relief Programme (U.R.P.) to the Point Fortin Corporation:
 - (i) for the year 1998, and the actual expenditure for the same period; and
 - (ii) for the 1998/1999 period?

The Minister of Local Government (Hon. Dhanraj Singh): Mr. Speaker, in response to part (i) of question No. 57, for the year 1998, \$2 million was allocated to the Point Fortin Borough Corporation for its Unemployment Relief Programme. However, it is to be noted that the financial year was changed as at September 30, 1998. The expenditure for the period January to September 30, 1998 was \$1,595,491.00.

With regard to part (ii) of the question, Mr. Speaker, for the 1998/1999 financial year the allocation of the Unemployment Relief Programme was \$90 million. This represented a 30 per cent reduction when compared to the 1998 allocation. Notwithstanding the reduction in the overall URP allocation for 1998/1999, all of the PNM-controlled corporations, with the exception of the Tunapuna Regional Corporation, received approximately the same or an increased percentage of the total allocation when compared to the 1998 programme.

In fact, percentage wise San Juan/Laventille had its percentage increased from 17.5 to 17.58 and the Arima Borough Corporation from 2.5 to 3.52. However, in the case of the Tunapuna/Piarco Corporation, because of gross mismanagement in the allocation of its 1998 programme, its allocation for the 1998/1999 programme was reduced.

In the case of the Point Fortin Borough Corporation, its allocation for 1998/1999 was \$2.25 million; which amounted to almost 3.52 % of the total

allocation to municipal corporations' Unemployment Relief Programme for 1998. This is in comparison with its 2.5 % or \$2 million in 1998. Clearly, notwithstanding the decrease in the total allocation to the programme, the PNM Point Fortin Borough Corporation received an increase in its allocation. Finally, the expenditure as at April 30, 1999 was \$1,101,926.55. Thank you, Mr. Speaker.

Mr. H. Bereaux: I just want a clarification. I did not hear the statement which you made with respect to the second period 1998/1999. Was it \$19 million or \$1.9 million? I did not hear what you said.

Hon. D. Singh: Mr. Speaker, the total allocation for the URP in the financial year 1998/1999 was \$90 million. Of that \$90 million Point Fortin got \$2.25 million.

**Chaguaramas Development Authority
(Contracts and Procedures for Award)**

59. Mr. Kenneth Valley (*Diego Martin* Central) asked the new Minister of Finance:

- (a) Would the Minister list the contracts awarded for sums in excess of \$100,000.00 by the Chaguaramas Development Authority (CDA) since January 01, 1998?
- (b) Would the Minister state further which of these contracts were awarded based on the public tendering procedure?

The Minister of Tourism (Hon. Mervyn Assam): Mr. Speaker, I am not the new Minister of Finance. I am the Minister of Tourism and the CDA falls under the Ministry of Tourism.

Mr. Speaker, a Tenders Committee comprising members of the board and senior managers of the Chaguaramas Development Authority had been appointed to handle tenders for the Authority. All recommendations of the Tenders Committee are submitted to the full board for final approval. In the case of the refurbishment of the Chaguaramas Hotel and Convention Centre, the Minister of Tourism appointed a special committee comprising board members, the Director of Contracts and senior managers of the Chaguaramas Development Authority to manage the project, including the award of tenders. This became necessary, Mr. Speaker, because of the short time-frame, about three months, between the

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commencement of the project and its final completion which I had the honour to formally open last evening.

During the period January 1, 1998 to May 1999 the Chaguaramas Development Authority awarded 39 contracts for amounts in excess of \$100,000.00. None of these contracts was awarded by public tender. One contract was awarded by the board for Project Management Services in connection with the refurbishment of the Chaguaramas Hotel and Convention Centre Project based on the following criteria:

- direct past experience with the building by the firm to which the contract was awarded,
- the firm's reputation in the market place, and
- the qualifications of the team of professionals representing the firm.

One contract was awarded to the sole supplier of teak products in Trinidad and Tobago, which is Tanteak. The other 37 contracts were awarded on the basis of selective tendering, the method considered the most efficient in light of the deadline for the scheduled completion of the project to which I have originally alluded. It must be noted that in each case between five and six invitations to tender for these selective tenders were invited. One was awarded to a vendor of heavy agricultural and earth-moving machinery, another to a vendor of light and heavy motor vehicles.

I shall now read the contracts that were awarded, Mr. Speaker.

LIST OF CONTRACTS AWARDED FOR SUMS IN EXCESS OF \$100,000.00

No	Date	Goods & Services Providers (Suppliers, Consultants and Contractors)	Purpose	Contract Sum/Fee Estimate	Tendering Method
1	Jul-10-1998	A De B Consultants	Project Management Services—Fee estimate including—Architectural design and consultancy, Electrical & Mechanical Engineering, Quantity Surveying for redevelopment and	\$1,367,000.00	Selective

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			upgrade of the Chaguaramas Hotel and Convention Centre		
2	Mar-08-1999	Comfort Engineering Limited	Air-conditioning of Convention Hall redevelopment and upgrade of the Chaguaramas Hotel & Convention Centre	\$448,000.00	Selective
3	Mar-08-1999	Cooper's Electrical Services Limited	Electrical installations—Convention Hall redevelopment and upgrade of the Chaguaramas Hotel & Convention Centre	\$165,144.00	Selective
4	Mar-08-1999	United Electrics Limited	Contract for Electrical works redevelopment and upgrade of the Chaguaramas Hotel & Convention Centre	\$381,783.00	Selective
5	Mar-08-1999	C.E. Tang Yuk & Co. Ltd.	Contract for Electrical works redevelopment and upgrade of the Chaguaramas Hotel & Convention Centre	\$145,073.00	Selective
6	Mar-08-1999	Electrical Trading Company Ltd.	Contract for Electrical works redevelopment and upgrade of the Chaguaramas Hotel & Convention Centre	\$243,887.00	Selective
7	Mar-29-1999	Delta Electrical Contractors Ltd.	Contract for Electrical works redevelopment and upgrade of the Chaguaramas Hotel & Convention Centre	\$145,375.00	Selective
8	Mar-08-1999	David Joseph Electrical Services Ltd.	Contract for Electrical works redevelopment and upgrade of the Chaguaramas Hotel & Convention Centre	\$260,727.00	Selective
9	Mar-08-	Martin's	Plumbing services (First	\$128,021.00	Selective

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	1999	Plumbing & Maintenance Services Limited	Floor) redevelopment and upgrade of the Chaguaramas Hotel & Convention Centre		
10	Mar-08-1999	Martin's Plumbing & Maintenance Services Limited	Plumbing services (Second Floor) redevelopment and upgrade of the Chaguaramas Hotel & Convention Centre	\$128,021.00	Selective
11	Mar-08-1999	Haynes Plumbing Limited	Plumbing services (Ground Floor) redevelopment and upgrade of the Chaguaramas Hotel & Convention Centre	\$169,310.00	Selective

Mr. Valley: Mr. Speaker, the question did not ask to identify the various contracts. If the Minister wishes, that can be provided by way of information. In the interest of time, I wondered whether the Minister could possibly tell us why the public tendering procedure was not utilized for any of these 39 projects?

2.00 p.m.

Hon. M. Assam: Mr. Speaker, I thought I had made the point very clear that because of the very tight time-frame from the commencement of the project three months ago, to when it was completed, it was necessary to follow this particular method in terms of a committee that was appointed in which the Director of Contracts was a member. Between five and six invitations were sent out and on the basis of that, the tender was awarded.

Mr. Valley: Mr. Speaker, I think there is a misunderstanding, the question I asked was from January 1, 1998. I am not speaking about the last three months with respect to the projects in which they are getting the hotel ready. I am speaking about the 39 contracts that the Minister has indicated that since January 1, 1998 these contracts were awarded all by selective tendering procedure, and I am asking whether *[Interruption]*

Mr. Speaker: We do allow a certain amount of latitude, but this particular item on the agenda is question and answer. Now, I did allow you to interrupt the Minister while he was in fact answering question No. 59, and I gather that what

you were saying was that you are satisfied with the answer but you want to get to what would have been a supplementary question. That supplementary question has been asked and he has answered it. Now, you want to ask another supplementary question; but it must be a question; it cannot be a statement like Ministers make.

Mr. Valley: Mr. Speaker, I am asking the Minister to inform the House, why the public tendering procedure was not utilized for the 39 contracts which he has stated were awarded since January 1, 1999. I am not concerned about those pertaining to the last three months having to do with the hotel.

Hon. M. Assam: Mr. Speaker, there was only one contract that was awarded in 1998, according to the information which I received and that was checked by my Permanent Secretary. There was only one contract in July 1998 when a decision was taken to undertake the refurbishment of the entire hotel and the convention centre. That was the ADB Consultant. All the other contracts were awarded starting March of 1999. There was only one awarded in 1998 which was in July. There were no contracts awarded before that, according to the information which I received. So, all the contracts which I am reading were all awarded between March and the period when the refurbishment was completed—all of them. Thirty-eight were awarded this year, only one was awarded on July 10, 1998. That is it. Do you want me to continue? *[Interruption]* Yes, I can provide you. Okay, I will send you the appendix. Thank you.

ARRANGEMENT OF BUSINESS

The Attorney General (Hon. Ramesh Lawrence Maharaj): Mr. Speaker, I beg to move that the House now deal with Bills Second Reading under “Government Business”, instead of Motions.

Agreed to.

FREEDOM OF INFORMATION (NO.2) BILL

[THIRD DAY]

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

That the Bill be now read a second time.

Question again proposed.

Mr. Speaker: On the last occasion the Member for Tobago East had been speaking, he had utilized some eight minutes of his speaking time. I call upon the hon. Member for Tobago East to continue.

The Member for Tobago East (Dr. The Hon Morgan Job): Mr. Speaker, when I was on my feet on the last occasion I started off attempting to rebut some of the arguments in opposition to the Bill. I made the point that there was a lot of consistency, of course, from the other side. Just to refresh the Members of the House and the gallery, the Bill we are dealing with is called the Freedom of Information (No. 2) Bill 1998. This Bill has as its objects:

- “(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”.

Those objectives are apparently opposed by some of the Members of the other side. I did not think that the last speaker from the other side did oppose and I said so. I want to repeat that it is my clear judgment that the Member for La Brea did not oppose. Whereas, statements by the others lead me to the inescapable conclusion that they think that this is a “Secrecy Bill”, as they call it, “A Denial of Freedom Bill”.

Mr. Speaker, on reading the contributions of the Member for Diego Martin East, and the Member for Arouca South, I was left in no doubt that the exercise, as they saw it, was another opportunity to speak about corruption and to use words that have no correspondence to the reality, but are very effective in conveying misinformation to the public. In order to do justice to my role, Mr. Speaker, I will quote extensively from the *Hansard* record. This Bill is about information and the way the public is to access information.

Very often the contributions from the other side—they had used the opportunity and I think quite rightly and quite justly in the sense of politics and in the sense of what their duties are. Somebody said: “without eternal vigilance you

cannot defend your liberty”. The only way to defend liberty is by eternal vigilance. Therefore, I commend the Members from the other side for their vigilance in trying to defend freedom of conscience; freedom of speech; freedom of the press; and all those freedoms that we have enshrined in the Constitution.

But before I sit, Mr. Speaker, I will demonstrate to you that the word sophistry does have meaning. I will demonstrate, I hope, that people will understand the mischief that is afoot very often every Friday here with respect to the statements that they make about corruption and so forth. And also the mischief that is afoot concerning the Prime Minister on this side, when it is said that he is dedicated to imposing a dictatorial regime; a regime that is dedicated to the purposes of denial of these constitutional rights.

To do my part, Mr. Speaker, I ask your permission to quote from *Blackstone, Commentaries, Bk. IV, Ch. 9*, and I will quote an entire passage.

“In this and the other instances which ore have lately considered, where blasphemous, immoral, treasonably, schismatical, seditious, or scandalous libels are punished by the English Law, some with a greater, other with a less, degree of severity;...”

2.10 p.m.

“The liberty of the press, properly understood, is by no means infringed or violated. The liberty of the press is indeed essential to the nature of a free state; but this consists in laying no previous restraints upon publications, and not in freedom from censure for criminal matter when published. Every freeman has an undoubted right to lay what sentiments he pleases before the public; to forbid this, is to destroy the freedom of the press; but if he publishes what is improper, mischievous, or illegal, he must take the consequence of his own temerity. To subject the press to the restrictive power of a licenser, as was formerly done, both before and since the revolution, is to subject all freedom of sentiment to the prejudices of one man, and make him the arbitrary and infallible judge of all controverted points in learning, religion, and government. But to punish (as the law does at present any dangerous or offensive writings, which, when published, shall on a fair and impartial trial be adjudged of a pernicious tendency, is necessary for the preservation of peace and good order, of government and religion, the only solid foundations of civil liberty. Thus the will of the individuals is still left free; the abuse only of that free-will is the object of legal punishment. Neither is any restraint

hereby laid upon freedom of thought or enquiry: liberty of private sentiment is still left; the disseminating, or making public, of bad sentiments, destructive of the ends of society, is the crime which society corrects. A man (says a fine writer on this subject) may be allowed to keep poisons in his closet, but not publicly vend them as cordials. And to this we may add, that the only plausible argument heretofore used for the restraining the just freedom of the press, 'that it was necessary to prevent the daily abuse of it,' will entirely lose its force, when it is shown (by a seasonable exertion of the laws) that the press cannot be abused to any bad purpose without incurring a suitable punishment: whereas it never can be used to any good one, when under the control of an inspector. So true it will be found, that to censure the licentiousness, is to maintain the liberty, of the press."

Mr. Speaker, Rafeeq Shah used to be the editor of the *TnT Mirror* and he wrote an article saying that my mother tried to abort me and that I am ugly because of the failure of this abortion. That is what they call freedom of the press in this country and we need to have laws in this country to make sure that Rafeeq Shah and people like him pay for that. My mother was in such great distress that she cried to me. I went to Russel Martineau just to please her. I was not going to help Rafeeq Shah sell his paper by suing him, so I wrote Mr. Martineau a letter and I gave my mother a copy of the letter so that she would know I tried to do something, and I let it lapse because I was not going to get in a war with Rafeeq Shah at the time for him to sell his paper. That is what they call freedom of the press in this country. She told me that she was glad to find out she was pregnant, but Rafeeq Shah wrote in his paper that she tried to abort me.

