

THE  
**PARLIAMENTARY DEBATES**

**OFFICIAL REPORT**

IN THE FOURTH SESSION OF THE FIFTH PARLIAMENT OF THE REPUBLIC OF TRINIDAD  
AND TOBAGO WHICH OPENED ON NOVEMBER 27, 1995

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**HOUSE OF REPRESENTATIVES**

*Friday, July 02, 1999*

The House met at 1.32 p.m.

**PRAYERS**

[MR. SPEAKER *in the Chair*]

**CONDOLENCES**

(MR. VERE CORNWALL BIRD, SNR.)

**Mr. Speaker:** Hon. Members, I wish to bring to the notice of this honourable House the death, in Antigua, of the former Prime Minister of Antigua and Barbuda, Mr. Vere Cornwall Bird, Snr., who died on Monday night after a long illness spanning several months. Having regard to the type of contribution which the late Mr. Bird has made in the Caribbean, I think it is fitting that this be formally brought to the notice of this House, and representatives from both sides would have the opportunity of expressing condolences.

**The Minister of Foreign Affairs (Hon. Ralph Maraj):** Mr. Speaker, the Government and people of Trinidad and Tobago extend sincere condolences to all members of the Bird family and to the citizens of Antigua and Barbuda on the passing of a national hero of Antigua and Barbuda, a stalwart and Caribbean Integrationist, the Honourable Sir Vere Cornwall Bird.

It is with great sadness that Trinidad and Tobago learned of the passing of the last founding member of contemporary Caribbean integration. V. C. Bird's commitment to the region's social and economic advancement, as manifested by his active participation in the labour and integration movement, is a legacy that will guide us always.

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He had the distinction of participating in the 1947 Montego Bay Conference on the Establishment of a Caribbean and Political Federation and of being a signatory to the 1968 Carifta Agreement, the precursor to the Treaty of Chaguaramas which established the Caribbean Community.

His tireless work yielded improved working conditions for his country's workforce to the Antigua Trades and Labour Union, of which he was a co-founder and which under his presidency, was a founding member of the Caribbean Congress of Labour.

The goals and achievements of Vere Cornwall Bird, in the relentless pursuit of Antigua and Barbuda's and of the region's socio-economic and political development, would be a source of inspiration to us all on the eve of the 20th Meeting of the Conference of Heads of Government and the Caribbean Community, with the region on the threshold of a new millennium and faced with new challenges.

V. C. Bird's death will be deeply felt, not only in Antigua and Barbuda, but throughout the entire Caribbean. It is Government's hope that the people of Antigua and Barbuda will find comfort in the proud memories of his sterling legacy in the country and in the entire region.

Thank you, Mr. Speaker.

**Mr. Kenneth Valley** (*Diego Martin Central*): Mr. Speaker, we on this side join with the Government in offering to the citizens of Antigua and Barbuda our deepest sympathy in the passing of a Caribbean stalwart, the former Prime Minister of Antigua and Barbuda, Mr. Vere Cornwall Bird.

Mr. Speaker, I think, we see in the life of Mr. Bird, what I think is true grit, an individual coming from poverty, lacking in formal education, rising to the presidency of the trade union movement and indicating that caring for a people, that has led him to the prime ministership of his country.

I think, Mr. Speaker, as we mourn the passing of another of our Caricom founders, we need to reflect on the movement: where we are going as we approach this 21st century and, more importantly, as we are on the eve of the 20th Summit of Caricom Heads.

On behalf of my political leader of the People's National Movement and Members on this side, we join with the Government in extending sympathy to the Government and people of Antigua.

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**Mr. Speaker:** Hon. Members, as the Speaker, I wish to be associated with the comments which have been made by both sides of this House and on your behalf, I would ask the Clerk to direct a suitable note of condolence to the immediate relatives through his son, the present Prime Minister of Antigua and Barbuda, on behalf of the House of Representatives. Thank you.

Hon. Members, I have noticed that a statement is to be made by the honourable Prime Minister. The “Statements by Ministers” will be deferred for a short while.

**1.40 p.m.**

#### **ORISA MARRIAGE BILL**

Bill to make provision for the solemnisation and registration of Orisa Marriages [*The Minister of Legal Affairs*]; read the first time.

**The Hon. Prime Minister (Hon. Basdeo Panday):** Mr. Speaker, it would be recalled that on the 26th of March, this year, I confirmed to this honourable House that the Cabinet had agreed that a draft Orisa Marriage Bill would be referred to the Legislation Review Committee for preparation of a Bill to be laid in Parliament.

The purpose of the Orisa Marriage Act is to empower duly appointed members of the Orisa faith to function as Marriage Officers in accordance with the laws of Trinidad and Tobago. The further purpose of the Orisa Marriage Act is to accord to the Orisa faith the long denied recognition, respect and legal status of marriages solemnised under Orisa rites in this country.

The passage and proclamation of the Orisa Marriage Act will right a wrong that should never have been permitted in blatant discrimination against members of the Orisa faith in this plural society. While there exists the Marriage Act, the Muslim Marriage and Divorce Act, the Hindu Marriage Act, Orisa, a religion with its roots in Africa, was denied equal treatment in this country. Such discrimination is in calculated violation of the equality guaranteed by the Constitution of the Republic of Trinidad and Tobago, and endorsed in our national anthem. This discrimination against Orisa is a paradox which we are unlikely ever to decipher.

In utter lament, I am fully conscious of the leadership of the other major political party, now the Opposition in our Parliament, has obdurately refused to endorse, or in any way signal approval for my oft repeated call for a unity in a truly inclusive society. Notwithstanding such resistance, and indeed active

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opposition to my call for national unity, I have aggressively fought to shape a new political culture in this country. I hold fast to my conviction that the politics of inclusion is not an option for our society, but rather, it is an obligation of every individual and organization given the opportunity to serve in public life, to embrace the philosophy of the politics of inclusion.

In a plural society, as are most societies, and as Trinidad and Tobago most decidedly is, the management of diversity is the greatest challenge. A conscious administration recognizes the entitlement of all groups—ethnic, gender, religious, social, political—to equal opportunity and equal treatment under the law, and in relation to all services dispensed by the state. Previous administrations in this country never appeared to fully grasp this reality. If in fact they did, for reasons unbeknownst to me, still opted resolutely to deny many groups their just entitlement.

Mr. Speaker, it could be that certainly the leadership of the organization which has been mandated by the electorate, and by the Constitution, to occupy the Opposition Benches, has always held the persuasion that the way to manage these numerous discrete interests in the society was to seek to maintain them as satellites to the greatness which that party proclaims in its motto.

Indeed, the Leader of the Opposition has levelled accusations to the effect that by granting the Spiritual Shouter Baptist Liberation Day, 30 acres of land for the Spiritual Park for African religions at Maloney, I have divided the African religions. He is yet to explain the premise of that conclusion.

It is worth noting that whenever any individual or group, or any representative of any group, shares an alignment with the United National Congress, the charges that I am dividing the society comes from my Honourable Friend opposite. My favourite Opposition Leader, he does this, I submit, in violation of the rights of association and expression which are guaranteed by our Constitution. Of one thing the Opposition Members can be absolutely certain, I make no apologies to anyone: politicians, pundits, priests or journeymen, for exalting the African religions in our society.

The Orisa Marriage Bill will elevate Orisa to a position unique to this country. Trinidad and Tobago's Orisa Marriage Act will be the first such legislation in any jurisdiction, anywhere in the world. Trinidad and Tobago will shortly host the Sixth World Congress of Orisa Tradition and Culture. It would be most appropriate if the Orisa Marriage Act receive the unanimous sanction of all Members of this Honourable House to mark the occasion of this historic Conference.

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Mr. Speaker, appeals for the licensing of Orisa Marriage Officers had gone unheeded since 1986. Thirteen years later, it is my privilege, and I consider it my obligation, to lay the Orisa Marriage Bill, 1999, which seeks nothing more, nothing less, than to elevate Orisa to a position of parity with other faiths which have long enjoyed the rights and liberties guaranteed by our Constitution. Mr. Speaker, Orisa never deserved less.

I thank you.

#### ARRANGEMENT OF BUSINESS

**The Attorney General (Hon. Ramesh Lawrence Maharaj):** Mr. Speaker, may I advise that the intention of the Government is to proceed with the Motion dealing with the Senate Amendments to the Criminal Procedure, (Plea Discussion and Plea Agreement) Bill, on the Supplemental Order Paper before “Bills Second Reading”

*Agreed to.*

#### CRIMINAL PROCEDURE (PLEA DISCUSSION AND PLEA AGREEMENT) BILL

##### Senate Amendments

**The Attorney General (Hon. Ramesh Lawrence Maharaj):** Mr. Speaker, I beg to move,

That the Senate Amendments to the Criminal Procedure (Plea Discussion and Plea Agreement) Bill listed in the Appendix to the Supplemental Order Paper be now considered.

**Mr. Valley:** Mr. Speaker, could the Government perhaps give us an opportunity to read it?

**Hon. R. L. Maharaj:** Mr. Speaker, we would accommodate that if they have not read it. We would stand it down until later in the afternoon proceedings.

**Mr. Speaker:** Hon. Members, I would just put the question and then we would come back to it. Notwithstanding that you moved, we will allow it to be stood down and the question will be put after.

**1.50 p.m.**

#### FREEDOM OF INFORMATION (NO. 2) BILL

[SIXTH 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:** The Member for Arima, had, in fact, utilized some 30 minutes speaking time and has a balance of 15 minutes of normal speaking time.

**The Minister of Information, Communications, Training and Distance Learning (Dr. The Hon. Rupert Griffith):** Mr. Speaker, before I continue my contribution to this Freedom of Information (No. 2) Bill, you will recall I indicated that I wish to refute the statement made by the Member of Parliament for Arouca South in this honourable House. I refer to *Hansard*, page 2, dated May 14, 1999, and I quote:

“...that it was under the People's National Movement that Radio 103 got the licence to operate in Trinidad and Tobago and to operate a totally East Indian station.”

In fact, true to form, those on the other side have made yet another miserable attempt to mislead this honourable House and, indeed, the people of this country.

Mr. Speaker, the Member for Arouca South also said, and I quote:

“Under the People's National Movement, Radio Central 90.1 was allowed the licence to operate.”

Again, this is false. According to a status report from the Telecommunications Division in my Ministry, stations in the radio broadcasting service, the licence to operate Radio 103.1, Radio 90.1 and Radio 90.5 were granted by the NAR government on December 12, 1990. These licences were not issued by the People's National Movement but, in fact, by the NAR government. All I can say is that here is an example of people who live in glass houses pelting stones. In fact, the Member for Arouca South may have been confused when she made allegations of chicanery, deception and untruthfulness. The truth is, that the Member for Arouca South looked into the mirror's reflection and it is that which inspired such gross allegations in this honourable House. That is the only explanation for such unfettered falsehood, for indeed, they are untruths.

I wish to remind this honourable House that during the reign of the PNM there were only two broadcasting stations: Radio 610 and TTT, and they were both nationalized by the PNM. Yet today, the PNM accuses this Government of applying state control over the media. Ridiculous.

Mr. Speaker, we are debating a very important Bill in this House and, it seems to me, the Opposition, in their normal way, take the frivolous attitude that nothing is important in this House and, as has been said by their leader, this House is part-

time business. So Mr. Speaker, we do not share these views and we certainly do not behave like that. Therefore, I will not waste any more time of this honourable House with such foolishness coming from the Member for Arouca South and her colleagues on the other side. I will get on to our business. *[Interruption]* You should not be lying to this honourable House.

Mr. Speaker, I will continue on my debate. The Information Division is mandated to manage Government's Public Information Policy. This is realized through a process of gathering, interpreting and disseminating information. To this end, the Information Division is comprised of the Photographic Division, Television and Film, Radio, Research and Library, Public Relations and the Administration Units. The Information Division's main function includes:

1. The organization of integrated communications programmes to inform and educate the public on Government's plans, policies and programmes.
2. The provision of an information and public relations service to all Government ministries and departments.
3. The compilation and dissemination of material of national, educational and cultural interests.
4. Ensuring that information on Government's policies and programmes are viable, proactive, accessible, responsive and available to all those who require such information; and
5. Maintaining a community information service aimed at achieving national development by educating both urban and rural communities on all aspects of national life, as well as encouraging the articulation of needs and aspirations of those communities and ensuring their active involvement in local communities and national projects.

Mr. Speaker, you will no doubt agree that as a small twin-island state, most people in Trinidad and Tobago have ready access to either the electronic or print media and, in many cases, to both. There are approximately 10 newspapers, inclusive of the dailies and weeklies in circulation at this time.

It is obvious that the concept of freedom of the press is thriving in Trinidad and Tobago. Indeed, there are three national television stations: Trinidad and Tobago Television (TTT); The Information Channel, TIC, as it is known, which falls within the National Broadcasting Network (NBN) and that falls within my Ministry; and TV6. There are also 14 radio stations. We have in Trinidad and

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Tobago a vibrant and independent media. The AM Radio frequency band is fully subscribed. The FM Radio frequency band is almost fully subscribed and this Government is poised to explore the issuing of licences on the digital band which has approximately 100 channels.

