

Leave of Absence

Friday, June 04, 1999

HOUSE OF REPRESENTATIVES

Friday, June 04, 1999

The House met at 1.30 p.m.

PRAYERS

[MR. SPEAKER *in the Chair*]

LEAVE OF ABSENCE

Mr. Speaker: Hon. Members, I wish to advise that I have received communication from the Member for Port of Spain South who has sought leave to be absent from sittings of this House up to June 7, 1999. The leave has been granted.

PAPERS LAID

1. Report of the Auditor General on the Public Accounts of the Republic of Trinidad and Tobago for the period of account January 01, 1998 to September 30, 1998 and on other selected audit activities—Erratum. [*The Attorney General (Hon. Ramesh Lawrence Maharaj)*]
2. Report of the Auditor General on the accounts of the Public Utilities Commission for the year ended December 31, 1998. [*Hon. R. L. Maharaj*]

Papers 1 and 2 to be referred to the Public Accounts Committee.

QUESTION NO. 58

The Attorney General (Hon. Ramesh Lawrence Maharaj): Mr. Speaker, question No. 58 was already answered. I have just spoken to the Member for Arouca South and we have agreed that it has already been answered.

LOCAL GOVERNMENT ELECTIONS

The Prime Minister (Hon. Basdeo Panday): Mr. Speaker, I wish to inform this honourable House that Local Government Elections would be held on Monday, July 12, 1999. [*Desk thumping*]

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

[FOURTH 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 was in fact speaking. *[Interruption]* I had been wrongly advised.

Hon. Members, I am very sorry about this. On that day I was out of the jurisdiction and I rely on assistance in this regard. I am very sorry.

On the last occasion, I understand that the Member for St. Joseph was on his legs and I call on him to continue.

The Minister of Trade & Industry and Consumer Affairs and Minister of Tourism (Hon. Mervyn Assam): Mr. Speaker, when we took the adjournment on Friday, May 21, 1999, a motion was passed to allow me to have an additional 30 minutes when I was attempting to develop a very important point with respect to the role of the media in the context of the great invention of the printing press, and the media did not have an inherent right to the freedom about which many people talked.

That freedom of the press is really because the press has the wherewithal, the resources, and the mechanisms to provide freedom of information which is the right of people.

To give an example of how this freedom of the press is not properly understood in the context of freedom of information for the people, the *Sunday Newsday* of May 23, a mere 48 hours after my contribution carried a headline which says: "People should pay for calling Job ugly". That is the headline which the *Sunday Newsday* sought to print on Sunday following the presentation of both the Member for Tobago East and the Member for St. Joseph on a very important landmark and historic debate with respect to the Freedom of Information Bill. That is the headline they printed.

I spoke for 45 minutes, and I am of the view that I spoke matters of substance and I think I gave a creditable performance with respect to the question of freedom of information and this is what Suzanne Sheppard had to write about my contribution. As I remember another journalist of the *Newsday* wrote after I

complained that my budget contribution was not printed, but the Leader of the Opposition's, and she subsequently wrote that I abused her at President's House. I understand that today she is collecting a salary from taxpayers' money at the Association of Caribbean States' Headquarters and that is the type of thing that happens in this country. *[Interruption]*

Mr. Speaker, I would never do that—you are a geologist, you studied rocks and I studied economics, finance and management so therefore, you cannot compare the two at all. Hear what Suzanne Sheppard had to write after this disgraceful headline.

“Once he had exhausted his point, managing to tie it in to the Freedom of Information Bill, Hart...”

She does not even say Mr. Hart, or the Member for Tunapuna. Hart. Disrespectful!

“...barely had time to take his seat before Assam...”

No respect at all. The press contributes to disrespect and demeaning people in this society and they do not understand what freedom of the press is, in the context of freedom of information and their responsibility to the population.

“...quickly jumped up with a rebuttal plus his own contribution to the debate.

With an oratorical style that appeared to rival Job's presentation earlier in the sitting, complete with flowery language and occasional high flung phrases,...”*[Interruption]*

If you do not understand English, it is not my fault. You are a geologist too, you studied rocks. I studied literature. I studied Greek and Latin, I am a classical scholar. *[Laughter]*.

“...Assam passionately defended first the park refurbishment, then moved on to a spirited defence of the Bill and the UNC Government.”

Hear what she writes:

“He managed to use up his time...”

Imagine that. I spoke for 45 minutes and she says:

“...covering everything from Hitler and World War—”

Mr. Speaker: I appeal to the Member for San Fernando East, the Leader of the Opposition, that this debate should proceed in an orderly fashion. I appeal to the Member for Diego Martin West. I ask you please, could we allow people to be heard without interjecting like this? I ask you please. Could we proceed in that fashion? You will all have an opportunity of contributing. I assure you that I will make absolutely no attempt to stifle anybody. Please, let the Member be heard. You may not agree with it, but please let him be heard.

Hon. M. Assam: Thank you, Mr. Speaker. This Suzanne Sheppard writes:

“He managed to use up his time covering everything from Hitler and World War II to the value of the printing press, drawing disgruntled murmurs and cross talk from the Opposition...”

That is what Suzanne Sheppard wrote.

Mr. Speaker, on the weekend I was going through my library and one of the books I studied years ago was *Constitutional and Administrative Law* by E C S Wade and A W Bradley, the 1985 edition. On page 521 of this very important text it has something about law and the media and it says:

“External restraints imposed by the courts are only one form of control over the exercise of the liberty of expression.”

This is the important point I am trying to make where you do not have freedom of information in this country with respect to the press. This Government is attempting to introduce it as a statutory right for all citizens and I hope the press would follow suit. It says:

“Editors exercise much greater power over what is transmitted to the public than do judge and jury, who merely exercise an intermittent veto.”

1.45 p.m.

Mr. Speaker, that is a very powerful point being made in this text. It merely goes to show that every day in this society you have censorship by the press on the news they transmit to the public at large. Therefore, the public in Trinidad and Tobago does not have that great benefit of freedom of information. They are at the whim and fancy of editors who engage in censorship on a daily basis, as demonstrated by this article I just read, written by one Suzanne Sheppard of the *Newsday*. That is the kind of thing we have in this society, which is very

dangerous in terms of the democratic process, and nurturing the kind of democracy that we deserve and, indeed, for the stability of this country.

I want to read another letter with respect to the contribution that my friend from Tunapuna made. I had to excoriate him on that occasion because, generally, he is a decent man. He spoke about some letter from one Mr. Harracksingh that was written to the Tunapuna/Piarco Regional Corporation, in which he said that the attorney-at-law was complaining that we had infringed his constitutional rights, his freedom to enjoyment of property. I rose and said, on that occasion, that I had met Mr. Harracksingh on the night we were hosting the function for the contestants of the Miss Universe Pageant 1999. The expression I used after having spoken to him was that "he sounded as happy like when mammy met pappy".

I am very happy to read the letter from: "Mr. I. W. Harracksingh, Attorney-At-Law, Third Floor, 33 St. Vincent Street, Port of Spain, Trinidad, W. I. 28th May, 1999." This letter was not to me, but to "The Editor, the Trinidad Express Newspapers Ltd., Nos. 35—37, Independence Square, Port of Spain"—*[Interruption]*

Hon. Member: How did you get it?

Hon. M. Assam: How do you get Cabinet Notes? The famous newspaper that pretended to have a journalist having a personal interview with a condemned man and, afterwards, realizing that the Minister of National Security had made a statement saying that no such interview could have taken place, retracted with an apology. Yet when the Prime Minister talks about lies, innuendoes, and half truths, they want to crucify him for speaking the truth.

Miss Nicholson: They apologized for it, that is the main thing!

Hon. M. Assam: That is the level of journalism, the lack of quality and sophistication there is in journalism in Trinidad and Tobago, when somebody could blatantly lie and say that they had a personal interview when, in fact, they paid an attorney. I hope the law association will deal with that attorney, and that the newspaper would not only give us an apology but deal with that journalist, who I saw received a prize when I attended the press function, some time ago, as the Rookie of the Year journalist. I think that this title of "rookie" has been rooked forever.

I will now read the letter and I hope the Member for Tunapuna is listening so that he would not become errant in the future:

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"Dear Sir/Madam,

Permit me to point out certain inaccuracies or misconceptions..."

Our Prime Minister says lies, half truths and innuendoes, but he in his legal language said "inaccuracies or misconceptions":

"...contained in the article by Ria Taitt of Saturday, May 22, 1999 at page 7, under the Caption, 'Miss Universe Wall to be demolished'.

I have never complained..."

I can have this letter circulated if they think I am reading falsehood or fabricating the words.

"...about the wall at the George Earle (wrongly referred in your article as St. George V) Park or any other improvements in St. Joseph for which I am confident, all the residents are indeed grateful.

What I did in fact complain about is the wall at the Corner of **the Eastern Main Road and Abercromby Street**, St. Joseph (see copy enclosed) and my concerns were promptly addressed and the matter satisfactorily resolved.

I trust that as a responsible newspaper, you will use your good offices to correct any misconceptions that may have arisen by reason of your said article."

Mr. Speaker, do you understand the mischief and misinformation that take place in this country? Sadly, the Member for Tunapuna fell into the trap, a decent fellow generally, and he came and made a statement attempting to inculcate the Member for St. Joseph with respect to a violation of the law, and that I attempted to deny a citizen the enjoyment of property and rights. That is what happens all the time. I shall spend no more time on these ugly matters, but will proceed to deal with the Bill.

On the last occasion I dealt comprehensively with clause 23, one of the most important clauses in the Bill, where all the safeguard mechanisms, privileges, rights and responsibilities are contained, to give the members of the public that comfort, those explanations and safeguards with respect to accessing information from ministries, departments and public agencies, a right that, hitherto, was denied the citizens of this country. This Government is now attempting, in the Freedom of Information (No. 2) Bill, to give a statutory right to every citizen to access information except for certain exempt matters.

I attempted on the last occasion to develop the concept that is behind freedom of information. Mr. Speaker, I was trying to tell you that it has its origins in democratic principles, because if you do not have freedom of information or cannot have access to information, you cannot develop a democracy. The development of democracy relies almost exclusively on reliable and timely information, and information that could enable people to make decisions and choices. Choice is one of the most fundamental aspects of democracy.

When you go to the polls, whether it is the Local Government Election, which is to take place on July 12—indeed, this is the first time in the history of any Government in Trinidad and Tobago where a government in office has dared to call a local government election before a general election. In every single case the PNM postponed it. When the PNM was in office they never called a local government election before a general election. This is history-making taking place again! Never before! They always postponed it! On the eve of a general election they never called local government elections. [*Interruption*] That is a fact! Do not hold your ears, I know it gives you earache. Your tympanum and cochlea are affected, I know that, because it is the truth!

Mr. Manning: What is the second one?

Hon. M. Assam: The cochlea and the tympanum, I did biology also. In addition to being a classical student I did biology. I went to a good school, St. Mary's College, where they thought you everything under the sun, if you could have absorbed it.

Mr. Speaker, it is a fact, that it is the first time in history that a government in power has called a local government election immediately before a general election. The PNM on several occasions postponed the Local Government Election, for three years, for four years, and in one case, for eight years. I said before that Mayor Eddie Taylor was Mayor of Port of Spain for eight years, not because it was his fault, I am not blaming him—it was the PNM that postponed it, destroying the democratic freedom, the democratic institutions, and undermining the rule of law in this country. And they come here every Friday with crocodile tears and talk about the UNC Government is a challenge to democracy. They are the ones who not only challenged it, but have, in fact, destroyed it.

What happened this morning—I am not gloating about it, because I am not one for blood, but I am one for the imposition and execution of the law of the land—but when they tried to obstruct the law taking its course in this country, the

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blood is on their hands and on their shoulders. They will never live that down! They will never live down, where they sat in this Parliament and attempted to obstruct the rule of law and the course of justice. They will never live it down!

Hon. Member: Why do you not sit?

Hon. M. Assam: Why do I not sit? You cannot take it!

Mr. Speaker, I attempted on the last occasion to show how the printing press was the forerunner of freedom of information. I want on to tell you that the information technology (IT) revolution, various developments in information technology is the second round of this important revolution in terms of universalizing education. I went on to say that just as democracy was liberalized and in the process liberalism was democratized in the 16th Century, today we have a similar situation where there is a complete democratic revolution with respect to education, information and knowledge. That is what this Bill is all about if we do not understand it.

It is said that when people got to vote it liberated them, yes, that was one of the stages of liberation, but this is another further stage in the liberation of people, where they can access information as a right. But it goes on further, we talk about "empowerment", everybody likes to use the word, how people are being "empowered", but this is the greatest act of empowerment. Some people call it "self-potential" that is the new word being used. They do not use the word "empowerment" anymore, they talk about "self-potential", and that is what this Bill seeks to do. When you have information you empowered to do a number of things. You are empowered to make decisions, to make choices, to take charge of your life, to deal with people who you put into office and they have violated your trust and betrayed your confidence, as those fellows opposite, the girls also, the men and women opposite betrayed our trust.

Unless you have that information which they used against the citizens, because that is tyranny of the citizens—One of the fundamental features of the American Constitution—and you get this in the federalist papers—is that tyranny of the majority over the minority is dangerous. Equally dangerous is the tyranny of the minority over the majority. That is where the PNM executive prevailed for years in this country. It was the tyranny of the PNM executive, a minority group, over the majority of citizens in Trinidad and Tobago. They did as they wanted. They made decisions as they wanted. They communicated no reason or explanation to anyone, they just acted and, of course, they said to you—forgive the words, Mr. Speaker, I

am merely quoting, "get to hell out of here". Not only did they put the knife in you, they twisted it, "if yuh doh like it get to hell out of here".

I have heard the Member for San Fernando East when I have taunted him on a few occasions, when he declared a state of emergency during his period as Prime Minister, saying that he will do it again. Unrepentant! Violator of democracy! Unrepentant violator of the Constitution! He said he will do it again. Of course, I know that the Member for Diego Martin West believes that because he has suffered under his truncheon. He has suffered under the truncheon of the General Council of his party, when he attempted to walk in one day during their leadership elections, and they almost mobbed him and beat him up. In his own party headquarters he could not even get free democratic access.

Do you know what he complained about? Freedom of information, he could not get the list of voters. Freedom of information, not even in the PNM party. He could not even get a list of the delegates going to vote for the leadership of the party. He complained about that, tell him to deny it. *[Interruption]* The newspaper misquoted you. You should have sent in a disclaimer and said that the newspaper was wrong. There is not even freedom of information in the PNM party, because he could not get the list of names of the delegates who were going to vote in the election for the leadership of which he was a contender. *[Interruption]*

Mr. Speaker: Member for Laventille East Morvant, that is not the way it is done. If you want to make a statement to the press, go and make a statement to the press, but do not do that. It is not right. I ask you please.

2.00 p.m.

Thank you, Mr. Speaker, I have grown accustomed to the Member for Laventille East/Morvant. I have already called him a Rumpelstiltskin; he always jumps up on his legs. I told him one day he will crash through the floor, because the floor that he is standing on with the PNM is rid with termites and he will go through the boards of the floor—jumping up and down like Rumpelstiltskin but it is okay. He is a young lawyer and I hope that he learns fast like that guy whom the Chief Justice remonstrated with last night for his technical stupid manoeuvres and abusing the process of the court. But, he too will learn.