I have things here where these people come to Parliament or even go in the Upper House and say all kinds of things about me that I never said. That is what they call freedom. They even use the Parliament to do their politics, and they come and say that the Prime Minister does not want to sign the Chapultepec declaration because he wants to impose a dictatorship in this country.

Mr. Speaker, I just quoted from Blackstone's commentary, which is in the *Hansard* record and of which I can give them a copy. Clearly, what Blackstone is saying—which is what I agree with—is that it cannot be the case that freedom of the press must mean that one can tell a woman that she wanted to abort her son when she was glad that she was pregnant with him! That is the kind of nonsense and variations that go on in this country. It is the endless lies. I never said I was

“Panday's puppy dog”. I said that in the Cabinet room—and it is in the *Trinidad Guardian* in an interview with Gail Alexander—I would argue with Mr. Panday, as I do—all of them know—I would controvert him if I think he needs to be controverted, but having walked out of the room, I have as much freedom as his puppy dog to oppose anything that he lawfully says and does. How on earth could they convert that to mean that I said I am Panday's puppy dog? I sent a disclaimer and they did not print it, yet the editorial page kept on printing that “Job say he is Panday's puppy dog”!

That is the freedom they want. To use the press maliciously and wickedly—the complete will to be nasty—and nobody must say anything. I can give a whole chronology of how the press has been used to demean and to try to humiliate me. That is the freedom they want and I do not think it is right! I do not want to be Mr. Panday's defender; he is in politics longer than me, he is the Prime Minister and could defend himself, but I feel a kind of empathy—I did not read the Chapultepec declaration, so I really do not know what is in it, but if it does not speak to Rafeeq Shah and people like him who would distress my mother by saying that she wanted to abort me, I want to feel that is a declaration I might not have signed myself. [*Desk thumping*]

They did not think I would be here to deal with them today. Mr. Speaker, this thing about freedom of the press and getting up in this Parliament, they are misleading people. I will demonstrate the nonsense. We do need the Freedom of Information Bill to prevent the Member for San Fernando East from coming in here and deceiving people. We were speaking about the National Insurance (Amdt.) Bill and there is this letter where the press, again, is saying that the Prime Minister is being devious and crazy for saying—and I want to quote this, because I want to deal with all that. We are talking about freedom of information. I am reading their speeches and they spent a lot of time talking about freedom of the press and how this Government, of which I am a part—Perhaps even if when they make these statements they say “except the Member for Tobago East”, maybe I would not be saying what I am saying. I might just ask the Leader of Government Business to say that I do not want to speak, but they never said that. They said “the Government” and I am a Member of the Government, so I have to defend myself.

Mr. Assam: And the Government!

Dr. The Hon. M. Job: In so doing, the Government is defended. [*Laughter*]
Mr. Speaker, the press is there saying that when Mr. Manning wrote this letter he

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did not mean any mischief. I have a letter on the PNM party letterhead dated May 6, 1999 and it says in the penultimate paragraph—we are talking about the Miss Universe Pageant:

“However, the occasion is international and our country's good name must be preserved. Accordingly, I would like to make available to you the resources of the People's National Movement, especially our people, to serve in any capacity you may consider appropriate and that may be necessary to cause peace and harmony and to show our country in a positive light.”

That it might be necessary to cause peace and harmony. Mr. Speaker, I have been a diligent student of the language for quite a while—

Mr. Bereaux: I do not know if the hon. Minister would give way.

Dr. The Hon. M. Job: Not at all! I will not! *[Interruption]* Mr. Speaker, please?

Mr. Bereaux: If you do not want our help, we could cause problems. I was told by my political leader to help you.

Dr. The Hon. M. Job: May I be permitted to continue, Mr. Speaker? I have been in here for two years now. I am sure you will remember that I won the election on May 7, 1997, and since I have been here, I have sat in this place on Friday after Friday and not for one moment did anybody hear me disturb the Member for La Brea or anybody else. I never did! I have no intention to do that. I am taking objection to this kind of disruption when I am on my feet. Leave them, because I believe in liberty!

Mr. Speaker: My advice is simply this. The Constitution and the Standing Orders by which we are guided, until such time as it is changed states simply that any Member of this House could get up and try to persuade a Member who is on his feet that he should give way. It is up to the Member whether he gives way or not. The Speaker is not involved in that, except that the Speaker may feel if even the Member wants to give way that it is not a fit matter on which to give way.

All you have to do is to continue to hold your route. If a Member continues to make a nuisance of himself, trust the Speaker to deal with that. If, on a point of order, a Member gets up, the responsibility of the Member who is on his feet is simply to sit so that I could deal with the issue, and if in any other circumstances a Member insists on making noise and disrupting the flow of debate, trust me to

deal with that. So, that is how we proceed and I endorse that you have not been one of the Members of this House to be engaged in disruptive practices, and I do not think you should regard what the Member for La Brea just said as sufficiently disruptive. Please continue. [*Desk thumping*]

Dr. The Hon. M. Job: I was on the point of talking about language. There are many people who I heard say that on July 27, 1990, the signal to loot was when the people heard Abu Bakr say on the television, “Go home and do not loot”. It does not have to be true, but suppose it is true that when the people heard the word “loot”, they remembered they could go and loot and started looting? I do not know!

Language and meaning is a very devious thing, and one can say so many things by using innocuous words. That is why there is code. Every military institution, from the beginning of time when man learned about warfare, had learned to use language in code, and I do not know that this statement in this letter is not a code! I do not know that when the Member for San Fernando East got up in this honourable House and made a statement—and I read again from *Hansard* of May 10, 1996 where they were speaking about the Coroners Bill. Coroners are people who investigate death by causes that are suspicious.

This Coroners Bill was being debated, and this is the Member for San Fernando East:

“When we decided as part of that city centre programme to build a national library complex, it was not just a question, important as it was, of providing research facilities. We thought we could kill two birds with one stone; we could provide a library facility and all that went with that, but jobs would have been created particularly in a part of our country where unemployment is high, and if not properly attended to, has the potential for creating social problems in Trinidad and Tobago. That point cannot be made too strongly.

If my honourable friends opposite believe that by reducing the expenditure on the Unemployment Relief Programme at this time of the year they are saving money, all I can say to them is that they would be well advised not to be penny wise and pound foolish.

Mr. Speaker: Hon. Member, what you are saying is sounding very interesting to me. I do not want to stop you in your flight, but I want you to return to the germ of the Bill.

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Mr. P. Manning: The point I was about to make is that if the expenditure on URP is not rectified in the short term, the demand for coroners in the country could easily increase.”

One cannot believe these things when one reads them. This is the *Hansard* of Friday May 10, 1996. Word for word! Verbatim!

Mrs. Robingson-Regis: That is the code?

Dr. The Hon. M. Job: We know that the thing is not only about building a library. If we do not do what he says, there would be an increase in demand for coroners. Why would there be an increase in the demand for coroners? This is in the *Hansard*, and the press here is mischievously making it look as if people who misinterpret this statement as a threat are wild and crazy. They are not!

Selwyn Ryan has a book, *Behind the Bridge*, where he said that this Unemployment Relief Programme has always been a criminal conspiracy known to be so by the PNM and used in the way that they were using it, as a pacification programme. People were being murdered. This is in Ryan's book. People have been killed, shot and brutalized for a “10 days”, and they were doing that and they kept it that way.

2.25 p.m.

The book quoted Errol Mahabir and all these kinds of people. Mr. Speaker, that information is what we want to get out of the Freedom of Information Bill because I would like the public to be able to get the documents. Errol Mahabir and other persons made similar suggestions while they were in office and the public just do not have these documents.

I have in my hand here a newspaper clipping during the time when the Member for San Fernando East was the prime minister. I could not go on the radio before Mr. Panday became the Prime Minister to discuss this article because they contrived to make sure that my voice was not heard on the radio. Mr. Speaker, before I leave this afternoon, I am going to give you evidence of how that conspiracy was constructed, but let me just quote this for a little while:

“Apologies to Earth of 20.12.93”

Mr. Speaker, as I get into the discussion a little further, I will quote from the statements made in this House on a particular issue and the truth, as evidenced by other documents—it is contrary, diametrically opposed, but the public when they

are hearing these people, they believe, well, honest men cannot come in here to say these kinds of things. This reminds me of Shakespeare—to lead us to our ruin. We are sometimes told truths to deceive us in greater consequence.

Mr. Speaker: The instruments of darkness tell us truths.

Dr. The Hon. M. Job: They must lead us to our ruin. Thank you, Sir. The instruments of darkness tell us truths to deceive us in greater consequence. I am going to demonstrate, in an incontrovertible manner, that this is what has been going on over there all this time, and including in this Bill. *[Interruption]* I do not want to waste time with that. We spent too much time with this whole thing. People will know what we are talking about.

Mr. Assam: He spent too much time quoting Blackwell, too. *[Laughter]*.

Dr. The Hon. M. Job: Mr. Speaker, we were speaking about the National Insurance (Amdt.) Bill and the Member for San Fernando East provided information for the public. He came and got into the debate in order to interject into the debate a point of view that is totally diametrically opposed to the truth. He spent a good bit of time—nearly 40 minutes—talking about how his government is the one that caused development in this country, the restructuring of the economy, VAT to be put in place. They caused everything. He said they caused the shift away from over dependence and petroleum exports; they caused the normal exports to increase. Everything was done between 1991 when Mr. Manning became Prime Minister.

[Mr. Valley rose to his feet]

Hon. Dr. M. Job: It was on more than one occasion, this morning—

Mr. Valley: Mr. Speaker—

Dr. The Hon. M. Job: Mr. Speaker, I do not intend to give way. *[Interruption]* Not this time. It was on more than one occasion this morning that the hon. Member for Chaguanas, the distinguished Minister of Social and Community Development, made reference to the strategy that the PNM implemented when it served in Government. I would not have allowed it to pass and he went on—this is giving the justification. Now hear this: talking about unemployment it was 22.3 per cent in the year 1990. It was very high in 1990. It was not so much a consequence of any fundamental change in the way we pursued economic activity in the country but it was a consequence of what we described as

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“The Saddam Hussein Effect” and he goes on to explain that the slight drop was because after the War in the Middle East with Saddam Hussein the price of oil went up. It was unsustainable for two reasons; one was that the oil prices did not stay high for very long, they stayed high for long enough but it was not a continuing situation. Therefore, the amount of moneys available to the state to continue the programme of public works in the way it was done—not all programmes of public works had the same effect—was not justifiable, or something like that.

He goes on to state that in the year 1991 the amount of money spent on oil was \$210 million; \$30 million of which was only paid in the year 1992 and he goes on like that. Then he also talked about there being a second angle to it that is detrimental that I think hon. Members should know as you increase the public expenditure in that way what you do is to decrease the demand for goods much of which is imported and it has an effect of putting pressure on the exchange rate. We need to go on into the details of that but for the benefit of hon. Members we are merely trying to outline to you the economic situation.

Mr. Speaker, let me just summarize this again for the public. What the hon. Member for San Fernando East was saying there was, that if you spend money on public works you are going to give people the wherewithal to import goods and services and put pressure on the exchange rate; put pressure on the interest rate and distort the value of the TT dollar and that again will create great problems.

I have no problems with that because that also is my opinion but, Mr. Speaker, the contrary opinion was expressed in this “*In Defence of the People’s Interest*” by Members on that side, so I do not know what is their economic policy and philosophy. The Member for San Fernando East was in the Parliament saying that he is a sensible economist and he understands this question of the foreign exchange linkage between domestic expenditure and public works and what it can do for our future, but you have people over there saying the complete opposite. He went on to give dates; and that he also inherited a situation where the cost of living allowances of public servants and other categories of public workers were then taken away in 1988. It was illegally and unconstitutionally taken away in that year and that by 1989 the government cut public sector salaries by 10 per cent by law because the Parliament approved legislation to give effect to that.

Mr. Speaker, this is what is in the *Hansard*. The persons who are listening to them may have no clue that the PNM set up a committee—which reported in 1983.

It was under the Chairman of William Demas. There were people like Patrick Alleyne, Eldon Warner, Dr. St. Cyr who is now in the Senate, Dr. Boos, Frank Rampersad, Uric Bob who ended up as Governor of the Central Bank, Dodderidge Alleyne, Trevor Bhoopsingh, Ainsworth Harewood, Patricia Robinson, Frank Barsotti, Joyce Alcantara and Renrick Nickie they were on that committee. In section 3.37 of the report it says:

“There is no way by which a freeze in wages and salaries in the public sector can be avoided if the recurrent budget is to be financed; and unless the budget is financed, it will not be possible to borrow on the local or the international market, on any meaningful scale. Such borrowing is the sole source of funds for capital expenditure after 1983.”

There is another section on wages and salaries in the public sector where they elaborated on that point.

Now you have this document called “*In the Defence of the People’s Interest*” and now the former Prime Minister giving validity and value to a contrary point of view as if when the Government came into power in 1986, they had something else that they could have done other than put a freeze on—let me use the words: “There is no way by which a freeze on wages and salaries in the public sector can be avoided if the recurrent budget is to be financed”. This was not a NAR or UNC thing. This was the PNM people, PNM party members, PNM economists, PNM committee and then they come and sit over there and give a view which is so subversive of the truth, reason and judgement. This is why we need more liberty to expose this kind of trickery, Mr. Speaker. And they go on like that. Everything that happens in this country is because of the PNM, every economic thing Mr. Manning caused it.

“In addition to that, the new Government came into power in 1991 in circumstances existing in the world situation where countries were now saying to you that terms of trade must begin to change in the world. ‘And he goes on like that’.

Mr. Speaker, I do not want to use the word “lie” because you might say that is unparliamentary language, so I do not want to say that. He is saying this, this year 1999. I am quoting from the Prime Minister at the time in 1987 somewhere thereabout and this is what the Prime Minister then said:

“We knew that we had to restructure our economy, move it away from import substitution and put it on an export footing. We knew that we had to boost our

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productivity and increase our competitiveness. We knew that diversification was an imperative. To do all these things we early identified the need for tax reform and tariff reform, for institutional reform and reform of the state enterprise sector. We did not need the IMF or the World Bank or anybody else to tell us that we had to do these things. We were also in no doubt that we would have to do some things that would hurt. Every medical practitioner, every surgeon, knows that very often the long run survival of a patient and the restoration of well-being, entail some pain and some suffering in the short-run. Furthermore, healing often takes time.”