To date, this is further enhanced by the ever-increasing access to cable television nationwide. There are four cable companies providing access to over 100 foreign and local television stations.

Furthermore, at most book outlets numerous foreign newspapers are also available. Thus, there is easy access to information which facilitates the ready exercise of the right to information.

The Ministry of Information, Communications, Training and Distance Learning, which I am very happy to lead, has an information website at the Information Division, and is open to facilitate public access to Government information. This mechanism has been put in place to facilitate the placing of the honourable Prime Minister's speeches and the addresses of all ministers and departments to facilitate easy log-on through the Government's website. Mr. Speaker, for your information and the information of the hon. Members of this House, the website is accessible at [www.nisc.gov.tt](http://www.nisc.gov.tt). I trust the Members on the other side would take note and begin to receive information and be edified.

Mr. Speaker, the Member for Arouca South misled this House by giving the PNM credit, as I said earlier, for opening up the media. This is far from the truth. The freedom thrust is further buttressed by the national library system. This Government enacted the National Libraries and Information System Act, 1998—and that is Act No. 18 of 1998—which established a National Library and Information System Authority.

The functions of NALIS are, among other things: to provide a national library and information service easily accessible to members of the public, in order to facilitate cultural, economic, educational, political and social development of the people of this country; to maintain and develop, with easy access to the public, a comprehensive collection of material and information; to provide a central co-ordinating point for research in library and information science.

Recently, the Libraries Division established a website. Again, this can be accessed at [www.nalis.gov.tt](http://www.nalis.gov.tt). This will enable citizens who have Internet at any location—even from their homes—access to library information.



The role of NALIS is critical in that the realization of all library services in this country into an integrated system empowers the people of this nation with information, knowledge and the skills to meet the surging demand for the new millennium.

Mr. Speaker, the age of information technology with its global impact has naturally impacted on this country. Indeed, the Government of Trinidad and Tobago has recently enunciated a policy to ensure that by the year 2000 all schools will be equipped with computers. This policy is well into its implementation. This Government recognizes that a computer-educated population in this technologically-based information and knowledge age is one of the greatest assets. Against this backdrop, the Government has made available to all public servants—over 60,000 of them—easy access to finance in the form of interest-free loans for the purchase of computers. Again, many of the public servants have already accessed this and this is being very aggressively implemented.

With our computer loan policy, and a large number of householders who now have a computer at home or access to a computer, we will have a computer literate population. The population can, therefore, access information by a click of a mouse—that is how close it is. As we have seen, the Government is quickly putting websites in place to facilitate that access.

Mr. Speaker, you may well recall that on Saturday, April 24, 1999 this country witnessed an historic event when the first community-based distance learning centre was officially opened in Pinto Road, Arima, my own constituency. This centre is currently serving roughly 15,000 people in the area, as it has the capacity to accommodate the required technologies and meet the standards set for the implementation of community-based distance learning. Another community-based distance learning centre was also launched in Toco only last week Wednesday. Additional centres will soon come on stream in these areas.

Mr. Speaker, I want to tell you, all of these centres will be equipped with computers so that through the Internet information and training can be accessed. They would also be equipped with television sets so that education training can be accessed through television and they would also be equipped with radio. Radio, ubiquitous as it is, people can access training through the radio technology.

**2.05 p.m.**

Mr. Speaker, indeed it is the Government's intention to provide these community-based distance learning centres throughout the nation. And just to put

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the others at ease, I want to stress that the constituency of Toco/Manzanilla falls under the constituency of my good friend and colleague, the Member for Toco/Manzanilla, of course, who is a very good friend of ours and is very close to us—as close as one step.

Furthermore, the large number of internet service providers means that this country is on par with the rest of the world and, in certain cases, well ahead of some, in accessing information from the worldwide web.

The Government recently completed the acceptance of requests for proposals for cellular telephone systems and the grant of the licence of the telephone systems would be done shortly. By enhancing mobile telecommunication, it would also enhance the greater access to information and give one the greater ability to communicate from point to point.

The Freedom of Information Bill 1998, is modelled along the Commonwealth legislation. The Bill establishes a procedure to be followed for enforcing this right and creates a right to amend the information when it is incomplete, incorrect, out of date or misleading. However, the Bill provides that certain documents are exempt documents, that is, not accessible to the public.

Mr. Speaker, the Opposition made a big do about this in some of their frivolous debates, but when one examines legislation such as this throughout the rest of the world in those countries where they have these legislations one would see this is a similarity, almost as a fixture in these pieces of legislation.

Mr. Speaker, Part II of the Bill seeks to further the objectives of the Bill, by requiring public authorities to publish and make available to the public certain documents and information. Hence, a public authority must publish a statement about its organization, functions and powers. It must also publish the following:

- (1) The particulars of any arrangement for public consultation, in the formulation of policy by the public authority;
- (2) A statement of the categories of documents maintained in their possession;
- (3) A statement of the procedure to be followed by a person making a request for access to such document or documents; and
- (4) An index of reports in its possession.

Mr. Speaker, Part III of the Bill grants to the public a legally enforceable right to obtain, within certain essential exceptions, access to official documents held by public authorities and establishes a procedure to be followed for enforcing that right.

This is the salient and key point in this whole legislation, the legally enforceable right to obtain that information. Members on the other side argue: “Well look, people in this country already have access to information”. What this Bill is seeking to do, among those other things mentioned by all of my colleagues on this side—every speaker on this side—is to bring home the point, and apparently it has not been done—no fault of ours—but clearly, the public’s legally enforceable right to obtain information and that, among other things mentioned before, is what this Bill is about.

There is no fee for making a request for this information. This Government ensures that equitable access to information and protects the right of the economically challenged persons to information. So in order to access information, there is no fee for that and, therefore, we are levelling the playing field by making sure that anyone, even the economically challenged person, in this country would have access to this information.

Mr. Speaker, if there were any doubts, the fact that there is no fee attached, is a clear indication of the Government’s commitment to equality in the treatment of all its citizens.

A public authority which refuses a request must give reasons for the refusal to give the information and inform the applicant of his right to apply for judicial review and the time within which to file the application for that review.

Part IV of the Bill specifies those documents which are exempt documents and these include:

- (a) Cabinet documents;
- (b) Documents relating to national defence or the activities of the security or intelligence services and international relations;
- (c) Documents which are contrary to the public interest;
- (d) Documents protected by legal professional privilege; and
- (e) Documents containing trade secrets.

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However, access to an exempt document may be given in special circumstances if such access is justified in the public interest. This is in keeping with the spirit of the Bill, which is towards disclosure rather than secrecy. That is the argument of the Opposition. The spirit of this Bill is to ensure disclosure rather than secrecy.

Mr. Speaker, you will recall that the Opposition contested the Bill on this point. Here again, the Government in keeping with its policy of transparency and non-discriminatory treatment, is emphasizing for the removal of doubt, the documents that will be exempt in this Bill. There is also no requirement for the applicant to state reasons why the information is requested. One merely has to request the information.

Part V of the Bill includes the following provisions:

- (1) To apply for the correction of personal information held by the public authority;
- (2) To protect public authorities from actions for defamation, breach of confidence and infringement of copyright;
- (3) For the hearing of applications for judicial review by a Judge in Chambers;
- (4) For the submission of annual reports on the operation of the proposed Act by the relevant Minister to Parliament; and
- (5) For the making of regulations.

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

Mr. Speaker, thank you and Members of this honourable House for the grant of an additional 30 minutes speaking time.

This Government recognized that freedom of information legislation supports the moral right of citizens, who are the taxpayers, to be informed of the programmes and decisions that affect them and which have a bearing on the way in which money collected by way of taxation is spent. Central to the concept of democracy, is the idea of consent. People must know the Acts, before they can make an informed decision. Secrecy on the other hand, erodes democracy.

Mr. Speaker, if the Opposition lacks the vision, and vote against this Bill, they will effectively deny the people of the Republic of Trinidad and Tobago the

benefits of democracy. The only reason that the Opposition will want to oppose this Bill is because they want to hide behind their continuous mischief of misleading the population with their unsubstantiated allegations of nepotism, corruption and favouritism.

**2.15 p.m.**

To this end, Mr. Speaker, if the Opposition votes against this Bill they will pay the political price come July 12, 1999 in the up-coming election. I do not wish to take up all of my additional time, but merely to conclude by saying we on this side recognize that access to information is one of the crucial components or factors in the growth and development of our democracy because it provides openness, accountability, and transparency in Government. It allows the public to know whether the system of Government is plagued by corruption, nepotism, and favouritism.

Mr. Speaker, every Friday we on this side patiently sit and listen to the frivolous and vexatious, unsubstantiated allegations of corruption, nepotism, and favouritism from the Members on the other side. When we call on them to substantiate or provide evidence to their allegation, they fail to do so.

They opposed the Constitution (Amdt.) (No. 3) Bill, 1998 which will, among other things, empower parliamentarians to probe and ask questions. They did not support that Bill. Contrary to the Opposition's frivolous, and I dare say, sometimes vexatious views, this Bill allows the public to know whether information is plagued with corruption, nepotism, or favouritism. If this is so, then a public that has a right to information would be able to access the information and demand reform and changes in the Government. For example, to pressure the Government to account to the people on the running of the financial affairs of the country. Equally, a right to information will buttress a person's access to justice, in that access to information would allow a person to decide whether or not to challenge a decision made by a public official by way of judicial review.

On this note, therefore, I take the opportunity to congratulate and compliment this administration for its courage, foresight and fortitude in presenting this Freedom of Information Bill to this honourable House; a Bill whose time has come.

Mr. Speaker, we must remove the veil of mystery and secrecy and let the work of this Government continue to be transparent for, after all, the people have a right to know how they are being governed; they have a right to information and they must access that information freely. When the people of a country are informed, I

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have no doubt they will continue to put their trust and confidence in the United National Congress as a Government.

Thank you.

**Dr. Keith Rowley** (*Diego Martin West*): Mr. Speaker, I came here today prepared to intervene in this debate as one of the later speakers, on what I consider to be a very interesting and important debate. Normally, I would ignore anything coming from that character, the Member for Arima, but just to set the record straight, I think I am duty-bound to respond to his contribution in this debate.

Mr. Speaker, I crave your indulgence to begin my presentation by responding to the position taken by the Member for Arima that the Opposition comes to this House with frivolous allegations and we have no evidence. Let us set the record straight because as he was talking and putting that on the *Hansard*, I had in front of me something which would assist this House to dismiss the position of the Government as mouthed by the Member for Arima and I hope when I put this on the *Hansard* we would hear no more statements from the Government that allegations of corruption which are rife throughout the country aimed at the Government, and that statements made in this House by Members of the Opposition are not substantiated by documentary evidence.

Mr. Speaker, I want to quote with your indulgence, liberally from a report done for the shareholders of National Flour Mills and the main shareholder is the Government of Trinidad and Tobago holding in trust for the people 51 per cent of that shareholding; and the Unit Trust Company, again, the people's money, another 30 odd per cent.

National Flour Mills is in fact, a state enterprise. This report to the shareholders of National Flour Mills is done by an internationally acclaimed firm KPMG and it has to do with how the people of Trinidad and Tobago lost a significant number of dollars through the rice deal.

I would just skim through the report and quote for you because at an earlier time the Member for St. Augustine said it was the Opposition that had something to do with that loss of moneys, and the corruption that took place there which he himself acknowledged. If the Government, who is the majority shareholder had read this report or is prepared to acknowledge to the country that it read this report, or that it exists, the Member for St. Augustine would have seen that the chronology of events leading to the loss of the \$30 million in the rice deal started

on September 1, 1996 and is listed in chronological order from that day, every item of activity, all the way down.

For those who want evidence I quote Item 5.3—The Unsigned Contract. So you understand why the rice lost its way. Somebody changed the specification from one variety to others. The specification for one variety was deleted. Understand that.

The next item, the timing of the first shipment of 6,000 metric tonnes was changed from immediate to within 60 days. The certificate of quality and quantity, verification, location was changed from final at load to processing plants and warehouse in India. Understand what that means. The timing of the second shipment was changed from six weeks after the date of first shipment to 45 days. The total quality of shipment within about 120 to 150 days was the kind of change made.

Payment terms were changed from payable at site to payable at counters at confirming bank in Mumbai.

Instead of paying for the rice at site in Port of Spain, it is paid for in Mumbai. Of course, when it got here rotten you paid for it already. Most importantly, in this case, the combined transport bill of lading. This type of bill of lading when combined the changing and quality testing from the point of loading to *en route* allowed Gangadas Shah to obtain the necessary documentation to make the letter of credit irrevocable so when he gets his money, it is irrevocable.

Mr. Bharrat indicated—and incidentally, the report shows who said what, who did what, when and so forth.

“Mr. Bharrat indicated that he did not understand the consequences of a CET bill of lading.”

What were the consequences? The loss of \$30 million to the people of Trinidad and Tobago. The logistic manager was surprised to learn that a CET bill of lading had been utilized.