I was saying, even in the PNM, they do not have freedom of information. They do not have it. It is interesting—I made an allusion on the last occasion, to Christians who were not allowed to read the Bible. Fortuitously I turned on the channel 10 last night, which is the EWTN channel, a Catholic channel—there was

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a priest speaking on the Bible—that was precisely what he was saying: how so many people, long ago, could not read the Bible, for one reason or another. They could not understand it, they were not permitted, the people in the church, the hierarchy and so forth.

That is exactly the point which I was making—freedom of information. Even if they could not interpret it, it is their right to have access to the Bible and to read it. It is their right to read it and however they want to interpret the word of God, it is their right. But, he went on to give a convoluted explanation stating that it was in Aramaic, Hebrew, Greek, Latin and so forth. Justifying the denial of people to have access to the Bible simply because it was the church or the university. They were the repository of knowledge. They were the only ones who were entitled to have access to knowledge. But, the printing press of 1537 changed all of that—revolutionized it. It gave everyone access, as this Government; the United National Congress Government is giving the population for the first time in the history of this country—a statutory right, a legal right to access to information on anything that happens in this country, except of course, for exempt areas.

Again, I can quote from this book. It says very clearly that every government has the right to deal with information in a certain way, particularly if that information deals with the national security of the state.

To come and say, as the Member for Diego Martin East, that it is a secrecy bill, it is an anti-freedom of information bill, is a lot of arrant foolishness. Because every country that has introduced this kind of legislation has a list of exempt areas. But, we have gone further and we say, even those areas that are exempt in any document or so, we will excise those areas and give you the piece of information, and telling you—not deceiving you, telling you that the information has been removed and what you are getting is only part of the document. We will tell you that. That is what the Bill provides.

The question of empowerment is fundamental in terms of the development of democracy; in terms of making choices and so forth. As I said, this runs through the gamut of every aspect of our lives in this country. Do you know how many people do not know their rights? Do you know how many people do not know where to seek information? Do you know how many people are powerless in terms of who to turn to? Luckily some of the people who represent their constituents can come to their offices and they can assist them in a number of

ways with respect to social welfare, pension, schools, scholarships, health matters, how to get redress with the Ministry of Consumer Affairs *et cetera*.

If one did not have that little oasis of support and comfort in a constituency office—for those Members who have a constituency office, but unlike the Member for Port of Spain North/St. Ann's West who is always absent; I do not know how the people in his constituency manage to get information with respect to some of the most pressing needs that they have from time to time. I do not know how they do it.

Mr. Speaker, information, but more particularly, freedom of information is a critical element and ingredient in the development of democracy. Information by itself is not what this Bill addresses. It means that one can use that information to improve the quality of his or her life. It is the same thing that the Prime Minister is trying to do—to talk about quality control, a quality nation—that is what he is trying to do. How can there be quality nation if people are not entitled to information, and quality information?

For 34 years they were fed propaganda by the PNM—information without quality; information that is designed to mislead and misinform; information designed to give people the impression that they are seeing about their well-being, when in fact they are acting against their interests. I can give you a number of examples where you have done that. You will hold your ear again, but I do not want to perforate your eardrum. I will leave that for another occasion. But, that is a fact. When people thought that they were entitled to certain benefits that the PNM said they had given them or were about to give them—when they went to cash in on these benefits they realized that they had no benefits at all. That is something that has been part of their administration for 34 years. The other thing is, promises that they made—wild promises they made on platforms, in manifestos, in the Parliament, everywhere. That again is a denial of freedom of information. When you make promises and you do not fulfil the promises, that is a denial of freedom of information, because there must be a quality to the information that you disseminate to people.

I want to advise, very strongly, that freedom of information is not merely trying to access a memo, a birth certificate, your school records or health records. It goes much more beyond all of these matters. I am saying that it is a fundamental tenet of democracy.

The Member for Tobago West implored me on the last occasion, that I should address clause 21. When I read clause 21, I do not know what are the concerns of

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the Member for Tobago West. What clause 21 merely does is to tell you in what circumstances, and under what conditions will information be given and/or refused or partially refused. That is all that it does. Again, this is one of the areas in all Bills—with respect to freedom of information—that have been introduced in the various Parliaments in the countries of the world. Because, there is no such thing as an absolute right to anything.

As I was saying on the last occasion, absolutism leads to tyranny. There is no such thing as an absolute right, even in this book it tells you that. Nobody has an absolute right. Even this Parliament, as some people believe, is not supreme. The Constitution of this country is supreme and the courts are the ones that are the arbiters in deciding what is right or what is wrong. This Parliament is not supreme. If this Parliament made a law that is repugnant to the Constitution, the courts can declare that law null and void and of no effect. So, even the Parliament is not supreme because even the Parliament has to make laws that are in sync with the Constitution. There is no absolute power, no absolute right. The Constitution is supreme. The only thing that is supreme is the Constitution. God and the Constitution. They are supreme, but not the Parliament. No Minister, no Member of Parliament, no one is supreme. Everyone is subject to the law and the Constitution. That is why clause 21 is here, to merely tell you that there is no absolute right. It is merely a safeguard mechanism and also it is a warning mechanism to tell you that if you apply there are certain restrictions that must be put in place in order to provide you with the information. That is all.

So I hope that the Member understands this is a routine kind of insertion in legislation of this nature.

2.10 p.m.

Another aspect of freedom of information, Mr. Speaker, is the question of victimization. It is a very critical thing, particularly in small societies. A number of decisions taken at different levels tend to give people the feeling that they have been victimized. It is only when they have access to the records, to the decision-making process, showing why this decision was taken and why it was not taken, what were the merits and demerits, that they can be satisfied.

So another element of freedom of information is to remove any suspicion of victimization and to give the people of the country and the democracy a feeling of equity and justice, that the executive of this country is carrying on its job in

accordance with the Constitution, in accordance with the rules of natural justice and in accordance with equity and justice. Mr. Speaker, I thank you very much.

Mr. Fitzgerald Hinds (*Laventille East/Morvant*): Mr. Speaker, at times, and particularly today, I feel very sad for this nation state that is Trinidad and Tobago. I feel very worried at the direction that this country is taking and I am confident that many people in this society perhaps do not yet appreciate the web of chaos, corruption, dictatorship and misguidedness that is being spun around us in this country by this Government. [*Desk thumping*]. This Government can quite properly be described as devious and wicked, Mr. Speaker. In fact, prior to the coming of this Government we may have spoken of a democracy but it is probably the case now that we must speak of a “demoncracy”.

We are set upon, in my humble view, by—and I use the word used recently and reported by the Member for Tobago East—imps, “jab jabs”, Beelzebubs and bloodthirsty men. Mr. Speaker, you heard the Member for St. Joseph and he made mention of that very now popular phrase, lies, half-truths and innuendoes, a phrase that was taken from a judgment in a libel action and made popular by the Prime Minister of this country. Of course, with Members on that side it is more a case of lies, half-lies and more lies.

I am amazed at the Member for St. Joseph who claims to be as educated, as learned as he is, working himself up into a froth, into a frenzy, and beating his chest. The only thing he appears not to have learnt in all of his days at the institutions he claims to have gone to is the element of humility. [*Desk thumping*]. The Member must learn a very basic truth, that you could be geologist—no, he says, sorry, he is an economist. He is a classical scholar, he is an economist. He must understand that you cannot be a good anything unless you are first a good person. [*Desk thumping*]. You must be humble.

Dr. Rowley: It helps.

Mr. F. Hinds: But I will not detain myself with that Member. The debate is far too important and I shall proceed.

Mr. Speaker, in his opening remarks the Attorney General, when he piloted this Bill, quoted Jeremy Bentham, Woodrow Wilson and John Stuart Mill, all philosophers and jurists in one sense or another, and he quoted them very accurately. We all have copies of his presentation and I need not detain us with what he actually said, but those are correct quotes, talking about the importance of information and the threat that is secrecy to any democracy.

While that is correct in principle, what this Bill seeks to do in practice, at least in its application, is the exact opposite of what those learned gentlemen said and that which he quoted. In fact, Mr. Speaker, as you have heard before from speakers on this side, and most sensible persons in our society would appreciate, this Bill creates, in fact, a wide class of illegitimate activity; it creates a bunch of new criminal offences in Trinidad and Tobago. That is as much as it does. The Member for Diego Martin East correctly described the Bill as a secrecy Bill. They took objection. I do not know if they will object to my calling it a deception Bill.

Let us have a look at clause 3 of this Bill, Mr. Speaker. Clause 3(1) (a) says that information in the possession of public authorities by, and I now quote:

“(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;”

Mr. Speaker, there is nothing new about that. We adopt the common law of the United Kingdom and, Mr. Speaker, the principle that that subclause manifests was made clear in several cases, cases like *ex parte Khawaja* and *ex parte Zamir* in the context of administrative law. So all that is being achieved in this particular subclause is codifying, putting into law, that which we already have. In essence, that case says that if a public authority operating a policy under an act of Parliament changes those rules, it ought to notify the users of that Act, the persons affected by it.

You cannot move the goalpost without informing the public because the man or applicant would have made himself ready on the basis of the old rules and if you change them without notifying him, you would have left him at sea, at a loss, so this really brings nothing new to Trinidad and Tobago. There is, in effect, a duty to notify persons in those circumstances, and in England a lot has been done to give effect to that in the public service. They put up noticeboards and they highlight the things that they offer and what documents are accessible here. This is a normal kind of development in civilized societies.

However, Mr. Speaker, 3(1)(b) says:

“Creating a general right of access to information in documentary form in the possession of public authorities limited only by exceptions and exemptions...”

You see that word, “only”—language is an interesting thing, you know, as the Member for Tobago East would say. Any casual reader would feel that following

the word “only” would be a very limited exemption or class of exemptions, but that is not the case. The exemptions that follow there are very extensive and expansive indeed. In fact, this is a 43-page Bill with 41 clauses. Twelve pages, pages 28 to 40, clauses 24 to 35, reflect the exemptions, almost half of the document, when you take out the Definition Section and the Schedule and what have you. So the use of the word “only” is very misleading, but that is typically UNC. What you see is never what you get.

Before I turn to analyzing some of those exceptions, Mr. Speaker, I want to ask a principled question and I want the Attorney General to answer. What gave rise to the need for freedom of information legislation in Trinidad and Tobago? Is it because Belize, Jamaica, the United States, Sweden and a few other countries which he called possess such legislation and the Attorney General simply feels that we must do it too? Is it that? In those countries it is quite clear to observers that those pieces of legislation actually restrict access to information.

You know, the legislation is called freedom of information and it presupposes that, before the legislation, information was not easily or freely accessible. In some cases that is so, but the information was there and could be accessed. This legislation claims to open it up, but you are not opening up anything; it is there. The information is there. What this legislation effectively does is to make illegal the act of accessing much of that information. [*Desk thumping*] It reminds me of Columbus, because he did not know the so-called new world existed. That does not mean it did not exist. It existed. He met people here but he did not know. The information is there and people are able to access it.

If you go by the National Insurance Board to get information you will get it. We saw a Bill debated here recently—and we objected to it—where a clause was put in and passed, pushed down our throats, allowing personal, demographic data on individuals to be sent to any other government department, including the police, and we wanted to know, if the Prime Minister of the country simply wanted to get information on somebody from the NIB for any reason, the NIB is obliged under that Bill to send it across. I am sure people do not understand the web that this Government is weaving around us, and it is our duty to highlight it and that we will, whether the Government likes it or not.

The question of freedom of information has been discussed in the United Kingdom and other countries for many years. In 1978 a backbencher in the British Parliament brought a Bill to introduce freedom of information legislation. Of

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course, it was well-studied, well-debated and it was rejected. I have, Mr. Speaker, a draft copy of a constitution for the United Kingdom and this was done by the Institute of Public Policy Research, an Institute with which I did some work while I was in England. In that draft constitution there is a provision at Part III which provides for freedom of information, so that there is an ongoing debate in the country as to whether they should or should not have the legislation.

The point I am making is, it has been thoroughly gone over, discussed, looked at, analyzed, and if they settle on having such legislation it will be after it was well and carefully thought out, but not so with this country, not with the Attorney General. He decided from the time he came to Parliament that he wanted freedom of information legislation. He had it in his bosom for all the years and he is now the Attorney General with the opportunity to bring it, so he puts it on us—no other reason. But why? Why? Why?

Sometimes when I see “AG” I think of “agony” and “grief” rather than Attorney General. [*Desk thumping*] [*Interruption*] Some one of my friends is saying it should be “GR” for “grim reaper” but, Mr. Speaker, I would not detain myself with that. The Attorney General, as a citizen of this country, as a practised attorney-at-law in the criminal field, as a man who has been on both sides of the bench as it were, of the table as it were, told us here he has a tremendous amount of experience both as practitioner and as defendant.

2.25 p.m.

The Attorney General knows full well that the state and some units of the state hold very serious incriminating evidence on or against certain prominent persons in this society. He has known that for many years. He also knows full well that there are persons in this society who have done wrong, evil, and have acted illegally, immorally, unethically, and in some cases murderously. He knows all of that. He is an experienced man. Those persons are running scared and are worried that one day the information held by the state will raise its head against them once again. Many of those persons have cocoa in the sun so they are frightened for rain. He knew that a long time ago, and as a result, freedom of information is extremely important.

I think that the most important clause, perhaps, to the Attorney General is clause 36 of this Bill. In Part V, clause 36, under the headnote: “Correction of personal information”. It reads thus:

“(1) Where a document (whether or not it is one to which access has been given under this Act) ...”

So, look at this, Mr. Speaker: “whether it is one to which access is given or not”. So, the Act says you are not getting access to some because it is exempted. But this clause says whether or not you have access to it, and it:

“...contains personal information of an individual and that individual alleges that the information is inaccurate, the public authority which holds the document, may on the application, in writing, of that individual, correct the information.”

In other words, Mr. Speaker, the information could be expunged. I want to remind this House that regardless of how evil man has become in this society, and how evil man operates in this world, God lives; God does not sleep. To use words we have heard in this House: “You can run but you cannot hide; night does run until day catch it.” And as we used to say in the police service, “All anti sloppers will one day be found out”.

When you have a Bill that purports and gives the opportunity to expunge information and you take control of the machinery, as this Government is obviously doing, then you can expunge what you want and leave what you want. But God does not sleep. I am not afraid. How will an individual know that there is inaccurate information kept about him if he has no access? Do you see the absurdity, Mr. Speaker? But so desperate they are to get at the information whether you have access to it or not you can make an application. It just does not add up; it does not make sense. All it says to me is it reflects a measure of desperation.

Persons have stolen files in the past in order to do that. We heard recently in the Ministry of Education a number of files went missing. We know as a fact that in the magistracy and in the courts of this country files have gone missing, pages of documents have been torn out, and that could only be done by persons who are wicked, evil and have performed and perpetrated nefarious acts that they want to cover up.

