

HOUSE OF REPRESENTATIVES*Friday, October 31, 2003*

The House met at 1.30 p.m.

PRAYERS[MR. SPEAKER *in the Chair*]**LEAVE OF ABSENCE**

Mr. Speaker: Hon. Members, I have received communication from the hon. Member for Nariva (Mr. Harry Partap) requesting leave of absence from today's sitting of the House. The leave of absence which the Member seeks is granted.

SESSIONAL SELECT COMMITTEES**(APPOINTMENT OF)**

Mr. Speaker: Hon. Members, in accordance with Standing Order 71(2) of the House of Representatives, I wish to announce the appointment of the following sessional select committees:

Standing Orders Committee

Mr. Barendra Sinanan	Chairman
Mrs. Camille Robinson-Regis	Member
Mr. Fitzgerald Hinds	Member
Mr. Hedwige Bereaux	Member
Miss Gillian Lucky	Member
Mr. Subhas Panday	Member
Dr. Fuad Khan	Member

House Committee

Mr. Kenneth Valley	Chairman
Mr. Colm Imbert	Member
Mrs. Eudine Job-Davis	Member
Mr. Anthony Roberts	Member
Mr. Ganga Singh	Member
Dr. Adesh Nanan	Member

Committee of Privileges

Mr. Barendra Sinanan	Chairman
Mrs. Camille Robinson-Regis	Member
Miss Penelope Beckles	Member
Mr. John Rahael	Member
Mrs. Kamla Persad-Bissessar	Member
Mr. Subhas Panday	Member

Regulations Committee

Mr. Barendra Sinanan	Chairman
Mr. Roger Boynes	Member
Mr. Stanford Calendar	Member
Mr. Fitzgerald Hinds	Member
Mr. Harry Partap	Member
Dr. Roodal Moonilal	Member

PAPERS LAID

1. The Professions Related to Medicine Rules, 2003. [*The Minister of Health (Hon. Colm Imbert)*]
2. Report on the performance and activities of the Environmental Commission for the period October 30, 2000 to August 31, 2003. [*The Minister of Trade and Industry and Minister in the Ministry of Finance (Hon. Kenneth Valley)*]
3. Annual audited financial statements of First Citizens Trust and Merchant Bank Limited for the financial year ended September 30, 2001. [*Hon. K. Valley*]
To be referred to the Public Accounts (Enterprises) Committee.

INTEGRITY IN PUBLIC LIFE REGULATIONS

The Minister of Legal Affairs and Acting Attorney General (Hon. Camille Robinson-Regis): Mr. Speaker, I beg to move,

Whereas section 41(1)(d) of the Integrity in Public Life Act, 2000 (the Act) provides that the Commission may make regulations for the form of declaration to be submitted and any additional forms which have been prescribed or which may become necessary;

And whereas section 41(1)(e) of the Act provides that the Commission may make regulations for the period within which any information or document required by the Commission should be furnished or produced;

And whereas the Commission has on the 12th day of September, 2003 made the Integrity in Public Life (Prescribed Forms) Regulations, 2003, the Integrity in Public Life (Period of Furnishing of Information) Regulations, 2003 which regulations were laid in the House of Representatives on the 6th day of October, 2003 and were laid in the Senate on the 21st day of October, 2003;

Be it resolved that pursuant to Standing Order 79, and notwithstanding Standing Order 76, this Honourable House appoint five Members to sit with an equal number from the Senate as a Joint Select Committee for the purpose of considering the Integrity in Public Life (Prescribed Forms) Regulations, 2003 and the Integrity in Public Life (Period of Furnishing of Information) Regulations, 2003 and report to Parliament thereon:

And be it further resolved that this Joint Select Committee be mandated to report back to Parliament, no later than December 1st, 2003 and be empowered to receive expert assistance and advice from Members of the Integrity Commission.

Mr. Speaker, as you are aware and as the Motion before this honourable House indicates, the Integrity in Public Life (Prescribed Forms) Regulations, 2003 and the Integrity in Public Life (Period of Furnishing of Information) Regulations, 2003 were laid in the House of Representatives on October 06, 2003. It was on August 13, 2003, that the current Integrity Commission was sworn in by the President of Trinidad and Tobago. Immediately upon its making and approving the two sets of regulations on September 12, 2003, the regulations were submitted to the Chief Parliamentary Counsel's (CPC) department and sent to be laid before the Parliament.

The objective of the Motion is to ensure that in circumstances where these regulations are in accordance with what is, essentially, new legislation, that is the Integrity in Public Life legislation, which has been on the statute books since the year 2000, but no regulations had been approved by the Parliament, it is now incumbent on this Parliament to look very closely at the regulations in circumstances where the information requested is somewhat different and the list

of persons now captured by these forms is much more expanded than what had subsisted in the previous legislation on the statute books of the laws of Trinidad and Tobago.

Mr. Speaker, the Government is requesting a joint select committee of both Houses of Parliament in circumstances where there is a clear need for these forms, which has come from the independent Integrity Commission, to be examined closely, because the persons who would have to comply with this legislation are persons in and outside the Parliament of Trinidad and Tobago. To be more specific, the forms and the statement are to be prescribed by the Integrity Commission.

The category of persons to whom the legislation now pertains has been expanded, and now includes: Senators, judges, members of the Tobago House of Assembly, members of municipalities and members of the boards of all statutory bodies and state enterprises. Additionally, the information required under the declaration which, previously, was confined to the declarant himself, now requires that the information relating to income, assets and liabilities be also provided with respect to a spouse and dependent children of the person making the declaration.

Mr. Speaker, Standing Order 76 of the House of Representatives does provide for the House of Representatives to have, what is called, a regulations committee, which should examine subsidiary legislation. We on this side believe that in circumstances where the information to be provided is so far reaching and the legislation is subsidiary legislation and has not had the scrutiny of a minister, even though the Integrity Commission is an independent body, because the information touches so closely on Members of Parliament, it is clear that Members of Parliament need to closely examine the contents of this subsidiary legislation that is now before the House.

Mr. Speaker, the Standing Orders do provide that in circumstances where the legislation is to come for affirmative resolution, that there is no difficulty with placing the subsidiary legislation before a committee, either of the House or the Senate. It is in these circumstances that the Government is of the view that there should be some intimate discussion with the Integrity Commission on the contents of the regulations. Even though the Act itself provides for the Integrity Commission to make the regulations, the Act also provides for the Parliament to approve these regulations by affirmative resolution.

It is, therefore, important to note that in circumstances where Standing Order 76 provides that the regulations committee be concerned about the scrutiny of

instruments on technical grounds, it provides a good opportunity for Members of the House of Representatives and the Senate to examine the regulations, especially on issues of technicalities which a debate on the regulations would not necessarily provide.

It is the practice in the United Kingdom as well as in Trinidad and Tobago that neither House may amend a statutory instrument except for very rare instances where the amendment is expressly authorized by the parent Act. As a consequence of this, where the House or the Senate is not satisfied with an instrument as it stands, if the parent legislation provides that the minister may make the subsidiary legislation, the minister or the law making authority, and in this instance it would be the Integrity Commission, can be asked to withdraw the subsidiary legislation and start again.