Let us go somewhere else in the report. Anywhere else for that matter. It says, with respect to the shipping—We were told here recently—again they want evidence, they want proof—that two little ships had something to do with the Opposition and O' Halloran and so forth. It is here in this report which the Government has which says:

“LPG shipping Limited which is the company that did the shipping, a Mr. Zaid Vora. It is reportedly operated by Mr. Zaid Vora and LPG was reported to be

deeply in debt as at February 5, 1998 so they gave the shipping to a known bankrupt company.

Mr. Speaker, they want evidence. With respect to the cargo that is in Brazil. KPMG is saying we faxed one of these certificates and the Balfour Mc Lain certificate to our office in India on May 29, 1998 with a request that they attempt to make inquiries with the Indian Minister of Agriculture. Mr. Isham reportedly told them from the Delhi office that he had no knowledge of a rice sale to Balfour Mc Lain and that he did not know who had used their name to obtain the document.

Evidence of questionable performance. They want evidence, they want proof. It is here under that heading "Evidence of Questionable Performance".

1. There was a lack of due diligence inquiries regarding Gangadas Shah.
2. The terms and conditions of the original March 25, 1997 proposed contract deviated from three elements of the Tenders Committee's decision.
3. Changes to proposed contracts and Letters of Credit increased the risk to NFM.
4. Red flags were raised by professional bankers and were apparently ignored.
5. The CEO continued with the transaction without first obtaining a signed contract that had been reviewed by his legally trained corporate secretary.
6. The CEO continued with the transaction, an advancement for 6,000 metric tonnes of rice when there had been lengthy delays and other supplier options existed.
7. The general Manager, Marketing was sent to oversee loading and sampling, however this person had no experience in the field.
8. Mr. Bharrat reportedly failed to notify the board or other executives of material information regarding unpaid freight and other problems with the second rice shipment.

Mr. Speaker, the report also categorically states, at the outcome of all this, that the profit to Gangadas Shah on these transactions was 395—312 per metric tonne



or a total of US \$1,079,500 million. That is the document available to the Government outlining misconduct of the worst kind with only one of the scandals, yet this [*Word Expunged*] gets up this afternoon and talks about the Opposition making allegations of corruption without evidence. I would like to rectify that, Mr. Speaker. I would put on the record: this impudent Member of this House has the temerity to point fingers at Members of the Opposition doing their jobs by exposing the rampant corruption of this Government who now wants to pretend as though it is not so. [*Desk thumping*]

Mr. Speaker, as I said, I am sure that the rest of the country knowing what he represents, what he stands for, and who he is, would ignore him and anything he says so I will go on with the matter before us this afternoon.

Mr. Speaker, looking at the Bill before the House this afternoon and reading what the Government has put on the record, and listening to what they have said, no matter how hard I think about it, a nursery rhyme comes to mind which you may recall. It goes like this:

“Yankee doodle came to town riding on a pony

He stuck a feather in his cap and called it macaroni”.

Ever since I was a little boy I was confused as to how Yankee Doodle could put a feather in a cap and how did macaroni get involved in that. How could he describe a feather, because a feather is in a cap, it is macaroni and as a little boy I tried to figure it out. Now that I am a grown man, here is a Government doing the same thing, because this Bill is identical to Yankee Doodle’s poem because it talks about the freedom of information, and any person who reads this Bill who has heard the Government, and who understands what the Bill is doing, or is trying to do, will see no nexus between Freedom of Information and what this Bill contains.

### **2.30 p.m.**

All this Bill will do, Mr. Speaker, is pretend to provide information and those who put it through the House will be able to say that they have empowered people in this country by allowing them to access information. The Bill is so convoluted that as we try to figure out what they are trying to do, the only thing that comes out is the clear part about the exemptions. You see what they do not want to make available. But let me try to go through the Bill in some kind of order.

The first thing that struck me in the Bill is that they are legislating that exemptions would apply to documents containing trade secrets, material obtained

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in confidence or information which should not be disclosed in the interest of the economy or business or commercial use.

Why I want to address this first is because here they are legislating that such information should not be disclosed, but I remember many, many years ago, those same people when they were in Opposition and the PNM government took that position with respect to trade information with respect to our energy companies dealing with things like gas pricing and contracts and so forth, they had much to say about the non-disclosure of that kind of information, and they put it across to the country that the government had something to hide and, therefore, was corrupt.

That was one of the accusations of corruption against the PNM, especially on the issue of gas pricing. I was in the Parliament on many occasions and I heard vehement opposition from those people. Now, they are coming here to legislate that “trade secrets, information of economy, business and commercial affairs” are exempt from this Freedom of Information Bill.

It makes you wonder what exactly is their moorings in anything. Do they represent anything? Do they understand anything? Do they believe in anything? Because, they operate with such “vaps” and in such a *vaille que vaille* way; they think you forget, Mr. Speaker, but I have been blessed with a fair memory and I just wanted to put that on the record.

One of the first things I see this piece of legislation doing, is generating one mass of useless paper. Part II, Publication of Certain Documents and Information, clause 7(b) says that after January next all government ministries and authorities have to publish one mass of useless information in the *Gazette*. I do not know why the Government believes that because something is published in the *Gazette*, it will inform the public.

This *Gazette* is probably the least read document in Trinidad and Tobago. It is a colonial relic that needs to be revisited. It is required to record certain decisions but this is not the place where the public will get information and when we do what this Bill is saying we should do, all that will happen is that this *Gazette* will become a larger mass of unread paper.

So, let us not fool ourselves that by legislating that we publish in the *Gazette* what all agencies and ministries have as documents—I wonder if the Government has any idea what that list will look like, because the law says publish it in the

*Gazette*. I wonder if this Government has any idea of the volume of useless paper, and if there is anything important in there that the public will want to know, it will be lost in the mass of useless paper, so that is not going to improve people's knowledge and information about available information in government ministries.

I think that maybe the Government knows that and that is why it is being said to be done like that. If you go out in the street and ask anybody, "What have you learnt from the *Gazette* in the last 20 years, the last 10 days, the last 10 months?" It is only people who have a specific interest in something that is gazetted who will look in the *Gazette* for something—normally professional people or a person looking for a particular item of information. The average person does not and will not look there and, therefore, that is not going to change the information base of John Public. It is going to be a waste of time, a waste of money, a waste of paper and a pretence at providing information.

Mr. Speaker, I go to Part IV on which I want to spend a few minutes. In the same way I talked about the whole use of the *Gazette* as a recording of information coming out of public sources and other types of documentary things that have to be kept in a central document. If this Government and this country—let me go beyond the Government—if this country really is to benefit from any review of our present situation with respect to information, one of the first places it should look to make any meaningful change and where serious review is required, has to do with the role of the Cabinet, because that is where the bulk of the management of the country's affairs is done. That is from where the bulk of the money is spent. That is where the bulk of the decisions are made, but what this Bill does, while it purports to want to be opening up information to the country, it is scrupulously careful to preserve the *sanctum sanctorum* of the Cabinet.

In fact, some of our citizens have gone so far as to describe our Cabinet and our Cabinet system as "Cabinet dictatorship". Cabinet secrecy is required insofar as those who take part in the decisions and the deliberation of any particular individual ought to be kept secret. But, since the Cabinet is making decisions on behalf of the people of Trinidad and Tobago, having made the decision, I have to stop to think why is it so necessary that the decision has to remain absolutely secret, to the point where we come here now talking about opening up the information bases of the country, talking about empowering the population to access information and, in that scenario, we are entrenching the secrecy of Cabinet decisions.

So, Part 4, clause 24 says:

“A document is an exempt document if it is—

(a) the official record of any deliberation or direction of Cabinet.”

Now, if the Cabinet has deliberated and let us take for granted that we do not want to make available the deliberations because deliberations can have certain kinds of positions which, not being the final position, ought to be taken out of context. But, having taken the decision, can somebody tell me, a group of persons—John Public—like my friend from Arima—

**Dr. Griffith:** I am not your friend. You are a Rottweiler dog.

**Dr. K. Rowley:**—worth nothing, considered nothing, but he is in the Cabinet on a Thursday morning, takes a decision as part of the Cabinet of this country, once the decision is taken, what is the purpose and what is the interest of the people being served by having that remain absolutely secret? I would like those on the other side to tell me that, because I think if we are talking about opening up information, Cabinet decisions ought not to hurt the people. Cabinet decides to acquire a piece of land, to send somebody abroad, to lend money to somebody, to write off somebody’s debt, if Cabinet has taken those decisions in the name of the people of Trinidad and Tobago, why is it to be kept a secret? Now, we are legislating that.

Mr. Speaker, if the Government wants to prevent certain kinds of information from coming out, I think it would have made more sense and it would have been more manageable to follow the leads of other experiences, and maybe what we really need is an Official Secrets Act which says what is justified to be presented as official secrets, and the rest of the public information is available through proper channels and sources.

I think this country can manage that; I think that would be an improvement; I think it will hurt no-one to do that and there are many examples to follow. But, when we come and say the way we approach it is to try to list—and if we look at some of the pages here we will see that we are trying to list all the circumstances of the types of information to be made available, then you end up with a document like this that is clearly saying to you, “This is not going to work; it is not going to help; and it is no improvement.”

But, interestingly enough, as we say that we are opening up information, listen to one of the exempt documents as stated at clause 24(1)(b):

“a document that has been prepared by a Minister of Government or on his behalf by a public authority for the purpose of submission by Cabinet or a document which has been considered by Cabinet which is related to issues that are or have been before the Cabinet.”

Mr. Speaker, what this means is that if the Government wants to block any piece of information, all it has to do is to permit that piece of information to be before Cabinet, or having gone before Cabinet. That is all the Government has to do and from the time the Government does that, that document becomes unavailable to the public. Now, if that is the case, how in the name of tarnation could anybody on the other side get up and say that this legislation is going to make information available to the public? In fact, what this does is provide the Government with a tool which it does not now have, but when this passes, it will have that tool.

For example, if this clause was in force, when I asked the Government for the Soodhoo report, instead of the Prime Minister coming here and suffering the embarrassment, and telling us inexactitudes distant from the truth; that the matter contained libel and, therefore, nobody could see it, all he had to do was to pass that report through the Cabinet and invoke this clause. That is all he had to do.

Then it goes on to talk about other documents which are unavailable, exempt documents at clause 24(1)(d):

“a document that is a copy or draft of, or contains extracts from, a document referred to in paragraph (a), (b) or (c);”

That is, Cabinet and Cabinet committees and so forth. So, any document which contains any extracts referred to by the Cabinet document is exempt.

Mr. Speaker, you were in government and you would know. The vast majority of public documents of any significance coming from any ministry or any state enterprise and has taken any serious decision where the documents must be of interest to the public, those documents are invariably connected to some aspect of the Cabinet correspondence. What this Bill is saying is that such a document will, by the very nature of its nexus, become an exempt document. So, how then does that free up information?

Clause 24(3)3 says:

“Subsection (1) does not apply to a document that contains purely statistical, technical or scientific material unless the disclosure of the document would involve the disclosure of any deliberation or decision of Cabinet.”

So, any document that contains anything that has to do with the Cabinet is exempt.

The Cabinet is the generator of information of governmental activities and once these clauses are in effect, the Government can use these clauses to deny information and to create secrecy. But, Mr. Speaker, it goes further. It says at clause 24(4):

“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 a kind referred to in subsection (1), establishes that, if such a document exists, it is an exempt document.”

**2.45 p.m.**

In other words, once the Secretary of Cabinet signs a certificate saying so, is so, that is it, *punto finale*, exempt document!

Mr. Speaker, we are trying to create legislation to make information available. These clauses will ensure that the opposite happens, especially in the hands of people like those on the other side, and I crave your indulgence to demonstrate. The Medical Board Act, which has been in force for a long time, contains a specific provision for making information available; not just trivial information about "who do what and who 'maco' want to see who dey 'macoing'". It is specifically to permit people to look at the qualifications of doctors so that citizens could choose to which doctor they want to go, or be comforted by the fact that certain doctors they are seeing have the relevant qualifications, and all kinds of considerations with respect to the supply of health care. So long ago, before our time, this country had enacted a Medical Board Act which specifically provides that information be made available to the public on request.

I did not need the Attorney General to pass a Freedom of Information Bill in this Parliament. The law, as it exists in this particular instance, spells out that information of that nature must be available. The law says how it should be available. It says that the Medical Board must keep a register and that the register must be available at all reasonable hours to the public, and on the payment of \$1.00 you must be allowed to see the register.

Mr. Speaker, in carrying out my parliamentary duties, I attempted to see the register, as I had reported in this House and was denied access to it. I came to this House and reported it so that the Government would take note, the same

Government that is so interested in information being available. I came here so the Government would take note that the Medical Board is not making the register available to the public. What does the Government do? The Government responds, this same Government that loves information availability. I quote here from the Government's spokesman, the Minister of Health, with your indulgence, Mr. Speaker:

"Turning to the Motion itself, Mr. Speaker, I am a little surprised that the Member for Diego Martin West, being the experienced politician that he is, sought to address this matter in this particular manner because the Minister of Health has little or no jurisdiction over the Medical Board."