This Government cannot tell anybody in this country or in the world about freedom of information. In England, as I was saying, the freedom of information debate caught the attention of lawyers, politicians and students after certain specific development in that country. There was the Westland Affair in the late

1970s. This was an affair that had to do with the purchase of helicopters by the British Government. The firm that was producing it in the United Kingdom went bust, it closed down, and the question was who would supply helicopters to the military arm of that state thereafter. There was a big issue about whether they should look to Europe or to the United States.

Then you had the Clive Ponting Affair. That came after the war for the Malvinas—those islands off Argentina—the Falkland Islands, as the British called them. The Argentines called them the Malvinas—if I recall. A senior public servant shared with a Member of Parliament the fact that the Prime Minister of that country had misled the House. As a matter of commitment to his country he revealed that information to the Member of Parliament, Mr. Tam Dalyell. When that was done he was searched and found out. He was charged under the Official Secrets Act of that country; an Act that came into force as early as 1911, and it was modified over the years.

The simple point is, there were incidents that took place in that society that gave rise to the debate. There was good reason for it. I see no such parallels in this country. We have never had cause to deal with that question here. This is a small country the Prime Minister once said so nothing is secret in this country. Everybody knows everybody's business in this country. Journalists have been breaking stories, personal and political, one after the next, over the years in this country. Suddenly we are landed with the prospect of an Act, replete with a multiplicity of new criminal offences, for getting information in this country.

I say that no Act of Parliament, no constitution, no contract, no written document could really give life to itself, it depends on those who work it or operate it. This Government does not possess, in my view, the mindset and sincerity of purpose to give effect to anything like freedom of information in Trinidad and Tobago. You just have to listen and look.

Recently, we saw in an unprecedented fashion, the behaviour of at least three government Ministers, including the Prime Minister. They launched a nasty and vicious attack on two Independent Senators who merely questioned the state to provide accurate information, because the Senators probably believe that the information that came was not accurate. They are entitled to believe that, and to ask and act upon that belief. In any event, this Government cannot be trusted; they have earned mistrust. I do not trust them and few people do obviously, including the two senators. Those are two Independent Senators—not Opposition

Senators—appointed by the President of the Republic. The Prime Minister, Minister Theodore and Minister Mark led a vicious attack against them. This has never happened before, but this Government is a government of first for all that is wicked, bad and wrong. They called on the President to move them. So they want to usurp the functions and the authority of the President of the country too. This Government poses the greatest threat to the democracy of Trinidad and Tobago as we know it.

2.35 p.m.

They feel, quite colloquially, that “is we time now, we here and we going to do what we want, whether you like it or not”. Many people do not understand what has come upon us. Recently, the Member for Diego Martin West was able to demonstrate palpably, and beyond any doubt, that a stipend of \$15,000 was being paid to a certain officer of an organization. The Minister of Finance, having previously denied it, having demonstrated it was, for about the third or fourth time, proven to be very inaccurate and untruthful . I wish I could use a better word, but I am sure the Speaker will take objection.

At any rate, having done so, when one would think that the Prime Minister of the country would have called on the Minister of Finance, remonstrated with him, upbraided him and, perhaps, because it was the third or fourth time, demand his resignation, not at all! That is not the UNC's style! They closed ranks, searched out an individual in the organization and dismissed him. Perhaps even the wrong man, God knows, but that is the way of this Government.

Mr. Speaker, we saw yet again a gentleman that we all well know who was held in captivity at his place of work in 1990, Mr. J. P. Madeira. We saw the way he was treated by his organization at the urging of the Prime Minister. He was forced to resign on principle from his position as Editor-in-Chief of that newspaper because of the behaviour of the Member for Couva North. All he did was research, and in the best tradition of forensic journalism—investigative journalism, something we all admire—in response to the Prime Minister's frothy outburst one day about the PNM wanting to overthrow this country by force; he did not simply run a reportage, he did not simply take it and run it in the newspaper, he investigated the thing.

What did he do? He acted most responsibly. He called persons. In fact, he called the Minister of National Security, the person who is best in a position to know whether there is any effort to overthrow a Government in this country. The

Minister told him that he knew of no such plot or plan. He then formed the opinion that it could only be one thing—the froth of the Prime Minister.

He went further and contacted sources in the security services and enquired of them as a citizen must or should, as an Editor-in-Chief must or should, whether they had any knowledge of any plot to overthrow the UNC Government. This Government does not need any overthrowing. It overthrew itself a long time ago. They have betrayed the trust of the few people who reposed it in them in this country and they have betrayed the trust of at least one parliamentarian who caused them to be where they are—the Member for Tobago West. That is why she is across here. She is hurt and disappointed.

He learnt that there was no such threat. What did Mr. Madeira do? He spoke with his colleagues and there was an article appearing in the newspapers subsequently with the headline, “Panday's alarum”. Well I was never good at Latin. I have never been to classical school like my friend from St. Joseph, but I know what “á la” means and I know what “rum” means.

Then the Prime Minister became overly upset and agitated. As soon as the word “á la rum” was mentioned, he became agitated. I do not know if he felt it should have been “á la sherry”, “á la scotch” or “á la puncheon”, maybe “á la Limacol” or “á la bay rum”. He went to the newspaper house and called up, I am informed, the Managing Director, the chairman of the board and another editor and he had them, I am told, trembling—some of the more timorous souls down there.

I could understand, because it was the first time in their existence as journalists that they had to listen to the ranting and raving of a Prime Minister using rough, vehement language, using his office and threatening and calling them to ask them what they put there. Many of them whittled under the pressure, and the upshot was that Mr. Madeira was elbowed out; his pension was now threatened; all of his life savings had to be utilized for current expenditure, and that is what the Member for Couva North, in my view, did. When the Member for St. Joseph talks about blood on hands, he better look right around him to see the most bloody hands in this country. [*Desk thumping*]

It reminds me of *Macbeth*. I did not study literature like him, but I remember Lady Macbeth's soliloquy:

“Is this a dagger which I see before me,

The handle toward my hand? Come, let me clutch thee.

I have thee not, and yet I see thee still.” [*Desk thumping*]

For the Member for St. Joseph, the quotation by Macbeth would have been appropriate, but from his behaviour today it clearly is no longer so. I would leave that for another occasion. Let me focus on the business of the day—this important debate.

The point I am making broadly is that this Government does not carry the moral authority to speak about freedom in general, much less freedom of information. The Act will not operate on its own. It requires the blessings, the human energy of the Government, the leader, the directing mind of our society, and they lack the moral authority to talk about freedom of information. They are not of that persuasion at all! The minute one seeks information, like Mr. Jones P. Madeira, and reveals the truth, they become angry and attack one and say flatly, “No one who attacks my Government, whether justifiably or unjustifiably, shall remain unscathed”. That is what this Bill is all about.

This is a tool in the effort to leave no one who attacks this Government unscathed. This Government understands fully well that it is information that we get, information that citizens cause us to know, which causes us to be able to remove the masks of that hypocritical Government and to show the ugly face of that Government to the people of this country for what they really are.

We would like more information. We would like to know what kind of deal was struck to get two Members of the Floor to do what they did to support that Government. We would like to know that! We have an idea because persons who withstood it and remained on this side told us it was \$1 million or \$1.5 million—Ministry of Sports and Youth Affairs. We heard it was \$3, and based on the worth, as I assess it, it could very well be that. Mr. Speaker, we would like to know. If we found out that and revealed it, he would not want us to remain unscathed.

At this late stage I want to applaud Mr. Madeira and I commend him to all the journalists who they ill-speak every day. We may not like what they say or do, but that is their job. Let them do their work! The media will regulate itself. Truth is good for everyone, including the media. Talking about that, there is the Chapultepec agreement which the Prime Minister stoutly refuses to sign and has

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the temerity, the gumption, the gall to propose a Port of Spain declaration. So, all the journalists got together and decided on a code, a declaration for themselves. The Prime Minister is a lawyer and a politician. He is not a journalist, yet he wants to arrogate to himself the right to tell journalists the code by which they operate! That is the epitome of arrogance! [*Desk thumping*]

Mr. Speaker, when we look for information from this Government, we get it not. They are secretive, deceptive and guilish, but as long as God gives us strength and wisdom, we will find them wherever they are and expose your hideousness to the nation for all to see.

The next in the sequel of events came, because I am told that in light of the “Panday’s alarum” article, Mr. Madeira was threatened by persons in the society, perhaps—I am not saying—taking lead from the Prime Minister. He received a number of personal threats, and with this Government, one cannot take threats lightly. I had my own experience. I stood in this Parliament and made a comment about the honourable, religious man, Sai Baba. No ill-will, no mal-intention, but the Prime Minister, in a strangely warped kind of way twisted what I said and went to two meetings in this country and told the people that I had disrespected Sai Baba and said he was Ali Baba. The Member for Couva North did that, and I myself received two letters of threat to my life, but I did not go to the police; God is my police and I am not afraid! [*Desk thumping*]

I myself received threats...

[*Words expunged*]

Mr. Speaker: There is a Standing Order that talks about insulting words. I think the Member for Laventille East/Morvant is coming very very close to being insulting in the extreme to the Prime Minister. That must be discontinued. If you cannot give me the assurance that you could do that, you will take your seat immediately. He is the Prime Minister of the country, he is a Member of this House, and you are taking it a little too far to make the comment you just made. To say that of any Member of this House or of the other House, I will not allow it, and it is to be expunged from the record. If I cannot be given the assurance that you will discontinue that, you will take your seat immediately.

Mr. F. Hinds: Mr. Speaker, I have been called that in this House by the Member for Couva North already.

Mr. Speaker: I have said to the Member for Laventille East/Morvant if I cannot get the assurance that you will not repeat that, I will ask you to take your seat. Am I getting that assurance or am I not?

Mr. F. Hinds: Mr. Speaker, I abide by your ruling and I shall proceed.

2.50 p.m.

Mr. Speaker, this debate is about Freedom of Information; we must not forget that. If there are existing truths and realities, that consist of the body of information. Information is a body of learning, knowledge—it is all there. This is the point I made about Columbus. Mr. Speaker, I am continuing.

Mr. Speaker: The Member is questioning my ruling.

Mr. F. Hinds: Mr. Speaker, not at all.

Mr. Speaker: It sounds so.

Dr. Griffith: You are challenging the Speaker.

Mr. Speaker: Please, the Member for Arima. I simply say to the Member for Laventille East/Morvant, that I may give a ruling and you may think it is wrong, but one just has to accept it. One could come with a certain type of Motion, but please I ask you, “do not challenge what I have done.”

Mr. F. Hinds: Mr. Speaker, I want to make it absolutely clear, I did not nor did I intend to challenge the ruling of the Speaker.

Mr. Speaker, the Member for Tobago East, when he made his contribution to this important debate, as usual, he spent much time talking about irrelevant matters. He spoke at length about freedom of speech rather than freedom of information. He spoke about his personal experiences of having been denied freedom of speech. He spoke, as usual, about Dr. Eric Williams, the “Father of this Nation”, a man whom I love and admire so well and greatly.

Mr. Speaker, no media house in this country could ever say at any time in its life, that Dr. Eric Williams behaved in the way that I have described about the Member for Couva North in the past. None! Confident about that. Mr. Speaker, at least, the entire nation knows what transpired with this Government and Prime Minister. If what Dr. Eric Williams—may his soul rest in perfect peace—or Mr. George Michael Chambers, Mr. Patrick Manning, Mr. Arthur Napoleon Raymond Robinson, if any of these gentlemen—*[Interruption]*. Mr. Speaker, I am being

disturbed. If any of these former prime ministers had behaved in that way, we would have all known. The press, the journalists would have made it as public as they did with the behaviour of the Member for Couva North.

It means that in the past under those leaders, in respect of the media obviously, the media and politicians have a strange kind of relationship, yes! But it never took the proportion that the relationship between this Government and the media in this country is taking, never! There is a fundamental difference and that is, this Government wants to interfere with the policy and day-to-day operations. It wants to tell journalists what to write.

Miss Nicholson: Muzzle them.

Mr. F. Hinds: And to muzzle them. Look at the behaviour of the Member for St. Joseph today.

Miss Nicholson: Arima.

Mr. F. Hinds: Look at his behaviour.

Miss Nicholson: He told TTT not to bring Panorama.

Mr. F. Hinds: The media operated in this country freely, and the proof of the pudding is in the eating. I am sure if they are not sufficiently intimidated, journalists will tell us that they never felt as uncomfortable being professional journalists as they feel now. [*Desk thumping*]

When I hear some on the radio laughing sometimes, I wonder what they are laughing at. This is no laughing matter. They do not understand what is creeping up on us.

Mr. F. Hinds: But in particular, the purveyors of information for our own benefit. I sometimes hear them laugh and joke, as a human being must and should, but I get scared sometimes, they should not be laughing but snarling at the UNC Government because they are under a serious and sustained attack. The difference with the PNM and this Government as well, the other fundamental difference, is that this attack does not come from a man called Jimmy Bain or somebody who is an independent manager of some station, it comes from the heart of Government, from the Cabinet led by the Prime Minister.

Mr. Speaker: Hon. Members the speaking time of the Member for Laventille East/Morvant has expired.

Motion made, That the hon. Member's speaking time be extended by 30 minutes. [*Dr. K. Rowley*]

Question put and agreed to.

Mr. F. Hinds: I am most grateful to you, Mr. Speaker. I am much obliged. Mr. Speaker, look at the behaviour of this Government talking about information. TTT is the people's station. It belongs to the people of Trinidad and Tobago. It does not depend on the Treasury for its sustenance. It draws its revenue from advertising commercial activities. It is not a drain on the Treasury.

Information Channel, Information Division is effectively Government's propaganda machinery. Two separate qualities of operation—one is a government machinery and the other is the people's station for all of us. What on God's earth will prompt a government to want to put TTT together with the Information Channel and some radio station and call it NBN? That is strange thinking. All in the Caribbean, all around the world—the media in Russia is opening up. What was government controlled units are now joining hands with private units in Trinidad—like in Grenada—and with individuals and companies in Trinidad to open up the media. This Government is locking us back into the red days. What would prompt a government to want to do that if it does not want to put its slimy claws on this country, and choke us all to a slow, wicked and nasty death?

When I learnt from my political leader, that the Member for Couva North began in this country as a communist, I know he has not changed one bit! And the comrades—I am scared and people are not seeing what is happening.

Look at in Kosovo, a government controlled radio and television station, telling the people of that society, while they are being bombed and burnt out to smithereens, that they are winning the war. Because the government controls the media and it is telling them what they want to hear, meanwhile, the rest of us in the free world, with free media are seeing the reality. That is what this Government wants to do to us? Not at all! [*Desk thumping*].

Dr. Rowley: Good news station.

Mr. F. Hinds: Good news! This Government is bad and sorry news. [*Laughter*] [*Desk thumping*]. They only want to control and get their slimy claws around our necks.

Mr. Speaker, I heard that the Attorney General refurbished his office three times since he assumed office there. There is a one-way mirror to the Attorney

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General's Office, bullet proof vest, bullet proof glass and he has changed three personal secretaries. Every minute of the day security men are coming in and checking for bugs and devices. The women working in that office are in a nightmare.