At no time should parliamentary control of delegated legislation be withdrawn. Consequently, it is, therefore, the practice that subsidiary legislation is, in fact, allowed to be examined by the regulations committee of the Parliament. In circumstances where this legislation touches on all Members of Parliament, judges, members of boards of statutory authorities and spouses, the Government of Trinidad and Tobago feels that it is imperative that a joint select committee of both Houses be established in order to give Members of Parliament an opportunity to examine this subsidiary legislation and to call upon the expertise of various persons, and the advice of members of the Integrity Commission.

Our intention is, therefore, as the Motion indicates, to request that a joint select committee be established, where the House will appoint five Members to sit with an equal number from the Senate to report to the Parliament, no later than December 01, 2003, on the regulations which are now before the House for approval.

I think now may be a good time to indicate, very briefly, what the chronology of these regulations has been. I take this opportunity to point out and reiterate that the regulations now before the House were made on September 12, 2003 and laid in the Parliament on October 6, 2003. It may be a good opportunity to indicate that regulations were previously submitted for the affirmative resolution of Parliament and laid in the House of Representatives on September 07, 2001 and in the Senate on September 11, 2001. However, before the related Motion was debated, the Sixth Parliament was dissolved on October 13, 2001, causing those instruments to lapse. Due to the parliamentary impasse that existed during the Seventh Parliament, the matter could not be considered by the Parliament.

Integrity in Public Life Regulations
[HON. C. ROBINSON-REGIS]

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Following the commencement of the First Session of the Eighth Parliament on October 17, 2002, the then Integrity Commission made regulations which were necessary for the commission to function effectively.

It was in December 2002 that those regulations were submitted to the Cabinet of Trinidad and Tobago. It was in March 2003 that, in circumstances where there was a patent need to ensure that all legislation in relation to corrupt activities and ensuring that corruption would not be the order of the day, the office of the Attorney General determined that there should be an exercise to look at the integrity legislation and other legislation relating to the stemming of corruption. Through the assistance of the United Nations Development Programme (UNDP), the Government of Trinidad and Tobago benefited from the services of De Speville and Associates in order to look at the issue of corruption, to formulate a new anticorruption policy and to advise on the best strategies for dealing with corruption.

The report that was eventually submitted determined that there should be a two-pronged approach; one, public consultation and, two, the preparation of new legislation. In those circumstances, the public consultation began and is, in fact, continuing. In August 2003 a new Integrity Commission was sworn in by the President. The Integrity in Public Life (Prescribed Forms) Regulations, 2003 and the Integrity in Public Life (Period of Furnishing of Information) Regulations, 2003 were made by this new Integrity Commission on September 12, 2003, and are now before this honourable House.

In those circumstances and in circumstances where, I repeat, the net has been widened, and it is the first opportunity that the Parliament has been given to examine these regulations, the Government is of the view that a joint select committee should be established, and the Motion says as much, in order to give both Houses of Parliament an opportunity to examine the implications of the regulations and the technicalities, and to benefit from the wisdom of the Integrity Commission and other experts in the development of this subsidiary legislation.

Mr. Speaker, we on this side are pleased to present this Motion, and are seeking the support of those on the other side in order to move forward with it. We feel it is imperative, given the new legislation, that an examination of this nature should, in fact, take place.

Before I take my seat, I take this opportunity to congratulate the new Chairman of the PNM, [*Desk thumping*] not only on his appointment as Chairman, but also on the clear indication that in the Parliament where party politics is an

integral part of the parliamentary procedure, the PNM, as usual, recognizes the importance of the Chairman. [*Crosstalk*]

Mr. Ramnath: This is not a party forum. You are irrelevant; sit down!

Mr. Speaker: Order!

Hon. C. Robinson-Regis: Unlike those on the other side who recognize only those who cross the floor by putting them in the Front Bench, the members of the PNM recognize our Chairman by putting him on the Front Bench. [*Desk thumping*]

Mr. Speaker, with those few words, I beg to move.

Mr. Ramnath: I want to make a speech on my Chairman. You are looking for a job.

Mr. Speaker: Order! Order!

Question proposed.

Mrs. Kamla Persad-Bissessar (Siparia): Mr. Speaker, I take this opportunity to congratulate the Member for Arouca South. It seems as though the Cabinet reshuffle has already taken place, because this Motion is in the name of the Attorney General, so this is a sign of things to come. I sympathize with you, Member for Arouca South, because you have always sympathized with me; thank you. I sympathize with you because you have been given a job today to convince this Parliament to further delay the implementation of the Integrity Act, 2000. I guess the Attorney General could not bring herself to say the things that you did, so I sympathize with you. You have followed the master's voice and, once more, you are seeking to delay the implementation of this very important piece of legislation.

Mr. Speaker, you would forgive my voice because my throat is a little rusty. I understand that this new virus is being called the Hubert Alleyne because of the hatchet job that has been done on him. It has some of us with very rusty voices.

Mr. Speaker, did you look at the television news last night? I think most of us might have done so. If you did, you would have heard, as I did, and the national community, the very startling and disgraceful revelations and admissions coming out of the mouth of, none other than, the hon. Prime Minister. When I heard him on the news last night, I feared, as a lot of people in Trinidad and Tobago also fear, that there is a visionless PNM party in government bent on taking Trinidad and Tobago down the pathway to chaos and destruction.

As I listened to those words from the mouth of the Prime Minister, I asked myself: How would these integrity forms and the integrity legislation be passed? How would that help with respect to integrity which does not have to do with financial disclosures? How would it help with respect to integrity, in terms of what you do as Prime Minister of this country, the vision that you have for this country, and the pathway on which you want to take the people of Trinidad and Tobago forward, the journey forward?

When I listened to the hon. Prime Minister last night, he began first of all by telling the entire national community that when he came to this Parliament on budget day, and was there pontificating, expatiating and so on, and raised the price of gas. No study had been done with respect to the impact such a price increase would have upon the population. All over this country people are suffering, and the Balisier-waving call is, "We care; we care". Transport costs have gone up; the cost of food and the cost of living have gone up and unemployment is on the rise, and the hon. Prime Minister said to the national community, "You know, we did not do a study at all to determine what would be the impact of this." I asked myself, "What would this legislation or these forms do with respect to a government that is planning for this nation, but says that when that plan was put in place, no study whatsoever had been done?" Totally visionless!

The Member for Diego Martin Central sits in the Cabinet. Why did he not let the Minister of Finance know that a study should have been done on the impact of this measure placed in the budget? Why did the Member for Port of Spain North, a businessman, not ask, "Why was a study not done?" Why did they not tell him that a study should have been done before you put such a measure that would suffer the poor people in this country more? The person I am most disappointed with is the Member for Arouca South, as the minister responsible for Consumer Affairs. She was concerned about chicken prices and the impact on the people of Trinidad and Tobago, but could not tell the hon. Prime Minister, "Before you do that, let us do a study on the impact of these prices." Not one of them told him.

Whilst we are dealing with integrity in public life, which is the purpose of the regulations before this Parliament today, how would it help when the Prime Minister said, "I have taken steps in a budget, but I did no study"? On which one of the other measures in the budget were no studies done? Such an important measure, but no study was done. It is said in this country today that every time the Prime Minister opens his mouth, he puts his foot into it. Do you know what

they are saying now? “This man must have more foot than millipede, because this is happening far too often.”

I listened last night and asked again: How can these integrity regulations help us when the Prime Minister told the national community, again, last night on the news, all in one day, that the words which appeared in the Social and Economic Policy Framework document, “I did not know they were there; if I had seen them I would not have allowed them to be there.”