This was 1988. The Member for San Fernando East came into this Parliament spent 40 minutes deceiving the public by telling them that everything that is good that is happening in this economy he caused it—the father of the nation caused it. Mr. Speaker, this is what they used information and Parliament for.

2.35 p.m.

Mr. Speaker, on October 12, 1998, in a keynote address by Mr. Claudio Loser at the Central Bank lecture on *The Global Financial Crises and their Implications for the Caribbean (The Need for a Program of Second Generation Reforms)*. He says:

“I recall, that the 1985 mission came at the start of a difficult period in Trinidad and Tobago’s economic history. In fact, it was a difficult period for most of the economies of Latin America and the Caribbean. It was a period of high inflation, weak commodity prices, large fiscal deficits, misaligned exchanged rates, and debt service difficulties. In Latin America, it was referred to as ‘the lost decade.’

Looking back, it was far from lost, since it turned out to be a wake-up call for this region. In the case of Trinidad and Tobago, following the collapse of oil prices, real GDP had declined by one-third over the period 1983—89, which meant that by the end of the decade of the 80’s, the standard of living was roughly equivalent to that of the late 1960s. To reverse this decline the government of the day initiated a program of macro-economic stabilization and reform with financial support from the Fund. This program was implemented with a discipline and commitment that have been continued by the present administration and we are seeing the good results today.”

I feel so pained that I have to waste public time because I should not be saying these things, but you get up there, speaker after speaker, every Friday corruption,

corruption and as I use the word “corruption” every speaker, all they are talking about is corruption, endless corruption as if the whole corruption in Trinidad was only invented since Mr. Panday is the Prime Minister of this country.

Hon. Member: You all have perfected it.

Dr. The Hon. M. Job: Mr. Speaker, they talk about secrecy. I am reading from *Race and Revolution Consciousness*. I have said before in this Parliament what we need is less talking and more doing and in order to do, we must understand the power of ideas.

Ideas are the most creative and destructive instruments available to man and if we do not understand that in order to deal with URP, or in order to deal with the legacy of corruption which has been handed down to this Government, in order to deal with all those fundamental inefficiencies which bedevil our lives and make us unproductive and less wealthy than we ought to be—The police did not create the situation and I am going to quote from the Chamber of Commerce presently, because everything this Government is doing is to create a tyranny.

I am quoting from the Member for Tobago West on March 03, 1999 on the Constitution (Amdt.) Bill where she says:

“There should be no politicization of that area.”

That is the Service Commissions.

“All one can see and feel is that the aim of this Government is to control and politicize these institutions and impose an authoritarian, dictatorial system of government on this society.”

A litany of vacuous and inane statements designed not to convey information, but a set of redundance designed rather to evoke emotions and passion and thereby carnalize that sentiment.

Mr. Speaker, this is from an article by the Chamber of Commerce on May 19, 1999 in the *Trinidad Express*. [Interruption]

Mr. Speaker: It is perfectly legitimate and permissible that any hon. Member of this House could refer to something that another hon. Member has said, and the hon. Member ought not to take offence at that to shout across the House at him.

Please continue.

Miss Nicholson: I withdraw that, Mr. Speaker.

Dr. The Hon. M. Job: Mr. Speaker, I quoted that statement, not out of malice, but to give validity and poignancy and to give reason why I needed to quote this. I am indeed very sorry that some people thought I was directing malice.

The Chamber of Commerce article is dealing with this very issue that is pointed to here and this is what it says:

“The attempts being made by Government to execute condemned murderers through the efforts of the indefatigable Attorney General as well as to make the service commissions accountable, are reminiscent of similar struggles of the previous PNM government, its predecessor, the NAR government, as well as governments before those.

With respect to the issue of capital punishment, it is a law of the land of which the public is overwhelmingly in favour. A change in the Constitution would permit the law to be enforced in accordance with the wishes of the people so often expressed through the polls and other opinion meters, nonetheless, all efforts of the previous PNM government to effect this change were frustrated by the UNC which was then in opposition. Turnabout seems to be fair play. The UNC is now in office and all efforts to change the Constitution to permit the law to be implemented are now frustrated by the PNM, the present opposition.

The situation with respect to the service commissions is very similar. These commissions are creations of our Constitution and are primarily designed to prevent any interference by politicians in the operations of the civil service...”

The article went on to quote the fact that when the previous Prime Minister wanted to deal with Mr. Jules Bernard. It says:

“Mr. Manning came to grief in his encounter with ‘the toothless bulldog’, Police Commissioner Jules Bernard. All of these prime ministers, frustrated at their lack of power in disciplining or removing civil servants with whom, for whatever reason, they were displeased, may have appreciated the words used by King Henry II of England, ‘Will someone not rid me of that turbulent priest’...”

Mr. Speaker, the gist of the statement is to say that the Chamber of Commerce has come to an understanding that much of what is opposed in this Freedom of Information Bill, is just as they opposed the Constitution (Amdt.) Bill for hanging, and the Constitution (Amdt.) Bill with respect to the service commissions. It has

nothing to do with the public interest, it has to do with creating mischief which is the reason I agree with the judge who imposed costs on the PNM of \$1.1 million and made them have to pay because in our law, the judge has the discretion to impose costs and he has that discretion so that when he judges it right, it sends a signal to other people that if frivolous and petty petitions are brought to the court you must pay the consequences, which is what is going on.

The judge judged that this was not a public interest issue, this was a question of partisan and petty political showmanship that these people wanted to get two Members on this side back on that side, or get them out of the Parliament so that they could fix up their politics. It had nothing to do with the public's interest so let them pay because they did not come to waste people's time. That is something we need to understand and I say all these issues are forcing my mind to come to this House and explain the matter of this Freedom of Information Bill. There is much mischief afoot in this land that the public is not sufficiently understanding of.

You read through these people's contributions and they are saying for the first time in the history of this country that the press or individuals had ever been made to suffer on account of the denial of the rights, liberties and freedoms in respect of conscience and expression, is since this UNC Government took office.

I knew a gentleman who is now deceased whom I admired greatly. I have said it outside this House and I would say it in repetition. I do not agree with anything that C.L.R. James says about economics. I think his Marxism is bogus and stupid. I cannot understand how such a bright fella could have spent his life defending Marxism. I could not, but since I was in high school I had abandoned socialism as an obscurantist doctrine. I could not understand it.

Mr. Speaker, I cannot feel ashamed to repeat what I have said on sundry occasions. There is probably nobody apart from maybe Naipaul and perhaps Derek Walcott who uses the English language better than C. L. R James in this country or indeed, anywhere. You read James' account of the Haitian revolution in his political analysis in *Black Jacobins* and the language is impeccable and perfect in terms of its purpose. You read *Beyond the Boundary* you get the same feeling, you never thought that one could write about cricket and say so many things in such pretty words, such terse, precinct, sententious, epilogical language. It is amazing.

Mr. Bereaux: Go Job, go.

Dr. The Hon. M. Job: Mr. Speaker, C. L. R. James ran afoul of the PNM and when he returned, passing through the airport, they took off all his clothes and searched every orifice of his body looking for bullets. I spoke to a doctor recently, I went to get a medical check up and I said; "I cannot understand why you are putting your fingers there. It is so uncomfortable." Mr. Speaker, all that kind of humiliation and then they put C. L. R. James in a house and locked him up, he could not leave. All this was under the PNM.

Mr. Speaker, I remember when I was at the University of the West Indies in the 1960s they set up a commission looking for communists. Anybody who opposed a certain gentleman was a communist. They did not stop at that, they wanted to pass a law, something about no subversive literature and ban a set of books. I was always a very adventurous person so I had all these books on revolution: Chè Guevarra, Carlos Marigella. Anybody who would write anything I had to read it, and I lived under great stress for many years because I was always somebody whom people did not like. Somebody always wanted to spite me or something like that, so I was wondering what would happen when they found out I had all this subversive literature. I was under stress for a long time and it could not be I alone. I doubt I was the only person who was so motivated to want to read all these things.

You must not read subversive literature. If you read and you open your mind to find out that what these people talking is a lot of rubbish, you would become an enemy. That is what George Orwell was talking about and then somebody mischievously gets up over there and talks about Orwell.

Mr. Speaker, I want to read for the benefit of the public because some people would never understand. If you speak to them as you speak to a child they will never understand. *[Interruption]*

Mr. Speaker, I am saying that I have sat and heard people over there say that never in the history of this country have we been so assured by the possibility of the denial of a constitutional right to freedom of speech as we are under the regime of the Prime Minister, Mr. Basdeo Panday, and I am saying this is an absurd position to adopt and to use the public time in Parliament to assert this.

I would quote for the record, a document which nobody in the public beside myself and, maybe, a few close confidants know of. It is on a Unit Trust letterhead dated July 27, 1993 and the address is:

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P O Box 117, 12th Floor,
 Central Bank Building,
 Eric Williams Plaza,
 Port of Spain,
 25-31 High Street, San Fernando,
 Trinidad & Tobago W.I.
 625—UNIT (8648) 657—UNIT (8648)
 FAX: 627—1522.

“REF: MD—U1/06—103/93
 July 27 1993
 Mr. Kenneth Gordon
 Chief Executive Officer
 Caribbean Communications Network Limited
 35 Independence Square
 Port of Spain

Dear Mr. Gordon

Your correspondence of July 7, 1993 addressed to Mr. Sealy has been forwarded for my attention.

While I appreciate your need to solicit advertisements for your show, I wish to register my distaste for the Morgan Job Show. I assume that I fall into the category of those ‘who criticise’ or those ‘who never understand the issues’. However, I beg to differ with your comments in the correspondence above and to state unequivocally that the Morgan Job Show is dangerous to the psyche of the nationals of Trinidad and Tobago.”

Now this is purely Orwell. Hear this.

“In a democracy freedom of speech should always be enshrined in the Constitution and therefore Dr. Job should be free to say what he wishes. This does not mean, however, that he should be imposed on the nation...”

The language does not even seem right.

“...any media since, unfortunately, many of those who supposedly understand what he is saying may be doing so only from their own biased point of view.

In conclusion, ‘a strong and intense audience with disposable income’ should not be the rationale for foisting fools on the public.

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I wish you all success in getting the sponsors for the programme and I am sure there are many like you who feel as Dr. Job does.

Sincerely

Renrick A. Nickie
Executive Manager
Marketing and Operations”

The board of directors were: Rolston Nelson, (Chairman), E. Henry Sealy (Executive Director), Winston Connell, Oscar Edghill, Hubert Alleyne, Amoy Chang Fong, Douglas Camacho, John Smith, Sookh Mungal Supersad, and Patrick Rabathaly. I need to get this in the *Hansard* report. People do not understand that the Unit Trust—

Mr. Speaker: The speaking time of the Member for Tobago East has expired.

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

Question put and agreed to.

2.50 p.m.

Dr. The Hon. M. Job: Mr. Speaker, I do not know if many of the public out there understand that the Unit Trust Corporation was, at the time, a wholly-owned Government enterprise and that, in fact, these state enterprises were instruments— and I have documents to show that. I remember early when some people went to the Hilton to play tennis in the late 60s/early 70s and they could not get to play tennis, the Government of the day caused to be instituted a Commission of Inquiry looking at banks and their employment practices, who was there and who was working.

[MR. DEPUTY SPEAKER *in the Chair*]

A horrendous fact came out, which people do not understand, that the state of the Central Bank reminded them of Nazi Germany in terms of the composition of its labour force. It is written in black and white. I did not write the document and if they force me, I will go to the bank to get it.

What I am saying is, state enterprises in this country under some regimes, have been instruments of power and purpose, so they have been blackmailing CCN and

every other person to deny me my constitutional right. Anybody who dares to support any purpose that I had in terms of speaking to the public and educating them, that was their thing to do that, and nobody knows about it.

Then, they draw on that. The Member for Arouca South said and I quote a bit of her because I do not have all afternoon. The way they say things.

Mr. Bereaux: We could give you two hours.

Dr. The Hon. M. Job: Yes. I could do with two hours. Any length of time you give me, I will take because I will use it well. I would not use it as a sophist; I would not use it to spread propaganda; I would not use it to deceive the public; I would not use it to go and tell people why I want to put dragons on the Red House—"obeah". They believe in "obeah".

Mr. Deputy Speaker, we are talking about language and freedom of information, and the Member for Arouca South, speaking on the Freedom of Information Bill sometime between 3.50 - 4.05 in the afternoon did say:

"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."

And everybody over there thumped the desks.

"It was under the People's National Movement."

Mr. Hart: It is true. So, what is wrong with that?

Dr. The Hon. M. Job: Mr. Deputy Speaker, no child in this country is born with an idea of any meaning of the word "Indian", or "Croatian", or "Slovenian", or "Bosnian", or even "Trinidadian". We have had public opinion leaders, like the Member for Arouca South whom I think irresponsibly—I hope that is not unparliamentary—refused to understand that every time we say things, they send images and symbols; they give meaning and ideas.

Mr. Bereaux: Like the Member for Couva North, too.

Dr. The Hon. M. Job: Now, I used to be at CCN when Marcel Mahabir and Dick Henderson were Senior Managers there and they saw an opportunity for a

niche market there. Now, Dick Henderson is what we call in Trinidad, a “red nigger”. Dick Henderson is not an Indian. Dick Henderson and Marcel Mahabir formed a company and went and opened up Radio 103. I do not know if they had other backers, but I know they were the two leading participants. They left while I was there; I worked with them. They opened Radio 103.

Mr. Bereaux: Nothing is wrong with that.

Dr. The Hon. M. Job: What they were doing was exploiting an opportunity which was always there. Let me explain to you what I mean by that.

Mr. Assam: Niche opportunity.

Dr. The Hon. M. Job: Exactly. I used to be on Radio 106 and I used to play music from Africa—different parts. Many people do not understand when they use the word “Africa” in sentences—they use Africa this and Africa that—that they are talking nonsense. I used to play Yoruba music; Moroccan music and Swahili music from Tanzania, Kenya and Ethiopia and I would explain to people, because I am somewhat of a musician myself, what was going on. What was the theme and the motif; what was the period and things like that.