3.00 p.m.

What are they afraid of? Are they afraid of the people who elected them?

Mr. Speaker: Does that really have anything to do with the Freedom of Information Bill?

Mr. F. Hinds: I am coming to the point, Mr. Speaker.

Mr. Speaker: I addressed that question not to the Member for St. Ann's, or to the Member for San Fernando East, but to the Member for Laventille East/Morvant.

Thank you.

Mr. F. Hinds: Mr. Speaker, we operate in a beautiful harmony on this side. The Member for Diego Martin East quite properly analyzed the long list, the 12—13 pages of exemptions under this Bill, so I need not get into that well-detailed legal analysis. What I want to say is; I have in my hand a copy of a Cabinet Note. This is now going to be exempt under this legislation. Right now as I speak, the Member for Tabaquite, the Minister of Education, would not like what I have, he would not like what I have said, but he cannot do anything. But with the passage of this legislation, this could get me locked up, and that is the objective of this Bill. Listen to the reason we must reject this Bill in this form.

A White Paper was done on education, the Government claims that it accepts the White Paper as its policy. The White Paper identifies that there is a crisis in the teaching of geography in this country and there is a shortage of geography teachers across the board. The Cabinet of early 1995, took a decision to give scholarships to teachers to get a BA in geography. If we are talking about environmental awareness, then geography is critical to that. If we are talking about environmental impact assessment through the Environmental Management Authority, then we must have an understanding and a body of knowledge about geography. The Cabinet took a decision to give five scholarships per year.

Mr. Speaker, you will recall in January 1995, the teachers were in negotiations for better conditions and salary. They were getting nowhere with a very—I am sorry, the Speaker might say—can I say hard knocks Government? Mr. Speaker,

they were getting nowhere with this Government and they decided to put in place a 2/1/2 system where they would stay home for two days, work one day and stay home for two. They did it. They took casual leave and they took sick leave. Protest is nothing new to the Member for Couva North, or the Member for St. Augustine. Protest is nothing new to any of them, but the hon. Minister of Education, having learned from his colleagues decided to be vindictive.

When the scholarships were awarded in 1996 five went, in 1997 five went because it was already in train, but you know the Minister demanded a list of all the teachers who took that 2/1/2 action and he got it. The time, the cost, the computer, the typewriter ink, the teaching time are a colossal waste of resources. In fact, in March when the teachers went on another industrial effort to get security in the schools, he again demanded a list; 11,900 teachers coming to the Ministry and he sent this pile of names to a very hard-working and busy Department of Public Prosecutions. That is to distract the Director of Public Prosecutions (DPP) from getting to those who are doing wrong in the society. It is a plot.

Mr. Speaker, he did not only start penalising teachers by sending their names to the DPP now, since 1997 he called for their names and when any award came up in the ministry, they had to match the names of the awardees with the list that he had. *[Interruption]* Yes. Look it is here. A note went to Cabinet E 97/2, and it had to do with the five persons who were awarded. They were nominated and the recommendation was made. A note came back signed by the Minister to the Permanent Secretary. Yes, the hon. Minister will sign when it is confirmed that these teachers did not stay away from school on TTUTA's days. He calls them TTUTA's days. *[Interruption]*

Mr. Speaker, five names went and I have the list here with all the dates the 6th, 7th, 9th and 10th. Present on the 6th this particular teacher—and my colleague from La Brea is right. When this Government is doing their wickedness they do not discriminate. Indians, the people with Indian names suffered at the hands of this Government. It is here. On the 6th—present, 7th—absent, absent absent, scratch. He threw out two persons off the list. So he decided to go contrary to the policy in the White Paper and scratched names because teachers protested. That is the behaviour of this Government. Intecab Hassan, scratched; Nalini Chadee, scratched, that is the behaviour of the Minister.

The three who remained Sheldon Bedaysie, Maria Baksh, a former—yes, I will tell you what. The committee then decided in the ministry to give a

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scholarship to one A'level student who performed best. So they were now going with a policy of one A'level student and four teachers. The Minister was resolute, he would not have those two teachers go, he maintained it. You know what? In 1997, the names of the persons I called they could not go. In 1998, they could not go, but the same man who was the top in 1997 was also nominated as the No. 1 man in 1998. Do you know what has happened, Mr. Speaker? You see the importance of information? You see why they want to bring this Bill Mr. Speaker? You know what? The Minister, supported by his Cabinet, cancelled the entire scholarship scheme. *[Interruption]*

The note went to Cabinet and the Cabinet referred it to the Minister of Public Administration, Sen. The Hon. Wade Mark and the Minister of Education, the Member for Tabagite, Dr. Adesh Nanan, and since then it is taking cobweb. So all the nice policy about getting geography for the society has gone through the window. It has been sacrificed on the altar of UNC vindictiveness and spite. If I did this after the passage of this Bill I will be carted off to some ugly place to spend the night, but God forbid. That is what this Bill is all about.

Mr. Speaker, I have never seen such simplicity and pettiness from a Government in all my life and the Prime Minister announced the Local Government Elections for July 12, 1999. We tell them: "Come down, we ready, come any time. The people in this country have seen you for what you are. You have converted our democracy into a demoncracy and we are praying for your swift departure"

Mr. Speaker, I was talking a while ago about Trinidad and Tobago Television (TTT). This country should be at the forefront—in fact, this country took the lead in Caribbean journalism. The first Carifesta to be broadcasted to all the Caribbean was done through Trinidad and Tobago Television in this country. I am told in my research that a man by the name of John Beard—and this was recorded in a book called *Vision Warrior*—who was a Scottish engineer and he was experimenting with radar and satellite and it was right here on Stollmeyer's estate in Trinidad and Tobago that he got the thing going right, and when the keepers saw the blue lights coming out of the room in which he was, ignorant as they were at the time, they thought he was dealing with the devil and they all ran. But the thing found its life in Trinidad and Tobago and when I checked the records, I see in the Encyclopaedia it is recorded as having been done in England, but I can understand, because England was of course, the mother country at that time so we did not get the credit, but it was done right here. Yes, they saw the same blue light

which the Member for Fyzabad said he saw. [*Desk thumping*] All that is the evil around him.

Mr. Speaker, we have taken the lead. In 1989, the first live broadcast to the world of a Heads of Government Conference in Grenada was done by Trinidad and Tobago Television from right here. The efforts they have put in, other Caribbean countries are looking at Trinidad and Tobago for the lead, but this Government has blunted it, thwarted it, destroyed it, and threatened our very existence. I hope you do not find those adjectives unkind, Mr. Speaker. I think them true.

Mr. Speaker: The hon. Member is insisting on trying to bring the Speaker into this. I have ruled, and for the avoidance of doubt, I will quote the relevant Standing Order. I resent in a sense you bringing me into the debate like that. You will appreciate there are certain things that I have to do in terms of ruling, and it is not the first time. The first and second times you introduced the Speaker, I allowed it to pass, but for fear that you do it again, I think I would simply refer to the relevant section which talks about things insulting.

Standing Order 36(4) says:

“It shall be out of order to use offensive or insulting language about Members of either Chamber of the Legislature.”

That was the Standing Order under which I deemed it wise to advise you as to the course that you are pursuing. It is not necessary to bring the Speaker into anything when you are about to say something in terms of the Speaker objecting.

Mr. F. Hinds: Thank you very kindly, Mr. Speaker. I was saying that the absurd attempt to bring Trinidad and Tobago Television given its own character and merge it with a Government machinery is as absurd as trying to bring the British Government’s central office of information into harmony with the British Broadcasting Corporation (BBC). The BBC is an independent institution and it remains so, or the Central Information Division in the Canadian context to merge it with the Canadian Broadcasting Corporation, which is clearly a retrograde step can only come from a Government that wants to take full and absolute control.

There is however, before I conclude, although I rather suspect I would enjoy some—Mr. Speaker, there is one matter which I wish to deal with having as I indicated relied on the other Members of this House for having analyzed those sections but in clause 24(4) I read:

“For the purposes of this Act, a certificate signed by the Secretary to Cabinet certifying that a document as described in a request would, if it existed, be one of the kind referred to in section (1), establishes that, if such a document exists, it is an exempt document.”

3.15 p.m.

Mr. Speaker, what this is saying, in essence, is that the secretary to Cabinet could easily certify that a document is an exempt document. I indicated earlier in my contribution that in the United Kingdom this matter was discussed and looked into particularly closely, and there was a proposal for a similar subclause which was struck down. The reason being that this really gives an opportunity for a government to hide. I have already demonstrated the mood and the tense atmosphere in which persons who are attached to the Attorney General's Office operate. There is a secretary to Cabinet, but that secretary may come under intense ministerial pressure to put a signature to a certificate to claim that a certain piece of information was exempt. They could do that quite easily. They have done it to many people and scared the timorous people among us, like that.

Worse than that, after the public servant discloses the document the certificate can then be prepared, so that the offence is created effectively *ex post facto*, and that is against the whole grain, or fundamental tenets of the criminal law. The certificate could be prepared after the document is disclosed. I want the Attorney General to seriously look at this particular subclause because I find it objectionable, and we take objection to it for those two, and the following reason.

It is again very subjective, if the Cabinet wishes, and it forces the secretary to decide that a particular incriminating document is exempt, they decide that, a very subjective judgment. Of course, that is almost like himself trying himself. This Government, particularly, is in no position to judge on a matter like that. In such circumstances it might very well be better for some independent person, body or perhaps even the courts, to decide.

I know that the first Bill that was brought proposed an information tribunal, if similar kinds of matters could have been ventilated. Then the Attorney General said that having consulted with the people, they said that must go. People did not say that. They do not consult with the people. He got a Bill maybe from some part of the world, decided that he was running with that and then saw another one with which he was more impressed and decided to break stride and go with that one. It was as simple as that, no big set of mathematics, a simple vaps.

I have always imagined the Attorney General having gone abroad on Government or private business, sitting before the television, particularly in England because we have seen many lifts from England into our legislation; just change dates, places, names and bring it here. I have always pictured him with his popcorn, sitting in front the television in a bullet proof vest [*Laughter*] and he suddenly sees something that the Lord Chancellor proposed there. He says, "Yes, dat good for home!" He jumps on the plane, forgets the rest of his business, "Gimme a copy of that," down the road, and we have to grapple with it time and time again. That is the way that this Government behaves.

Mr. Speaker, in conclusion I say that this Government lacks the moral, philosophical, spiritual energy or authority to talk to anybody anywhere in this country about freedom of information. We reject the proposals in this Bill! [*Desk thumping*]

Miss Pamela Nicholson (*Tobago West*): Thank you. Mr. Speaker, as the Member for Tobago West it is very critical that I make a contribution on the Freedom of Information (No. 2) Bill, "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."

I think I might say some things different from my honourable friend who is my neighbour here. I wish to bring to the attention of this honourable House that the Freedom of Information (No. 2) Bill is only a continuation of the process that commenced with the Freedom of the Press Motion that was brought by the National Alliance for Reconstruction (NAR) government in May 1990.

Mr. Speaker, I remember when the Prime Minister at that time was making his contribution—that was the Member for Tobago East Mr. A. N. R. Robinson—he said that it was:

"...the commitment of this Government to the growth of a healthy democracy, and, in particular, to the promotion of freedom of speech and freedom of discussion as essential to the growth of that democracy, and that freedom of speech and that freedom of discussion include freedom of the press."

This was in the debate to open up information to the people in 1990.

The same idea of giving more and more information to the people was behind the 1990 Freedom of the Press Motion. At that time there was one television which was state owned and of the two radio stations, one was state owned. By

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virtue of this ownership and control of news, information was being suppressed, and the public was denied information in totality as it should have come to the people. There were even problems where certain politicians' faces were not seen on the television. The same Prime Minister was one of those politicians. At that time too, as the Member articulated, it might have been an independent chairman of a board that was responsible for that. If you strayed from the direction of the government, you were fired.

The NAR government could not have continued in that way, and recognized that when a government is opening up information to the people you must have total faith in the population, you cannot be insecure. You must have faith in the people. That is where I always congratulate the present President of this country, in that respect, he was excellent. He had faith in the people.

I will quote again from Prime Minister Robinson's contribution at that time in the presentation of the freedom of the press debate, to illustrate what the NAR government did to open up information to the Trinidad and Tobago society. I quote the hon. Prime Minister:

"We have embarked on a careful programme of promoting freedom and making information accessible. We have opened up Parliament and appointed a telecommunications task force. We have had about 81 applications for television, radio, and cable licences and those applications are being evaluated and decision will be taken and this country will have access to more channels of information than only channels of information controlled or owned by the State, but channels of information in private hands."

This is why we have TV6.

"There will be a multiplicity of sources of information. Before you can arrive at the truth you must have different sides of the matter and different views expressed. People must be free to express their views but those views must be expressed honestly, with the intention of promoting truth and information rather than with malicious intent."

Here is where I wish to congratulate the NAR Prime Minister and the Member for Tobago East for his efforts as leader of the Government, in opening up the media. So this is not something new that is happening here, in the struggle for freedom of information to the society, and recognizing that truth, responsibility and freedom of the media go together. I am sure the journalists recognize that.

I would like to inform the Member for Tobago East that we understood since then, his Blackstone commentary that the liberty of the press is indeed essential to the nature of a free state. We recognized that, and this is why we opened it up. But we were saying, just as you were, that liberty of the press is, indeed, essential to the nature of a free state.

This Freedom of Information Bill, the one we have here today, is theoretically a good thing, but we are, however, confronted with many contradictions by this Government. [*Desk thumping*] Here is where the Member for Couva North must sit back, meditate and put some faith in the people, faith in the media and in the journalists, so he would not have to be practising the kind of insecurity that he practises from day to day, criticizing the media.

Sure, truth and responsibility in the media must be upheld, and malicious intent condemned, but no daily condemnation of the media because of critical analysis and investigative journalism which exposes the Government's inept, bogus policies and corruption is correct. That cannot be correct! [*Desk thumping*]

We have always allowed the journalists to criticize. If your policy is wrong they can criticize it. If there is corruption they can write about it, and they used to do it all the time. I remember when I sat in the Opposition, my first term in the House, the *Hansard* record will show that week after week, pounding after pounding about corruption, the Member for St. Augustine and the Member for Couva North. [*Desk thumping*] It was the first time I heard that O'Halloran was corrupt. That was the time I knew about Prevatt—I think that was the man's name. Week after week they continued. I say that it is good to inform the people, that is the role of the representatives.

Why all of a sudden does the Member for Couva North, now that he has the opportunity to head a government, cannot bear the burden of exposing corruption? [*Desk thumping*] Mr. Speaker, you may have a few journalists who might do certain things that are not proper and honest, but the Member should not allow insecurity and use minority actions to cause him to push for the muzzling of the media. [*Desk thumping*]

3.30 p.m.

When the media genuinely and critically discuss some government policy, he comes out and calls those meaningful criticisms—that the media might go into—lies, half-truths and that the media is only imposing that on the people—lies half-truths and innuendoes—because they are against the Government.