He said that I was asking him to politically interfere in the Medical Board. I was not doing that. I was bringing to the Government's attention that information which ought to be available to the public was not being made available and, therefore, the Government with the responsibility for providing information under the law, and as this Bill says, a requirement to be even better, should act. But he said that I wanted him to politically interfere in the Medical Board.

Worse than that, the Minister puts on the record:

"...the Medical Board has advised that they have put administrative procedures in place in order to fulfil the requirements of the law as it relates to the viewing of the register."

No such thing has been put in place! That is not true. It says that the requirement is to fill out a simple form which has the name of the person who seeks the register, the fee has to be paid and the signature of the person is required. He continued:

"This procedure has been in place for over a year and no one adhering to this policy has been denied access to the register."

Mr. Speaker, I went there and simply requested to see the register, willing to comply, and was denied access. I know for a fact that, at least, one member of the media went there and was denied access, and that the lawyer for a case in court also went there and was denied access.

The Government spokesman goes on further to slander me on the *Hansard*:

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"The Medical Board has advised that the Member of Parliament for Diego Martin West refused to fill out the necessary form and because of this his request could not be granted."

That is an outright falsehood! Absolute falsehood! I want to ask, is it because the member of the media or the lawyer representing a client refused to fill out the form that they were denied access too?

Instead of the Government taking corrective action, it slanders me in the *Hansard*. Then, of course, Mr. Speaker, worse than that the Minister goes on to say:

"As of today..."

Whatever date that was—

"our records indicate that no formal request from Mr. Keith Rowley was ever made or any fees paid in order to view the register."

I want to say to this Government and its spokesman: the laws of Trinidad and Tobago require no formal request. You simply have to turn up there and request to see the Register. What is a formal request?

Later on he said:

"Mr. Keith Rowley came to the Board's office requesting to see the Register of Medical Practitioners."

That is what the law requires. That is what I did; I turned up at the office requesting to see the register. I was denied access. The Minister came here and said, "No formal request." [*Interruption*]

**Dr. The Hon. Rafeeq:** Thank you for giving way. I think you should say that I was quoting from two letters written by the Medical Board.

**Dr. K. Rowley:** He was quoting from a certain Dr. Mungrue, but when he comes into this House and quotes, it is his. He came to Parliament quoting Dr. Mungrue who said that no request was made. Worse than that, where I was very disappointed in my colleague was when he quoted the executive secretary to put on the *Hansard*, purporting to quote me, saying that I said to her, "Don't play with me. Do you know who I am? I am a Member of Parliament!" Mr. Speaker, absolutely untrue!

She claims I said to her:



"I am not concerned with inter-office policy. I have nothing to do with that."

They acknowledged that I waited for half an hour without seeing the register, yet the Minister came into the Parliament and put on the *Hansard*, having terrorized the young lady to write a letter saying that I said to her, "I want to see it in one minute!" She claims that because no form was filled out, I did not see the register. Well, since we are breaching confidence, let us breach it, because when I raised the issue of freedom of information in this matter, my friend from Barataria/San Juan on whose signature I was denied access to the register, contrary to law, said to me "You are a helluva man; if you know you wanted to see the register you could have talked to me, I would have arranged for you to see the Register."

He told me that in the Parliament. I told him that I did not need any favour. I went to Mount Hope to see the register.

Having told me that, the Minister and his colleagues got the girl to write a letter saying that I did not comply with the form, I refused to pay and terrorized her. They came to the Parliament and lie on me! Mr. Speaker, do you understand their behaviour? No person showed me any form for me to refuse to sign. I had my dollar to pay, and I simply said, "I am here to see the register." In fact, I went back—as he himself quoted—in the afternoon at 2.40 p.m, having left at 11.00 a.m., thinking that commonsense would prevail, yet they came here and said that I terrorized the girl, telling her that I wanted it in one minute. I wanted it in one minute, yet I went back at 2.40 p.m. The Minister must get up here and deny that he told me that.

Mr. Speaker, if they had procedures in place, why then did he tell me that had he known I wanted to see the register he would have arranged for me to see it? Nice fellow that he is, the law does not say so. It says that any member of the public—and not favoured to an MP—should be able to see the register. He went further to say, when I asked him why was the register being kept secret, and said to me, "because it contains information embarrassing to some doctors and people have been harassing some doctors." So let us breach confidences, but do not come to the Parliament purporting to be champions of information for the public, and that is their conduct.

Mr. Speaker, that gives you an example of how a government can behave, even when there is adequate legislation. So I put this on *Hansard* to let the public know, that when you hear them talking nonsense about this Bill being passed that will make information more available to the public, do not get their hopes up,

nothing is further from the truth, because even where the existing law is adequate—the law provides for information—they are prepared to lie on their parliamentary colleagues to prevent that information being made available.

We are first and foremost parliamentary colleagues, and if my colleague can come into this Parliament and record on *Hansard* such vicious lies rather than have the information be made available, do you figure they will tell who at NFM was the beneficiary of the largesse in the rice deal; who at InnCogen was the beneficiary? Do you think they will give you any information to expose Government's deal with respect to the sewer treatment plant at Point Lisas? Do you understand, Mr. Speaker? They will want to use this to protect themselves, because they are not about providing information, they are about hiding information.

**3.00 p.m.**

And this Bill would be the instrument by which they would do it because when they say nexus with the Cabinet—

Now let us take the airport contract. Last week I showed you, Mr. Speaker, contrary to what they were saying, that the details of the documents available to us, Cabinet Note, minutes of meeting, reference to the Cabinet, show exactly how that deal went down. According to this Bill, none of that information could be accessed properly because it now becomes a batch of exempt documents as it contains liberal extracts from the Cabinet. It contains reference to the Cabinet decisions and so forth. So when this Bill passes, those kinds of information cannot be accessed by the public, so do not fool people.

What you are creating here is a bastion to hide information. Worse than that, they are going one better. I want to quote a bit from an Australian case, the case of *Commonwealth v. John Fairfax and Sons*, Australia. This is the Australian High Court making a ruling. It says:

“It can scarcely be a relevant detriment to the government that publication of material concerning its actions will merely expose it to public discussion and criticism.”

I want to repeat that. The Australian High Court has ruled:

“It can scarcely be a relevant detriment to the government that publication of material concerning government's actions will merely expose government to public discussion and criticism. It is unacceptable in a democratic society that there should be a restraint on the publication of information relating to

government when the only reason against disclosing that information is that it enables the public to discuss, review and criticize government action.”

I want you to apply that, Mr. Speaker, to the last speaker; his whole attitude. He made a statement and he came with a written text that some public servant wrote for him on his instruction. I want him to juxtapose his grandstanding here this afternoon against this learned ruling with which I am sure our Attorney General is familiar; a landmark Australian Commonwealth position on publication for exposure of governmental information. I commend it to the Government and people of Trinidad and Tobago because as they are pretending to want to give you information while they are creating these strictures they have their motive. They will go further.

We saw last week, Mr. Speaker—this week, in fact—a headline in the newspapers, “Bankrupt parlous Caroni Limited has to pay \$450,000.00 to an employee for wrongful dismissal”. Do you know what caused that? Information. When the information was made available to parliamentarians in the Parliament that the Minister of Agriculture, Land and Marine Resources and his partner, a certain friend of his on the board, was contracted to Caroni without board approval for large sums of money, they did not deny it, you know, because they could not. What they wanted to find out was who leaked it.

The Government's biggest concern is not freedom of information but who leaks the information, and in every instance that we have raised the matter of specific governmental corruption in this House their concern is to plug the leak and damage the leaker. So they went to Caroni and they fired the secretary of the board of Caroni. The poor lady of long-standing, great integrity and a high-ranking official, they assumed that she was the source of my information and they fired her summarily.

But thank God in this country we still have the courts, for the time being, and she took her case to the court, and the courts functioned as they should and they have ruled that Caroni (1975) Limited was wrong, the chairman was wrong and the lady is now to be paid almost half a million dollars for Government trying to penalize her for leaking information. The lady is innocent. I want to put that in *Hansard*. The lady is totally innocent. She was never any source of any information to me, you understand.

Do you know who is paying that money? John public, the taxpayers. Added to that half a million dollars, she is going to get another half a million for legal fees. Taxpayers must pay that. The Government responds by reappointing the said chairman

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on whose direction that action took place. The lady was fired on his position. He went to the court. The documents of the court are there for the public to see where he goes to the court and slanders me in the court saying that I accessed information through the lady. Of course the court rejects it—quite properly. He has been reappointed chairman of this company. When people like that are in the bosom of this Government, how can we take the Government seriously?

I came to this House and brought information about how this Government's friends have allowed the CEO of NIB to earn an extra \$15,000.00 a month purporting to be doing work for a subsidiary of NIPDEC. When I did that the Minister of Finance came here and lied. When I presented the facts and the paysheet and the payment stamped and signed by the chairman, Mr. Speaker, do you know what he did? They went to NIPDEC and, like Caroni, they fired the auditor, again assuming that he gave me the information. They are not concerned about the information, they are concerned about who might have made the information available to the public. You understand, Mr. Speaker. Information.

**Mr. Speaker.** Hon. Members, the speaking time of the Member for Diego Martin West has expired.

*Motion made,* That the hon. Member's speaking time be extended by 30 minutes [*Miss P. Nicholson*]

*Question put and agreed to.*

**Dr. K. Rowley:** Mr. Speaker, I want to thank you most sincerely and I want to thank my colleagues for the extension. In our situation and virtually any situation like this in the Commonwealth, there is no better source of information for the public than the mouths of Ministers of Government, for two reasons. Ministers of Government have available to them the machinery of the Public Service which can research and provide them with up-to-date and accurate information.

The press also, in discharging its responsibility to inform the public, usually follows Ministers in their utterances and very promptly would tell the public what Ministers say and that is the most effective way of getting information to the public, in or out of Parliament. So therefore, if we are genuinely concerned about informing the public, if a diet or an increased diet of information is what we are after, then the best place to improve that supply is out of the mouths of Ministers.

So rather than talk about printing volumes—[*Interruption*] Why do you not shut up?—of the *Gazette*, which we all know that nobody reads, the effectiveness of informing the public, I want to recommend that ministerial utterances would remain the best source of information in this country for a long, long time and that is why it is necessary for ministers to be open and truthful. If ministers are open and truthful the country will get a supply of useful information. But look at the Attorney General.

The Attorney General in our system is a very senior position in the Cabinet, a very significant position. After the Prime Minister probably it is the most important post and insofar as people's rights and their lives are concerned, probably the most important. But the Attorney General of Trinidad and Tobago does not have a commitment or should I say he does not have an unreserved commitment to information. He has a commitment to information conveniently, or to use information conveniently. If he makes an allegation it should be taken seriously. If one is made against him, dismiss it. Understand that.

With that kind of pattern, Mr. Speaker, you cannot convince me that he has any commitment to any unfettered flow of information to the public. This Attorney General, I saw him on television, a public platform, public—unfortunate because, you see, in our system it is unfortunate that the Attorney General has to go on a public political platform and try to use the demise of nine of our unfortunate citizens. But if he chooses to do that, fine. When he does it, do you know what he is saying? “The PNM knew that Dole Chadee killed 21 people and did nothing about it”.

For a start, the PNM at Balisier House at No. 1 Tranquillity Street has no responsibility for prosecuting anybody in this country and the same thing goes for the UNC, the NAR or the DAC. Political parties do not arrest and prosecute people. It is the state, through its ongoing machinery, the police and the courts, and he knows that. [*Desk thumping*]. But worse than that, he knows that before he and his friends were in Government, the said Dole Chadee was arrested twice before by the state, through its machinery, and appeared before the courts and the PNM had no role in that. This political party had no role in that.

In the courts twice before, he won his cases as a result of the midnight oil being burnt by whom?

**Hon. Members:** The Member for Couva South.

**Dr. K. Rowley:** You understand. As a result of his unstinting efforts twice before that murderer walked free. [*Desk thumping*]. It may very well be that if on one of those occasions Dole Chadee was convicted, the Baboolal family might have been alive today and Sankeralli and all his friends would have been alive today. [*Desk thumping*] But you see, he gets up as a spokesman for the Government, providing information to the Government and says to the country that the PNM did not do anything about Dole Chadee. It was three times unlucky that Dole Chadee got hanged. Understand that. The state functioned eventually, the misdemeanour, the wrongdoing, the criminal act, the law caught up with him.

Let the record show, Mr. Speaker, that the Attorney General of Trinidad and Tobago, a provider of information, the person bringing this Bill to Parliament with lofty statements, was charged by the state of Trinidad and Tobago for conspiracy to commit murder. His position on that information was, "I dismiss that. It is an allegation. Blame the PNM", and so forth. We know that that information, the file disappeared and the witness died. He would have us believe that because he said that there was no merit in the charge, we must accept that.

I say that as of today we may very well—in fact, not may very well, we will never know the truth of that matter because it never came to trial. He could be the most innocent man in the world, I think he probably is, but, on the other hand, it may very well be that the opposite is true. We will never know because the system did not work. That is why I make no defence for any murderer in this country.