They closed down that programme that was catering to a niche market there. I did not have a radio station, but the people who listened to my programme, loved it. They never had anything like that before, or since. As I speak now, they still do not have it because it was closed down.

I do not know if Radio 102 can be called an African radio station. Radio 102 is a radio station in Trinidad and Tobago that seems to be exploiting another niche market, which is the gullible and, should I say, that Bantustan of support that the PNM has that is not very critical in their understanding and it is their position to exploit that. There is nothing wrong with that. Everybody does not have to listen to the same radio station, or love the same woman for Miss Universe, or for their wife, or their girlfriend: one’s own choice, which is what the PNM never gave people.

I am going to deal with this question of an Indian radio station because there is no Indian radio station in Trinidad and Tobago. Radio 103 is not an Indian radio station. It is a Radio station in Trinidad and Tobago which is exploiting one of the variations in the theme of Trinidad culture. A market is there for people to do that. I do not know that we can say the steelband movement in Trinidad and Tobago is an African thing, or calypso in Trinidad and Tobago is African. There are more of them playing flag woman and beating pan for panorama because of the ethnic composition of the population, and people have preference and choices.

So, if there are people who are going to “puja” and sit down; they have ancestors who came from India; they want to hear Indian music and they like Latar Mangeshka and whoever the other Indian singer is, from the Indian movies or wherever, there is a niche for that. What is the problem?

Why should one pejoratively say that the PNM allowed an East Indian station in this country? What they are doing is sending the kind of images and signals that get some people vexed. “Why dem Indian must have ah station and the African doh have none?” That is an immediate question that comes to mind. And, I will ask the question, “Well, who is stopping the African from getting an African station?” Assuming here that there is a legitimacy and a meaning to African station. Do you understand, Mr. Deputy Speaker?

So that, I am saying that we are talking about a Freedom of Information Bill and out of the blue, they slip in a kind of racist and emotive comment; they slip in a set of “kuchur”, a set of opportunities to create “bacchanal”; a set of opportunities to mobilize that kind of Hutu hysteria, that kind of ethnic Hutu hubris that is so profitable to politicians in this country. That is the kind of thing they do.

I am saying that when we are talking about freedom of information, we need to understand that freedom of information means just that. When they were all saying that because this Bill is brought forward by this Government—just as the Chamber is trying to say just because this Government brought it, they are opposing it.

In this Bill, they are talking about the exemptions at clause 32(1) which says in part that:

“A document is an exempt document if its disclosure under this Act would divulge any information or matter communicated in confidence by or on behalf of a person or a government to a public authority,”

It gives (a) or (b), and goes to subclause (2) telling us what are exempt documents.

Toward the end of the Bill, the hon. Attorney General and the Government agreed that notwithstanding all that the Bill has in it, the individual citizen should have the recourse of a constitutional motion if some state enterprise, prejudicially, did not give them some information.

I want to remind people when I am reading the critiques on this question of exemptions, I get the impression that what the Member for Diego Martin East was

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saying is that every single possibility to offer the public up-to-date information should be exploited.

For example, in 1970, I do not know that the public in this country to this day understood what went on, on the morning of April 21 and the subsequent hours—I do not know how many—to quell the rebellion to make sure that we did not have more mass atrocities because there were armies fighting in the streets of Port of Spain. I do not know what went on.

I understand there are politicians here who have said that a former Prime Minister in his frenzy and fear for his life, called the Americans to come to intervene; I understand Venezuela warships were off the Gulf; I understand some of the Cabinet members at the time were heading for Piarco and some were holed up at the Hilton. All that. *[Interruption]* I do not know. Maybe if you want to write the history of the period, that information needs to be gotten. Maybe you will need to get the history of that period if you want to get the information.

I do not know that this Bill says that the situation in 1990, or that situation, or situations like that, if they are judged by a court that they are not subversive of national security, that they should not be made available to the public.

I was acting Minister of National Security recently, and there were things that I had to do in terms of the judicial process to get it to go on. Reporters were calling me and asking me this and that and I could not tell them anything. All I am saying is that the law must take its course and, as Minister of National Security, ask me things which I am in the process of doing. I could not give them the information, because giving them that information is not the law or, to my judgment, promoting the public interest.

So that to say exemptions, because in this Bill, they are designed to prevent the public from getting information and that exemptions, because they are in this Bill, are the UNC way of giving with the right and taking back with the left, is totally the statement of a sophist. I do not know if I have made the point clearly.

What I am saying is that at any one point in time, whoever be in the Government of Trinidad and Tobago, there must be information that must be exempt if the country has to be run properly. It cannot be the case that at any time somebody marches up and says, “I want to find out this”, you give it to them, especially when you know, in the nature of politics, winner takes all and losers get nothing.

You are trying to run the country and you are trying to do the best for yourself politically. Are you going to tell these people what you are doing? No. I do not think so. I think that everybody in politics here ought to understand what Tsunzu meant when he said there should be a formula for doing anything. But then people must not know what you are planning to do. You have to keep secrets from them. That is right and correct.

That is the nature of reality, that there are some things—Cabinet met yesterday and I do not know that the substance of the Cabinet Note that I got on Wednesday evening, I should have given to them. Apparently, they have a habit of planting spies in all ministries so they get copies of Cabinet Notes. I hope they are not in my Ministry.

Mr. Hinds: Nothing happens there.

Dr. The Hon. M. Job: You see, I am succeeding. He does not know what goes on there. [*Laughter*] You see, he is trying to get into my Cabinet Notes.

Mr. Assam: And he knows nothing is going on.

Dr. The Hon. M. Job: He will continue to do that.

But the point is that it cannot be reasonable. I think a little child in Standard 3 will understand it. It cannot be reasonable to require, for good government, that every single piece of correspondence of the Government should be handed over to the PNM. That is political suicide and it is mischievous. It does not make any sense. So, for them to come to require that we should do that is just a waste of public time for them to get up.

It is just mischievous for these people to come in here and say these kinds of things, because they do not make any sense logically, but it used up time and, as I said, I repeat that much of what they say has all the logical fallacies in them.

3.05 p.m.

Mr. Deputy-Speaker, I am reading this statement and there is so much in it that is just contrived to no purpose. It does not make any sense! I thought I did a sufficiently clear job of explaining that much of what the Member for San Fernando East says in this country is deliberately calculated to misinform people; it cannot be otherwise. I am tempted to use the word I really want to use, to say that he knows he is lying. Why else would he say all these kinds of things?

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You have all the fallacies of composition. You have the fallacies of naming, the question of insufficient sampling, the question I raised the last time and [*Interruption*] that other logical farce he was talking about. We have all these things. They do not understand that they are coming here and the records would be available for people to look at all their *post hoc* fallacy—*post hoc, ergo propter hoc*, this is what I was trying to remember. Just because two things happened and they were joined together, you say that one caused the other. It does not have to be like that. That is not the nature of reality; all these *post hoc* fallacies they bring inside here, making statements just because they sound pretty and good and have no substance in them. In the end, this Bill is one that we need in this country. We need more information.

One of the reasons why economies are inefficient, and one of the problems with socialism and communism is that they could not manage the information that was generated in that or any economy, efficiently. You had that set of political bureaucratic decision-making that was overwhelmed by the need to be prompt and quick in using information. This is why the PNM never understood that their ideas were burdensome on this country in days when they had licence for everything, and you had to get permission and approval. All these things are just incentives for corruption, they create opportunities for rent seeking. Any time you can give a veto and say no, and that no means that somebody might lose an income or a million dollars, or \$50,000, you are in a position to bargain what proportion of that income revenue stream you are willing to give me so that I would release my veto. That is the whole problem, they do not understand this thing about information.

Every sensible political scientist or economist in the modern world has understood that you need to release the energies and ingenuity of institutions and individuals from the burden of faulty and flawed information, in order to get the best out of the economy. Every price sends information signals. If the price of some particular input starts going up, people start observing that, and would busy themselves to see, "How can I supply some of that on the market?" "How can I substitute that with some cheaper material?" A whole lot of things start happening just because one price goes up, and that is why people who do not understand these things thought that they could control prices and thereby create black markets and corruption.

It is the same way with education or mostly every other thing: the more information people have the more efficient they are, the more democracy, liberty and freedom you have, the less control you have. The Orwellian world that the

PNM lived in, still has this lax effect. They still live in that world where they want to control everybody. They do not want Morgan Job to talk on the radio. Mr. Speaker, I have been in this Parliament for two years now, and there is nothing that I used to say on the radio that I have not said inside here. Nothing! I still write in the newspaper and say the same things. But they did not want me to say it on the radio, because they did not want the people to hear when I was telling them that the PNM had the so-called African people in bondage, and they have their minds in a bind, in prison. I used to be on the radio saying that in the night.

When Mr. Manning was there—going and fire people by fax—I would ask the question, "What is so free and open about that? "If he is the father of the nation, then who is the grandfather? I would ask people things like that. What is the role of Eric Williams? Is Manning Eric William's cousin? I used to hear them say that Williams is the father, now Mr. Manning says that he is the father. He said that he was the best Prime Minister. I would be on the radio talking about that. Then when he heard it, he called Ken Gordon and asked, "But I thought you told me that Job was not going to call my name?" I used to tell them that, and they did not want me to say that. I used to be on the radio, and advise people.

For 30 years now I have been telling them, "Why do you not get these people to turn those panyards into schools; and all these panmen who cannot read, teach them to read, make them literate; when they could read, then teach them music, and when they know how to read, teach them how to manage themselves; teach them marketing and how to set up a concert." They did not do it, so as I speak to you now, Andy Narell and his brother, and maybe some Japanese and Germans, they are well on the way to making money out of pan. But the panmen still beating one tune every year for Panorama, then put down the pan Ash Wednesday morning, and they gone to Beenie Man and dub and so forth. That is how they like people!

Those same people "want to dead a PNM"! I never hear Anthony Sabga or any Syrian say that they want to die a PNM, they are smarter than that. Brian Kuei Tung was with the PNM and he is now with the UNC; Ish Galbaransingh, they do not "want to dead PNM". But their people, the people who they have in bondage, enslaved, in the prison of ignorance, they want to dead PNM. I used to be on the radio saying that. I am not saying anything now that I never said before! The country did not explode, nobody killed anybody because Job in Parliament! But they did not want me on the radio, just because I was trying to liberate the PNM community from ignorance, and I was preaching that we should seek God in every face not race. Why is everything a race thing, and an Indian this and that?

Why can we not understand that Africa is a place driven by strife? When I used to explain these things, I remember saying that when communism would have fallen—I was quoting from an article I wrote, and one of these writers asked, "How can you write that?"—the cold war ended, and there is no communism any more, you would be hearing about killings, murders and all kinds of things in Africa that we never thought possible.

[MR. SPEAKER *in the Chair*]

Mr. Speaker, I was studying these things since I was a little boy, so I knew that, I could predict that, and my wildest fears have come to pass. They could not understand what I was saying, because they thought I was prejudiced against somebody. I cannot ever be prejudiced! I am an intellectual who sees things dispassionately, so I would say it. If I had a radio programme I would say that the problem is a variation of the theme of what is going on in Nigeria and Somalia. Do you see what is going on in the eastern Congo, that is what is going on in Kosovo. You have all these kinds of tribal people who happen to be caught into the vortex of development in 19th Century Europe. They still remain tribal: tribal Muslim, tribal Croat, tribal Serb, tribal Eastern Orthodox; therefore, the same kinds of problems of ethnic divisiveness that you find here, you find them there.

Mr. Manning and the PNM did not want me to explain these things to people, so they shut me down, and threaten people. They used the Unit Trust to blackmail people. That never wanted freedom of information! Jimmy Bain closed down and fired a whole radio station. I cannot remember the name, [*Interruption*] 610 Radio. Everybody fired because they reported on something that he told them not to report on. At that time Williams was alleged to be manning the media; to control the media on behalf of the PNM. They come here and say that the first time in the history of this country that people in the media feel so threatened is since Mr. Panday is the Prime Minister. They go on and on like that. The facts are so contrary to everything they say. Everything they say is antithetical to the truth.

As I speak here, I do not know that any calypsonian or media person in this country is threatened to lose their freedom of speech the way I had been denied mine, on account of the fascist and dictatorial impositions of the Unit Trust, blackmailing everybody to keep me out of their quarters, in order for me to starve to death. This is what they are about. I do not know that Mr. Panday is planning to do to anybody in this country what they did to C. L. R. James; to stop them in the airport, body-search them and lock them up anywhere. I do not know of anybody in this country that is threatened, the way Occah Seapaul was.

I heard the Member for Arouca South saying that the state of emergency is a constitutional and lawful process. Mr. Speaker, I have a copy of the Constitution in my bag here and I have read a lot of history, and I doubt that the intention of the provisions for declaration of a state of emergency has anything to do with personal spite or peeve, individual or personal grievances and problems of any Member of Parliament, Cabinet or, indeed, a Prime Minister. When you want to use the process of a state of emergency to lock up a whole nation, just because you want to deal with some little Indian woman who you cannot get fired otherwise, that is what you call abuse of power. When Shakespeare, or somebody, said that power corrupts and absolute power corrupts absolutely, that is what they are talking about.

Then they come to this Parliament to deceive the public to believe that because you have a state of emergency you can use it by fiat or how you want, for whatever purpose. That is not so! That is why the learned judge imposed costs on them for making a frivolous motion and a petition before the Parliament. He should have put the fine at \$2 million instead of \$1.1 million. Maybe he should have asked me a question, I would have bankrupt all of them; let them sell Balisier House. [*Laughter*]

Mr. Speaker, this Bill is, indeed, a necessary piece of legislation. What I think the Opposition needs to do is collaborate with this Government to find out how, in the nature of the real world, none of the provisions can be used perversely to do what they say is possible. Indeed, you do not have to be a bit charitable. Shakespeare again said that the world is a stage and we are all actors, all men and women are mere actors; some have their entrances and their exits, and each man in his time plays many parts. So maybe this is the time for me to play the part of commiseration with the Opposition, pleading with the Opposition, collaborating with the Opposition. I would prayerfully plead with them to look at the Bill and see to what extent the sections that they think are open to mischievous use, by anybody. This Government's time, in the nature of things, would pass, because the only permanent condition is change.

I say that again for the benefit of the PNM, because one of them, I think it is the Member for San Fernando East was talking about Venezuela. I need to remind him and the honourable House that the lesson of Venezuela for the PNM is that, Hugo Chavez is President now because the traditional parties, Copei and Acción Democrática, have been actually, totally, and irretrievably discredited. The people do not want to hear them.