Hon. Member: He lied!

Mrs. K. Persad-Bissessar: Mr. Speaker, you, I and everyone in this Parliament know that those documents were laid in this Parliament by none other than the Minister of Finance, the Prime Minister of this country. Is the Prime Minister telling this country, “I laid the documents; they are my documents, as Minister of Finance, but I did not read them before they came to the Parliament?” How is it, when the Minister of Finance came to the Parliament with these documents in his own name? Where was the integrity in that, when you said that you did not know they were there, but two ministers of your Government said that it was Government policy?

Mr. Speaker, in my respectful view, that was the greatest act of incompetence and maladministration, for a Minister of Finance to lay a document in Parliament and say, “I did not know that was in the document.” [*Desk thumping*] Where is the integrity? How would these forms help us with that? When the hon. Prime Minister tells us, “I do not like what people are saying, so I am going to review the treason laws”, where is the integrity in that? So there is integrity that deals with financial disclosures and improprieties; these regulations can cover that, but the issue is so much wider under this PNM Government. How are we going to deal with that lack of integrity in governance in Trinidad and Tobago being exhibited by the PNM?

That brings me to the present Motion. I have seen the original Motion, and now the amended one, which I found on my desk when I came in with the original Motion as well, which is in the name of the hon. Attorney General I wonder whether, if like her leader she did not read it, and it ended up on the Order Paper in some way, by some public servant. It is so easy to blame the public servants for documents of which you have custody and control.

The hon. Prime Minister said that he did not know it was there; these people who studied in the United States, maybe one of them slipped it in there. Yet it is his document laid in this Parliament in his name. Here is this Motion in the name

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of the hon. Attorney General. I do not know what happened with the original Motion since it was put on the Order Paper between the last couple days. This Order Paper was issued with this Motion on it, as far as I am aware, within the last few days; so between those few days and today, the Government has had another change of heart. It no longer wants the Parliament to approve the regulations, but to delay this matter further by sending it to a joint select committee.

Mr. Speaker, this was the original Motion. The original Motion asked for the approval of Parliament for the regulations. When I read that Motion, again, I wondered about the competence of the hon. Attorney General in laying a Motion such as this. Within the original Motion on the Order Paper, where Parliament was being asked to approve these regulations, nowhere does it say why Parliament needs to do that. There is a format; there is a formula for these motions where the affirmative resolution of Parliament is needed.

Perhaps the Minister of Health has a little more legal drafting expertise. The very next Motion standing in his name sets out the Motion in the manner that a motion seeking the affirmative resolution of Parliament should be formulated. The one standing in the name of the hon. Attorney General is deficient and defective. Those of us on this side want to amend that Motion to bring it in compliance with the law and to reject the amended Motion completely to take this matter before a joint select committee. Instead, we support these regulations and ask for them to be approved today so that this law could be amended and put into effect. [*Desk thumping*]

Mr. Speaker, I so propose and move that the original Motion standing on the Order Paper be amended as follows:

“Following upon the third Preamble, the following two Preambles be inserted:

And *whereas* it is provided by subsection (2) of the said section 41 of the Integrity in Public Life Act, 83 of 2000, that Regulations made under subsection (1) shall be subject to the affirmative resolution of Parliament;”

Secondly, to insert:

“*Whereas* it is expedient that the said Regulations now be affirmed:

Be it resolved that the Integrity in Public Life (Prescribed Forms) Regulations, 2003 and the Integrity in Public Life (Period of Furnishing of Information) Regulations, 2003 be approved.”

I so move that these amendments be taken at the appropriate stage, and this is the Motion that we shall be supporting.

The hon. Member for Arouca South spoke about chronology with respect to integrity legislation and these forms, with great difficulty. Obviously, she did not seem to believe what she was saying.

Mr. Ramnath: Lack of conviction. [*Interruption*]

[*Member for Arouca South stands*]

Mrs. K. Persad-Bissessar: I am not giving way; you have your right of reply.

Mrs. Robinson-Regis: I just want to ask a question. I do not want to reply. Could you repeat—

Mrs. K. Persad-Bissessar: You always have your right of reply. [*Crosstalk*] You have a further 75 minutes; I do not.

Mr. Speaker: Order, please!

Mrs. K. Persad-Bissessar: Mr. Speaker, let us not be distracted, because this is a very important Motion before this Parliament. This is very important legislation that needs to be implemented; it is not something that any of us can take laughingly and jokingly; it is a very serious matter.

The Member spoke about the chronology of the integrity legislation, but for us to understand what is happening here today and, again, what the PNM Government is attempting to do, we have to look at the genesis of integrity legislation in this country. We have to look at the dismal and grim track record of the PNM government from 1956, in their total, abject failure to ever bring to this Parliament any legislation whatsoever dealing with integrity or anticorruption measures and the prevention of corruption in this country. That is the track record of the grim, abject failure on the part of the PNM from day one, to deal with very serious issues in this country.

We look at the purpose of these forms, which was taken from the Integrity in Public Life Act, No. 83 of 2000. The long title of the Act states:

“An Act to provide for the establishment of the Integrity Commission; to make new provisions for the prevention of corruption of persons in public life by providing for public disclosure; to regulate the conduct of persons exercising public functions; to preserve and promote the integrity of public officials and institutions, and for matters incidental thereto.”

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This is the purpose for which these regulations are being made and we are seeking to have approved.

When we look at what happened during the period 1956 to 1976 under the PNM, there was nothing in our statute books nor was there ever an attempt on the part of the PNM for that 20-year period, to place on record in the Parliament or in the statute books of this country, anything to do with integrity legislation, integrity in public life, prevention of corruption and anticorruption measures; absolutely nothing. You will remember, Mr. Speaker, those were the days, for those 20 years, when some of the most massive corruption deals took place under the PNM. I can remind you of some of them.

Somebody was kind enough to drop this in my mailbox. You know, thanks to the UNC we all have post boxes now, so I was able to get this in my post box. [Desk thumping] "A select 50 CORRUPT ACTS OF THE PNM". Mr. Speaker, there were so many, and this is only 50 of them. I will not burden you with all of them; I am sure you remember them yourself, as everybody else does. From 1956 right down to 1976:

“‘NHA Corruption’

Charges laid were, false figures supplied to the PM’s Office in respect of arrears, backpay to officers who did not perform duties, junior officers pitch forked over seniors, acquisition of houses at Diamond Vale housing scheme to officers not entitled. The accounts of the NHA were not standardized and efficient because the person appointed had no accounting ability.”

This is the *Trinidad Guardian* of June 02, 1969, reporting on what was happening with the National Housing Authority (NHA) in 1965. Does it sound familiar? Today in the NHA, it is the same thing that is happening; the corruption and fraud taking place in the NHA.

It continues:

“‘Probe into...Gas Station Racket’

A Commission of Inquiry was appointed to investigate transactions related to turnover and constructions of all gasoline stations since 1961, based on allegations of corrupt practices in the granting of gas station licenses and site purchase.

‘Government Quarters Misused’”

Trinidad Guardian, February 14, 1966.

“‘Sugar Probe’

Commission of Inquiry...into the mechanisation of the Sugar Industry.

‘Petroleum Contract Scandal’

PNM received a \$500,000 gift from an Italian/German Petroleum combine...for favouring it in the last bid.”

Trinidad Guardian, April 11, 1971.