However, I have a problem with the Attorney General trying to make political mileage out of a situation which any person of reason seeing information, not through this Bill or any gift from him, but seeing what happened this week, the question of the tape and the Attorney General gets up and he and his friends decide down in a room in this building that the man must lose his life without any further recourse, without his defence lawyer being informed that the tape exists. So when Sankeralli says he is innocent, dismiss him but when Ramesh says, "I am innocent", "Believe me". That is how they see information. At least Sankeralli's case went to court and he was convicted and he was sentenced to hang.

If the Attorney General had any commitment to information being used in the proper way, our system provides for a Mercy Committee to examine all aspects and in the PNM—I know I speak for the PNM—we say a man or woman fighting for his or her life in this country under the laws in this country must be allowed to fight. But you see, Mr. Speaker, which of us in this Chamber on the Mercy

Committee would have heard what is on that tape and not want to consider it? I am not saying what the outcome would have been. My friend from Naparima, I ask him: Which of us on the Mercy Committee would have seen the contents of that tape and not want to consider it?

However, the Attorney General dismissed it out of hand, right. When his charge is raised, "It is the PNM do it. I am not guilty"; but a man fighting for his life, you would not even let his defence lawyers know that there is something to consider. I do not care how they vote. *[Interruption]* You have my associate and colleague from Arima talking about paying a price in the election. I have gone past that. If he would not pay a price for selling out the mandate to the people of Arima, I will pay no price for anything I say or do; understand that. If there is any person in this country who is to pay a price for his actions, he will pay.

**3.15 p.m.**

Mr. Speaker, we have to understand that the people in Government today are not normal citizens. They do not represent us. Even when they know better they will not rise to the level as required by them. I saw the Attorney General, again, the provider of information, on television. He was wearing a nice suit. He looked good on television. Do you know what he was saying, Mr. Speaker? As he is providing information to my children, your children and the children of the country, he wants General Brown to explain why he waited so late to come with the tape. In other words, it is not that the tape came at a time when, at least, the defence lawyers could have been made to know that something has come up. He is also a very, very crafty defence lawyer. He is not raising the point as of a copy. If General Brown has a copy, the question I am asking is: Where is the copy? That is what the Attorney General should do. *[Interruption]* I do not know who has what. I am simply saying, if somebody comes up with a tape and says, "here is a copy of interest to the country". To me, the first question that would arise is: Where is the original? Instead of my Attorney General asking that question, he is going on television seeking to demonize General Brown as if he has committed an offence.

Mr. Speaker, we have to be careful with information. This Government has no commitment to the proper use of information. Their only commitment is to use information in a way that advances their own cause; not in a way that provides the public with a balanced position on which to take a stand. *[Interruption]* I am arguing those details purely from the point of view of conduct with respect to

information. I am not here to defend General Brown. I am not getting involved in the matter of who should be hanged and who should not be hanged, I am talking about the Attorney General's conduct with respect to information. The effectiveness of information only arises on how it is to be used. If, as I have demonstrated, the Government's position is going to be used in any way to cause us any discomfort or embarrassment, then the information is to be kept out. That is why they did not support me in causing the Medical Board to account for its actions. Instead, I was slandered in the process. Do you understand that, Mr. Speaker? That is the point I am making. Rather than come out and say how the information should be used, they chose the other position, to defend secrecy.

I am more concerned about this matter because I see that office of the Director of Public Prosecutions coming in, ever so often, like a Spanish station. I often wonder whether this is professional or whether pressures are being brought to bear. I am seeing a statement in the media about the information. The Director of Public Prosecutions is saying that it cannot be made available because it contains sensitive material. The material is so sensitive that the Director of Public Prosecutions says that it cannot be made available. Okay, I accept that. Then I bought the *Trinidad Guardian* and Francis Joseph, who is a lackey of the Attorney General, is running a commentary on the contents of the tape.

I want to find out—in the same way, this Bill seems to put into law, a clause to protect ICN—whether Francis Joseph is different to the rest of the media in this country, that he can have access to the tape and a version is being sent to the public where anything which is said about Members in the Government is edited out but he can say whatever he wants about everybody else. And I am asking: Where did Francis Joseph get the tape? Call names and I would whistle. So while the Office of the Director of Public Prosecutions is taking a position that the tape cannot be made available, a friend and an associate of the Attorney General is running a sanitized commentary in the *Trinidad Guardian* for the benefit of the public. That is how information is used and abused by this Government and the people all over the world who see information as only for their benefit.

Today I am saying to the Attorney General, if one newspaper has access to that tape, everybody must have the unedited version. *[Laughter]* Do you understand that. We are not going to sit here and tolerate that and accept it as some aspect of our governance that we should cheer. We are not going to cheer that.

I want to come to the point about ICN. Mr. Speaker, item 37 says “the Government-owned television station.” The only difference between ICN, CCN



and any other television station is that the Government is the owner of the shareholding. That is the only difference. Is that not the same purpose? Using the same material? Why then is it necessary for the Government to put a law that purports one to provide additional information and to make information available? Why then does the Government want to put the following clause into law? And I quote:

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

Mr. Speaker, suppose ICN and CCN tape something in the street. The law is protecting ICN, who is protecting CCN? And it makes a nonsense if another commercial station could broadcast this information or could have it and make it available. It makes you wonder, what is it that ICN has that the Government wants to protect under law, other than the comings, goings and the private carryings on of the Government Members.

If one looks in today's *Daily Express* on page 14, under the heading, “Betrayed by Govt”, one would see there is a letter written by a person who says:

“I am surprised that the Prime Minister is allowing his Minister of Information, Dr. Rupert Griffith to use us to secure video footage for his electioneering. I have been asked to be on call 24 hours to videotape the PM all over the country for use by Government-paid Roy Boyke who is spearheading the PR for the Local Government elections campaign.”

The point I am making is that it has to be some kind of information, other than what CCN would have. The only reason the Government would want to protect ICN in this way, and not protect CCN the same way, is because ICN, the Government's own station would have something which CCN does not have. The answer is there. If you are walking behind the Prime Minister 24 hours a day, somewhere along the line as he lapses you would have it on tape, and they are afraid that somebody would want to access those tapes under this information, to see what is there 11 o'clock in the night; what is there at 1.00 o'clock in the morning; what is there at 5.00 o'clock in the morning. So they would know the risk they are running, by putting the state agency to cover Government officials 24 hours a day. They know that there would be a record of their conduct at ICN whereas the same thing is not true at CCN.

**3.25 p.m.**

You heard the Member for Arima saying that they must remember they have licence renewals to come and he is dictating that they must carry good news. The Government is trying to manage the information flow. They could say what they want; anybody in this country who has three brain cells, who is prepared to acknowledge a spade as a spade, will understand very clearly what the Government is doing. Very, very clear. So, I am not going to be taken in by any of this.

Mr. Speaker, I want to show you the futility. Let me give you an idea. Clause 40(1) which sounds very lofty, says:

“The Minister shall, as soon as practicable after the end of each year, prepare a report on the operation of this Act during that year and cause a copy of the report to be laid before each House of the Parliament.”

Big deal. Existing law says that every six months this Government must lay in this Parliament a report on the road improvement tax. Tell me, when did the last report come here? The Government has been in office for almost four years, it has failed time and time again to follow the law to put a report on the road improvement tax in this Parliament. You know why? Because to do so will show the level of unfair treatment with respect to the use of that money and the corruption that is being carried out by the Member for Pointe-a-Pierre. So dismiss the law. Just do not lay the report. So coming here and saying that you have to lay a report, they will simply not lay the report.

**Mr. D. Singh:** Mr. Speaker, a point of order, Standing Order 36(5)

**Mr. Speaker:** We are not satisfied with Standing Order 36(5).

**Dr. K. Rowley:** Mr. Speaker, thank you very much. I had already dismissed him.

Clause 40(2) says:

“Each Responsible Minister shall, in relation to the public authorities within his portfolio, furnish to the Minister such information...”

And it goes on to talk about records and so forth. What if a Minister does not comply with this as per this requirement? Is there a punishment if he breaches the law? Can he be prosecuted? What if it is ignored? Let us not fool ourselves about getting information.

Clause 36(1) is a curious one. And I think that the Attorney General wrote this specifically for himself. It says:

“Where a document...contains personal information of an individual and that individual alleges that the information is inaccurate, the public authority which holds the document may...correct it.”

Suppose the information that the authority has is different to what the individual says the victim alleges, and he alleges that it is inaccurate, on what basis are you going to be corrected? Is it that the individual says, “Because I say it is wrong you must change this”? Or is there a burden on the agency to use a certain criterion to determine the accuracy of the information before it can be explained?

But then he goes on to say in clause 36(3):

“For the purpose of this section, information may be corrected by amending, supplementing or deleting it.”

Now, what that means is that all he has to do is go to the court and say, “The file you have there on me is wrong”, and on that basis it has to be deleted. That is how he intends to delete the charge from the public record. That is the only way it can be deleted because now it remains on public record that he was charged for conspiracy to commit murder. If this is passed, he now goes to the agency and says, that information is wrong and on that basis his allegation is wrong, it has to be deleted from the record. That is what it is. Understand that. We understand exactly what they are saying.

I want to close, Mr. Speaker, on clause 38(1)(a) and (b). It says.

- (1) “Where access to a document has been given in accordance with the requirements of this Act...
  - (a) no action for defamation, breach of confidence...may be brought against...an officer or employee of, the public authority as a result of the giving of access.”

What that means is that a malicious person could make available any damaging information about any person in this country and then request that information by way of the agent and that person cannot be prosecuted. Because the Act goes on to say in clause 38(1)(b):

- “(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; or
- (ii) any person as a result of that person having supplied the document..."

So I could write anything about my friend from Naparima, I could write the police and say that he is a drug dealer and the police will have that on file somewhere and then I could have this made available by way of this Act and it can now be made available to the public and, I, as the author of that mischief, am protected from prosecution.

This piece of law is dangerous and I will tell this country, if this is passed by this Government, they will use it to light a fire stick to burn up the rights of the people of this country. This is nonsense. It does not provide access to information; it provides opportunities for mischief, it provides opportunity for Government to hide and cover up its wrongdoing; it must not pass in this House.

Thank you, Mr. Speaker.

**Dr. Fuad Khan** (*Barataria/San Juan*): Thank you, Mr. Speaker, for recognizing me.

Mr. Speaker, I will not start by using a nursery rhyme because starting with a nursery rhyme takes away the maturity level that one has. Now, the Member for Diego Martin West began his contribution with a nursery rhyme and, in the course of his contribution he carried us all over to different aspects of what we have heard before *ad nauseum*. The Member for Diego Martin West, as I respond to him, seems to have an affair with the Medical Board and I will deal with that as time progresses. But this Freedom of Information Bill makes information available to the public and while the Member was speaking I began asking myself whether he is afraid of something being made public.

Now, I would just like to deal with the small issue of the Medical Board. The Medical Board Act came into being around 1961 and in those days, and it still is, the name, address, telephone number, qualifications and all the information on that doctor would be in the register. You will all be aware that as time progressed we had more and more females becoming doctors and that register has their names, addresses, telephone numbers, qualifications, *et cetera*. And one has to understand this protection because we were besieged by complaints from the female medical doctors, as well as other practitioners that they were being molested.

**Opposition Members:** Ooh!

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

**Dr. F. Khan:** They were being molested by certain individuals who came to this register and got their names, addresses and telephone numbers, called them at home and molested them. [*Crosstalk*]

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

**Dr. F. Khan:** If the Member for Diego Martin West has any daughters who would become doctors he would appreciate that this would protect his daughters.

**Mr. Valley:** This is in the telephone directory.

**Dr. F. Khan:** Not many doctors in hospitals have telephone numbers on their names. Now, may I continue.

More female doctors, and many other doctors were also called and threatened at various intervals. So it became a policy of the council of the board to protect, basically, the female doctors from molestation by people of unsafe character.

Now, after discussion with the President—who is out of the country—I received a telephone call, and I asked him whether we ought to make it public and, in so doing we had a discussion and we decided that if anyone wanted information from the Medical Board of that sensitive nature we would have a form provided, so we can see who is asking for this information. They have to come in. [*Interruption*]

Now, if the Member for Diego Martin West would give a bit of courtesy, because when he speaks, no one, nor I, ever got up. Would you give me that common courtesy?

Now, in doing so, we can protect the people, the female doctors from molestation by characters who saw them at the hospital and got their names and looked at their addresses, and so, I want to read this into the record once more. I want the people to be adjudged, not Parliament. Let us listen. This is Miss De Four, our executive administrative secretary writing back to Dr. Mungrue. Now I am going to do the same thing that the Member for Diego Martin West does, take little piece of stuff and put it to the Parliament and let everybody make their decision. I will come back to that.

Now this is paragraph 3. Miss De Four says:

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“Before either of you responded, Mr. Rowley came banging at my office door, when I came out he said, ‘don’t play with me, do you know who I am, I am a member of Parliament’.”