Hon. Member: Like the PNM then!

Dr. The Hon. M. Job: That is exactly what I am saying. Both traditional parties tried to unite to put up a candidate against Chavez, and they were wiped out. That is what the PNM needs to understand. In Ecclesiastes Chap. 3 it says that there is a time and a season for everything under heaven. A time to gather stones and a time to cast them away; a time to kill and a time to heal; a time to deal with the PNM and a time to run away from them. Many people in this country are understanding that that time is coming, or has come. It has come for Dr. Lasse and Dr. Griffith, and I meet people every day who know that the time has come for them. But the PNM does not understand that.

They come here talking about Hugo Chavez and Venezuela, ignoring completely the poignant and dangerous lesson for their future that comes out of what is going on in Venezuela. So I am pleading with them to stop this blindness in which they are involved, this myopia; this coming into Parliament every day and only talking about corruption and corruption and corruption, when they are not talking about race and the East Indian station and all that. People would like you if you come here and start talking sense, or start looking at the Bill and talking just like the Chamber of Commerce. The Chamber is pleading with the PNM in the interest of the country. On May 19, 1999, two days ago, the Chamber asked somewhere inside the article, why is it that the PNM does not get together with the Government to make sure they understand. Those things that Mr. Manning, the Williams' regime and Mr. Chambers wanted to do, that they did not get done, why can they not sit with the Government, and if we need a constitutional amendment, say, "Let us attend to it" instead of coming here and voting against the Constitution (Amdt.) Bill, which will allow the hanging of murderers?

They want to vote against everything. When they do that and the judge charged them a set of costs, they complain and say that "is Ramesh". Ramesh has nothing to do with that. The Attorney General cannot intervene in the decision of a judge. Any judge at anytime in his discretion can decide to allocate cost, that is the law of the land. When costs are not allocated, it is not because they could not have been. You are a lawyer, Mr. Speaker, you must know that. Every time a judge says to pay costs, it is his judgement. He has to send a message that you must not waste the court's time, and he sent that message to them. May be he did not send a good enough message. He should have charged them \$2.2 million.
[Interruption]

Mr. Speaker, I am pleading with them. I am, indeed, supporting this Bill, and I am pleading with the PNM to do whatever they can to discern in this Bill all the merits and possibility for collaboration with the Government, so that it can make this piece of legislation beneficial to the public for the purpose of Trinidad and Tobago.

Thank you.

Mr. Edward Hart (*Tunapuna*): Mr. Speaker, I rise to add my two bits to the debate because I see it as being very important.

Mr. Sudama: The only reason you are speaking is because Manning is not here.

Mr. E. Hart: Before I get into the meat of the thing, we have just been treated to a classic example of freedom of speech from the Member for Tobago East.

3.20 p.m.

The Member for Tobago East took us through our paces for about 75 minutes and recycled what he had to say. In every debate he participates in, he speaks about the closure of his radio programme, how they closed down his radio programme, and he gets agitated. I want him to know that many people out there were very happy that his radio programme was closed down. [*Desk thumping*]. The people were overjoyed, so he must understand that. He then spoke about Mr. Raffique Shah with respect to something about abortion and so forth. Apparently he was also very bitter about that. Also his pet subject, corruption—that every Friday we come here we speak about corruption.

I would like to tell the Member something: we are here as elected representatives of the people. We are here to keep checks and balances, and as long as there are corrupt practices taking place in this country we are going to speak about it, that is what we are here for [*Desk thumping*] to speak about it morning, noon and night, day after day—as long as there is open rape of the treasury. There is concrete evidence that corruption is rampant in this country, so we will continue to speak about it. He has a way, he always includes the panmen. Regardless of what he talks about, he talks about panmen playing one tune. This is not true. When he comes here, he is just playing to the gallery—say anything, make a lot of loud noises.

At 4 o'clock this afternoon the Trinidad All Stars would be right across at WoodFord Square. I am sure that they have a nice repertoire of music. Why

clamour about panmen having only one tune, he does not know about them. Instead of that, he has gone to the schools in Tobago and promised the youngsters that he would form a symphony orchestra. Where is the symphony orchestra? I feel, when the Member for Tobago East gets up here, I expect to hear him lift the level of the debate, instead of recycling what he has to say all the time.

Mr. Speaker, on the face of it, we cannot really quarrel with this Bill, because the stated purpose is to give members of the public a general right of access to official documents of public authorities. But note, this is to be a right with exceptions, and herein lies my difficulty.

The exemptions set out in Part IV are extensive and seemingly justified. But, from my experience of this regime I am forced to enter a reservation which goes to the heart of my difficulty.

Information can be requested by virtue of this proposed Act which also provides for the denial of such information. In section 21(1) on grounds that too much work would be involved in processing the request which would result in an unreasonable diversion of the public authority's resources.

Section 21(2) allows the public to take into consideration an unlimited array of things before deciding whether to grant or refuse access. Mr. Speaker, what is involved here is public confidence in the integrity of the system. In the event of refusal—this is really the important decision under a freedom of information request. I ask the question: who makes the decision?

Section 22(1) specifies "Minister," which is the first authority figure mentioned. Alarm bells start ringing. When a Minister of this Government denies a citizen access to information on the grounds that the public interest or national security will be compromised, can the citizen confidentially accept the Minister's word? I say no, Mr. Speaker. I say no. If the citizen is a public-spirited one and has been keeping abreast of the performance of this Government, he would immediately call to mind the number of times Ministers of this Government stood in this honourable House, freely giving information which was false, and which they knew to be false. [*Desk thumping*].

Mr. Speaker, if they misled Parliament over which you preside, why would they not mislead a humble citizen? Let me recall: the Minister of Works and Transport: look at the Airport scandal, against the advice of his own Attorney General—look at what is happening, business as usual. The Prime Minister called

for a Commission of Inquiry and all these sorts of things and let the chips fall where they may—what has happened today? Business as usual! My friend, the hon. Minister of Agriculture, Land and Marine Resources, the Harrysingh affair. What is happening in Caroni (1975) Limited today? The Minister of Energy—National Petroleum, Mr. Soodhoo; the Minister of Finance in all his budget presentations here; and to crown it all the Prime Minister, when he falsely and deliberately accused the PNM of seeking to overthrow the Government by violent means. This is what was uttered in this House. The Member for Couva North got up and accused us of planning to overthrow the Government violently—a charge that the Minister of National Security knew absolutely nothing about. That is what he said.

Mr. Speaker, what about the other authority figures mentioned in Section 22(1): Permanent Secretaries, Heads of Departments, CEO, *et cetera*? I recall vividly when government changed hands, the last place in which I worked was the Ministry of Education. As soon as the hon. Minister, the Member for Tabaquite, got into the Ministry, the first thing he did, without even identifying the names of all the people, was to get rid of Dr. Claudia Harvey and Mr. Justin Paul. He got rid of Dr. Claudia Harvey: a total loss to this country.

Does anyone here think they will be allowed to act independently of the Government's wishes? Speak to any Permanent Secretary or Chief Executive Officer (CEO). The Government got rid of several CEOs, Malcolm Jones; George Charles—a whole proliferation. The latest calamity was last week with Mr. Romero of the Airports Authority. The Government got rid of these people just like that. Especially if they refuse to sign contracts in favour of their friends. Where is Mr. Garcia today? Can anyone on that side tell us where is Mr. Garcia? What has happened to the former Chairman and Board of the National Flour Mills (NFM), or even the NFM former auditors for that matter?

What we see in this Bill is not what we would get. According to the calypsonian the Mighty Prowler: “we have to look beneath the surface”. It looks nice, it sounds nice. But I want to repeat that what we are seeing here is not what we would be getting. Anything that will put this regime in an unfavourable light will become an exempt document. This is it. This is why I listened with more than a bit of amusement to the Attorney General, the Member for Couva South, as he “ramajayed” on section 35 about disclosure of exempt documents in the public interest.

They have no conception of the public interest. That is why they violate it with such impunity as they are doing now. Everytime they sit as a Government in

Parliament, they are guilty of violation of section 49(2)(e) of the Constitution which reads as follows:

3.30 p.m.

“A Member of the House of Representatives shall also vacate his seat in the House where—

- (e) having been a candidate of a party and elected to the House, he resigns from or is expelled by that party.”

The issue with this regime, Mr. Speaker, is confidence. When we talk about freedom of information, the quality of the information coming from this Government really is information riddled with untruths. For example, it is information that is unreliable and designed to fool an unsuspecting public. I am not seeing the Member for Pointe-a-Pierre here, but I want him to listen to this. Let us take the URP. The Minister withheld \$1 million. I have a document here, Appendix I, stating the withholding by the Minister of \$1 million to settle all the commitments under Urban Redevelopment Programme of the Tunapuna/Piarco Regional Corporation for the year 1998/1999.

Firstly, it is against the rules of the URP to start the programme without settling all its commitments. However, Mr. Speaker, up to today that money has not been seen by the Tunapuna/Piarco Regional Corporation. Nobody knows what is happening. Nobody knows the whereabouts of that money and I have a document signed by the Minister, sent to the Chairman of the Tunapuna/Piarco Regional Corporation showing that he has withheld the money and stating that his ministry will pay the debts. Up to today, Mr. Speaker, nobody can say what has happened with that million dollars. No wonder why the chairman of the corporation has been making the kinds of complaints, trying to clarify the difficulties and the financial problems that this Minister is trying to give Tunapuna/Piarco.

Here is the information to the chairman, Mr. Speaker, if you permit me, in a letter sent to the chairman of the corporation from the office of the Minister of Local Government:

“I wish to inform you that the allocation for the Unemployment Relief Programme (U.R.P.), 1998/99 has been reduced from \$M100 to \$M90.

In this connection, I would like to advise that your allocation for the 1998/99 Programme is now \$M7.35.”

Then there is a breakdown.

“However, it is to be pointed out that the \$M1.65 allocated for February 1999 was based on your outstanding commitments which must be settled at the recommencement of the Programme. In this respect you are advised that the Ministry will retain \$M1 from your February allocation to ensure that these commitments are settled.

In addition, the Ministry of Local Government as a caring...”

hear this, Mr. Speaker:

“...as a caring, concerned and responsible Ministry, will contribute \$650,000.00 towards liquidating the balance of your commitments.”

Sad to say, up to today this has not happened. All the small contractors, and small businessmen have not received their money. So they never gave the money. [Interruption]

Mr. D. Singh: Would the Member give way for me to clarify?

Mr. E. Hart: Yes, I will.

Mr. D. Singh: Mr. Speaker, for the information of the Member for Tunapuna, that \$1 million which was supposed to be kept back by the ministry to pay debts incurred by the Tunapuna Corporation, we subsequently have taken the decision, because of the unemployment situation in that area, to give back the corporation the \$1 million and it is being released on a monthly basis. So they will not get \$1 million in one month. It is being released on an incremental basis; \$100,000.00; \$100,000.00; \$100,000.00 so that it would help to alleviate the unemployment problem.

However, the payment of debts should not have been a problem because the corporation has been given all the moneys needed to manage their affairs, that is, to pay their debts and to pay the workers. So I am very concerned that the Member for Tunapuna is raising the issue of debts when they should be managing their Unemployment Relief Programme in such a way as to pay off all their debts so that the ministry will not have that responsibility. [Desk thumping]

Mr. E. Hart: Yes, as I was saying, Mr. Speaker, the Tunapuna/Piarco Regional Corporation embraces a very, very wide area and I just want us to look at the point of the George Earle V Park. This might interest the Member for St. Joseph. This is a park with history, a park that arose out of slavery, a park that was the heritage of St. Joseph. Like a thief in the night without any authority, without

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any regard for the Council, without any information to the Council, the park was demolished. Children's lives are put at risk, security risk. I have a letter from Mr. Indal Harracksingh which outlines security risks by a wall built—[*Interruption*]

Mr. Assam: Could the Member give way?

Mr. E. Hart: Before I give way, Member for St. Joseph, this is the letter signed by I. Harracksingh. I will not bother to go into the contents of the letter, but if you push me I will do it.

Mr. Assam: I am really surprised at the Member for Tunapuna, Mr. Speaker, who is normally a very decent person, saying these things in this honourable House. It is not true that the Tunapuna/Piarco Corporation was not consulted. I personally was in touch with the chairman. The committee, the NGO, that was responsible for the Renaissance Project in St. Joseph was in constant touch with the chairman. The TIDCO representatives, who were responsible for this co-ordination between the committee and the IDB and themselves, were in constant touch and had several meetings with Mr. Narace. So it is not true.

More than that, nobody was at risk. Secondly, the park was not demolished. What has happened was there was a change in the front to give it a new facade and to name it San Jose de Oruna. On the inside new benches were placed, flowers were planted and a new bandstand was erected, Mr. Speaker. Therefore, what the Member for Tunapuna is saying is patently false and misleading, and I am surprised that he could say that; very, very surprised. Not only that, Mr. Harracksingh came to the function that was hosted that night and I spoke with Mr. Harracksingh who was happy like when mammy met pappy.

Mr. E Hart: Yes, Mr. Speaker, I am glad that the Member for St. Joseph has intervened here. I know it will touch him. As a result of his intervention, if you will now permit me I will read the letters in contention. The letter is addressed to the Chairman of the Tunapuna/Piarco Regional Corporation, so, so, so:

“Dear sir,

During the past week—”

Mr. Speaker: Dated when, please?

Mr. E. Hart: Dated April 19, 1999.

“Dear sir,

During the past week, workmen alleging to be contracted by TIDCO have cut away the existing culvert and metal-railing and erected a concrete wall enclosing my existing wall thereby obstructing the visibility of motorists around the above corner posing a danger to the school children in crossing and in general detracting from the aesthetics in the area.

I am not aware of any such building works being authorised by your Corporation and which infringes my rights to enjoyment of property without due process of law.

In the circumstances, I shall thank you to use your good offices to restore the above corner to its former condition or otherwise alleviate the situation.

I may also mention that if the Corporation wishes to enhance the area, I shall be more than willing to provide any assistance.

Yours faithfully,

I. W. Harracksingh.”

Then the Member for St. Joseph intervened and I want him to hear, with your permission, the second letter from the said gentlemen who he said he invited, dated April 20 this time:

“Dear Sirs,

Wall at the corner of Eastern Main Road and Abercromby Street, St. Joseph.