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I am sure this Government never took a beating like the NAR in 1986 and 1991. You had an honourable Prime Minister. He never did that sort of thing. He left the press to do its job. [*Desk thumping*] He knew the importance of the media—giving information to the people.

Mr. Speaker, that is why there is no trust in what is taking place in the House here today with reference to this Freedom of Information Bill, because of the contradictory position of the Government. There is the Bill here on one hand and on the other hand, there is Minister after Minister, Prime Minister, everybody, beating and beating away at the media.

When one hears that there is corruption at NP—Soodhoo. The Prime Minister says: “Minister of Energy and Energy Industries I want you to investigate that matter.” The matter has been investigated and the Prime Minister receives his report. I never even heard the press beating about that. Things that they should really be peppering and have them under pressure. I am urging and calling on them—this must stimulate you to analyze, investigatively from day-to-day and pound away. If it is wrong pound them!

In this House questions were asked to the Member for Couva North. Lay it on the table. The Member for Couva North said: “No I am not laying it, because there are one or two libelous statements in it”. It is our money. It is taxpayers’ money that paid to get the work done. He should lay it on the table. Because, if they are interested in opening up information to the people—you open up! I will deal with this a little later on.

Look at the business in the United States of America right now—I noticed that the Member for Couva South, in his discourse spoke about England, not the United States of America and their true role with information. Today there is the Chinese espionage case. Trinidad and Tobago could be confronted with anything greater than what the American society is confronted with today? The Cox Committee was put to action. That document is before the people of the United States of America today. [*Desk thumping*]. Everyday the journalists are investigating—they are talking to the members who made up the Cox Committee. They are talking to everybody in Congress—all the Senators—to get their views so that the American people must be informed.

The Chinese espionage is about two decades. There are the Chinese spying on the Americans with respect to their nuclear technology. For nearly two decades, from Bush come down to Reagan and right now. In 1996 a report came up—

election—they did not give President Clinton. They gave him in 1997—committee set up—because the American people find out and said: “How could that happen? That cannot happen in our country”. When the investigation had taken place, coming out of it there was a situation where the people were saying that the Chinese have become so informed that in 30 years’ time, they would be at the standard of the American society in terms of nuclear technology. Are we confronted with anything like that in Trinidad and Tobago? No! In the United States of America if the people say: “open it up” it has to be opened up.

The little Soodhoo report—and the same Soodhoo the Government is bringing—I heard he is now paid to investigate something by the Prime Minister. I do not believe it! Is that true? I do not believe! I cannot believe that someone whom our society was confronted with in that way—that was investigated and he is hiding the report—he is now re-employing him to investigate a company that he worked with to give him information. I do not believe it!

We have Justice Deyalsingh and the Airports scenario. The Prime Minister said heads will roll. Not a head has been bent as yet. [*Desk thumping*]. This is the importance of the media. This is the importance of information. When we say freedom of information it means opening up everything to us. This is a little two-by-two country and you are hiding and seeking everything, when the people should be informed.

Mr. Speaker, our same Attorney General: the Member for Couva South, who has moved this Bill—I read some time in the media where he was criticizing the media. He is piloting a Bill to free up information, but he criticized the media.

“Attorney-General on the attack:

Media trying to undermine...”

by Richard Charan.

“Attorney-General Ramesh Lawrence Maharaj continued his attacks on the media Wednesday night, as he spoke of his government’s attempts to forge national unity similar to that of famed Indian leader Mahatma Ghandi.”

Falsifying themselves! There is the head of a major community—the Hindu community—making atrocious statements against the other major community, and I have not heard a condemnation as yet. Not a drum is heard. We are going to drum the funeral notes. [*Desk thumping*]. That was the Attorney General.

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One is not surprised. Why we are concerned when one looks at the Bill the broadside of exempt documents—you are giving us something in one hand and an entire broadside of exempt documents section from clause 24—32. It deals with all the institutions that will have our major and most important information—all of them exempt. That is why we are very concerned and do not believe in what is happening here today.

The Member for Chaguanas stated if he had the opportunity he would call for societal boycott of newspapers. I am sure I read that in the newspapers. Let me see the headline. *Sunday Express*, January 31, 1999, page 22:

“Manohar lashes out at media
‘They’re making T& T look bad’ ”

Daily Express November 09, 1998:

“PM calls for boycott
Blows For The Media
...supporters attack reporters.”

Sunday Express November 08, 1998:

“When the PM lost his cool.”

The Prime Minister pounding away.

April 25, 1999:

“PM guns for showdown with media.”

The next day after the big show he attacked the media.

Yes, you had a nice show. Your pageant show was good, but then the disadvantages of the show. What is wrong with the media analyzing and exposing the disadvantages? Nothing is wrong with that. The people of Trinidad and Tobago are confronted with a total contradictory position. We are told: “Look a Bill, it is good”. But, they are the people who have to implement it. On the other hand, they are criticizing and trying to silence our major agency that will give us information.

3.40 p.m.

Mr. Speaker, the Prime Minister has refused to sign the Chapultepec Declaration, which is a document of principles by the Inter-American Press

Association. His initial explanation was he was refusing to ratify the Declaration because all that the media is doing is distorting information and only giving lies, half-truths and innuendoes to the people. *[Interruption]* If that is true it was true all the time. Is that why you are going to silence the agency which gives us information? *[Interruption]* You prove that it was true.

This, therefore, is an extreme position. The hon. Prime Minister says he is not signing the Declaration because it supersedes our Constitution, because they will just be doing their own thing. They cannot do their own thing. It does not supersede our Constitution. The Attorney General argued to us and informed everybody—this country, all the human rights bodies of the world, the Mercy Committee and the Member for Couva South—that the Constitution supersedes everything in this country, that is why Dole Chadee has disappeared today. So if that functions in that way, why are they trying to silence the media?

However, since the Association's meeting in Trinidad and Tobago when the Prime Minister, the hon. Member for Couva North, was confronted about his failure to sign the Declaration after 19 other members have signed, the Prime Minister is now trying to send a legal argument which was so brilliantly articulated by the Member for Laventille East/Morvant, saying that would put journalists above the law. I totally disagree with that.

What is notable is that among the 19 countries which have signed the Declaration, one of them is the United States of America. Up to yesterday we were accepting planes and taking all the help and so forth from them. I just articulated the Chinese espionage case, all the information about which they opened up to the people, where the people can write all their public authorities to get information freely and easily. If there is a country we must try to emulate as far as freedom of information is concerned, it is the United States of America.

Mr. Speaker, another weakness that I have found when I went through the document is I feel there should be a special section in the document dealing with the media and information from public authorities. Why? I believe that the media is the information agent of the people of the country. It is so. The majority of the people in the country cannot go and research. They do not have time for that. However, we pay them our \$1.00, \$1.50 and \$2.00 every day to get information. Of course, we expect them to function at a certain level and that is why the Government now has the opportunity to open up information to them so that they will be able to function at the highest level possible, with a high sense of

responsibility, so that all the truths we say we want, they will be able to get the information to give us those truths.

Mr. Speaker, I feel that this is the time when the Government should be opening up the public service to the media. When I say open up, I am not talking about at the permanent secretary level and a Minister giving some information, because we are already getting that. That is not anything new. I remember when the Member for Couva South debated his case in 1994, that was one of the things he criticized, the failure of the government to open up the public service, and he criticized not opening up the public service so that people can get information. He spoke about ministers, representatives, the media, everybody, and he said:

“Under the present law a public officer is prohibited from making public communications to the press; an individual who works with the state is prevented from making copies of documents or information which he or she may have access to whilst performing his or her duties and is prevented from giving that information to the public. If the person does that, it can amount to misconduct in office, where the public servant can be dismissed or disciplined, and it can also amount to a criminal offence. We see that the existing law stifles, prevents and prohibits public officials from giving information, who want to give information, without a government policy.”

But, they have not opened up the public service. When you use the Permanent Secretary or the Chief Executive Officer, those people are the advisors to the Ministers. They will say what the Ministers want them to say.

Then one will have to go through a long, drawn-out approach where, in the Act, it says one could write to find out the reasons and they must answer you in 30 days. If no answer was forthcoming then one could go for judicial review and the judicial review could take years, and they are not freeing up anything until after 10 years. If freedom of information is to be meaningful, if the people must be a part of what is taking place as far as information is concerned, it is very critical, in my view, that the public service should be opened up to the people.

Mr. Speaker, look at what happened based on the questions that were raised in this House by the Member for Diego Martin West. Questions were asked about a stipend paid at NIPDEC to a certain individual. The Minister of Finance came here on at least two occasions. He said no, that was not happening and then the next excuse was, that is what they gave him. If I am the Minister, there are boards responsible to me, I must function at a certain level and they must give the correct

statements before I move. He said that is what they gave him. Then documents came out of the institution showing that the individual, who has his own job, was being paid \$15,000.00 a month and no action has taken place in this country, none.

So, Mr. Speaker, the media is our information bureau. The people do not have the time or probably even the interest to research government policies, government actions, government corrupt practices and so forth. If we are to get the true facts you have to open up the institution, as the Attorney General has said previously. He said:

“We see that the existing law stifles, prevents and prohibits...”

Mr. Attorney General, I would like you to look at that section again and review it so that we can open up the public service to the people doing their research. This is what you asked for on August 26, 1994. We want that.

Mr. Speaker, as I said, the media is our watchdog, not our puppy-dog. Sometimes one is forced to believe that this Government speaks with a forked tongue, especially after looking at clause 21. I want the Member for St. Joseph to know that I disagree with his argument here today on the interpretation of clause 21. When the Attorney General and Member for Couva South boasts that this Bill would give to an individual a legally enforceable statutory right to know about and have access to state-held information, I do not see 21 as doing that.

This is what clause 21(1) says:

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

There are a number of other sections linked to it saying almost the same thing, Mr. Speaker. I see it as a very deceptive clause. I see clause 21 and other sections being used by the Government and those same public authorities to gag the whole situation and silence institutions like the media and prevent them from getting information. I think that is a very important area that needs to be looked at again.

One wonders how sincere the Government is when they introduce that type of clause in the Bill. That clause could be very, very oppressive because when they say, “I am too busy. It is taking too much time for me to get that information,” or,

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“It is too costly”, they can use that. It might not be so, but because it is here they will use that to prevent researchers from getting their information, Mr. Speaker, and this is a very, very important area that needs to be looked at. For example, if the media is to function in a timely, responsible and effective manner, a clause such as this can be used to silence them. When you are taking three months to give the information or you say, “I cannot give you,” so you have to go for judicial review, you have to have a considerable amount of money to go for judicial review every day. That is a total waste of it.

As a matter of fact, you know, I am surprised that they are putting judicial review in this Bill and articulating the goodness of judicial review because I remember in the debate on the Constitution (Amdt.) Bill just a few weeks ago when they were trying to say that the Public Service Commission is in an extreme position and doing their own thing, and we said no, pointing out you can go for judicial review and so forth, they said, “Only people with plenty money could do that”. [Interruption] It was said by them.

So, Mr. Speaker, I believe having a section in the Bill, for example, it can be named, “The Media in Freedom and Information from the Public Authority”, something like that, where you open up the public service to them, not just to the Permanent Secretary because most times they will talk just like the Minister is going to be talking, and the Chief Executive Officer is going to be doing that. Secondly, you need to have a total review of the area so that it will facilitate researchers. I remember—I love to quote the Member for Couva South, you know—when the Member for Couva South debated in 1993, he brought a matter of urgent public business, he quoted a document and then he made certain comments. I am going to tell you what he said.

3.55 p.m.

Mr. Speaker, I am quoting from the *Hansard*, the Member for Couva South, March 19, 1993. It says:

“Many countries have already adopted such laws, ...”

He was talking about the goodness of the information law.

“...including the USA, Australia, Canada, New Zealand, Sweden, Norway, Holland, Denmark and France. The law takes the form of a general right of access to government information, available to any citizen.’

It goes on—

“The impressive variety of uses to which the US Freedom of Information Act has been put has been well-documented...”

As I tried to illustrate a little earlier.

“...(Hendricks 1982). It is used by individuals seeking government records held on them to ensure that they are not being denied benefits through error or arbitrary action. Consumer and environmental groups constantly uncover safety hazards known to but ignored by government inspectors; companies use it to protect themselves against discrimination in the allocation of contracts or the enforcement of standards;...”

Do not run, Attorney General, sit.

“...pressure groups from the left and right all rely on it, and it has produced a steady stream of revelations about the improper and wasteful use of government funds.”

He goes on, Mr. Speaker, and I want you to pay attention to this:

“In both Australia and Canada ministers have been forced to resign after freedom of information disclosures revealed improprieties (Hazel 1989). One celebrated disclosure under the Australian Act forced the cancellation of an expensive military project for the establishment of a tank training area after internal documents revealed that the site was totally unsuitable for the purpose. The amount saved—more than £250 million—represented nearly 40 times the annual cost of the Australian FOI Act.”

That was the Member for Couva South.

To get this type of information I am sure it did not take 10 years, because when you went through his whole contribution you saw that the press laid an attack on the Government day after day, week after week and you got the information Act and these people were handled. It was not 10 years, and it was not a situation of hiding all the information of the Cabinet, else you could not have handled the situation like that; you could not have fired the ministers. It does not matter how we talk, they are only hiding, and yet they accuse the PNM of being a hide and seek Government. I can quote him again where he quoted something telling them that they are hide and seek.

That is what I am saying, why clause 21? I cannot come to grips with clause 21. I agree with that to a certain extent, you can have some exemptions but not at

that level. If I remember, the Member for Siparia argued that yes, you must have exemptions but it must be very narrow. I remember when she made her contribution she was quoting from some *communiqué*—or something like that—when she made that point.

Mr. Speaker, the Attorney General and Member for Couva South will debate, I am sure, that clause 39 will take care of what I am trying to articulate. But clause 39 can be useful only if there is a determination of the matter, that is, judicial review, if they will do it in one or two weeks when the information can be still relevant, as in the Australian and Canadian cases so that action can be taken. You cannot run away from here; you cannot bail out; you must be present when we get the information, so the whole country can put pressure on you and the Prime Minister must take action. I do not know when we will have that culture in Trinidad and Tobago. I am hoping, because he is talking about truths now. He said the media is living on lies, half-truths and innuendoes. I want him to start to live on truth.

What I am saying, we can use the case as articulated by the Member for Couva South in 1994. You have the Australian and Canadian cases. It was not even a year and action was taken. So when we come with a Freedom of Information Bill it must be a Bill that opens up the public authorities in a serious way, if not the day to day individual. That is why I said you should have a section in the Act headlined “the Media and Information from the Public Authorities”. Open the public servants to them and refute clause 21. But you cannot have a clause like that, that can be used to silence and prevent people from getting immediate information to expose what is taking place in the country.

Secondly, the cost of judicial review is very high, as the Attorney General says, and it will only be in extreme cases that people will put out that kind of funding to deal with that. That is why I am saying you need something special for the media.