**Dr. Rowley:** That is a lie! You forced her to write that.

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

**Dr. F. Khan:** I should not bring the Speaker into this. I would not give that person the time of day.

**Dr. Rowley:** You and Mungrue forced her to write that!

**Mr. Speaker:** It is not right or proper for the Member for Diego Martin West to intervene in that manner while something is being said. You cannot do that. The whole point is, that could be dealt with; you could ask him to give way and reply, but it cannot be done like that.

**Dr. F. Khan:** Mr. Speaker, I will just digress. The Member for Diego Martin West has said on the occasion when he was speaking and he just said it again, that myself and Mungrue concocted this letter. What utter rubbish! It is total rubbish! I think I am above that stuff, so do not put me there. I am very disappointed in him. Here he goes again:

“‘I am a Member of Parliament’. I then reiterated to him the office policy and at the same time showing him the memorandum to that effect.. He indicated, ‘I am not concerned with inter-office policy, I have nothing to do with that’.”

It is the same way he speaks here in this kind of tone. It goes on:

“I then secured myself in my office after which he left.”

Now, you have somebody coming to this office, with this kind of attitude, and he said he is looking for the register.

**Dr. Rowley:** I never said that!

**Dr. F. Khan:** You said you filled out a form. It is upsetting to know a Member of Parliament can behave in that manner. *[Interruption] [Inaudible]*

**3.40 p.m.**

I thought he might have decided to go and check on it himself when he used Dr. Chandu Lal’s one credential and chastised him for that. He used the Pacific Western University, that is just a diploma, it was just something gotten by itself,

but Dr. Chandu Lal—and the Member for Diego Martin West fully well knows it—has a Forensic Degree from the Botswana University, which makes him a specialist. But the Member never brought that into the argument. *[Interruption]* Of course, he knows it.

Mr. Speaker, now it is unfortunate—*[Interruption]* the Member had 75 minutes to make his contribution. For God’s sake, let me make mine. We have a gentleman who is so fully versed at distorting the facts. *[Interruption]*.

Mr. Speaker, I was not going to mention anything about this, and in fact, I might as well bring this into the debate—as they say, it is the last straw that breaks the camel’s back. When I asked the Member for Diego Martin West if he wanted to see the register, I did so as a colleague of the Parliament—anyhow if one wants to see the register that is no problem—but what he did not say is what I told him before, maybe he was not listening to that, maybe he was putting something in his file for further reference, like what he did today, breach confidence; and I warn everyone on that side, do not tell him anything because one day he is going to slap it in your face and breach your confidence. Be very careful what you do. *[Interruption]*

What I told the Member was, we are there and people have the names, addresses and telephone numbers, it is there to protect the individuals but if he wants to see the register, I will organize for him to see it. I said it, but for the Member for Diego Martin West, to come here today and say it the way he did, tantamount to manipulation and distortion—no I am not giving way because you do not give way. You said that you are not giving way so I am not giving way.

Mr. Speaker, the thing about it, when he was speaking he also said that the Attorney General appeared at cases for Dole Chadee. May I say at this time it looks like “St. Dole Chadee”.

Mr. Speaker, I asked the Attorney General, before I made the statement and he has assured me that he has never made any appearances at any time for Mr. Chadee in any case. I think the Attorney General should deal with that at a later date, because once again, the general population is being fed distortions and the distortions may be reported.

I have always said in this House that people are conditioned by what they see, read and hear; it is called “auditory visual”. Once one hears lies or distortions, one believes them because they are there in the media, in the newspapers and on

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television and if one sees a man who is as versed and as learned as a Ph.D., the Member for Diego Martin West, standing up in this honourable House and making such utter distortions, what does one expect? Our young minds will believe such distortions. If I did not get up today, one would believe the distortions that he made about the Medical Board. Thankfully, we have our secretary with the letter refuting what the Member had said—I just hope that the poor lady will not be in some way chastised.

Mr. Speaker let us go to the Freedom of Information Bill, in the general explanatory note which states:

“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, I have said it once and I will say it again, access to information. Let us talk a little about service commissions and their “hot bed” of—I hate to use the word but I think I am under parliamentary privilege—nepotism. There are many people in my constituency who have been going time and time again to this Commission, looking for government jobs which are supposed to be stable. Mr. Speaker, some of them have been going there as far back as—a lady who is now 45 years has been going there since she was 20. She is looking for a job as a cleaner in one of the government’s institutions. She has not been called for anything, even though she has been going there time and time again, but her friends or somebody who knows someone inside there has been calling people and saying come and get employment.

Mr. Speaker, where can that lady make a complaint—to her parliamentary representative or the parliamentary committees, which the boys across there denied or did not support?

The service commission is an institution which has been here since 1961 and, in the debate on parliamentary committees, one got the impression that certain mechanisms were put in place in the Constitution whereby one could stop the practice of nepotism that was enshrined. When one looks at the whole matter and movement, I always ask myself, when I get these complaints, who appointed the first service commission? Maybe now we could ask, once this Bill is passed and get information from 1961. And who did they favour in propagating their ideologies and influences throughout the ranks? As a result of that, people who do



not support the ideology are denied access. Mr. Speaker, now, you, the Members and I would have known that people seeing different aspects had absolutely no right to information.

May I just read here, “public authority” this Bill says that a public authority means Parliament, a Joint Select Committee of Parliament *etcetera*; a Ministry or a division of a Ministry, the Tobago House of Assembly, a municipal corporation, a regional health authority and went down the list.

Mr. Speaker, now, when one asks what information can be given from these institutions to the general public.

My job here, and I think the job of every person on this side is the progress of our country and the benefit of the general public. My idea is the benefit of my constituents, those who have problems and those who will have problems in the future. Many people have complained about inequalities in the National Housing Authority—not from the Minister—but the people who service them; they have complained about the service commission, and the regional authorities and these poor individuals have no access to information except verbal.

### **3.50 p.m.**

There are people in the regional corporations—my pet corporation is the San Juan/Laventille Regional Corporation—who seek wholly and solely to undermine my position as a representative, yet I cannot get any information from that corporation. My councillors put in various requisitions and once it is in the area of Baratavia/San Juan, and I call the Baratavia area to be precise, nothing is done or things are done so that nothing happens. My councillors and I would like to get information on this and right now we are being denied information whenever we write or make a verbal request.

Mr. Speaker, without information one cannot do what one desires to do. I cannot accuse somebody like the Member for Diego Martin West without correct information. I am not a very good person at distorting the facts. I call it as I see it, and the facts are such that freedom of information in this country is necessary for progress and also necessary—as the Member for Diego Martin West and his colleagues put it, and too ourselves—to stymie the practice of corruption. So if one says that a ministry or a Minister, or whatever—this is legislation in the future.

The Government is passing legislation for the future where information can be obtained when one accuses public officials of corruption, nepotism, and partisan-

type behaviour. Once information is legislated we can now get the satisfaction of being able to act on a decision because, Mr. Speaker, one could call corruption, one could call whatever for lengths of time and without proof, or evidence, it becomes nothing except words in the wind.

Mr. Speaker, with the Freedom of Information Bill the Members on the other side who are so apt in calling corruption can now seek information and bring the hard evidence for the Prime Minister to deal with. The Prime Minister, as you realize, has been asking the Members of the Opposition to please bring evidence, yet, Mr. Speaker, it is quite easy to stand here and call everybody on that side corrupt, but if I have no evidence it is all in vain.

Concerning the regional health authorities, my friend, the Minister of Health, has been kind enough at certain times to help me deal with problems which occur in that area. However, my constituents have been besieging me to act with certain precision on certain actions and I have asked for certain information verbally and otherwise and it is long in coming. So with a legislation like this in place, one could act faster and also get movement when something is law.

One could pass legislation, but one has to access the information. The right of access of information is not a divine right for every single thing. There are certain sensitive things of such sensitive nature that should not be seen by everyone. I am not proposing secrecy, but as it permits, there are many examination results which are not seen by candidates, the candidates could question and a board decides. Cabinet documents are sensitive documents. It would be unwise for Cabinet documents to be made fully public because when one does that, one opens up a Pandora's box of who made what decision and who did not. In any society, as I always say, there are 50 per cent of the people for you, and 50 per cent against you, and if you make a decision for the benefit of the country and it does not augur well for somebody who is looking for self-satisfaction, if the Cabinet notes were made public, it would stop Members of the Cabinet from making useful contributions. So the Member for Diego Martin West who asked for Cabinet notes to be made public and also asked why is there secrecy in Cabinet notes, I would like to caution him that if his time ever comes, if it does come, he would want the same—I would not say secrecy—for himself as we have for us. When one looks at the whole, not part of a statement, one sees the importance of the need for keeping certain information under wraps. Also, statements and decisions of national security need to be kept from prying eyes. Statements and documents of police reports which are useful for apprehension of criminal elements need to be kept

initially from prying eyes. I want to go on and on but the gist of this Freedom of Information Bill ties in quite nicely with the Bill for parliamentary committees.

Access of information is one thing, acting on the information is another, and once again, we hear the Members of the Opposition say they are not going to support the Bill because it is secretive and so forth, so too, are parliamentary committees. When one passes a Bill like this, it is made law, it might have some amendments later on, but the action of this Bill would occur in the courts and I am told in the parliamentary committees and, as we quite rightly said the last time, we are the *bona fide* representatives of the people of this country and, as such, we have the right to act upon instances of corruption, nepotism, or partisan behaviour and as a joint House we would do it, not as a singular House.

Mr. Speaker, if a carpenter does not have the tools with which to work, he cannot work and for years we have heard about behaviour patterns occurring in public officers and ministries and nothing has been done about it. I would like to commend my Government for taking this bold step in bringing these pieces of legislation to Parliament.

Mr. Speaker, as a representative of the people in my area, I see many problems. I see a lot of negative behaviour in that area and there is nothing worse in this world than when someone has no recourse to action against him. When a Government who cares acts in such a manner and receives great opposition, one has to question why the Opposition does not want to give life to this legislation. It is a simple question. Is it because there is something to hide? I do not know. My friend from Diego Martin Central has nothing to hide. I have had dialogue with him and I always tell the people that he is one of the most knowledgeable Members on that side. So I find it difficult that the Member for Diego Martin Central will not give life to this legislation because he is a man of the people.

**Mr. Valley:** I know.

**Dr. F. Khan:** Mr. Speaker, he is a man of the people and when one looks at this total legislation and the exempt documents, I remember the Member for Diego Martin East saying it is a "Secrecy Act". Saying that, does not really make it a "Secrecy Act" because he says so.

Mr. Speaker, after reviewing what the Member for Diego Martin West said in his contribution on what we have heard before: the National Flour Mills, Airports

Authority, Medical Board, I realize at this point in time there is really very little of what he has said for me to reply to.

Thank you.

**Mr. Barendra Sinanan** (*San Fernando West*): Mr. Speaker, first of all, let me deal with the contribution of my friend from Barataria. When he started his contribution, I was a little confused as to whether he was saying that the register was not made available, or he had to get this form to fill out before he could see the register simply because members of the public, or even perhaps by inference or implication, medical doctors were harassing female medical doctors. He did not say that, but one can certainly infer that.

So here you have a professional body with a list of the members of that body and you are seeking, under law, to deny access, because the law does not provide for the filling out of a form. I gather from the hon. Member that the president and himself as vice-president decided to change the law. *[Interruption]* I do not know, he indicated he had to fill out this form. So here is an example of the president and the vice-president of the Medical Association of Trinidad and Tobago changing the law. I have to consult with my own association, the Law Association, and I would do so with the Dental Association, and inquire of the other professional bodies whether they do have some similar rule whereby members of the public or members of the profession are prohibited from examining the register and have to fill out a form. It does not make sense to me. So that this idea of filling out a form is not law.

**4.05 p.m.**

Let me also comment on the contribution of my hon. friend from St. Joseph to agree with him in his opening remarks when he said that we are, in fact, in the information age. I saw a television documentary sometime ago where they are now developing, not small planes, but small little gadgets with a bomb in it which can go through buildings. This instrument can actually fly through the streets of Port of Spain and target a particular building, all from a computer. So, yes, I agree with my friend from St. Joseph that we are all living in the computer age.

With respect to my friend from Arima, I sit here and listen to his contribution when he speaks, and I wonder where he was all these years in the People's National Movement and why he sat there and took all the ills of the People's National Movement for so long, not certainly to my knowledge, getting up once and voicing his opinion or his regret, or whatever else against the PNM.

I remember on one occasion at San Fernando on Coffee Street, I was there and I heard the hon. Member sing the praises of the hon. Member of San Fernando East; he defended him and boasted that he had been a Member of the Youth League; and I asked myself, "What changes people like that?" I know the hon. Prime Minister would label a fellow in that way. Anyway, I would not say what he would call such a gentleman, but I know the hon. Member for Naparima and even the Member for Tobago East would know the expression.

Now, I come to my friend from Tobago East. Again, every time he speaks in the House and, certainly, when he did on this Bill, he laments the fact that he was taken off the air from some radio programme. All I say to him is that he is in the best position now to have the Government, of which he is part, reinstate that radio programme. Perhaps, he could talk to the Member for Arima and get his radio programme going because he has some sort of information that he wants the public to have access to. I am suggesting to him, very humbly, that he ask his colleagues on that side to facilitate him to disseminate to the public whatever information he wishes.