The wall as presently constructed will have the following adverse effects:

- 1) Lend itself to be used as a urinal/public toilet for all and sundry.
- 2) Obstruct the proper cleaning of the drain passing between the two walls.
- 3) Create a hazard/danger for the numerous school children using the area.
- 4) Provide a proper hiding place for undesirables.

I recommend that the damaged guard-rail be repaired and replaced and if necessary, we agree on a mutually acceptable plan for enhancing the corner the costs of which I am willing to share.

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Thanking you for your favourable consideration.

Yours faithfully,

I. W. Harracksingh.”

Mr. Speaker, there was some information coming out from TIDCO to the effect that the wall will be removed after a cocktail reception, believe it or not. On the other hand, I have a document, when a question was asked, where the Minister said that all of the assets were, in fact, controlled by the corporation, or that is what he was suggesting to this Parliament, as the President may order from time to time—a clear case of two different pieces of information, one in the morning and another in the night. One here says he conveys authority because he owns all the parks and beaches and playgrounds, another one here states that it is really the Corporation that is responsible for them as the President may order from time to time; a clear case of a Minister attempting to mislead this House.

When my colleague, the Member for Arouca North, asked the Minister for the contracts given on all the playgrounds and about the tendering process, he said that what was more important is the fact that he has the authority, and it is too lengthy to make mention of all the contracts that were given in the various places without any sort of tendering process at all. I am now seeing something here, Mr. Speaker, Friday May 21, if you permit me, in the *Trinidad and Tobago Mirror*, which says:

“\$100,000 wall to be pulled down after pageant?

Call it the \$100,000 Miss Universe wall!”

Should I go on?

Hon. Member: Yes.

Mr. E. Hart:

“Because a structure specially put up to permit a cocktail reception for Miss Universe contestants may soon be dismantled.

The wall was constructed in time for the delegates’ visit to St. Joseph, TnT’s former capital.

But now attorney Indal Harracksingh, owner of a wall directly behind the new structure, has written a strong protest letter to the Tourism and Industrial Development Company (TIDCO) complaining that the \$100,000 venture is posing a threat to his drainage.

In a reply, Michael Bharat, TIDCO's vice president of Government's Policies and Special Projects Division, apologised for the inconvenience and promised to remove the wall as soon as the cocktail reception was concluded.

The reception was held last week Monday.

The wall is located at the corner of Eastern Main Road and Abercromby Street, at the entrance to Renaissance City.

Several angry residents said the wall, with the words 'San Jose de Oruna' inscribed on it, was a waste of taxpayers money, since it 'served no useful purpose'."

I agree totally with that, Mr. Speaker. I passed there up to last night.

“‘That money could have been used to pay URP workers or to provide jobs for people,’ said one St. Joseph resident.

‘The thousands of dollars that was spent on a similar wall to the entrance of the George Earle V Park, where the girls were feted, was also a waste, since they all came in a bus in the night.

‘The delegates saw nothing.’”

Mr. Speaker, I can go on and on.

3.45 p.m.

Mr. Speaker, I know they do not want to hear the truth. [*Interruption*]

Hon. Member: Would you give way? I want to clarify something you just said. You just said something about [*interruption*]

Mr. E. Hart: Just now you made a statement, if you want to enter the debate you could enter the debate. Because at this point in time I am overly surprised. An important debate like this, we have not heard a word from the Information Minister—I think he is abroad now. We have heard nothing from the Minister of Labour and Co-operatives and I am suggesting that in order to lift the standard of the debate, we could hear from someone with some sort of substance such as the Member for Naparima, I would like him to join in the debate and lift it, unlike the Member for Tobago East.

Mr. Speaker, as I said, with these few words, I find it very difficult to support this Bill as it now stands. I thank you very much.

Mr. Speaker: Order, please!

The Minister of Trade & Industry and Consumer Affairs and Minister of Tourism (Hon. Mervyn Assam): Mr. Speaker, I am very grateful to be given the opportunity to join in this landmark and historic piece of legislation. You observe I did not say debate, but “landmark, historic, piece of legislation”:

“An Act to give members of the public a general right (with exceptions) of access to official documents of public authorities and for matters related thereto”.

Mr. Speaker, again, I must express my dismay, distress, and disappointment at the low level of contribution from the opposite side. In a matter of such vital importance, not only to this country, or to this region, but to the world, all the Members opposite who have joined in this debate thus far have reduced it to a kind of discussion that is not worthy of this Parliament.

We heard all kinds of things about : The Trinidad and Tobago Bureau of Standards (TTBS) and defalcation; a Secrecy Act; an Anti-information Act; San Jose de Oruna; in which the Member of Parliament for St. Joseph is attempting to restore the pristine glory of the first Capital of Trinidad and Tobago; and they speak about a useless wall. I want to know if a wall goes up without sand, cement, workers and so forth. He says that nobody was employed but a wall and the design just went up overnight without any employees, labour or material.

I begin to wonder whether, in fact, Members opposite understand their role as Members of Parliament. I was very disappointed with the Member for Tunapuna. He is a person for whom I have always had some respect, but today he has fallen precipitously, in my estimation, when he could come and talk about what he spoke about. Not only in the misinformed way, but in the rather derogatory way he spoke about a historical project in which professors, architects, workers, historians and NGOs, TIDCO—so many people were involved. Not from today it started, but from when I was Chairman of St. George East, and the Member for Arouca North knows about it. I am surprised that he did not inform his colleagues about his errors. Because since I was the Chairman of St. George East, I undertook a project in order to restore the historical sites in the county of St. George East.

If you go to the church yard of St. Joseph R.C Church you will see a plaque there; if you go to the Forest of Arenales you would see one there; if you go to Brazil you will see one there, if you go to Arima Heights you will see one there,

and several other places which we did when I was chairman, and at that time the Member for Arouca North was a member of that council. So, to come today and to pooh-pooh and use derogatory remarks about restoring the historical importance of all these places, is a most unfortunate display of total ignorance and lack of appreciation of the history of this country. And to introduce the question of the TTBS to try to impugn the character of the CEO and the Financial Manager for wording a letter—I must admit—stupidly, but the intent of the letter, Mr. Speaker, was mainly to vest in them signing authority for a fixed deposit which was on a roll-over basis for three months. A fixed deposit placed there for the simple purpose of earning some interest. So that, as they need the money to drawdown to continue the construction of a building facility in Century Drive in Macoya for the TTBS, this is the kind of unfortunate derogatory interpretation that a person who is supposed to be an attorney-at-law places on the efforts of two officers of the Trinidad and Tobago Bureau of Standards.

When this Mephistopheles of Diego Martin East stands up and says that this is a secrecy Act, I now understand why I have already likened him to Goebbels, the Minister of Propaganda in the Nazi regime.

Mr. Speaker, I do not intend to continue rebuttals of the kind of insinuations that took place either on the last occasion, or this afternoon. I would like to place this debate on a higher level, a higher plateau, in order to give people a philosophical and historical perspective with respect to freedom of information, because freedom of information is not a simple matter as we tend to think. In fact, many people believe that when we speak about freedom of the press—although it is enshrined in the Constitution of this country—it really means freedom of a certain institution called the press. It does not mean that. Freedom of the press really means that there is a certain institution called the press, which has the facility, better than anyone else, to disseminate information for the purposes of educating the public at large. That is what it really means. It does not mean that the press has a privileged position. It really means that they have the resources; they have the mechanism; they have what it takes to take the information and disseminate it to the public, because that is where the right is: the right to know and the right to be informed, particularly, in a democracy.

Let me tell you about the history of this thing. What has created a revolution in the world with respect to freedom of information, was that great invention.

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People believe that the wheel, the steam engine, or sliced bread, were the greatest inventions. *[Interruption]*

Mr. Speaker: Hon. Members, you may not be interested in what is being said, but you need really to pipe down.

Hon. M. Assam: I am not surprised, Mr. Speaker, you know the discourtesy; the lack of etiquette that they display all the time. People who said that they were university lecturers and attorneys-at-law have no—as we say—“broughtupsy” none at all, no class whatsoever. When you could write a personal letter to a Member of Parliament and he comes and pulls it out and tears it—he destroys that letter in front of your eyes, you understand who you are dealing with.

I was saying, before the interruption, that many people believe that the wheel, or the steam engine, or even sliced bread, they say, were some of the greatest inventions, but it is my respectful view, and I think there are many people who support that view, that perhaps the greatest invention in this world was the printing press, because the printing press made possible the dissemination of information and knowledge to everyone who did not have it before.

If you were to remember, Mr. Speaker, the repositories of knowledge and information were to be found in the universities and the church. They were the people who had the knowledge and information, interpreted life, wrote the philosophies, handed down the interpretation of the Bible. In fact, it was said, particularly in the Christian religion, and more particularly, in the Catholic Church, that the ordinary man was not allowed to read the Bible because he would not be able to understand it; and it was only the Bishops and the Priests on the pulpit who could interpret and preach the Bible. So, only they were allowed to read it.

One of the reasons that the Bible was not available to the ordinary man was because there was no printing press. They alone had the tomes in their libraries; they alone had the knowledge in their libraries; and they were the ones who dispensed it as they saw fit, and they interpreted it, in many cases, a skewed interpretation. Indeed, as we know today, the transliteration of the Bible from Greek to Aramaic, to Latin to English, has had so many different changes that, perhaps, the very essence today of the English Bible may have been very different from what it was when it was written in Greek or Aramaic, thousands of years ago.

3.55 p.m.

That is the importance of the printing press. That it universalized, it made possible the transmission and the dissemination of knowledge and information to the entire world, and this was really the beginning of universal education. In fact, it happened at a very significant time. It happened during the reformation in the late 16th century when there were schisms and turmoil. When they had just come out and there were four Popes: one true Pope and three anti-popes; Avignon, Constantinople, Rome and elsewhere. All because people were confused, lack of knowledge, lack of information, lack of understanding.

Mr. Hinds: Explain about the \$100,000 wall.

Hon. M. Assam: I know that you do not want these kinds of things. You want bacchanal! You do not want to be educated. You should be ashamed that you are a lawyer! I will not worry with him, Mr. Speaker. That is the genesis of all of this—information.

Today we are talking about another revolution after the printing press. That revolution is in information technology, where the entire world today has become one through the Internet, through the computer, through electronic transmissions, and even in business—we are having a revolution in the way business is conducted through what they call “electronic commerce” where one can stay in one's home and on one's PC one can shop throughout the world with one's credit card by calling a toll free 1-800 number.

That is what has happened today: from the printing press of 1537 to the 1990s with the entire information technology revolution and what they are talking about is the information super highway. That is what we should be talking about. The impact, the influence and the implications of that kind of revolution in terms of freedom of information! Not bacchanal, not confusion, not all this innuendo and allegations castigating people. That is all they could do? They cannot come and educate us and the public and let the press print something that is elevating and elucidating at last? The press has no freedom *per se* or intrinsic freedom. That freedom they have is because they have the wherewithal to disseminate information to all of us. That is what press freedom is all about. Let us understand it and put it in context and into perspective.

Mr. Hinds: That is what you are attacking?

Hon. M. Assam: You can say what you want. Mr. Speaker, one can never make a silk purse out of a sow's ear. I will not attempt to do that. Not me! Aristotle and Plato tried to do it, but they, too, did not succeed.

The point I am trying to make is the importance of information and the importance of the freedom of information. It is the very bedrock, the very pillar upon which democratic, civilized society has been constructed and erected, and it will be the pillar that will carry us into the 21st Century and the new millennium, once we are able to understand the role of information and the freedom of information and put it in the context in which it can further advance the quality of life that the hon. Prime Minister is attempting to advance for the nation of Trinidad and Tobago and, by extension I hope, our Caricom partners, and to position us in the world at large. That is what it is all about.

It is the first time in the history of this country, I want to emphasize, that every citizen—it does not matter who you are, Minister or not, pauper, virgin, non-virgin, male, female, Hindu, African, Indian, whoever you are—every citizen will have a statutory right, which they do not have now, to information from any agency, department, or institution of Government. [*Desk thumping*] That is a fundamental thing enshrined in this Bill. Never before in the history of this country did a citizen possess such a right! That is why I do not understand why Members opposite have not grasped the significance of this piece of legislation.

It is the first time in the history of this country that people are being given a statutory right to exercise that right to obtain information. Today, one cannot obtain information, if one wished, from members of the public service, statutory boards or state enterprises. It is discretionary. In this piece of legislation, there is a legal enforceable right to access information once one goes through the channels. There must be a framework, a system, a mechanism for accessing the information.

Mr. Speaker, as the Member for Diego Martin East attempted in his contribution to suggest that it was a secrecy Act and that there are all kinds of impediments in the Act, one must understand that there is no such thing as an absolute right. Absolutism is something that leads to tyranny. People do not understand that. This is what happened in the Soviet Union. This is what happened when the National Socialist Party came to power in 1933 in Germany when they were allowed the Enabling Act and Hitler ruled in an absolute way and devastated almost the entire world, had it not been for one reason. He overextended himself in his campaign in Russia. That is what happened, Mr.

Speaker; so absolutism leads to tyranny. Nobody, no institution could have an absolute right to anything. Every right must be tempered, every right must be circumscribed in order for the rule of law to prevail.

Indeed, Mr. Speaker, every civilized society that has introduced freedom of information has a certain amount of restriction in terms of what kind of information is available to the public. Even today, when a ruling is made against a citizen, in some cases there is judicial review and in other cases there is no judicial review. It is only for me to give the examples where there is no judicial review. Not only judicial review. In some cases, no explanation is given and it is stated that one does not have a right to be given an explanation in certain cases today.

The Member for Diego Martin East started to read clause 23 of the Bill and when he realized that the clause was going against him, he stopped. That is why we had a little altercation subsequently, because he was not being quite honest in his presentation. He was attempting to read half of a clause to show the Government in a bad light without reading the entire clause to show the counterbalance and countervailing forces that would operate within the clause.