“‘Natural Gas Pipeline Scandal’

Mr. Karl Hudson Phillip said that there seemed to be more than a whiff of a scandal attached to the award of a tender for the \$11 million job given to a foreign firm for the construction of the natural gas pipeline. A local firm, which had submitted a \$6 million bid, was rejected.”

Express, May 29, 1956.

“‘NHA Scandal’”

Trinidad Guardian, August 1956.

“‘Chaguaramas Development Authority’

\$6.9 million was spent to refurbish the Chaguaramas Convention Centre. John O’Halloran said an inventory could not be taken of the purchases. The Auditor General Report indicated there were difficulties in the vouchering of this expenditure.”

Trinidad Guardian, July 16, 1976; and so it continues.

From 1956 to 1976, that 20-year period:

“‘Fraud in Government Departments’

Auditor General’s Report on the account of T&T revealed that there were 563 cases of fraud losses and other irregularities in Government Ministries...”

Trinidad Guardian, September 16, 1975.

“‘National Stadium Scandal’

According to the Auditor General, there was no Parliamentary or Cabinet approval of the \$372,000 aborted stadium. Other questionable contracts made were the Chaguaramas Convention Centre, King George V Park and, construction of a dorm at Teteron Bay.”

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Trinidad Guardian, October 02, 1976.

“‘Haseley Crawford Sport Fund’

Government channelled an extra \$50 million into the sport fund without parliamentary approval.”

This is what happened in 2002 under the Community-based Environmental Protection and Enhancement Programme (CEPEP); no parliamentary approval, but millions of dollars channelled into CEPEP.

Mr. Speaker, it continues:

“‘DC-9 Scandal’

BWIA Managing Director Ian Bertrand ordered an internal investigation into reports that Mc Donald Corporation of the USA made a US \$575,000 (TT\$1.3 million) payoff to sell three BWIA DC-9 jets in 1976.”

Trinidad Express, Raoul Pantin, January 08, 1976.

“‘100 Bus Deal’

In May 1977, the London Times reported that in the early 1960’s an official of the PTSC was offered a \$96,000 bribe in a 100-bus deal, with a promise that there would be more for a similar order the following year.

‘Tesoro Scandal’

Tesoro Petroleum Corporation of the US admitted in the USA before the Securities and Exchange Commission to making ‘questionable payments’ totalling TT \$3.1 million. According to Wall Street Journal, Tesoro made a payment totalling US \$775,000 to a foreign Government and US \$500,000 to foreign officials. This was inclusive of the US \$5,400 illegal campaign contribution made to the PNM and US \$3,100 for a blond prostitute for a senior Government Minister.”

This was by Keith Subero in a story carried in the *Trinidad Express* of January 08, 1980 on what was happening in 1978. These are select ones; there are many others.

All that took place, but for that 20-year period the PNM made no effort or attempt whatsoever to place into the statute books laws to deal with that kind of corruption in public life; laws to deal with integrity in public life; laws to deal with anticorruption measures. Nothing whatsoever was done in that 20-year period by the PNM.

Mr. Speaker, in 1974 the Wooding Commission set up by Dr. Eric Williams to look at the Constitution recommended in its report at pages 81 and 82 that an integrity commission be established:

“235. One of the root causes of the growing lack of faith in the political process is the widespread belief that corruption is rife among those who hold high political office.

236. The Jamaica Government has recently tackled this problem and we have found their law, the Parliament (Integrity of Members) Act 1973, very helpful in considering our own situation.

237. Our recommendations are as follows—

- (1) A Commission shall be established which shall be called the Parliamentary Integrity Commission.
- (2) It shall consist of a Chairman and three other members all appointed by the President after consultation with the Prime Minister, the Leader of the Opposition...
- (3) Each member of the National Assembly shall within three months of taking his oath of office furnish to the Commission a statutory declaration of his assets, his liabilities and his income. Thereafter he shall file a similar declaration on December 31 in each year during any part of which he remains a member and at the end of twelve months from the date on which he ceases to be a member.”

Based on this, the 1976 Republican Constitution ushered into this Parliament and the law of Trinidad and Tobago, the supreme law of the country. As you know, Mr. Speaker, at that time in 1976, the PNM had no opposition in the Parliament; that was the period when there was a no-vote campaign, and so they had an absolute majority in the Parliament. They brought in this 1976 Republican Constitution and enshrined and entrenched in section 138, an integrity commission.

It is very instructive to note what happened after this was placed in the 1976 Constitution. This remains the law of the country. It was amended in 2000 when the UNC government brought the Integrity in Public Life Act, No. 83 of 2000. The provisions were amended to expand it in certain ways, which we will talk about, but from 1976 until 2000, this was the law of Trinidad and Tobago with respect to the Integrity Commission. [*Interruption*]

From 1976 to the year 2000, sections 138 and 139 of the Constitution were never amended, until we came to the year 2000. [*Crosstalk*] Something happened in 1987, but not by your Government, and I will talk about it, but I am speaking about the constitutional provision, because it is important to understand what this is about. This is the supreme law of this country; this is the sacred law of this land; we stand by it. These are enshrined and entrenched provisions that cannot be changed, removed or altered except by a three-fourths majority of the Parliament; a special majority requiring the votes of three-fourths of the Members of this Parliament.

Section 138(1) of the Constitution states:

“There shall be an Integrity Commission (in this section and in section 139 referred to as ‘the Commission’) for Trinidad and Tobago consisting of such number of members, qualified and appointed in such manner and holding office upon such tenure as may be prescribed.

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

- (a) receiving, from time to time, declarations in writing of the assets, liabilities and income of members of the House of Representatives, Senators, Judges, Magistrates, Permanent Secretaries, Chief Technical Officers...
- (b) the supervision of all matters connected therewith as may be prescribed...”

Section 139 gave the Commission the power to make laws relating to the Commission. It reads as follows:

“Subject to this Constitution, Parliament may make provision for—

- (a) the procedure in accordance with which the Commission is to perform its powers;
- (b) conferring such powers on the Commission and imposing such duties on persons concerned as are necessary to enable the Commission to carry out effectively the purposes of section 138;
- (c) the proper custody of declarations and other documents delivered to the Commission;
- (d) the maintenance of secrecy in respect of all information received by the Commission...

(e) generally to give effect to the provisions of section 138.”

So sections 138 and 139 enshrined and entrenched in our Constitution the establishment of an Integrity Commission.

Mr. Speaker, I have already spoken about the 20 years from 1956 to 1976, notwithstanding the massive, widespread corruption that was taking place under the PNM, and nothing being done with respect to legislation. Then in the 1976 Constitution, based on the Wooding Commission’s recommendation, the Constitution enshrined the Integrity Commission. Notwithstanding the fact that this was enshrined in the Constitution, during the period 1976 right up to 1986, while the PNM remained in office for a further 11 years, they gave no honour to that provision of the Constitution.

During the 11 years of PNM rule, after this was put into our Constitution, not a single piece of legislation came to this Parliament from the PNM to deal with integrity legislation, to set up this Integrity Commission as mandated by the Constitution. They were in total breach of the Constitution. They gave no honour to the supreme law of the land for a further 11 years. Absolutely nothing was done by the PNM and, again, the widespread allegations of corruption that were coming out from that other side continued during that period from 1976 down into 1986. All those allegations: Project Pride; Pegasus; the millions spent on the La Brea Industrial Development Company (Labidco).