There was one other thing which he said which I must agree with and compliment him for, when he referred to, I think it was Raffique Shah making some statement about his mother trying to abort him, or something like that. I found that to be a disturbing thing for a journalist as astute as Raffique Shah to say, but I must caution him that he should have really pursued to sue the fellow for libel, on that basis, always remembering the defences open to a defendant in a suit for libel.

So, Mr. Speaker, these are my opening comments on the contributions made by Members on the other side. Before I get into the meat of my presentation which I would do clause by clause, with your leave, I want to quote liberally from two publications. One, the *Daily Express* of Tuesday, June 29, the opinion column, on page 12 under the headline, "Freeing up the Information Bill". It started off by talking about the George Orwell's classic which I think was referred to by the Member for Diego Martin East and it went on to say:

"In a similar vein, the UNC administration's Freedom of Information Bill seems more like a Suppression of Information Bill..."

Certain provisions of this Bill strongly suggest that the Government is less than sincere about making information readily available to citizens. For example, there is no independent tribunal to which citizens can make their

requests for information. Instead, the Bill allows the Minister to refuse to disclose information if it would be contrary to the public interest—a clear case of himself judging himself.

And, while Clause 39 of the Bill allows for an individual to seek judicial review, no provision is made to offset the costs of such proceedings.

Contrast this with the United States Freedom of Information Act, which specifies that if a requester has to file a lawsuit in order to obtain information that should have been disclosed in the first place, a court may order the government to pay the requester's attorney's fees and litigation costs. That Act also requires government agencies to waive *all* fees—for copies, man-hours, research and so on—for requests for information that will increase public understanding of government operations or activities.

If the UNC administration is serious about freedom of information, there are at least three fundamental principles which must inform this Bill. First and foremost, there must be a presumption in favour of public access to all Government information and against government secrecy. Second, there must be a *clear* definition of the categories of information that can be withheld from the public, thus placing strict limits on the government's discretion to keep information secret.

Last but definitely not least, information must be simple and accessible to the public. Anyone should be able to make a request for information. A person making a request should not have to show any particular need for the information. The only requirement for the request must be to 'reasonably describe' the records sought and it is the responsibility of the Ministry or agency to supply the relevant documents within a reasonable time frame.

...The UNC does not seem to realise that one of the greatest burdens it labours under is the anti-democratic rhetoric of its leaders. Nor has the Government's several attempts to pass repressive and even anti-Constitutional clauses inside otherwise innocuous Bills bolstered public confidence."

The last bit there about "public confidence", to me, is what the citizens of this country are looking forward to, and I do not think standing here as a Member of Parliament and as a citizen, I can say that yes, this Government demonstrates public confidence. To me, this Government lacks in that; it lacks in the trust. I do not think as yet that people can trust this Government.

The other publication from which I wish to quote is one headlined in part, “T&T Transparency Int’l comments on Freedom of Information Bill 1999:”. They made certain comments in an article in the *Sunday Mirror* of June 27. This publication was also carried in the other daily newspapers. It spoke about clause 3 which states the object of the Bill. It said:

“The objective of the Freedom of Information (FoI) Bill now before the Houses of Parliament in T&T is stated as follows:

‘...to extend as far as possible...’

—we have an amendment where “as far as possible” is deleted—

“the right of the members of the public to access to information in the possession of public authorities.’

This objective does not define the spirit of a proper FoI Act, which should include, to:

- (i) Increase the public scrutiny and accountability of government which will improve the quality of agency decision making.
- (ii) Enable citizens to be kept informed on the functioning of the decision-making process as it affects them, and to know the criteria that will be applied in making these decisions in order to increase public participation in the process of policy making.

Untrammelled access to information by the public, is a necessity in the fight against corruption.”

I will repeat that.

**Mr. Speaker:** I am sorry to interrupt you, but I do want to suspend the debate on this Bill for a while. I promise you the opportunity to come back, but we will suspend it at this stage and when we come back, you will have an opportunity to continue.

#### **CRIMINAL PROCEDURE (PLEA DISCUSSION AND PLEA AGREEMENT) BILL**

##### **Senate Amendments**

**The Attorney General (Hon. Ramesh Lawrence Maharaj):** Mr. Speaker, I beg to move,

That the Senate amendments to the Criminal Procedure (Plea Discussion and Plea Agreement) Bill, 1999 listed in the Appendix be now considered.

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*Question proposed.*

*Question put and agreed to.*

*Clause 3.*

*Senate amendment read as follows:*

Delete subclause (3).

**Mr. Maharaj:** Mr. Speaker, the subclause which is to be deleted at subclause (3) is where this Bill is at variance or in conflict with any other law, the provisions of this Bill shall prevail. The purpose of this amendment would be that there can be no confusion as to what Parliament is passing.

Mr. Speaker, I beg to move that the House doth agree with the Senate in the said amendment.

*Question proposed.*

*Question put and agreed to.*

*Clause 9.*

*Senate amendment read as follows:*

In the last line of subclause (3), delete the words “sitting in Chambers”.

**Mr. Maharaj:** Mr. Speaker, clause 9 of the Bill deals with plea agreements and in clause 9(1), it deals with the question of when the plea agreement is concluded between the prosecutor and the attorney for the accused, which will be set out in terms of Form 2 of the Schedule.

In subclause (2), it refers to when it deals with an unrepresented accused and subclause (3) deals with the Registrar or the Clerk, the Registrar will be in the case of the High Court and the Clerk will be in the case of the Magistrates’ Courts:

“...shall, upon receipt and filing of the agreement, set the matter down for hearing before a Judge or Magistrate...”

And, quite inadvertently or as an oversight, we had after magistrate “sitting in Chambers”, because the hearing of these cases themselves, not matters relating to the plea discussions with respect to the Chamber matters, will be an open trial and, if I may just assist Members, in clause 10 it deals with the procedure in Chambers in relation to discussing the matters in Chambers. Clause 10 further



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deals with determination of the matters in open court. So "sitting in Chambers" should be deleted.

Mr. Speaker, I beg to move that the House doth agree with the Senate in the said amendment.

*Question proposed.*

*Question put and agreed to.*

*Clause 13.*

*Senate amendment read as follows:*

In paragraph (b), line two, delete the word "significant".

**Mr. Maharaj:** Mr. Speaker, clause 13 of the Bill deals with withdrawal from agreement by an accused person and gives the instances in which such an agreement could be withdrawn if they are based on conviction, based on agreement, if it was entered into as a result of improper inducement and if the prosecutor has breached the terms of the agreement.

**4.20 p.m.**

Mr. Speaker, in clause 13(b), which is the subject of the amendment, it states if:

"it was entered into as a result of a significant misrepresentation as to the substance or consequences of a plea agreement;"

It was felt that the word "significant" could cause confusion in the interpretation and, therefore, in order to make it clear there should be a deletion of "significant", so it would now read, "if it was entered into as a result of misrepresentation as to the substance or consequences of a plea agreement."

Mr. Speaker, I beg to move that the House doth agree with the Senate in the said amendment.

*Question proposed.*

*Question put and agreed to.*

*Clause 14*

*Senate amendment read as follows:*

In subclause (2), line 3, substitute for the word "to", the words, "with leave of".

**Hon. R. L. Maharaj:** Mr. Speaker, in order to assist Members of the House I would read clause 14 which states:

- "14.(1) Where an accused person pleads guilty to an offence and, upon his conviction, receives a sentence that accords with, or is within the range anticipated by, the plea agreement, the Director of Public Prosecutions shall not be permitted to appeal against the sentence imposed by the Judge or Magistrate unless it is shown that
- (a) the prosecutor, in the course of a plea discussion, was willfully misled by the accused person in some material respect; or
  - (b) the Court, in passing sentence, was willfully misled in some material respect.

Subclause (2) is the object of the amendment:

"Where the Director of Public Prosecutions is of the opinion that the grounds described in subsection (1)(a) or (b) exist he may appeal against the sentence to the Court of Appeal or a judge thereof."

Mr. Speaker, he can appeal to the Court of Appeal, but a judge would not be able to hear the appeal. It seems as though, I, inadvertently, or we, did not see this typographical error, it is an appeal with the leave of the court or a judge of the Court of Appeal. So in case one has to appeal, in those circumstances, it would have to be with the leave of the court or a judge of the court.

I beg to move that the House doth agree with the Senate in the said amendment.

*Question proposed.*

*Question put and agreed to.*

### *The Schedule*

*Senate amendment read as follows:*

In Form 2, add the following:

'(Signed)

Accused/Defendant'

before the line '\*[ ] particular course of action to be taken'."

**Hon. R. L. Maharaj:** Mr. Speaker, this was an amendment proposed by the Opposition and accepted by the Government. Schedule 2 deals with the form

which an accused person, through his attorney, and the prosecutor have to sign, where the accused person or defendant was represented by an attorney. This is the plea agreement. It was felt that in order to ensure that there are additional safeguards, so that accused persons would not be able to say that their lawyers did not carry out their instructions, and apart from the form being signed by the prosecutor and the attorney for the accused or the defendant person, it should also be signed by the accused and the defendant. The Government accepted that and, therefore, it was approved in the Senate.

Mr. Speaker, I beg to move that the House doth agree with the Senate in the said amendment.

*Question proposed.*

*Question put and agreed to.*

#### ADJOURNMENT

**The Attorney General (Hon. Ramesh Lawrence Maharaj):** Mr. Speaker, by discussion and agreement, we agreed to adjourn, subject to your consideration, by tea time. I know there are two more minutes. I do not know if the hon. Member for San Fernando West would want to speak for those two minutes. I could move the adjournment by consent. We have two Motions on the Adjournment, we can come back after tea. If it is one Motion and there is agreement that we could deal with it now—*[Crosstalk]*. If it is okay, we can deal with it now.

Mr. Speaker, I beg to move the adjournment of the House—I do not know if the Opposition wants to do the Motion on the adjournment now—to Friday, July 9, 1999, at 1.30 p.m. where we will continue debating this Bill.

*Question proposed.*

**Mr. Speaker:** Before the House is adjourned I wish to bring to the notice of hon. Members that there are two matters which I have approved to be raised on the Motion for the adjournment. By agreement of the House it appears that there is interest in dealing with those now, rather than take the normal tea break at 4.30—5.00 p.m.. If that is the feeling of the House I would accede to that and, in the circumstances, I call on the Member for Arouca North.

#### **Flooding (Central Trinidad)**

**Mr. Jarrette Narine (Arouca North):** Thank you, Mr. Speaker. My matter on the adjournment is the continuous flooding in central Trinidad as a result of

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inadequate work at the Caparo River and the failure of the Ministry of Works and Transport to alleviate this problem.

On Monday, June 28, this week, Montrose, Edinburgh 500 and Chaguanas in the main, were flooded out. As a result of constant rainfall, midnight Monday night, while people were asleep, their houses were flooded out, much to the amazement of everybody living in that area, because last year they were given the promise that flooding was a thing of the past. They were not expecting to get flooded out with the first set of rainfall this year. Mr. Speaker, up to 1986 there was flooding, but not as today. Flooding has increased because of work taking place in the Caparo River since 1998.

In the late 1980's, flooding increased during the National Alliance for Reconstruction period between 1986 and 1991, and we all know why. Nothing was done in that area. Because of the unplanned development in that area, except for Edinburgh 500, there has been increased flooding over the years. There was a break between 1986 and 1991, and we continued in 1991 to 1995, a period of three years and ten months. During that time, the present Member for Diego Martin East who was the Minister of Works at the time, implemented in 1994 a project implementation unit. Consultants were brought in to do surveys on drainage in Trinidad, and certain parts of Tobago.

The Project Implementation Unit finalized plans between 1994 and 1995, I am speaking, in particular, of the Caparo River. These plans included that: one, retention dams or lakes will be made upstream of the Caparo River; and two, that pumps and sluice gates would be installed downstream at the mouth of the river near Felicity, so that relief would have been brought to even the agriculturists in that area where lands are flooded by sea water. Therefore, when the sluice gates and the pumps went in, that would have given them a larger expanse of land to do agriculture.

The third phase of the project was to widen the crossway across the Sir Solomon Hochoy highway, which had been said over and over. Even the people of that area who have been affected for so many years are begging the Government to open the entrance across the Solomon Hochoy Highway so that the water would not bottleneck.

The fourth phase was supposed to straighten the meandering of the Caparo River. Any school child could tell you that the meandering of a river is to slow down the water flow. What happened in 1998 was that the fourth phase was done

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first, and the contractors placed there started to straighten the river instead of putting the other three phases in place, hence, we had flooding last year. Even on the day of Divali people could not have lit their deyas, they had to float them all over their yards.