He read certain clauses conveniently, but when he started to read clause 23 and he realized it was going against him, he stopped, because clause 23 says:

“(1) Where in relation to a request for access to a document of a public authority, a decision is made under this Part that the applicant is not entitled to access to the document in accordance with the request or that provision of access to the document be deferred or that no such document exists, the public authority shall cause the applicant to be given notice in writing of the decision, and the notice shall—

- (a) state the findings on any material question of fact, referring to the material on which those findings were based, and the reasons for the decision;”

It is not like today where one is denied a licence or work permit. No explanation is given. One is just denied. Sometimes one does not even hear about the application. In this case, it is enforceable in law, a right, to be given an explanation!

It continues:

- “(b) where the decision relates to a public authority, state the name and designation of the person giving the decision;”

Today, we have a nameless public service. In fact, when I was in Kuala Lumpur at the Commonwealth Prime Ministers' conference in 1989, I had a chat with the Prime Minister, Mr. Mahathir Mohammed and I saw him wearing a name badge with his first name, Mahathir. I said to him, "Mr. Prime Minister, I notice you are wearing a name badge" and he said, "Yes. That is the rule in Malaysia. Everybody must know who you are, so when you go into a public service department or Ministry, everybody must know that they are speaking to Mr. "X" or Miss "Y"." As a police officer has a number, if a police officer mistreats someone, that person can take down his number and report him to the Police Complaints Authority, they take the person's name on the badge and report them to get satisfaction.

That was the kind of society existing in 1989 in Malaysia. We are in 1999 and are now coming around to that where we are moving from a nameless public service to one that will have a name where one will now be told that where the decision relates to a public authority, state the name and designation of the person giving the decision. In fact, sometimes when we telephone the public service now—and I am not blaming the public service because this is a systemic problem—if one were to ask, "To whom am I speaking?" the person will refrain from giving his or her name, because that is the system now, because we have been operating in a system of secrecy where there is no freedom of information or access to information. So, even the name of the officer is withheld.

It continues:

- (c) where the decision does not relate to a request for access to a document which if it existed, would be an exempt document but access is given to a document in accordance with section 16(2), state that the document is a copy of a document from which exempt information has been deleted."

So, one will not be deceived or get a document purporting to be the total document. One will get a document stating that certain parts of that document have been excised for national security reasons. They could not give the whole document, but they excised those parts which could be prejudicial to the national security of the country. Therefore, the question of totally refusing the document does not exist. One will get those parts of the document that will not threaten the national security.

- (d) inform the applicant of his right to apply to the High Court for judicial review of the decision and the time within which the application for review is required to be made;"

Mr. Speaker, do you know how many people do not know that they have a right to go for judicial review? Many people do not know that. Many people believe that once a decision is made within the governmental structure, that is a finality. They can do nothing and have no further rights. This is a law which tells them that they have further rights. Not only can they go for judicial review, but it goes further and tells them within which time they must make a review and how it is to be done.

Mr. Valley: I just want to ask the Member for St. Joseph if having gone for judicial review and the citizen loses and costs are awarded, the state will demand those costs, and if so, whether in fact, the citizen in those circumstances can be said to have those rights of which he spoke?

4.10 p.m.

Hon. M. Assam: I thought that the Member for Tobago East had answered that question and had told you that the question of costs is a discretion of the courts; is a discretion of the judge and if the presiding judge deems your application for judicial review to be frivolous and vexatious, he/she may decide to impose costs. On the other hand, if the judge decides that you had a good case but indeed it did not meet the particular criteria the judge may in his/her discretion not award costs. So it is a discretionary matter—on the part of the Judiciary which we Members of the Executive, cannot interfere with.

Mr. Valley: Mr. Speaker, I know there are a number of lawyers here. My information is that with respect to the court which has taken a position that costs follow the event, unless there is a special exception as in the situation with the Industrial Act which says quite clearly in section 10(2), I think, that there were no costs awarded, but in the normal course of events a judge will award costs. I am saying that whether the state in a situation like that would enforce such costs. If we want to have true democracy in Trinidad and Tobago; if we want to say that we are giving citizens rights; if they are unable to protect those rights then obviously they do not have those rights.*[Desk thumping]*

Hon. M. Assam: Mr. Speaker, I do not like to be repetitious as some of the Members opposite but I think I have already clarified the point and I am sure that the Member for San Fernando West who is a practicing Attorney, will advise his colleague, the Member for Diego Martin Central, that costs are discretionary—they are discretionary and the Executive cannot interfere with the Judiciary. We are committed to the independence of the Judiciary, we cannot interfere. And, as I said before, if the judiciary finds your application to be frivolous and vexatious

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they may wish to be penal against you—I do not know. But if one feels that there is need to have some safeguard in the legislation there is the committee stage where one can bring some kind of proper modification to the Government.

Miss Nicholson: Mr. Speaker, on a point of order. I just want some clarification from the Member for St. Joseph.

Hon. M. Assam: All right! Go ahead.

Miss Nicholson: Thanks for giving way. I would just like as you are articulating and interpreting—you are at 23, could you give me a look at 21(1) and (2) please, re getting information?

Hon. M. Assam: Mr. Speaker, I will come to that:

“(e) Where the decision is to the effect that the document does not exist or cannot, after a thorough and diligent search, be located, inform the applicant of his right to complain to the Ombudsman.”

Mr. Speaker, so that there are a number of safeguards and provisions to ensure that the intent of this Bill which gives a legally enforceable right to access to information and to provide freedom of information is, in fact, giving effect at all material times except where it is deemed that it is an exempt document and even where it is an exempt document, it is possible to excise those areas that are classified and give the applicant those areas that could be safely given to the applicant.

Mr. Speaker, you must understand what this will mean and what this will do to the citizenry of this country. One of the things that we experienced during the whole philosophical turmoil and history of the world was a period called “The Age of Enlightenment”. This particular Bill is pretty similar to that age of enlightenment where people began to question the norms, the practices and what they were told and they had to accept uncritically all of these things, but during the period of the age of enlightenment there was a whole groundswell of new thoughts, new ideas, new thinking and people began to believe that they could get information outside of the normal channels that they were fed hitherto and that was an important development in the history of man’s development.

Mr. Speaker, this is an important development in the history of the development of the citizens of Trinidad and Tobago, much as I said the printing press; much as I said the information technology revolution. This is a revolution

in itself in order to bring to the citizenry any information that they wish to have outside of the exempt areas so they can have a better appreciation of the workings of government; so that they can have a better appreciation of what kind of role they can play as a citizen in this country; that they can have an appreciation of their rights but equally of their responsibilities, Mr. Speaker, because there is no freedom without responsibility. You cannot have freedom in a vacuum, freedom and responsibility are like 'juno swans' coupled and inseparable. You must have that, Mr. Speaker. Therefore, this Bill will teach responsibility in addition to giving freedom to the large body of citizens in Trinidad and Tobago and, that is, a fundamental development in our democracy. This is what I thought Members opposite would have appreciated and understood. It is a fundamental development in the democracy of this country!

Mr. Speaker, I remember when I was making my contribution on another matter before this House I tried to trace the history of democracy starting back from the Athenian democracy and bringing you right down to the 16th century John Stewart Mill and James Mill where in the 16th century democracy was liberalized and in the process, liberalism was democratized. That is what we are trying to do in 1999 in the Parliament of Trinidad and Tobago. That is what they do not understand. They do not understand the sophistication of this Government, equal opportunities, freedom of information, trying to make people more accountable, transparency, making the Parliament the instrument whereby it would be an oversight institution for every action of the Government and for every agency of government through the new parliamentary committees.

Mr. Speaker, never before in the history of this country have you seen the flourishing and nurturing of democracy. Democracy under the United National Congress Government is like *The Brook* by Phillip Farr

“Till last by Phillip’s farms I flow to join the brimming river, for men may come and men may go...”

but this democracy goes on forever” under the United National Congress. That is what it is all about.*[Desk thumping]*.

And you know I just pulled out—I do not like to read too much because I think the Parliament is a debating Chamber and not a reading Chamber—from my brief case, this great poem by Rudyard Kipling *If* because when I hear all the contumely that they tried to heap upon us—Member for Tunapuna, Arouca South and Diego Martin East—the first few lines of Rudyard Kipling:

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“If you can keep your head when all about you

Are losing theirs and blaming it on you;

Mr. Speaker, they are losing their heads left, right and centre like a chicken with its neck cut off.

“If you can trust yourself when all men doubt you,”

I do not know—they are always doubting us but the people are on our side.

4.20 p.m.

Vox populi vox Dei, the voice of the people is the voice of God. [Interruption] We are so charitable because as I said, last night in a speech when I was commissioning the formal opening at the Chaguaramas Hotel and Convention Centre, I was referring to a poem by Fitzgerald and I was telling them that the world is filled with the majesty of God, and Trinidad and Tobago enjoys and shares in the majesty of God. That is the reason for the ingenuity of the Trinidadian and the Tobagonian, except one problem, we do not have faith in ourselves. We are always doubting as Rudyard Kipling in *If* is telling us. We are always doubting our capacities and capabilities, but we are charged with the majesty of God and he has given us much intelligence and ability.

Mr. Speaker, and if you can wait we are going to wait. You do not want to pass the amendment bill to hang people, we will wait. The year 2000 is not too far away. We will wait. You do not want to pass the bill so that we could get rid of lack of accountability of service commissions and so appoint committees. We will wait. We are a patient people, we will wait, and as the Member for Tobago East says when the bell rings and the people have realized that from 1995 to the year 2000 you came and paraded every Friday, you made a charade and a mockery of democracy and the parliamentary process, they will wipe you out. [Desk thumping] They will wipe you out as Prime Minister Mitchell wiped out the Opposition in Grenada. They will wipe you out.

The Member for Diego Martin East cannot bad talk Grenada, and do you know why? There is a Latin expression which says; where you have your bread that is your fatherland. [Laughter]

Hon. Member: What is the Latin?

Hon. M. Assam: If you can wait and not be tired of waiting. We are not tired, we are not going to get tired. We are young men we are not going to get tired, we

are going to wait. It is all right. Being lied about every Friday, Wednesday or Tuesday we come here—whether we are being lied about on that side or other institutions, it is okay, but we would not lie. Or being hated, even Jesus Christ was hated, Mahatma Gandhi, Martin Luther King. We do not mind being hated, we would be hated because we support and promote the interest of the people of Trinidad and Tobago for a democratic way of life, but we are not going to give way to hating because hate is cankering, hate destroys.

Mr. Speaker, I want to tell you how very important this particular measure is in terms of the democratic evolution and development in the society and once you give people information, it comes back to the question of making choices and that is what I emphasize as Minister of Consumer Affairs all the time. Choices, Mr. Speaker, where you have information, you make choices. The other thing I emphasize when you have information, it is merely information. Many people believe it is something more, but when you transform information into knowledge and you create a learning environment so that you have a knowledge-based society and learning institutions which—I am sorry some of the Members opposite would not appreciate because Parliament has not been a learning and a knowledge-based institution for them. When you start to do that, you are going to unleash some of the most powerful forces, the intellectual and spiritual energies of our people in Trinidad and Tobago as you have never seen before.

I could not understand how they do not understand the depth and the profundity, of the contents, but more importantly the intent of this particular legislative measure. It is because they do not have a philosophical background. That is the unfortunate thing. They do not have a philosophical background, because if they had, instead of coming every Friday and talking about San José De Oruna wall and Trinidad and Tobago Bureau of Standards officers and all kinds of things, they would be speaking about matters that would affect directly, the improvement in the quality of life of the people of this country and they would join with us in promoting that particular purpose and intent.

But alas, Mr. Speaker, as the Spanish would say, *pero enbalde* but in vain. Every Friday we try to educate and help them. Every Friday we try to be a gadfly like how Socrates tried to be a gadfly to the Athenian people, Socrates tried to be a gadfly to the Athenian people in order to help them along from their barbarism to a new society. We try every Friday, but in vain.

I tell you your judgment would be a harsh judgment because the *Bible* says, to whom much is given, much will be expected. When the people reposed their trust

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and confidence in you on November 6, 1995 by electing you as their representative, they reposed enormous trust in you. They did not repose that confidence for you to come every Friday under the masquerade of debating bills, but with a different purpose. Not to deceive, mislead, misinform, miseducate, to lead in ignorance and to wallow in your hate and lies. That is not what they elected us for. They elected us to advance and promote their cause, to eradicate poverty, to eradicate illiteracy, ill health and disease and to raise this population to new heights of consciousness, confidence and self-reliance. That is what this Bill is all about. This Bill, by giving information which you can translate into knowledge and learning is a powerful tool which the United National Congress Government is giving to the entire population to liberate them from their present days of darkness which have overshadowed them under the tyranny of 34 years of PNM rule. A rule which left people in ignorance. That was their style. The style of the PNM was to lead people in ignorance. *[Interruption]*

Mr. Speaker: Hon. Members, it is made extremely difficult for matters to be debated in the way they should, where a Member is speaking and Members on the opposite side continue to carry on a running conversation as if to put the person off.

Please, we in this Parliament should be guided by principles *audi alteram partem*, hear the other side. Nobody is asking you to agree with it. And be guided further by the principles where you may not agree with what the other person is saying, but you must be able to fight to the death for the person's right to say it.

Please continue.

Hon. M. Assam: Mr. Speaker, just as how the Member for Diego Martin East is going up the islands improving his economic way of life as I was saying, he was not supposed to argue against Grenada because the Latin expression is *ubi panis ibi patria*. *[Interruption]* You have a right. Just as the people in this country have a right to access information, freedom of information, he has the right to access an economic livelihood wherever he wants, once it is legitimate.

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

4.30 p.m.: *Sitting suspended.*

5.04 p.m.: *Sitting resumed.*

Mr. Speaker: Hon. Members, the speaking time of the Member for St. Joseph has expired.

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

Question put and agreed to.

ADJOURNMENT

The Attorney General (Hon. Ramesh Lawrence Maharaj): Mr. Speaker, I know I did give an indication that I would move the adjournment of the House. I beg to move that this House do now adjourn to next Friday, May 28, 1999 at 130 p.m. On that day, it is Private Members' Day. There is no Opposition Chief Whip.

Mr. Bereaux: We do not have a quorum.

Hon. R. L. Maharaj: Mr. Hinds is the Acting Opposition Chief Whip.

Mr. Speaker: Not only that. I would also advise the hon. Member that the law with respect to quorum would have to do with the start of the sitting. Please continue.

Hon. R. L. Maharaj: Mr. Speaker, I was trying to get from the Opposition what would be debated on the next occasion.