Mr. Speaker, right down until 1986, nothing was done. I would read some of those that took place after these provisions were enshrined in the Constitution:

“‘Airport Paving Scandal’

The PS in the Min. of Finance and the Chief Technical Officer in the Min. of Works advised the Government in a note to Parliament in 1981 against awarding a contract to Alves Construction Co. and Marenttete Bros. Ltd. For the paving of Piarco and Crown Point Airport, because the company did not qualify. Nevertheless, the companies were awarded the \$23 million contract by a high-ranking PNM official. Eleven writs for sums totalling \$13 million were served against the firms.”

Trinidad Guardian, May 02, 1984.

“‘Bon Accord Housing Scandal’

The houses in Bon Accord Housing Development were distributed just before a general election, to members of the PNM...”

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Hansard Report, Dwelling house Bill 14/12/81.

“‘NEC Squandering’

Chairman of the State-owned NEC Dr. Kenneth Julien had financial consultants committed to him worth over US \$1,638,000. Dr. Julien requested the services of Mr. Sam Martin to be made available as principal consultant. His fee was US \$1,000 per day plus free first class travelling and allowances. Mr. Ramnath lambasted the Government saying that ‘Dr. Julien ensured that his friends are well taken care of.’”

Hansard Report, Appropriations Bill 21/06/82.

“‘Government’s million dollar project virtually abandoned’

The Ministry of Works ordered a contractor to quit a construction site at Chaguaramas after paying more than \$1.5 million on a virtually abandoned project. The Ministry issued the notice to Subcons Ltd., a relatively new company, which surprisingly landed the \$1,928,250 contract.”

Trinidad Express, June 19, 1983.

“‘No account given for unspent \$1M’

Unspent cash balances amounting to more than \$1.4 million for the years 1976 and 1977 have not been accounted for by Victoria County Council. The report was submitted to Parliament by the Auditor General, who stated that there was no evidence that the money was deposited with the controller of accounts.”

Trinidad Guardian, January 24, 1983.

“‘ONR queries \$15M write off by Telco’

The ONR wanted to know why the State-owned (Telco) did not seek to recover its full expenditure with International Telephone and Telegraph (ITT) and why did Telco write off \$15.1 million after it decided to consider the projects with ITT abandoned.”

Trinidad Guardian, January 27, 1983.

“‘Telco under probe’; ‘Breach of tendering procedures by the Airports Authority’; ‘Unregistered Company gets Million dollar contract’; ‘PLIPDECO Deal’; ‘Missing public servants’”

2.30 p.m.

All this taking place whilst on our statute books of 1976 an Integrity Commission is to be set up to deal with integrity in public life, the PNM took not one single step to place integrity legislation on the statute books of this country.

The period from 1976 down to 1986, it took 11 years after this was placed in the Constitution and the monumental defeat of the PNM—the 33:3 landslide victory of the NAR in 1986—for this part of our Constitution to be honoured. Because it was the NAR in 1987—we spoke of the 1987 Act—which enacted the Integrity in Public Life Act, No. 8 of 1987 and so honoured the provisions of the Constitution. It took the NAR to pass the first Prevention of Corruption Act, No. 11 of 1987 and placed anti-corruption laws on our statute books.

Thereafter, the Hyatali Commission, appointed by the NAR government in 1990, reported on the shortcomings of the Integrity Commission. So in 1990, the Hyatali Commission looked at the legislation in the country that had been placed there in 1987. They reported in 1990 and they were appointed in 1987. At page 89 of the Hyatali Commissions's Report, it is stated as follows.

“...would recommend as follows:

- (a) insert in the Act a provision to vest in the Commission a duty to promote and secure integrity in public life and all necessary enabling powers to discharge it effectively;
- (b) insert provisions in the Act to empower the Commission:
 - (i) to subpoena persons to testify before them;
 - (ii) to require the provision of documents;
 - (iii) to pass on to the Director of Public Prosecutions any material in their possession which in their view might support prosecution; and
 - (iv) if they consider it appropriate, to report to the House of Representatives through the Speaker on any member of that House or any Minister or Parliamentary Secretary who has been the subject to an investigation;
- (c) expand the jurisdiction of the Commission to include within its purview at least:
 - (i) Chairmen, Executive Directors and/or Chief Executive Officers of State enterprises and Statutory Corporations:

- (ii) Mayors and Chairmen of Local Government Bodies;
- (iii) Chief Technical Officers, Chief Administrative Officers of Municipalities and Officers of similar rank who perform equivalent or similar duties;
- (d) disclosures in inquiries should be dealt with in accordance with the following guidelines;
 - (i) where an inquiry into a lack of integrity discloses evidence of the commission of a crime the matter should be referred to the Director of Public Prosecutions;”

It continues with other recommendations at page 90 of this Hyatali Commission Report.

Basically what the Hyatali Commission was saying was that, yes, the 1987 legislation would be put in place, but all that the Integrity Commission was empowered to do, really, was receive declarations from certain persons in public life. But there is a whole host of other persons in public life who control and had passing through them millions of dollars as persons on state boards—and many of the corruption scandals had to do with persons on state boards. So the Hyatali Commission recommended that the Integrity Commission be given additional powers, be strengthened, and the net of persons to be included be widened to include a host of other persons functioning in public life. That was what the Hyatali Commission recommended.

This Report came in 1990 and the NAR was removed from office in 1991, and once again came the new PNM, under the now Prime Minister, Patrick Manning—then Prime Minister, Patrick Manning. When the PNM came back into office under this Prime Minister in 1991, absolutely nothing was done again with respect to strengthening the integrity legislation, and once again there were numerous allegations of corruption during the period 1991—1995 and these were some of them during the period:

“As Prime Minister, Manning awarded a \$240 million water well contract without the involvement of the Water and Sewerage Authority’s tender committee. According to the Trinidad and Tobago Mirror: ‘The relevant agency at the taxpayer funded water company was never consulted as several ‘firms’ with no track record in the industry landed plum deals’”. [Trinidad and Tobago Mirror, 4/19/96]

The Manning Government doled out ‘a whopping \$240 million of citizens money without the basic ground rules being adhered to?’ [Trinidad and Tobago Mirror, 4.19.96]

Manning awarded 21 contracts that have failed to produce public benefits. According to the Trinidad and Tobago Mirror: ‘A total of 21 contracts were dished out between February and May 1995, and it is not yet determined how—or if—the public benefited.’ [Trinidad and Tobago Mirror, 4/19/96]

Under Manning Government, National Quarries received questionable \$5 million dollar payment.

According to Agriculture Minister Trevor Sudama. National Quarries, a company that has never made a profit, was able to put over \$5 million into an account at Financial Commercial during a time when...”

the Member for Diego Martin West—

“was company CEO/general manager.”

This was reported in the *Trinidad Guardian*, January 24, 2000 and the *Trinidad Express*, January 21, 1998.

Perhaps the most shameful of all of those is the write-off of a debt by the then Prime Minister, Mr. Manning, during that period:

“In December 1993, the PNM administration wrote off a debt of \$30 million for Planning and Mobilization Minister, Lenny Saith.”