What the PNM did between 1991 and 1995 was to negotiate a loan for \$400 million with the World Bank. Only the final loan agreement was supposed to have been signed by this Government; of course, they would stand today and say that was not in place. Every time we come here and we said that we had things in place and it was only to finalize and sign this agreement, they would say, "None of the sort." I was Parliamentary secretary in that Ministry, and I assure you that the surveys were done, and the negotiations for the \$400 million was, at the time, only to be finalized and the agreement signed. Some \$100 million out of that money was supposed to have gone to Caparo and Caroni to alleviate flooding. Today we have flooding. Every time the rain set up the people in that area are fearful, there is trauma, and on and on they are only being fooled.

In this Government, because you have a Minister of Works and Transport who likes to go around making promises and fooling people, they are in the position today that nothing was done to alleviate the flooding in that area. After two years, 1996 and 1997, in 1998 they started some work on that river. The Minister of Works and Transport went to Chaguanas last year. It was reported in the newspaper, his speaking to the Jaycees of Chaguanas because of the business people that lost millions of dollars in flood damage. He told them that works were continuing and by February of this year, 1999, flooding would be a thing of the past.

#### **4.35 p.m.**

Even the Member for Chaguanas went there and, after moving a couple of refrigerators and stoves and lending a hand to clean up the area, told Trinidad and Tobago that flooding is a thing of the past. Today we have the same problem over and over and over. The Minister of Works and Transport has lied to the people of Caroni and he is shameless. He should just resign.

I heard that the Member for St. Augustine, acting as Prime Minister this week, went there and said he is going to put the Member for Pointe-a-Pierre, the Minister of Local Government, to handle a problem that the Minister of Works and Transport should have handled over the last three and a half years and did nothing worthwhile about. This is the same Minister of Local Government who is reported here in the newspaper as having a way of getting things done. We know

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what way he has of getting it done, three-lined company and all these people included.

If the Minister of Works and Transport is really responsible to the people of Trinidad and Tobago, he was not there this week but other Members went in, the Member for Caroni East, I think the Member for Central where most of the problems were and also the acting Prime Minister. I do not know when I visited there that the Minister of Works and Transport ever went there. As a matter of fact, the people were there waiting on him. So that today they will go about saying that it is not true we had negotiated a \$400 million loan.

Those are the facts, Mr. Speaker, and if they have any shame—in order for their people in Caroni to get some alleviation of the flooding problem they will come here and do the right thing. They would not put a little work into place and make them feel that they are working, spend \$6.5 million and now saying you are going to spend an extra \$8 million to divert the river course—I will come to that—whereas the plan by the Ministry of Works and Transport under the PNM was to spend \$100 million. These makeshift things will not alleviate the problem. It will just transfer it to another area.

The Member for St. Augustine is saying that the water from the Honda River will be diverted into another river. There are two things we should look at. In certain parts of that river the level of land might be higher and you might create a further problem by the back flow from the Honda River coming into the Caparo River. You are going to throw the flooding into Carlsen Field. Carlsen Field is an area where farmers have livestock and their crops are on the ground. They have lost crops. They want to drown everything out by diverting the water and taking it away from Chaguanas and Montrose and putting it into Carlsen Field. That is not the solution.

The solution is what we had planned and left money available for you to do the work. Today we are hearing all types of nonsense. Because of the Local Government elections on July 12, Mr. Speaker, promises are being made that we are going to divert the river and pass it into another river, the Honda River, and flood out Carlsen Field. Well, the people of Carlsen Field are waiting for you. If you are going to take the flooding from Montrose, Edinburgh 500 and Chaguanas and put it into Carlsen Field, then you have not solved the problem.

When I visited that area on Tuesday with the Leader of the Opposition and the Leader of the Opposition in the Senate, Sen. Nafeesa Mohammed and—

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[*Interruption*]. Why do you not sit quiet?—I saw, Mr. Speaker, first-hand, the homes flooded out, household items like appliances, furniture, clothing and so forth, I felt very sorry for the people who were given these promises. The Government, when in Opposition, “bad talk” every government that passed through Trinidad and Tobago on the subject of flooding in Caroni. They said it was their people and that is why nothing was done. It is their people and they are not doing anything.

They are putting an office in the East/West Corridor to try to win a Local Government election but I tell you, you cannot do that and win any elections up here when you are not taking care of the people in Central. [*Desk thumping*]. I tell you that crops were destroyed. Farmers’ crops worth thousands of dollars were destroyed and these same farmers, who have loans, now have to go back to the bank to renegotiate those loans. They have mortgages that they have to go and beg the bank managers now to renegotiate, because of this incompetent Government.

Health problems: we all know that when there is flooding, cesspit areas will overflow and the filth will flow wherever the water goes and that is a problem. I know that the Minister of Health is a concerned person and he probably sent people to clean and oil some of the areas. Even Tunapuna/Piarco Regional Corporation has been offering assistance to these people because the Tunapuna/Piarco Regional Corporation cares about people. [*Interruption*]

My area does not flood. Arouca North does not flood. Let me tell you, the school children were deprived of their education, their books went down in the flood because the flooding occurred at twelve o'clock in the night. [*Interruption*]. Yes, the one textbook that they want to give to children, *Blackie’s Tropical Reader* and *Cutteridge*. Apart from that, residents could not leave their homes and go to work. They had to stay at home to clean out the slush and mud and so forth. In the afternoon period when I visited there was thick slush inside the Hindu Mandir which was as high as the river. When I went there they had some trucks sending some water to have them clean out the Mandir. The mosque was also flooded and they say that they care. They stood here and talked some nonsense today, you know.

Mr. Speaker, business places were flooded out. When I passed by Willie's Ice-cream I saw the business places putting chairs and so forth on top of the counters and they lost millions of dollars in equipment and appliances and the business places that were stocked had a problem. There was livestock lost from the farms

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and what happened? One labourer who works on the farm told me he is not sure he would have his job because that farm was flooded out and all the chickens are gone. He has now to wait until the owner of the farm sends for him to come back out to work so he may not be employed. There probably are many persons like him, you understand. [*Interruption*]

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

**Mr. J. Narine:** While the Government is boasting about building bridges, Mr. Speaker, you would have been amazed. The La Clave Bridge which was built recently by them, it is now gone. Not a pile was driven there. [*Interruption*] When I saw that I said that was caused by corruption because they built a bridge which was substandard, there was no shoring up, no piles were driven, there was no plan to build that bridge and the bridge was just washed away. Nobody will be able to pass there in the next few days because dirt is piled up high, high, high on one side so that only one vehicle can pass at any time.

Mr. Speaker, last year we told the Government that both the contractor and the Minister were square pegs in round holes and they should have been fired at the time but they said, "No, we now start working on the river and everything going to be all right". How are you going to shore up a river with mud in it?

**Mr. Hart:** The Ganges meet the Nile.

**Mr. J. Narine:** It must burst the banks. The amount of money that was lost there, I appeal to this Government to go back to the original plan which we left in the Ministry to alleviate that flooding problem in the Caparo River. If they do not do that there will be a problem. Do not put a band-aid on this thing. Do the proper job in order to alleviate and solve this problem forever for the poor people of Central Trinidad. Thank you very much, Mr. Speaker. [*Desk thumping*].

**The Minister of Public Utilities (Hon. Ganga Singh):** Mr. Speaker, I rise to respond to this motion on the adjournment. It is sheer hypocrisy on the part of the Member for Arouca North in coming here today in 1999 and seeking to establish to this country and to the people of Central Trinidad that it was okay for their area to be flooded for the 30-something years until 1986 when the PNM was in power and also in stating that there was greater flooding for the period 1986 to 1991. It is also sheer hypocrisy in stating that in the period 1991 to 1994, because they accessed—[*Interruption*].

**Mr. Speaker.** Order please.



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**Hon. G. Singh:**—a water sector institutional strengthening loan for US \$25 million, that solved the problem.

Mr. Speaker, the sheer untruth told by the Member for Arouca North in telling this honourable House that that side, when they were in government, accessed through the World Bank \$400 million. Nothing is further from the truth. The water sector institutional strengthening loan comprised three significant components—one component dealing with drainage in the Ministry of Works and Transport, one component dealing with watershed management in the Ministry of Agriculture, Land and Marine Resources and one sector dealing with private sector management in WASA through the Ministry of Public Utilities.

So to come here and to make such a fallacious statement and to mislead this honourable House under the guise that you care for the people of Central, Mr. Speaker, misleading this House—

**Hon. Member:** Impudent.

**Hon. G. Singh:**—impudent, fallacious and misleading. Mr. Speaker, I—*[Interruption]*.

**Mr. Speaker:** Excuse me one second. Member for Tunapuna, I hate to do that but it cannot be done like that. This is a one/one. Make—*[Interruption]*. Please continue.

**Hon. G. Singh:** Mr. Speaker, when there is a flood, the termites come out of the wood and what is happening, with the heat of the upcoming Local Government elections and the pressure we find that there are termites coming out of the wood. You see, I am familiar with the competence of the Member for Arouca North. He clearly knows a lot about wood and he demonstrated that to this honourable House when he spoke on matters dealing with the Forests Bill and the Sawmills Bill, but certainly he has no competence in the area of drainage.

I was telling this honourable House that I am familiar with the ravages of flood and the hon. Member spoke about them—the health considerations, the inconvenience, the personal misery. Having lived in Bamboo Settlement all my young years, I am quite familiar with the economic losses suffered also. So that when we toured the area last year and this year, we empathized with the people of Central and we shared their grief and concern. That is why we were propelled into action in dealing with this problem.

You know, my colleague and I, the Member of Parliament for Caroni Central, have been known as the boys from Caparo simply because the problem of

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flooding in Caparo dates back to time immemorial and it is true that the process of making designs started as late as 1994 under the PNM. However, there is a long gestation period and it was only in 1997 that work began in earnest. When one speaks of retention reservoirs, Mr. Speaker, that idea started with the Member of Parliament for St. Augustine, the hon. Minister of Housing and Settlements. The retention reservoirs would deal with retaining the water, but that is part of a 10-year phased development programme for the Caparo River. It has nothing to do with alleviating the immediate short-term problems.

You see, Mr. Speaker, critical work is required. What is required? In the Project Implementation Unit which the hon. Member for Arouca North so glibly speaks about, there are engineers like Vijai Ragbir, Vincent Cooper, Chris Jagroop, brilliant young men making their contribution to this country. They have advised that, having regard to the volume of water flowing in the Caparo River and having regard to the fact that the original plan cannot accommodate, under the Solomon Hochoy Highway, the amount of water coming down, there is need for another diversion, a bifurcation, off the Caparo River into Honda, so as to accommodate this excess water, having regard to the volume.

**4.50 p.m.**

In addition to that diversion, we are seeking to bring the technology and the expertise available through the gas and oil industry into the water sector and into the drainage sector. As members and the general public here would know, there is the pipeline at Atlantic LNG from the South East Coast to Point Fortin and as a result of that, there is this new technology of directional drilling available in Trinidad. So that you can bore under the Solomon Hochoy Highway and insert 36 inches of steel pipeline in order to begin the process for accommodating this excess flow. It is a combination of actions. This would ensure that traffic is not disrupted; that the surface of the Solomon Hochoy Highway is not disrupted in that way, and we bring technology available in the gas sector and into the drainage sector.

We are doing a process that is happening right now. As I speak, the Honda River dredging is taking place. There is the bifurcation at Penco lands, the channel from Penco lands to the existing culvert under the Sir Solomon Hochoy Highway. Thirdly, work is going on at the section between the highway and the Old Southern Main Road. Work is also going on at the Old Southern Main Road going west for 300 metres and there is a new channel link to the Caparo River. It is a

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six-pronged approach. In addition to these earthworks, there is the need for this new technology in order to deal with this issue.

What is required in order to solve a problem which, the hon. Member acknowledged, has existed for so long? One would require some time in order to deal with this issue, but for these emergency works, we require about three weeks in order to get these works done; in order to divert the significant amount of water that goes into this area. We have the plan, we have the solution, we have put together the best talent available to us. It is the talent of the Ministry of Public Utilities; the Ministry of Works and Transport; the Ministry of Housing and Settlements; the Ministry of Agriculture, Land and Marine Resources; the Ministry of Local Government to come together in an emergency and with a sense of urgency, to solve this problem. It is an approach that is going to bear fruit but it is a question of giving us the necessary three-week period.

The hon. Member spoke about the flooding of chicken pens and so forth. I do not know where he went. My colleagues and I toured the whole area. We walked the entire area. We did not go when the flood waters subsided, we went there when the flood was raging. We walked hand-in-hand with the residents—you see, like his leader who was sharing doubles this morning at the San Fernando General Hospital because he knows election is in the air. So when you hear the Hon. Member for Arouca North crying crocodile tears to the people of Central Trinidad, you know the termites are out and election is in the air. So come July 12 the people of Central Trinidad will demonstrate that we have found the solution to the problem in Caparo. Therefore, it is not the chickens that they would be looking for. He did not go looking for chickens, he went looking for roosters in Central Trinidad.

It is in this regard we have found the solution and it is clear that the Minister of Works and Transport together with my fellow colleagues in the other ministries have found the solution and, therefore, this Motion has absolutely no merit.

I thank you.

*Question put and agreed to.*

*House adjourned accordingly.*

*Adjourned at 4.58 p.m.*