Another benefit of the Bill, as articulated by the Member for Couva South, was that the Bill would give to an individual a statutory legally enforceable right to know what information is held about him or her in state records, and it will give to him or her a legally enforceable right to have inaccurate personal information corrected. This could be a good thing, a progressive step, because many public servants have complained that inaccurate information has been included on their file that has served to retard their progress and upward mobility.

When you look at the miscellaneous section, clause 38 (1) (b) into subclause (i) which states:

“(b) no action for defamation or breach of confidence may be brought, in respect of any publication involved in the giving of access by the public authority, against—

(i) any person who was the author of the document;...”

[Interruption].

Mr. Speaker: Hon. Members, the speaking time of the Member for Tobago West has expired.

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

Question put and agreed to.

4.05 p.m.

Miss P. Nicholson: Mr. Speaker, when one looks at that section, I feel that now makes that right questionable. If the Government is saying that no legal action can be taken against the person who has defamed me, how am I going to get my damages? I do not agree with this.

After the experience which someone like Dr. Hughvon des Vignes went through, his whole character defamed by his colleague and the Medical Board, what am I being told here? That if I have experiences like that, if I find out who defamed me, and destroyed me, no legal action can be taken? After they have tarnished and destroyed my character and my integrity, Mr. Speaker? Even if I lose my job because of that? He lost his job and he is now employed again.

Dr. Griffith: Do you not find that is nice?

Miss P. Nicholson: I spoke to you privately already. *[Desk thumping]* Mr. Speaker, this is another area that I believe the Member for Couva South, who is the Attorney General, can review. Look at it again, because in his contribution, in 1993 and in 1994, he said that is one of the good things of opening up information; that when one gets that kind of information and comes up with the person who is the author of the thing, one should be able to get compensation. That is what he said, so I have a real problem with this.

I believe that clause 21 should be looked at and I have a big problem with the exempt area from clause 24 onwards. Most of the information of substance in this

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country that will be meaningful from, let us say, an investigative journalism perspective—people who are doing their research—will be under the purview of the Cabinet of the country. So, if I get some vibes that there are corrupt practices, let us say, in how a contract was given—whether it is the airport contract, whether it is the business with InnCogen and so forth—and I want to investigate, do my research and let the population know what is happening, especially when corruption and nepotism—although I noticed the Member for Tobago East, the Hon. Dr. Morgan Job was saying he is pained. I like to read his contribution, you know. He said in his contribution to this debate on May 21, 1999:

“I feel so pained that I have to waste public time because I should not be saying these things, but you get up here, 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.”

Nobody is saying that! It was not invented then.

I do not know if the Member was in the House when I quoted that when I came into the House, my first opportunity in 1981—1986, his colleagues, week after week, it was what we call exposing corruption that took place in the country, and the two people who led the attack were the Member for St. Augustine and the Member for Couva North. Was he pained all those times when he was in private life? *[Laughter]*

I see the Member for Tobago East as a moralist. Even though I do not like the brash, brutal, crude way in which he articulates his points, I see him as a moralist and I see him as someone who should be pleased when people come up with corrupt practices in the country to expose them! If he belongs to the team, he should deal with the team comprehensively and not be a party to that! That is how I see him! *[Desk thumping]* But he feels pained.

Mr. Hinds: Talk your talk!

Miss P. Nicholson: It is not since this Government is in power. It is all the time, but it is a good thing for the people to know what is taking place. So just as how they exposed O’Hallaron, Prevatt—and there were some others, including the Caroni Racing Complex—what is wrong with exposing if one gets information on InnCogen, on the airport, on NP, on Soodhoo? It is good to expose it, and it is

good to open up the institutions for the media to be able to do solid investigative research. [*Desk thumping*]

Dr. Rowley: They want to frighten the media away.

Miss P. Nicholson: As long as I am alive they will not be afraid! I am going to open my mouth. That is what will make the Freedom of Information (No. 2) Bill a good and meaningful Bill. [*Desk Thumping*] They have to pay particular attention to the media. It is a very important and critical information agency in the country. Very crucial! If they want the truth, they may be able to get the information. That is why when I look at the clause about defence and security documents, clause 25(1) and (2), it says:

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

That is a two by two country. They are just plagiarizing the whole situation by lifting this out from some other big country bill and putting it here. I used the United States of America’s case.

Dr. Rowley: There are about 300 million people.

Miss P. Nicholson: Tell me the size; 300 million people. “A document is an exempt document if it contains information, the disclosure of which would be likely to prejudice the defence of the Republic of Trinidad and Tobago”. The Chinese were spying for nearly two decades on the United States of America. When the people discovered that, of course, it must have caused a furore in America. People could not believe that their CIA and their FBI could have fallen to that level where the Chinese could be spying on them for two decades and no action was taken at that time, from the Bush period into Reagan, and now into Clinton.

What has happened? A Joint Select Committee under Cox and open discourse, and when they were finished, in January the document was given to the President, and after that, the document was laid open to the people of the United States of America, and every night—no, I will not go into that. That is scandal. I am not talking about scandal. I am talking about serious business.

Every evening, Larry King talks to the members who make up the Cox Committee. He is investigating their report with them. He is chatting with members of the Senate and members of the Congress. He brought the Chinese Ambassador one evening and then he had the *Crossfire* people pummeling away.

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The American people also had some talk shows where they had discussions. I have been following them.

Nuclear technology being stolen by China, and China, which was so backward in that, in 30 years' time, could be at the level of the United States. What they were questioning was not so much China, because they considered China to be stable, but the selling of the information by China to places like Iraq, Pakistan and other places that are very unstable, and what it would mean to the peace of the world.

It was opened up to the whole country, Mr. Speaker. We cannot have anything in Trinidad and Tobago near that. So, if we find out something about InnCogen and the information is in the Cabinet, the media must be able to come in and investigate; not putting the secretary to sign documents and to say that everything would be illegal, even if we find the document—like Dr. Rowley, I do not know how he has the ability to get his information—what are they saying? That he cannot come in the House and read the document that shows that Mr. Romano is getting \$15,000 as a stipend?

Could you, Mr. Speaker, help me with the meaning of the word “stipend”? He has his job, yet he went to the *Independent* and said that he has a right to get his money and that we are bold and fast! Not a word from the Prime Minister? From his Cabinet? The people who are running the country to whom we look for standards and morality? Mr. Speaker, not a word? The Minister of Finance tells lies and not a word to him to let the country know? They are trying to silence and muzzle the media—the people who are our watchdogs.

4.20 p.m.

Mr. Speaker, clause 22 in the Explanatory Note states:

“...a decision in respect of a request must be made, on behalf of the public authority, by a Responsible Minister, a Permanent Secretary, a Head of Department, a Chief Executive Officer or a designated officer of the public authority. A Responsible Minister, a Permanent Secretary, a Head of Department or a Chief Executive Officer could also arrange for an officer of the public authority to make decisions in respect of requests for information.”

Mr. Speaker, when I spoke on the Constitution (Amdt.) Bill, I brought the Tobago House of Assembly into my discourse and asked for certain things. Of course, I must say, the Member for Couva South responded. Again, I see this

weakness and I am raising it because Tobago is now in a dilemma. We have people running Tobago who are saying that the Constitution does not apply to Tobago and the Government of the day, who is in control and has that constitutional authority, is not taking any action. They are doing just what they want and I am not going into the fine points that I went into when I spoke on the Constitution (Amdt.) Bill.

I would like special reference to be made and, that is, Tobago is not independent. It is a part of the unitary state of Trinidad and Tobago. When we go out there to fight and debate and, the people say: “yes we want independence”—let them be able to do their own thing, but they must not be allowed to do their own thing where public servants are suffering from day to day and do not know who they are working with—nothing at all—I am not going to go into that again. I went into it when I spoke on the Constitution (Amdt.) Bill.

Mr. Speaker, I want to urge the hon. Attorney General to look at this and to make sure that the Chief Secretary is included—now you are going to say that you do not know anything about that because he is superior to the Prime Minister of the country. *[Laughter]*. Chief Administrators must be included in that clause.

Mr. Speaker, I am a duly elected representative of the people of Tobago. *[Desk thumping]*. I live in Tobago and serve it from day to day and I function from a position of integrity and stature. *[Desk thumping]*. While I am humble with it, I do so and, therefore, I have the right to speak here on behalf of the people of Tobago. Therefore, I want to appeal to the hon. Attorney General to look at the Tobago House of Assembly within the whole confine of freedom of information.

Mr. Speaker, I feel that the hon. Attorney General should look at the exemption section again, it is too broad. For example, the Member for—I cannot remember what she said—I cannot find it now.

Mr. Speaker, I believe that if one looks at the role of the Cabinet, and for example, compare it with the United States and what happens there; also the role of the media re the freedom of information, there should be a special clause for the media and how they can do their investigative research.

Mr. Speaker, if one reviews clause 21, it can be used for secrecy, and as the hon. Attorney General said, when you have secrecy, all it does, is set up a position for corruption, nepotism and so on in the country. If he reviews that clause and cleans it up, we could give it another look on this side, but we cannot give it a look when one is trying to use it perversly.

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Mr. Speaker, I know the importance of freedom of information. I also know the importance of freedom of the media. I would not even try to touch the wild rantings of the Member for St. Joseph, that he had here this morning. [*Desk thumping*]

Mr. Hinds: Well put.

Miss P. Nicholson: Again, I am going to quote Mr. ANR Robinson, who is now the President of the country, when he spoke on the debate of Freedom of the Press in the House in 1990. He said:

“I know it is not only for the protection that the media—we are not now talking of the protection of the media. We are talking of the protection of the ordinary citizen—who can have that citizen’s grievances exposed where otherwise they would not have had an opportunity to air those grievances, they can go to the media and have those grievances aired. Situations which need to be attended to, which are not drawn to the attention of those who are responsible otherwise, can be highlighted and are highlighted by the media, in many different ways.”

Mr. Speaker, I believe that it is not the business of the Prime Minister to be attacking the media from day to day, as if he wants to muzzle them. His business is to build a beautiful relationship with the media and they will come up with their own ethical code to function and in addition, there is the Chapultepec document.

Mr. Speaker, I want to thank you very much, for giving me this opportunity to air my views on this important matter. [*Desk thumping*].

The Minister of Information, Communications, Training and Distance Learning (Dr. The Hon. Rupert Griffith): Mr. Speaker, I rise to make a contribution on a Bill to give members of the public a general right (with exemptions) of access to official documents of public authorities and for matters related thereto.

Mr. Speaker, I do not know why I had to find myself speaking after the last two speakers, because in the first place, when one listens particularly, to the Member for Laventille East—I seldom agree with one of their leaders, the Member for San Fernando East, because of the political idiocy in which he exists. But I think, there is one occasion—I found out today—when I agree with him, when he refused to accept as a member of his team—because he was a rasta and

otherwise and I now wonder why the otherwise—the Member for Laventille East/Morvant.

Mr. Speaker, I think the “Manningitis” and the political “malkadee” that is affecting them, since the Prime Minister announced the date and even before that, is showing very evident here, today.

Mr. Speaker, the Member spoke for 75 minutes, and really, there is absolutely nothing of substance to which I could make reference. I think, the only clause in the Bill he made some reference to was clause 24 (4) and that issue was dealt with by the hon. Attorney General, the Minister of Legal Affairs, the Member for Tobago East and Minister of Tobago Affairs and yet, today, he came back as though that matter was not dealt with and raised the issue again.

Perhaps, the only other issue that I may want to respond to is when he made reference to NBN, and here again, it was a clear reflection of the lack of vision and foresight by the Members on that side.

Mr. Speaker, here we have two television stations, four radio stations, human and material resources available, and in many cases there were duplications. The resources were not fully utilized and from a wide point of view, the product—particularly, the news product was ineffective and I think, if one reads the recent survey, one would see that the news production of TTT was one of the lowest in the nation.

Mr. Speaker, what this Government, with its vision and foresight, sought to do is rationalize the resources available in the media to make it more meaningful and to better serve the nation. Even that they got up and criticized.

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

4.30 p.m.: *Sitting suspended.*

5.03 p.m.: *Sitting resumed.*

Dr. The Hon. Rupert Griffith: Mr. Speaker, before the break I was into the preamble of this debate and I want to continue for a little while yet, but without sacrificing the level of debate of this august House. If I really respond to all the trite and commonalities from the Member for Laventille East/Morvant, I will sincerely be subjecting this side to that level of lowness.

Mr. Speaker, this Government is too responsible a government to allow those low-level Members on that side who refuse to learn anything in the months—

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imagine two and a half years later they will be walking out of this House. They are hardly ever here, and they claim that this House is part-time for them so it tells you the kind of priority and seriousness they bring to this House. When they are here, and during a debate on a very serious piece of legislation such as the one before us, the Opposition Members walk out. Look at the Opposition Benches, there is only one Member of the Opposition there. I want them to understand that the nation is taking note of that irresponsibility, and how other Caribbean countries in recent history in terms of the election of a government were treated, the said thing would happen right here because the people of this Republic are not foolish. They are noticing what is taking place and—to use the terms of the Member for Laventille East/Morvant—people in the country are worried about the direction the country is going. If there is any worry the people have, it is that an Opposition, after three and a half years, has failed to recognize the responsibility of a legal Opposition in Parliament. If they did, they would have been here today to participate in such an important piece of legislation. As I have said, I am not going to deal with the banalities, I want to respond to a couple points which the Member for Laventille East/Morvant made.

He talked about the Attorney General, saying that AG means agony and grief. Imagine that, Mr. Speaker, a learned attorney talking about AG meaning agony and grief and he talked about the Attorney General having this idea of bringing a Freedom of Information Bill long before he got into Government. Again, look at the stupidity of that statement. If the Attorney General had plans to bring such legislation to this honourable House before he was elected, the fact that when this Government was elected, the Attorney General brought the legislation before Parliament, shows you that he is a man of intent and recognizes the importance of the legislation, and he brought it at the appropriate time to this honourable House.

I want to tell the Member for Laventille East/Morvant if he has not noticed—because they are seldom here, and when they are here, they walk out and spend all the time in the corridor—I want to tell him today, and place in the record that no other Attorney General has brought the large number and important pieces of legislation as the current hon. Attorney General. No other! And moreso, in a short period of time. What those on the other side could not bring over the 32 or 34 years they were in Government, this Attorney General brought meaningful legislation to this Parliament, and the Member has the brass-facedness to criticize the Attorney General.

Mr. Speaker, one wonders why this hon. Member was severely criticized by some of his former classmates. If you read the last *Independent*, you would see in one of the articles where three convicted criminals got off after serving 12 years in prison. One of the convicted criminals was a former classmate of the Member for Laventille East/Morvant and the guy confirmed that another Fitzgerald, who is a United Kingdom attorney worked with him, defended him free of charge, and his former school colleague, the Member for Laventille East/Morvant whom he had written several times—and the guy is now free after 12 years in prison—never responded or acknowledged receipt of his own friend's letter, and he is talking about goodness and integrity. I would not waste much of my time on that Member.