A present Minister again in the Manning Government:

“The BBC (of London) wrote that the loan forgiveness caused an ‘uproar’ from the Opposition MP’s who objected to the reported write-off and called for a government statement on the matter.” [BBC, 12/18/93]

According to the *Trinidad Guardian*, ‘the new PNM administration, accelerating its divestment thrust in 94, took blows from the Opposition for this, as well as the issue involving the forgiving of \$30 million loan to Planning Minister Lenny Saith.’ [Trinidad Guardian, 1/1/95]

There is the fiasco at LABIDCO, with the millions of dollars spent there, and up to today—it is amazing when they were bent on going after the Member for Couva North; they sent policemen to London to check bank accounts and so on, and here it is that documents have been presented to the DPP’s office with respect to the fiasco and the millions spent at LABIDCO and absolutely nothing has been

done. More than two years later, these documents have been sitting there; no investigation; no statement, nothing whatsoever has been done with respect to that. So when it is the PNM, there is no investigation, no charges are laid, but when it was the UNC, every trumped-up charge they could come up with was laid against the UNC.

I am saying, all this corruption taking place, again from 1991 to 1995 and the PNM still took no steps. We are talking about the period from 1956 to 1976 of PNM rule—20 years—we are talking of a period from 1976 to 1986, a further 11 years—31 years—and a further four years, from 1991 to 1995—35 years of PNM rule and not one single step taken by the PNM with respect to dealing with allegations of corruption with respect to integrity in public life; absolutely nothing; not a single step was taken. I am saying that is the track record we have to keep in mind with respect to the Motion that they have brought before this Parliament today to further delay what is taking place.

It took the removal of the PNM once again, in 1995, by a UNC government, for the government to strengthen integrity legislation and to deal with the prevention of corruption legislation in Trinidad and Tobago. I am very proud to say as the first Attorney General of the UNC government in 1995—

Mr. Valley: Ten days.

Mrs. K. Persad-Bissessar: It does not matter if it was 10 days. I did a great amount in the 10 days, and it was more than 10 days, anyhow.

As the first Attorney General in the UNC administration, one of the first documents I requested from the Law Commission was a Green Paper on integrity in public life, and legislation dealing with integrity in public life. I received the Green Paper on integrity in public life legislation from them in December. I took that to the Cabinet and sought Cabinet's approval and the entire UNC Cabinet agreed that this Green Paper be laid in the Parliament and that it be put out for public consultation.

That is the genesis of the present Integrity Act that is in the law of Trinidad and Tobago. That is the genesis of these forms that are up for approval of the Parliament. We need to look at the chronology of what took place then, because it really demonstrates that the PNM has no intention whatsoever of ensuring that PNM Ministers file their declaration forms and submit themselves and their friends and all the big boys and girls who got jobs, to the scrutiny of the Integrity Commission, because what they are doing is to, again, further delay. That is why I spent so much time going into that 35-year period of PNM rule; some of it under

the present Member for San Fernando East when he was Prime Minister and, of course, previous to that he was a Member of Parliament in that PNM administration.

I took the pain to go through those allegations of corruption and, of course, the proven corruption scandals that rocked this country, to show that for 35 years they did nothing, and they come back here today again to tell us, "Let us delay this; let us lose this in a joint select committee of the Parliament". But you see, we know how the joint select committees operate in this Parliament. The joint select committees are ruled by the majority of the Executive which is the PNM. They have the majority on every joint select committee in this Parliament and, therefore, they can railroad any provision or railroad out any provision that the joint select committee may want to suggest.

We have seen joint select committees of this Parliament set up in the last session of the Parliament and reports came to this Parliament with respect to matters I raised in the Privileges Committee; statements made by the hon. Member for San Fernando East when he attacked the committee, and attacked the UNC of leaking information and of conspiring with other persons to send reports to the committee set up to look after the police service reform bills. That was totally against the Standing Orders. We brought that here as a privileges motion; went to the Privileges Committee, but you know, it lapsed. There is nothing on the Order Paper from that side to replace it on the Order Paper. All those reports that were done by joint select committees; all that you have to do when you are in government is: you waste time; the session ends, they lapse and you do not bring them back on the Order Paper.

So when you bring these forms and ask us today to send it to a joint select committee of Parliament, all you are saying is, "I am following my grim track record; I am continuing to say I want no integrity legislation in place." That is what they are saying. Lose it in the joint select committee! Mr. Speaker, we would never agree to that. I totally disagree that this should go before any joint select committee.

The hon. Member for Arouca South is telling us, and repeatedly—she kept repeating this over and over again, I am sure to convince herself—"In the circumstances where this is now new legislation and the number of persons have been widened for persons who have never been caught by integrity legislation, we need to consider this very carefully." Mr. Speaker, these regulations were before this Parliament since 2001. This is two years later. All that "cock and bull" story about the regulations being made in September 2003 or August 2003, these

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regulations were made by an independent existing Integrity Commission in the year 2001 and laid in the Parliament.

Mr. Speaker: Hon. Members, the speaking time of the hon. Member has expired.

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

Question put and agreed to.

Mrs. K. Persad-Bissessar: Thank you, Mr. Speaker. So that it is not correct to say that these regulations are new. What is so sad is that the Attorney General again—Mr. Speaker, you always warn me; I cannot say she lied, but people are saying that in the newspapers. So I am not going to say it, but certainly she misled the public.

Mr. Ramnath: No, no, you could say that. You cannot call her a liar.

Mrs. K. Persad-Bissessar: Because she said these forms—and it is recorded here in the newspaper reports, the words of the hon. Attorney General, that these regulations only came into existence somewhere in December 2002 and she never knew about any regulations. Is the CPC's department still there? Is the office of the Attorney General and the officers still there? I still see some of them and they have been there since 2001. They are still there, and those regulations came from the Attorney General's office and were laid in this Parliament in 2001.

So for two years, from 2001 to now, the hon. Attorney General has been telling this country, the reason these regulations are not coming is because they are reviewing them; they are revising them; "I just received them; as soon as I get them I am going to bring them here."

Mr. Speaker, I have gone through very carefully the regulations laid in 2001 and the regulations laid in 2003 and anybody can do the same. If you pick it up and go through it page by page, everything is the same. They spent two years to review and revise and do what? Everything in these regulations is the same! So why are you now telling me this is so new and "We only got it in August and September of this year, so let me give you nice people here in the Parliament some time to consider it. Parliament must be able to watch it."?

The hon. Member for Arouca South tells me it is subsidiary legislation, that the Parliament must be able to look at it and have a say; that is usually the practice. That is total nonsense, because on this same Order Paper there is

subsidiary legislation in the very next Motion. They did not ask for that to go to a joint select committee. They asked for that to be approved. The very next Motion, the one standing in the name of the Minister of Health, asks that the medical rules made by the council be approved subject to the affirmative resolution of Parliament.

So do not tell us that it is the practice and it is normal for subsidiary legislation to be sent to a joint select committee. That is nonsense! There is absolutely no need for that to be the practice with respect to these regulations. I repeat, these regulations are identical. Let the Minister stand and tell us what it took two years to do. Why did they take two years? We need to get an explanation. No explanation has been given to the national community or this Parliament why it took the PNM two years before they brought these regulations to the Parliament in the first place. And secondly, why do they now want to delay these regulations further?

Mr. Speaker, now we really have to wonder: What are they afraid of? Not a single PNM Minister has filed declaration of assets for the years they have been Ministers, from since 2001—not a single Minister has filed! [*Crosstalk*]

Mrs. Robinson-Regis: You filed?