Mr. Hinds: We will advise the Attorney General early.

Hon. R. L. Maharaj: All right.

Mr. Speaker: Hon. Members, before we deal with the question of the Motion for the Adjournment, I did give leave to the Member for Diego Martin East to raise a matter, the matter being the failure of the Government to effectively manage the Solomon Hochoy Highway Improvement Project. I therefore call on the Member for Diego Martin East.

Solomon Hochoy Highway Improvement Project (Ineffective Government Management)

Mr. Colm Imbert (Diego Martin East): Mr. Speaker, it has become necessary to raise this matter because this is an example of the monumental incompetence and bungling, unprofessionalism and weakness of the UNC administration.

Hon. Members: Nah! Nah!

Mr. Speaker: Order please. Hear the other side.

Mr. C. Imbert: Mr. Speaker, when the PNM administration demitted office in 1995, in the Ministry of Works and Transport, a number of programmes and

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projects were in train. These included the Agricultural Access Roads Programme, the National Highways Programme, the National Drainage Programme and the Solomon Hochoy Highway Reconstruction and Rehabilitation Project.

Mr. Sudama: That was never started in the PNM time.

Mr. C. Imbert: In the 1992—1995 period, the then administration of which I formed a part, had negotiated with the European Commission for funding from the European Development Fund for the reconstruction of a section of the Solomon Hochoy Highway from Chaguanas to Couva. Of course, the Members on the other side always like to pretend that the PNM did nothing for UNC constituencies, but here we were allocating in excess of \$100 million for reconstruction of the Solomon Hochoy Highway which passes through a number of UNC constituencies.

Everything was in place for the new government to simply take that project and run with it. Prequalification exercises had been carried out already; tender documents had been prepared; designs had already been completed and all that was required was for tenders to be invited and for the project to commence.

Of course, in their usual bungling way, instead of getting things going in a month or two, the UNC took nine months to organize the receipt of tenders which were, in fact, received in August of 1996. When the tenders came in, there were eight bids, the lowest being Cubiertas at \$134 million; Comlysa-Lain, \$149 million; Rizzani De Eccher, \$165 million—which bid was not valid; Tarmac, \$196 million; Impressar En Cortinato, \$208 million; Tarmac had two other bids at \$233 and \$249 million; and Astaldi Construcciones at \$252 million. So, there were eight bids ranging from \$134 to \$252 million.

The first piece of nonsense that this bungling administration and this public relations mad Minister of Works and Transport did, was to try to interfere with the bids; try to negotiate; try to reduce the value of the bids and so forth; and so confused the entire issue that the first-named contractor, Cubiertas, eventually had to come out, leading to an award to Comlysa at \$149 million with adjustments. The work itself did not get going until 1997.

So we had a situation where the PNM administration put everything in place for commencement of construction in 1996, around the middle of the year, and this incompetent administration bungled everything. We had everything in train for work to commence in 1996 and this incompetent administration bungled everything and eventually got going in 1997.

We are now in 1999, three and a half years later, almost two years having elapsed and, eventually, the Minister of Works and Transport belatedly recognizes that they have completely bungled this matter; they made a complete mess of it; and takes his own sweet time to do what he should have done almost 18 months ago.

Let me read a letter in today's *Neswday* from one Geofe Hudson which says in part:

“Sadiq Baksh for ‘Mr. Brains’

After the beauty contest...we should hold a Minister of the Year ‘Brains’ contest!

I will nominate Sadiq Baksh for this honour. Nine or ten months after nearly every man, woman or child in the country was saying and writing to the press (notwithstanding and in the face of Baksh's solid and determined defence) that the Spanish Contractor on the Solomon Hochoy Highway couldn't or wouldn't do what any number of experienced local contractors could, would and should, he belatedly and finally arrives at the identical conclusion!

Over 8½ months after commuters, attempting to start their 1998 Independence holiday..were thrown into chaos, confusion and massive delays by TSTT laying ducting at the Churchill Roosevelt...‘in preparation for commencement of construction...’ all we have, courtesy the Beauty pageant...are nice, newly painted road markings!”

The guy went on to talk about the brilliant three lanes on the Churchill Roosevelt Highway—I see the Minister is here; I am sure he read this letter—where three lanes should be and so forth.

There is also in the *TnT Mirror*, a friend of the UNC, the editor, Ken Ali, making the point that he has been writing over and over and over about this matter and the Minister of Works and Transport and the UNC administration have just stood solid and silent, not doing what they should have done.

This article headlined, “Still no Hochoy Highway plan”, in the *TnT Mirror* of Friday, May 21, 1999, says in part:

“...I blush and say that for exactly a year I have been writing in this space that Lain was not suited for the...task, and should be relieved of the job.

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And others, too, raised alarms against the ill-equipped contractor.

A simple scribe like me,”

—Ken Ali—

“whose only qualification...is that I am a daily tortured motorist, had long seen that the contractor did not know his asphalt from his elbow and was virtually holding the country to ransom...

It took Baksh one long, agonising year to acknowledge that Lain did not have a clue about what was involved in the makeover of this critical speedway (even the wrong foundation material was used!), and to finally—and it appears—reluctantly, sack the no good contractor.”

There are all sorts of safety issues; all sorts of barriers and unsafe obstructions in the road, creating hazards. But, the point is, and the reason which it has been necessary to bring this matter to the Parliament today, is that the Government knew that the contractor was incompetent; the Government knew that the contractor was in breach; the Government knew that the contractor could not do the work; but it let the country suffer for 24 months and we need to know why it let the country suffer for 24 months, till eventually doing what it should have done almost 18 to 20 months ago.

I condemn the Government for the stress it has put on motorists, for the waste of public funds—because, of course, this project is going to cost millions of dollars more when it is finally done. I condemn the Government for its incompetence and I call upon it to give an explanation to this country for the nonsense it has done.

I myself advised the Minister in one of the rare moments that we had a conversation months ago, that he should have fired the contractor. He looked at me and just squirmed and said, “Well, you know, I am trying.” Months ago, I told him he should fire the contractor. It is not in my interest for him to fire the contractor, but months ago I told him so, in the national interest.

But, you see, Mr. Speaker, he is public relations mad. The only thing he can do is to take projects that were planned and properly in place by the PNM and just follow through, but when he has to use a bit of intelligence, a bit of planning and forward-thinking, he fails; he cannot do anything. When he has to take PNM projects and run with them, like the Agricultural Access Roads Programme, where everything was done by the PNM; all they had to do was invite tenders; he could

do that. But, when he has to think and use some commonsense, it is demonstrated, the complete incompetence of this UNC administration and the abysmal failure of the Minister of Works and Transport, to do anything that requires even a bit of thought.

I thank you, Mr. Speaker.

The Minister of Works and Transport (Sen. The Hon. Sadiq Baksh): Mr. Speaker, I have noted some of the questions raised by the Member for Diego Martin East during the presentation of his Motion and, no doubt, the Solomon Hochoy Highway Improvement Project continues to be of extreme concern to not only the Ministry of Works and Transport, but the entire Government of Trinidad and Tobago.

As you are aware, this project is funded under the Lomé IV Convention. The Lomé IV Convention was negotiated with the European Union to provide comprehensive instruments of trade, aid and development co-operation between the Union and the African, Caribbean and Pacific states. Since 1975, there have been four conventions under which a total of 56 million Euros have been provided for financing of programmes in Trinidad and Tobago. The rate of disbursement of these funds was rather slow over the years.

Mr. Speaker, by Cabinet Minute dated June 25, 1992, the then government realized that Lomé IV grants were not being utilized. It was therefore decided to speed up the disbursement process of available resources totalling 34.3 million Euros. One of the first decisions taken by the PNM government in 1992 was to revoke the decision of the previous government which had indicated that 16.1 Euros or TT \$85 million be utilized for the construction of a link road from L'Anse Fourmi to Charlotteville in Tobago.

The last PNM government, in 1992, intimated to the European Union that the new project for these funds was the rehabilitation of the Solomon Hochoy Highway. The reason for shifting emphasis from Tobago to the Solomon Hochoy Highway is left for speculation, especially by the citizens of Tobago.

The Member for Diego Martin East, if he could recall, would know that by November 1995, after the project was approved in 1992, the Ministry of Works and Transport had still not yet properly tendered the job. From 1992—1995, they did not properly tender the job. Tenders were invited in May 1996, submissions for which closed in August 1996. Under the new EU guidelines, the award must

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be made to the lowest tenderer who fulfills the criteria set out by the financing agency.

5.20 p.m.

Mr. Speaker, such an award was made to the Spanish firm of Cubiertas Y MZOV and Fomento De Construcciones Joint Venture in November 1996. The firm failed to mobilize by the required date and, for first time in Trinidad and Tobago, the performance bond was seized by the Ministry of Works and Transport.

In May 1997, the tender was awarded to the second lowest tenderer, Comlysa-Lain Joint Venture. The contract price was \$122,109,645 with a contract duration of 24 months. Let me give some details of the project. The project is financed by the European Union (EU) and the Government of Trinidad and Tobago, with the EU contributing 10 million Euros in grants, and 6 million Euros, while the Government of Trinidad and Tobago is contributing 1.034 Euros. A written contract was executed on May 23, 1997, and the commencement date was fixed at June 27, 1997, with a contract period of two years and an approved extension for 21 days due to inclement weather. The official completion date is July 12, 1999.

The contract is supervised by staff of the Ministry of Works and Transport who are represented on site and advised by supervision consultants. The consultant is the firm Alatec-Nicholas O'Dwyer, an Irish firm. This provision consultant was also procured according to the European Union guidelines and specifications. The management of the contract was greatly influenced by advice from the consultant.

Mr. Speaker, there were several problems that plagued the project. I would identify and deal with some of the major ones, and this House would judge whether or not there has been proper project management by this Government and the Ministry of Works and Transport.

Some of the problems identified were:

- 1) the selection of contractor;
- 2) management by the contractor;
- 3) hardships suffered by citizens due to traffic flow and the issue of traffic safety;
- 4) the surface of the road;

- 5) materials used; and
- 6) illegal process of termination.

Let me elaborate on the issues; firstly, the selection of the contractor. Many citizens, including the previous Minister of Works and Transport, the Member for Diego Martin East, have questioned why the contract to a Spanish firm and not a local firm. I wish to inform this House that under the European Union criteria, no local construction firm was able to qualify. One of the main factors was the annual turnover required. Because of the downturn in the construction sector from 1986—1994, the local firms could not meet this criteria. The main contenders were European firms, and, as I mentioned earlier, the two firms from Spain were the lowest bidders satisfying the basic criteria.

From the start of the project, the contractor has failed to perform satisfactorily. Mobilization of the contractor on to the works site, took four months, that is, from June 22, 1997 to October 1997. By letter dated October 23, 1997, the ministry's representative in the form of the supervisory consultants, wrote to the contractor advising him of his shortfalls. The contractor was only able to actually start construction works on March 6, 1998.

The ministry, very early in the process, recognized the problems, however, there is a legal process to be followed. The ministry has made every attempt to follow the due process of law, and also to give the contractor ample opportunity to rectify and remedy the problems. As at April 30, 1998, the contractor was informed that he was 10 weeks behind the schedule programme. By May 26, 1998, this had increased to 13 weeks. Every month, site meetings were held with the supervisory consultants and the contractor. The contractor was continuously slipping behind time and schedules, but efforts were made at all times to facilitate and enable the contractor to step up progress. On July 8, 1998, the supervisory consultants wrote to the contractor focussing on the poor progress of works and the continuing failure to adhere to the official construction performance programme.

On October 4, 1998, the contracting authority, the Permanent Secretary in the Ministry of Works and Transport, wrote to the contractor's head office in Spain, advising them of the poor progress of the construction works under the contract. On September 18, 1998, the contractor responded through its head office in Spain, however, such response did not seek to address the improved progress of the works. Thereafter, the supervisory consultants gave the contractor regular monthly

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notices of his continued non-performance and failure to adhere to the contract performance programme.

By January 31st, 1999, Comlysa-Lain Joint Venture were advised that they were 40 weeks behind the programme schedule. According to the European Union contract provisions, notice of breach of contract must be served before notice of termination. This was done on February 5, 1999, pointing out the grounds for the breaches. The contractor was again given opportunity to respond. Several meetings were convened and correspondence obtained in an attempt to facilitate the progress of the work. One such attempt was the contractor's proposal for an alternative programme design. The ministry consented to evaluate the contractor's alternative proposal using an independent authority, however, the ministry emphasized to the contractor that consideration of the proposal did not relieve the contractor from his duties and responsibilities under the contract. An independent evaluation of the alternative proposal was obtained from Transport Research Laboratories in England, who advised that the alternative design was not the most appropriate choice for conditions in Trinidad and Tobago.

Mr. Speaker, as you can see, the Ministry took every opportunity to bring the project back to schedule, but the unwillingness of the contractor to comply, left the ministry with no alternative but to serve a notice of termination. This was done on May 11, 1999, giving the contractor seven days to bring the work to a close.

I wish to apprise this honourable House of the steps the ministry would be taking as part of the management process. The ministry intends to seize the performance bond of the contractor. This amounts to TT \$12.2 million. Further, the ministry would seize the assets of the contractor which amount TT \$7 million. The ministry would also not be paying for outstanding works. It will be utilizing the funds available from the contractor's last certificate for works certified but not paid, amounting to \$4.1 million. It is to be noted, that \$14 million has been paid to the contractor for actual works done, which include specialist bridge repairs to selected highway bridges. [*Interruption*]

As one can see, therefore, the main areas of loss to the country has been the loss of time, and hardships suffered by the citizens who use this road on a daily basis. I will, therefore, shortly outline the steps to be taken to alleviate the suffering experienced by commuters.

Another issue seen by the population as a problem was the amount of time lost by commuters. We are doing everything possible within the ministry with in-

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house resources, to ensure that we develop the type of roadway that would make the Solomon Hochoy highway, a highway of which to be proud.

Thank you. [*Crosstalk*]

Question put and agreed to.

House adjourned accordingly. [Crosstalk]

Mr. Speaker: Hon. Members, I think that if you look at the Standing Orders and the rules, you would realize that the sitting is really not ended until the Speaker goes out. It is becoming common practice, that from the time I start to go out, there is a lot of talk and the like. I do not think we want to continue that in this House. Please.

Adjourned at 5.30 p.m.