I move on briefly to the Member for Tobago West, my good friend. One point that stood out, she said the Government of which she was a part, the NAR government, was the one who really liberated the electronic industry. That is a fact, and later in my contribution, I would put into the record that that was so. The Member for Arouca South tried to take credit for the PNM by saying they liberated the electronic media, and with your leave, I would certainly correct the record of this Parliament because what the Member for Arouca South actually did was misled this Parliament and I would prove that this was so.

The Member for Tobago West also stated that her Government had faith in the people and that is why they opened up the media. I want to tell the Member that this Government has so much more faith in the people that it chose to bring a very important piece of legislation like the Freedom of Information Bill. It is because we have the confidence of the people, because we have faith in the people we are able to do so and we are sure that we have the full confidence and the support of the people for this piece of legislation.

What bothered me about the Member's presentation is the fact that the Member for Tobago West did not say that she voted for this Bill in Cabinet, and also the consultation in Tobago of which she was a part. She supported the Bill. Now she is on the other side, I do not know if it is the wave and the spread of malkadee and political idiocy which emanates on that side, that it is beginning to catch on with my sister, the Member for Tobago West. I am really disappointed that she took that line when the Member strenuously, to use one of her words, supported this Bill while she was in Cabinet and also during the consultation in Tobago.

The other thing she failed to say when she talked about the opening up of the media, and faith and confidence in the people, is that there were three Members

on this side in that Government at the time when they began to open up the media. She totally ignored the contribution the Member on this side gave.

Mr. Speaker, as I said, I really want to get into my contribution within the time I have left, rather than wasting my time as she said with the precious little that came out. As I indicated, the clauses referred to by the hon. Member for Tobago West, and clause 24 referred to by the Member for Laventille East/Morvant have been dealt with extensively by speakers on this side.

Mr. Speaker, in this information-driven planet, communications are increasingly gaining momentum. Openness emerges as fundamental to the political health in any modern state. It is no wonder that in this age of information technology and a consequent widespread dissemination of information by the mass media that freedom of information emerges as very fundamental to democracy and this point was made by several speakers on this side.

Again, I would make another attempt to put this Bill into its proper perspective and I really hope and pray that the Members on the other side if they did not read the Bill, which I suspect they did not, perhaps they would get a copy of *Hansard* and read it and try to pull out the salient points that would edify them as to what the Freedom of Information Bill is all about.

Mr. Speaker, this proposed legislation is a positive achievement, not only for this nation of ours, but also for the entire Caribbean region. It is in keeping with the global trend of freedom of information such as is evident by democracies such as Australia, New Zealand, United States of America, the United Kingdom, and most recently Jamaica.

This concept of freedom of information, or the right to know, is enshrined as a principle of international human rights documents such as the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the Charter of Civil Society by the Caribbean Community.

On this note, I therefore take this opportunity to compliment this Government on a job well done. This Bill speaks volumes about the administration's commitment to uphold the Constitution and guarantees individual rights and freedom enshrined therein. The Bill gives members of the public a general right, with some exceptions, as adumbrated by many speakers on this side and indeed, some on that side, but even though it was not focused properly or perhaps not even understood properly, the general right of access to official documents of public authorities and for matters related thereto.

Mr. Speaker, I will elaborate further on this point later on in my contribution. I am proud to be a part of this administration which recognizes the maturity of this nation and we have faith in them. A brave and enduring Government certainly is what this Government is bringing with this piece of legislation and I think to a large extent, this is what is worrying the Members of the Opposition, on the eve of an election—we heard the date—and which is the first step in the demise of those persons on the other side, which they realize. They would live to see what the people of Trinidad and Tobago would do with their irresponsibility come July 12, 1999.

This right is central to a mature democracy. Indeed, this administration has taken a bold step forward to open up the Government to public scrutiny by bringing this Bill to Parliament. It is an indication that we are delivering yet another key pledge to the nation to legislate for freedom of information bringing about more openness.

Only a few weeks ago, we passed in this honourable House a historic bill, the Constitution (Amdt.) No. 3 Bill. You will recall that this Bill provided for the establishment of select committees and joint select committees to investigate and report to each House on the powers of service commissions and other public bodies and give effect to the principles of accountability, transparency, openness, and access to information held by public bodies generally.

Mr. Speaker, the traditional culture of secrecy would only be eroded by giving our people the right to know. That is one of the powerful strengths of this Bill—giving people the right to know. This Freedom of Information Bill redefines the relationship between the Government and the people of Trinidad and Tobago and significant metamorphosis is at the heart of the proposed legislation. This Bill is another step in the right direction and ensures that the people's right to know is guaranteed.

It is widely known and accepted that there are matters such as national security or personal privacy where information has to be protected. Again, this happens in almost every country that has a Freedom of Information Bill similar to this one which we are proposing. Yet, those on the other side see this as a fetter, they see it as the Government playing some kind of nefarious trick to hide information. Why would a Government want to hide information, on the one hand, and, on the other hand, bring a Bill as this one with such wide and various powers? Why would that happen? It beats logic. What is the logic of saying that? And why is this worrying them so much?

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Mr. Speaker, this Bill strikes a proper balance between extending people's access to official information and preserving confidentiality where disclosure would be against the public's interest. It is a new balance with the scales now weighted in favour of openness. That is what this Bill is bringing to this Parliament and to this country.

Mr. Speaker, as the new millennium draws near, transparency and openness become paramount in the global environment and indeed in this environment. Constitutions like ours articulate the fundamental human rights and freedom of the individual. The Bill of Rights, enshrined in section 4 of the Constitution of Trinidad and Tobago, catalogues these inalienable fundamental human rights. Included in this section, are the Freedom of Thought and Expression, and the Freedom of the Press. They talk about this Government trying to control and fetter the press. I ask the question: has this Government in its three plus years ever ordered the arrest of any member of the press? This Government cannot be accused of putting any reporter or any media person in prison, but yet they are saying that this Government is against the media and it is trying to suppress and control the media.

5.20 p.m.

I remember, a few weeks ago when I appointed the new National Broadcasting Network Board, I made the point in my presentation that, what we are seeking to do is monitor the kinds of programming of the media. The next day, one of the newspapers had in bold letters: Government to control the media. When one looks at the bold headline and reads the article, one would see clearly that they very accurately reported what was said. It is saying that each media house is granted a licence and in that licence there are certain specific clauses that operate their functions and the kinds of broadcasting they do.

It is the right and responsibility of the Government to monitor the media for which it grants licences and would have to renew licences. More than that, there are new incumbents coming in—which I will refer to later—who are applying for broadcast licences and are applying for various value added telecommunications licences which have to do with either high speed data, and to some extent, voice telephony. All of that would be open to the wider public. I am saying the Government has a responsibility, according to law, to monitor the media so that they will live up to the clauses of the licences that they were granted.

The Members on the other side took the bold headline—they all had a copy—and held it up the next day. Mr. Speaker, you had to inform them to desist from that behaviour. I am sure you will recall that. They did not even take the time to read the article to see what it was saying. They are so bereft of ideas. They are so hungry for something to come to this Parliament with, they held up: Government wants to control the media. What kind of opposition do we have in this country? Three plus years and they have not lived up to the tenets of the Opposition in one of the Houses of Parliament.

Mr. Speaker, what a waste of time sending some of them to the Commonwealth Parliamentary Association conferences which you attended. You know the high quality of it—with the hope that some of these Members would come back and something would rub off on them and they will show a sense of professionalism and a sense of commitment. Not at all! Look at the Opposition Benches today. What are they doing?

Hon. Member: They are not here, because you are speaking.

Dr. The Hon. R. Griffith: Mr. Speaker, upon examination of the role of the media, its importance to inform, educate and entertain become very critical in an information age. This Government holds the view that timely dissemination of well-balanced information is a fundamental obligation to our society. A democratic society that upholds the rules of law.

Since the pre-independence, in the colonial days, this country has had an official information office. After Independence, right up to this day, the Government of Trinidad and Tobago has had a Ministry of Information, with an Information Division. The role of this division has consistently been to inform and educate the people of Trinidad and Tobago. In essence, Mr. Speaker, public access to information has always held an eminent place in this country. Today, this Administration seeks to give legal effect to this right to information. That is one of the differences. The Opposition come here and talk about the fact that we always had information and we could always access information. They said also, that there are certain restrictions in obtaining information or accessing information—to use their words.

Mr. Speaker, that is the reason this Government is bringing a piece of legislation—not to suppress information as they argue, but this administration seeks to give legal—that is the key—effect to the right to information. That is

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what the legislation is seeking to do. They cannot even understand something as simple as that. I mean it is really shameful.

What then are the benefits that would be redound as a result of the enactment of this legislation? I seek your indulgence as I quote from the honourable Attorney General when some of the benefits of this Freedom of Information Bill were outlined. I feel very strong and committed in doing this because, again when one considers the number of personnel hours lost in this honourable Chamber by the kinds of poor information and lack of making meaningful contributions coming from the other side, it is a tremendous loss: financially, economically and otherwise—good human resource time.

I feel having sat and listened to so many contributions, particularly those from the other side, I want to take this opportunity—again I am craving your indulgence—to put into proper perspective what this Bill is all about.

The Freedom of Information Bill was outlined in the Attorney General's presentation. I quote a few of the things that were outlined that I thought very salient and need to remind the Members on the other side of this august House.

- “(a) It allows a person to know essentially what his rights are in order that he can enjoy the benefits of these rights.
- (b) Where choices are involved in the decision-making process, a person can only make a proper decision if he is informed of his choices, for example, in the exercise of his power to vote...:

We have an election coming up in a matter of weeks:

“...he should be aware of the different views of the various political parties before he exercises his franchise.”

He should have access to all the information so that he can exercise that franchise very well.

I am sure, based on what the population has been seeing from that Opposition over the years that would be a very easy choice, and the UNC will not only maintain what it has, it will gain several other local government boundaries after this election. [*Desk thumping*]

- “(c) This right to information also strengthens the principles upon which democratic government is based, namely openness...”

The Opposition talks about transparency but this is what this Bill is seeking to do.

“...accountability, and public participation. These fundamental principles constitute a basic and democratic government.

- (d) Transparency and accountability in government carries with them many benefits for any nation and indeed this nation.”

So why would they want to impose a Bill such as this one if it carries so many benefits? Why?

“They instill in the international community confidence in the stability of a democratic government, promote integrity in public life, discourage corruption, foster economy, efficiency and effectiveness in the public sector and consequently attract foreign investment thereby generating more opportunities for employment and greater prosperity for the nation.”

One of the strong benefits, Mr. Speaker. How is it that this Opposition—again, like they did in the Constitution (Amdt.) (No.3) Bill—is opposing such a Bill? What is it? Why do they not get up tell us, like big men and women on that side, what it is that they are afraid of. Are they afraid of themselves? Or are they afraid of the members of the national community?

The Prime Minister only announced the election date today. The malkadee emerged and you see their rambunctious behaviour.

Sometimes I wonder what the Member for Laventille East/Morvant had for dessert after his lunch when he comes here. I know he is a vegetarian and he likes a lot of grassy foods. I understand sometimes he even tries to smoke some of the grassy foods. I do not know. But, Mr. Speaker, what are they fearful of?

Mr. Speaker: I think that what the Member has just said may be interpreted in a certain way. I think perhaps you ought to be a little more clear in your definition.

Dr. The Hon. R. Griffith: In complying, vegetarians like a lot of water cress, lettuce and other leafy and grassy foods. Some people use it for several medicinal values. I am only assuming that the Member, not only likes to eat grassy foods, maybe he likes to inhale them maybe for their medicinal effect. Mr. Speaker, if it worries you, I have no problem in withdrawing that aspect of the contribution.

Mr. Speaker: In normal context, one associates that with illicit drugs—marijuana and things like that. I feel you should disabuse the House that that is not what is intended.

Dr. The Hon. R. Griffith: I wish to do that, Mr. Speaker, but are you satisfied that the two examples I gave disabuse that? If not, I then comply with you. Let it be expunged, whatever you wish. Should I press on, Mr. Speaker?

5.30 p.m.

Mr. Speaker: I was just giving you an opportunity to be clear. If that is what you intended to say and you said it, I would deal with it, but if it was not what you intended to say, then somebody reading it in the *Hansard* might believe that is what you were saying, and in this way it would be a bit unfair to the Member.

Dr. The Hon. R. Griffith: Mr. Speaker, out of an abundance of caution and not leaving anything in the *Hansard* that could be misinterpreted, I am fully prepared to have *Hansard* withdraw that aspect. I have absolutely no problem with that. Should I press on?

Mr. Speaker: Please.

Dr. The Hon. R. Griffith: Mr. Speaker, it can be argued, therefore, that freedom of information which promotes open Government also strengthens democracy, because its many benefits indirectly encourage continuous economic development, and with prosperity comes peace and harmony among our people.

In Part III as outlined by the Attorney General, this proposed legislation will give to the public legal rights to access information held by the Government and would require public authorities to make certain documents available for information to the public.

I think the Opposition has a problem with the "certain documents". They feel that the Government would seek to suppress some documents, and they are a little worried about this, but the clause shows clearly what these documents are. Several speakers on this side took the pain—which I would not repeat—in their best interest, to identify and be very specific in terms of what those documents are.

In other words, the Freedom of Information (No. 2) Bill is fundamental to the concept of participatory democracy. It empowers our citizens to make informed decisions. Even the Members of the Opposition will have wider access to information and it would allow them to participate meaningfully in the democracy if they could arrive at that level. After three and a half years I do not see that acumen among them, but still they would have available the power of the freedom of information legislatively to access and provide that information. But we would keep hope alive and hope that there are, at least, one or two among them who

would rise to the level. Maybe before the end of this term—even though most of them would not be back—perhaps one or two of them would show some level of professionalism and acumen.

It has been said that the right to information now underpins almost all of the other basic human rights and, indeed, can be seen as the life blood of other human rights, hence democracy and the right to information go hand in hand. Today we must accept this right as an integral tenet of a democratic government.

In the 1960s there was a Public Relations Unit in the office of the Prime Minister, the Information Division as it is known today, which falls within the ambit of my Ministry. It is fundamental, in that, it facilitates the two way process of communication between the Government and the people of Trinidad and Tobago. The central focus of the Information Division is, therefore, to authenticate and disseminate public information to aid the process of national development and to facilitate communication between Government and the wider public. Dissemination of public information is a basic function of government and this is a useful tool in bridging the gap between the Government and the people. Through its various programmes, whether in the print or electronic media, the Information Division seeks to inform and educate the public of current political, legal, social, cultural education or economic matters, and other programmes which lead to the enrichment of services.

Mr. Speaker, Members talked about unavailability of information, but I want to inform these Members that in a matter of days in the Ministry of Information there is going to be a section that would be available to the public where they can come in at any time during the opening hours and access any information on the database. We are hoping to extend the hours on Saturday as well. *[Interruption]* *[A note is handed to the Minister]* We will also make available video recorders so that if there is a tape on any news item or what have you, any member of the public, school children as well, can come into the Information Division. There would be a designated person there to assist them in accessing information for whatever reason, whether it is research education and so forth. Within days this will be so.

I think the Attorney General wishes to make a statement.