Mrs. K. Persad-Bissessar: None of us has filed. Why? It is not my fault, Mr. Speaker; it is because they failed to bring those regulations here deliberately, because they are protecting themselves. I have no control of government contracts—

Mr. Valley: Mr. Speaker—

Mrs. K. Persad-Bissessar: No, Mr. Speaker, I am not giving way because I have only a few minutes left. I am normally quite gracious and give way, you know, but sometimes, you know, the Member can be very offensive. He would have his turn. He can speak after.

The Prime Minister and the hon. Attorney General both admitted there is corruption in the URP. We know there is corruption in the CEPEP and other Members would speak about that. Yet two years have expired and there is nothing from the Government with respect to these regulations.

I want to read from the *Newsday* of Sunday, August 10, 2003, an article which says: “Frankie goes to Moka”. May I congratulate the Member for Ortoire/Mayaro on his elevation; the shifting of spaces and the promotion. I see the distance between this end of the Bench and the Members for Diego Martin West and East has

widened. The gap seems to be widening ever more. So congratulations to the Member for Ortoire/Mayaro on his promotional seating. I continue to read:

“Less than a year after winning the marginal constituency of Ortoire/Mayaro, PNM MP, Franklyn Khan packed his bags, put his southern house up for sale and headed to the posh Maraval neighbourhood of Moka. He left behind some 20,000 plus constituents and an area he had won by fewer than 1,000 votes, confident perhaps that Housing Minister and PNM campaign strategist Martin Joseph would keep his Ortoire/Mayaro people and seat warm in his absence. When asked by reporters how he could afford to purchase a house in Moka, a place where no home cost less than a million dollars, the Minister of Works and Transport said the money had come from his personal funds. And, that, as they say, was that. The reporters and the rest of the population had little choice, but to hope that Franklyn Khan was telling the truth.

Not that anyone was accusing the ever-smiling, affable Minister of any impropriety, but you see, he had not, upon entering office, declared his assets so people were entitled to take Khan’s words with a pinch of salt if they so desired. He had offered an explanation for his wealth, which sounded reasonable, but it was one that could not be verified. Why not? Because since it obtained a parliamentary majority in October 2002, the PNM had made no effort to enforce the Integrity in Public Life Act 2000. Indeed, this Government seemed bent on doing everything to destroy the Act, as it had reportedly not even decided whether to appoint new commissioners to replace those whose term had ended mid July. The Integrity Commission would be ignored into non-existence and our Constitution meaningless. Cabinet was breaking the law, a law to which, in October 2000 PNM MPs gave their ‘ayes’ in Parliament, a place in which they could only take their seats after swearing to uphold the Constitution and the law. Such conduct has left a cloud of suspicion hanging over all its members, every one of them, including Khan.

The prescribed forms for public officials to declare their assets and income had been lying around the Ministry of the Attorney General for two years, ever since they had been drafted in 2001... First, we were led to believe that the forms were being reviewed and would soon be laid in the legislature.”

And, Mr. Speaker, you would remember that I pointed out that if you compare the 2001 forms with the 2003 forms, there is no change. So reviewing them was totally not what was happening. I continue:

“The next thing we knew was that some UK consultant the Attorney General hired had conveniently recommended that the Integrity Commission be replaced.

How was this to happen? We did not know. No alteration to, or repeal of, the Integrity in Public Life Act 2000 could take place without a special majority of both Houses of Parliament, as the legislation and thus, the Commission were entrenched in our Constitution. Hadn't Morean heard the Opposition make it clear that it would not support such an outrageous measure? Yet, she kept repeating this balderdash about a new body to replace the Integrity Commission, which if one assumed was going to possess 'more teeth' than the Commission, would have to have the power to probe people's finances even more than the current Act permitted."

So this was the position here. But do you know what is very interesting? The longer these regulations stay unapproved without the affirmative resolution of Parliament, it is a further year of escape and evasion for PNM Ministers and PNM boys on the State boards and so on, to escape the scrutiny of the Integrity Commission; to escape the disclosure of their assets.

If you remember, when a person becomes a person in public life within the meaning of the legislation, you are required, within three months of becoming such a person in public life, to file your assets for the year before you became a Minister. Now this is very, very important, because if after you become a Minister, the public is reading that you have bought this million dollar house in Moka—and then today I am seeing another story here in *The Probe* of Sunday, September 14, 2003: "Now Franklin Khan buys hot Toco property." If you do not file your assets—I am not saying the Member does not have the money; I am saying it cannot be verified because the regulations are not there. So you are to file for the year prior to coming into office—you disclose your assets for the year before you come into office—so that everyone could see and the Integrity Commission could scrutinize that before you came into office that this was what you had and after you come into office, they can compare to see if there has been any untoward increase in your value.

That is the way the scrutiny works. You have to file before you come into office. So that the Minister on the other side who came into office from December 2001 would have to file for the year previous to December 2001; would have had to file for 2002 and now 2003. For three years those Ministers have evaded and escaped the filing of their forms because of the failure of the Government to bring these regulations to the Parliament.

In reading the *Trinidad Guardian* of today, I was not surprised to see on page 19 of the *Business Today*, "T&T less competitive says global survey". You know,

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every time one of these reports comes out, those on the other side say it is either the UNC's fault or it is not true at all. These people just make it up. Transparency International says Trinidad and Tobago is now perceived as being more corrupt under the PNM. They say, "not true". Or if it is true, "Oh no, no, that was when the UNC was in office three years ago". So when we read this one—you know, it is too many of them; they are piling up on you. When the travel advisories came warning us about the terrorism and about the crime in this country, "No, no, no, that was Mr. Panday's fault. He went to London and told those people all kinds of things about us."

So what do we say about this latest report?

"T&T slipped down the rankings of globally-competitive nations, according to the 2003/2004 Global Competitiveness Report.

The survey, released yesterday, was conducted by the World Economic Forum. It ranks countries on the macro level in terms of growth competitiveness and at the micro level or business competitiveness.

T&T was ranked 37th in the growth category last year. The ranking was revised to 42, based on a new formula for this year's study which gave less weight to the size of the public sector..."

Basically, the article does not say it, but what happened in preparing the 2003 statistics, this World Economic Forum changed their methodology somewhat. In the past they would be using the method of the quantum of government expenditure, but they felt that did not really reflect competitiveness and an agenda for sustainable growth, so they changed that method and instead said: "Let us look at government wasted expenditure". And this is where, in using that method this year, Trinidad and Tobago slipped down the ranks.

"This year, T&T has slipped to 49th.

In the business category T&T slipped from 44 to 53.

Last year, T&T's ranking was affected by crime levels and perceptions of corruption.

The survey attempts to quantify the impact of a number of key factors which contribute to create the conditions for sustained growth, with particular focus on macroeconomic environment, the quality of country, institutions, and state of the country..."

Mr. Speaker, what this report does not further say is that the growth competitiveness index ranking in 2003 slipped to 49 under the PNM. In 2002,

under the PNM it was 42. Do you know what it was in 2001 when the UNC was in government? The report does not say that, but I went onto the website of this Global Economic forum and found the numbers. Under the UNC, the ranking in the world for Trinidad and Tobago was 38 in 2001. That, under the PNM in 2002, slipped down to 42 and now in 2003, the rank has gone down to 49 in the growth competitiveness index ranking.

Mr. Valley: Mr. Speaker, I wonder whether the Member would give way. I just want to ask a question.