ADJOURNMENT

Adjournment

Friday, June 04, 1999

The Attorney General (Hon. Ramesh Lawrence Maharaj): Mr. Speaker, I am very grateful to the hon. Member for giving way in order for me to adjourn the House. I know that he has not completed his contribution.

Mr. Speaker, I beg to move that this House now stands adjourned to Friday, June 25, 1999. That day is Private Members' Day.

Mr. Speaker: I take it you mean 1.30 p.m.?

Hon. R. L. Maharaj: Yes.

Mr. Speaker: Hon. Members, before we get to the Motion on the adjournment, I did give leave to the Member for Tunapuna to raise a matter. I would call upon him to do this.

Youth Camps (Closure)

Mr. Edward Hart (Tunapuna): Thank you. Mr. Speaker, I rise to speak on the following Motion on the adjournment which I have been given permission to raise.

The recent closure of the Chaguaramas Youth Camp, the uncertainty existing in other camps and the problems which would ensue to the youth population in Trinidad and Tobago as a result of these developments. This Motion shows the ongoing concern my colleagues and I have for the situation of youths in Trinidad and Tobago.

Mr. Speaker, over the years I have sought to indicate to this Parliament that any investment in the positive development of youth is a good and proper investment and would redound to the benefit of this country. The youth camps represent, in my view, a most worthwhile investment and constitute one of the best institutions for youths in Trinidad and Tobago.

Youth camps came into being during the turbulent 1960s when youths across the world began to use whatever means they had at their disposal, whether sit-ins, destruction of university campuses, marching through the streets, placards, confrontations, demonstrations and protests, to gain attention and to bring to the powers that be the plight of youths.

Mr. Speaker, these youth camps were developed for two main reasons, one of which was the development of skills in young people to make them marketable in the rapid industrialization process. Secondly, to bring about community

integration. In fact, the first Prime Minister, the late Right Hon. Dr. Eric Williams, in launching the first youth camp at Praesto Presto indicated that it was a bold step in community integration. The project was so successful that in a few years there were youth camps in Mount Saint George, Tobago, Chatham and Chaguaramas. In 1976 one was opened in El Dorado for girls, the first of its kind in the Caribbean. Other nations of the Caribbean, on learning of the success of this venture requested local expertise to set up similar institutions in their territories.

The youth camp performed a very special role in the social development of our young people, especially those from homes where incomes were unable to provide adequately for the needs of the home. The youth camp provided opportunities for training in trade skills, crafts, physical education, social and moral development, entrepreneurial and cooking skills, as well as civic responsibilities and community living that made the youth camper a youth sought after in the workplace, and helpful to community togetherness.

The Mount Saint George Youth Camp has been terminated as a youth camp in a very hush hush manner, very surreptitiously I should say. [*Desk thumping*] The Chaguaramas Youth Camp has been closed now for several months, since last year, under the pretext that it needed to be repaired. I would be grateful if the hon. Minister responsible for Youth Affairs would indicate to us what has been spent and effected on the repairs to the Chaguaramas Youth Camp since it has been closed. My information is that not a flooring board has been removed or one nail driven there, nothing has been done, so I would really like the Minister to tell us what is going on there, in his reply.

I also would like to know what has been done with the training equipment at the camp, how has the staff been redeployed, why was Mr. Bernard Prescott, the agriculture tutor, given a letter to assume duty at El Dorado Girls' Camp and whether the Chaguaramas Youth Camp would suffer the same fate as Mount Saint George. We will also like to know where has all the livestock gone, like the goats, sheep and so on. Further, our understanding is that the lands on which the Chaguaramas Youth Camp stands belong to the Chaguaramas Development Authority and a golf course extension is to be a part of those lands. Is it because of the minimal rent that was being paid that the Authority has refused to accept it? [*Interruption*] You would have a chance to reply. No wonder your Prime Minister said that some of the Cabinet Ministers are hard-headed, and I feel that you are one. [*Desk thumping*]

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With respect to the El Dorado Girls' Camp, our understanding is that the camp would be closed in July and would subsequently be made a non-residential camp. Mr. Speaker, we need to know. We need to note these things: how would the staff be redeployed? Why has the Government not renewed the contract of the computer teacher, Miss Carla Toussaint? What would become of the 21 computers which were placed there by Minister Ramrekersingh? Why was the agroprocessing tutor at the El Dorado Youth Camp sent home when the UNC came into office? Where has all the equipment purchased by the PNM government for agroprocessing gone? Why has the Government abandoned plans to have repairs effected to the kitchen of the youth camp? Are funds being released for repairs and maintenance to the youth camps? What are the amounts?

Mr. Speaker, as far as I see, some of these ministers are mainly concerned with, for instance, every week they make it a point of duty, either they or their chauffeurs, to go up to the camp and purchase beef, goat, turkey, pork, chicken, eggs and so forth, at a very cheap price. [*Desk thumping*] The El Dorado Youth Camp is a beacon of hope for young women, especially those in the rural areas and Tobago.

5.45 p.m.

These young people cannot travel every day to El Dorado, even if it is to be made nonresidential. What about the boys and girls from Moruga, Matelot, Icacos and so forth? We are appealing for this destructive, carefree Government to upgrade all the existing youth camps and in so doing prepare our youths for the exciting challenges of the new millennium.

Mr. Speaker, I ask the Minister, in the same way they saw it fit to identify funds to build a road in one day down at Mucurapo, identified funds for this same Minister to attend a conference in India for parliamentarians of Indian origin, to find the money to refurbish the youth camps. In fact, the other camps are expecting the worst and there is a general feeling that the intention of this Government is to close down the youth camps.

Now, it is quite obvious that this Government in all its foolish, deceptive talk of national unity is not aware that one of the greatest and effective mechanisms of bringing about harmony, unity and togetherness is in the operation of youth camps where our young people are taught to relate to others and to respect each other as well as their culture. The uniting of the country in the 1970s, 1980s and 1990s

came about much through the influence of what happened at the youth camps and trade centres.

I hope, Mr. Speaker, that we are not at this time returning to the pre-Second World War days when young people got little or no consideration. Right now we need to pay special attention to our youths. It is necessary now more than ever. Any Friday afternoon one can drive down Frederick Street, go to the Dial in Arima, the Croisee or Harris Promenade and see our young people with beers in their hands, Stout, *et cetera*, alcohol, because this Government has placed a priority on it by legislating the selling of alcohol on Sundays, and there are Muslims on the other side who sanctioned this thing—[*Desk thumping*]*—rum and cigarettes 24 hours a day they buy. Try to stop our young people from flocking the Play Whe machines and so forth, try to help our young people, listen to their voices, Mr. Speaker.*

Mr. Speaker, I worked at the Ministry of Sport and Youth Affairs as a games coach for 10 years and then I went there as a Parliamentary Secretary. Right now I would like the Minister to tell me what new programmes there are. What have they initiated for our young people? Instead of closing down the youth camps, the trade centres, the Civilian Conservation Corps being under pressure, on-the-job training is no longer offered and other such features. So I say now that we need to refurbish the youth camps and trade centres, get them on stream and build a couple more instead of placing the emphasis on casinos. I thank you very much, Mr. Speaker. [*Desk thumping*]

The Minister of Social and Community Development and Minister of Sport and Youth Affairs (Hon. Manohar Ramsaran): Mr. Speaker, sitting here listening to the Member from Tunapuna and the question that was posed to me about the Chaguaramas Youth Camp and knowing what they on that side have done over the years, I am really amazed to hear the Member talking about hard-headed Minister. In 1993, Cabinet, by Note No. 1152 of May 6 that year, agreed that youth camps be then known as youth development and apprenticeship centres. The Member for Tunapuna served in those two Ministries that dealt with youth camps, the Ministry of Sport and Youth Affairs and the Ministry of Education and he is talking about hard-headed Ministers. Apparently he never used to talk to his Ministers. [*Interruption*]

Mr. Speaker: Order please, order please.

Hon. M. Ramsaran: Mr. Speaker, when we look at the programmes that have been developing over the last three and a half years to deal with the young people in this country, including sports, I would have to take more than 15 minutes, I am sure. The time will come when I would elaborate to this honourable House on all that we have been doing in that respect and we will talk about building four new stadia across Trinidad and Tobago for the participation of the young people. We will go into that, but I want to specifically answer this question.

As I was saying, Cabinet by Note 1152 of 1993 agreed that (a) youth camps be now known as youth development and apprenticeship centres; (b), to the appointment by Cabinet of a management advisory committee to advise the Minister of Education on matters pertaining to the implementation of the programme of the centres and support funding for those institutions; [*Interruption*]—yes, your Cabinet—(c), the management advisory committee referred to above comprise a representative of the Ministry of Sport and Youth Affairs, a representative of the Ministry of Agriculture, Land and Marine Resources, a representative of the Trinidad and Tobago Defence Force, a representative of the Technical and Vocational Education Division of the Ministry of Education, and three representatives of the community. Mr. Speaker, there is no evidence that any action was taken to implement that decision of Cabinet.

These centres were transferred to the portfolio of the Minister of Sport and Youth Affairs on June 1, 1998. The official handover took place on November 1, 1998. Information received by the Minister of Sport and Youth Affairs indicated that the performance of the centres was poor, that large sums of money are spent annually, over \$13 million, in salaries and wages. There is a drop-out rate in excess of 32 per cent, Mr. Speaker, and a pass rate at the National Examinations Council examination of less than 10 per cent. The skills taught are not relevant to the job market and the inability of the existing human resources to treat with the contemporary youth and the complex challenges that the young people face.

In November 1998—[*Interruption*]—you had your turn to speak, Member for Tunapuna. In November 1998 the then Permanent Secretary in the Ministry of Sport and Youth Affairs received a notice from the County Medical Officer of Health, St. George Unit, about the insanitary conditions of the kitchen, food stores, dining hall and substores of the Chaguaramas Youth Development and Apprenticeship Centre. Corrective action was requested to be taken with immediate effect.

A water bacteriology report from the Trinidad Public Health Laboratory dated October 20, 1998 indicated the presence of faecal coliform in the water supply. This represented a health hazard both to the staff and student populations. As a consequence, all activities were suspended with immediate effect. Further discussions were initiated by the Director of Youth Affairs with the County Medical Officer of Health on November 16, 1998 and this resulted in a very detailed report on the conditions at the Chaguaramas Centre. This report revealed that extensive works are also needed in the following areas—the dormitory, toilet facilities, agricultural building, the farm, the pens, the slaughterhouse and the meat stores.

In the light of the information received by the Minister of Sport and Youth Affairs and the inspection report of the Ministry of Health, the Minister of Sport and Youth Affairs appointed a committee on November 20, 1998 to review and evaluate all aspects of the operation of the Chaguaramas, Chatham, Praesto Presto and El Dorado Youth Centres. Mr. Speaker, I want you to note the dates. I assumed responsibility on November 1, 1998 and by November 20, 1998 I had cause to set up a committee to look at the operation of all centres, and we will go on.

The committee presented its report on March 29, 1999. The report stated that over the years the environmental changes, goal displacement, operational digressions, together with the absence of monitoring and evaluative systems, have reduced the effectiveness and the efficiency of these institutions. The report also noted that between the period 1988 to 1998 several committees were established in an attempt to treat with these issues. They included in 1988 the Cabinet-appointed committee to examine the youth camps, trade centres and youth centres in Trinidad and Tobago which stated the range of offerings has remained virtually unchanged over the years due to the lack of directional initiatives.

You mentioned you wanted to know when they were started. The report of the working committee to work out implementation details for restructuring of youth camps, trade centres and youth centres, 1989, which recommended that a National Board of Management should be put in place to formulate policy and guide activities of the camps comprising of a chairman from the private sector and representatives from both the public and private sectors; report of the task force on the rationalization and co-ordination of the post-secondary, technical and vocational training policy and programmes undertaken by different agencies, 1992, which recommended that the Ministry of Sport and Youth Affairs should

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not duplicate the Ministry of Education in the delivery of skills training; report of the investigation team into discipline in 1997.

Mr. Speaker, it was also seen that the problems being experienced with trainee misbehaviour was not so much with the trainees as with the initiative for youth development that has not had the benefit of review and change since its inception. Based on these factors and the findings of the committee, I approached Cabinet and received a mandate by Cabinet Minute No. 1095 of May 6, 1999 to pursue the recommendations of the committee which included—I assumed office on November 1, 1998 and by May 1999 we received this:

1. The design of new financial and management systems.
2. The training programme should be designed to promote the principle of empowerment and participation as well as the emphasis on self-worth, self-esteem and self-reliance.
3. The vocational skills training should be offered at an introductory occupational level while the core programme should focus on life skills, discipline and good work ethics, interpersonal relationships and pride in one's heritage and nation.
4. The implementation of a dual system of residential and nonresidential training.
5. The new arrangement referred to above be introduced incrementally at the Chatham and El Dorado Youth Development and Apprenticeship Centres.
6. The participation of the Ministry of National Security and the Defence Force in the development of physical recreation and sporting programmes at these Centres. [*Interruption*]

Mr. Speaker: Order please, order please!

Hon. M. Ramsaran: Approval was also received for the closure of the Chaguaramas Centre. This centre depreciated so badly over the years that it cannot be refurbished to keep our young men in a habitable way, hence the recommendation for the closure.

Mr. Speaker, I am happy to be part of the change process at these centres. My Government has had numerous complaints about the institutions and that is because previous administrators have done very little to address the impact these

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centres are having on the lives of our young people. Today we are doing something to give youth its due recognition and sitting here today and listening to the Member for Tunapuna it is a sad day indeed, Mr. Speaker. I want to thank you very much for giving me the opportunity to answer this motion. Thank you very much, Mr. Speaker. *[Interruption]*

Dr. Rowley: Before you finish, Minister—*[Interruption]*

Mr. Speaker: There is no provision for what you are about to do.

Dr. Rowley: *[Inaudible]*

Mr. Speaker: It is finished.

Question put.

Mr. Speaker: Do you want a division on that? *[Interruption]* Order please!

The House divided: Ayes 16 Noes 9

AYES

Persad-Bissessar, Hon. K.

Lasse, Dr. The Hon. V.

Griffith, Dr. The Hon. R.

Humphrey, Hon. J.

Sudama, Hon. T.

Maraj, R.

Khan, Dr. F.

Assam, Hon. M.

Job, Dr. The Hon. M.

Nanan, Dr. The Hon. N.

Partap, Hon. H.

Mr. Speaker: Could I please ask the Member for La Brea to take it easy? I am hearing you very distinctly here. A division is being taken and what you are doing is not right.

Mr. Bereaux: I was not intending for you to hear, Sir.

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Mr. Speaker: What you are doing now in sitting is also not right. Continue, please.

Division continued:

Rafeeq, Dr. The Hon. H.

Ramsaran, Hon. M.

Singh, Hon. D.

Sharma, C.

Ali, R.

NOES

Valley, K.

Rowley, Dr. K.

Robinson-Regis, Mrs. C.

Narine, J.

Hart, E.

James, Mrs. E.

Bereaux, H.

Joseph, M.

Hinds, F.

Question agreed to.

House adjourned accordingly.

Adjourned at 6.01 p.m.