Mrs. K. Persad-Bissessar: I have only a few minutes left. The business competitiveness index ranking in 2003, we have slipped down to rank number 53. In 2002 under the PNM it was 44. In 2001, under the UNC our rank was 34. So since the PNM came into office in each year, 2002, 2003, our business competitiveness index ranking has dropped. Why has that happened? Again, the newspaper article did not give us all the details, but if you look at the index and how they compiled it, what we see is that they use components: one called a Public Institutions Index Component and they use something called a Corruption Index Component in order to arrive at these other rankings that we have got.

What we have seen there is that the public institutions index component rank for Trinidad and Tobago slipped in 2003 to rank 56, whereas in the year 2002 it was 43, and the same for the corruption index in 2003, it went down to 59. In 2002 it was 48.

This is in keeping with the findings of Transparency International; this is in keeping with the views of the public out there, reported in the *Guardian* yesterday in the NACTA poll, that the economy of Trinidad and Tobago was better handled under the UNC, and that people felt safer with respect to crime under the UNC. These indices endorse the view that we all have in this country.

So it begs the question, all of this is happening, the perception of corruption that Trinidad and Tobago is being seen as more corrupt, and we come today and we really have to say why do you want to delay bringing these regulations any further?

3.00 p.m.

You have already not explained why, for two years. One year you could say there was no Parliament; we had a hung Parliament. From October last year you had a full year with regulations already drafted. Why were these regulations not brought to Parliament before today? I would tell you why. The only reason these

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regulations are now before this Parliament is because the UNC took the unprecedented measure, to file a case in court against the Government, in the name of the UNC Member of Parliament for Fyzabad Chandresh Sharma.

Let me give you the chronology of that.

“In the High Court of Justice
Sub-Registry, San Fernando

H.C. A. No. 1457 of 2003

In the matter of the Judicial Review
Act, No. 60 of 2000

And

In the matter of the application
by Mr. Chandresh Sharma, Member of
Parliament, for leave to apply for
Judicial Review

And

The matter of the continuing failure
and/of refusal and/or inaction and/or
omission of the Attorney General of
Trinidad and Tobago to lay or cause to
be laid in the regulations drafted by
the Integrity Commission pursuant to
Section 41(2) of Integrity In Public
Life Act 2000 so as to give effect to
and/or implement the said Act and allow
the Commission to perform its constitutional
and statutory duties

and

In the matter of the frustration and/or

stultification of the constitutional
and/or statutory duties, functions and
role of the Integrity Commission as
set out in section 138 of the
Constitution and/or Integrity
In Public Life Act 2000...

2. The reliefs sought are as follows:—
 - (a) An order that this application for leave and/or this action be deemed fit for urgent hearing during the long court vacation;
 - (b) A declaration that the continuing failure and/or refusal and/or inaction and/or omission on the part of the Cabinet of Trinidad and Tobago to lay or cause to be laid in Parliament the Regulations drafted by the Integrity Commission so as to give effect to and/or implement the Integrity in Public Life Act 2000 is illegal and/or in conflict with the policy and objective of the Act and amounts to an abdication of its statutory and/or constitutional duty as it related to the Integrity Commission and the said Act;
 - (c) A declaration that the Cabinet of Trinidad and Tobago is obliged to cause the Regulations made by the Integrity Commission...be affirmed by Parliament in accordance with section 41(2) of the Act;
 - (d) A further declaration that the absence of Regulations under Section 41 of the Act is detrimental to and subversive of good and lawful administration;
 - (e) A declaration that the continuing failure and/or refusal and/or inaction and/or omission on the part of the Cabinet of Trinidad and Tobago to lay or cause to be laid in Parliament the Regulations drafted by the Integrity Commission so as to give effect to...the Integrity In Public Life Act...is a violation and/or frustration and/or stultification of the constitutional and/or statutory role, function and duty of the Integrity Commission;”

When this matter came up for hearing it was deemed fit for hearing during the vacation.

Mr. Speaker: I want to warn you that you are sailing close to a breach of 36(2). Be careful.

Mrs. K. Persad-Bissessar: I am guided, Mr. Speaker. Like you, I am very conscious. I have read documents that are in the public domain. As a good lawyer, I am sure that you would understand that I can do that in this Parliament. I read the record which is also a public record of what transpired in the court. I make no pronouncements on the decisions either way of this particular matter. I am guided and I will stay within the ambit of the Standing Orders.

When the matter came up for hearing during the last court vacation, Justice Maureen Rajnauth Lee granted leave for this matter to be deemed fit for urgent and early hearing. The matter came up before Justice Mendonca. The matter was fixed for the first week of the opening of the law term. On September 18, the matter came up for hearing. When it came up, the Government sought an adjournment saying that as soon as Parliament opened in October, it would lay these regulations in Parliament. Prior to this High Court action absolutely nothing was done to bring these regulations to Parliament. The national community was confronted with the evasiveness, contradictory statements and confusion coming out of the mouths of the Attorney General and the hon. Prime Minister.

I will read an article from the *Newsday* by Suzanne Mills. It is dated April 20, 2003.

“Look at what was happening to the already drafted Integrity in Public Life Act regulations. Or rather, look at what was not happening. These had not been brought to Parliament by the Attorney General. And one would think the AG would have had ample time in which to lay the rules to enforce the Act. Glenda Morean couldn’t claim she was too busy drafting Bills to table the accompanying regulations... After such a disastrous attempt at Bill preparation, why shouldn’t the AG dedicate her full spare time to housekeeping and locate the already drafted Integrity regulations? Why not bring these to the House, so MPs, ministers, etc could declare their assets and income? Why not, indeed? The public conclusion could be, and was, only one,... Voters were thinking that the PNM, like the UNC, had little interest in promoting integrity in public life.”

From April to when these Regulations came to Parliament, we were presented with all kinds of reasons the forms could not come to Parliament. The first reason was that they were being reviewed. They had not been received. They were received late. I have already given the lie to that assertion by indicating that the 2001 Regulations are identical to those of 2003. These Regulations have been there from day one. The further story was, here comes a consultant. The

consultant said that we did not need this anymore. We had to re-engineer and reconstruct them.

It is amazing that the Members on the other side in this Parliament approved the Integrity in Public Life Act which extended the categories of persons. The Member for Diego Martin East said that we were not going far enough and we needed to include the senators, judges and all sorts of other persons within the ambit of the integrity legislation. We did so. The Member for Diego Martin Central also praised the new Act and they voted unanimously for the new legislation, when they were in Opposition. Now that they are in Government they are refusing to give effect to this legislation. What was disheartening was when we heard the words of the then chairman of the Integrity Commission, Justice Des Iles. He revealed that he had written to the Prime Minister on three separate occasions pleading that the Regulations be laid in Parliament, so the Integrity Commission could be given the strength and tools to carry out their function under the Constitution. Nothing happened.

I would read this editorial dated Monday August 11, 2003.

Because of our determination to expose corruption wherever it occurs, particularly in the public service, we have been strongly critical of the non performance of the Integrity Commission. We have accused the Commission of failing to perform its constitutional mandate to ensure that integrity is maintained in the upper echelons of the administration of government including Cabinet Ministers.

We are now alarmed to learn that the hands of the Commission have been virtually tied since September 2001 because the forms for public officials to declare their assets have not been laid in Parliament. We find this omission quite scandalous, particularly since we have been attacking the impotence of the Commission, not knowing that in truth they were helpless to do anything.

Now that the term of the Commission has ended, he is no longer chairman, Justice Des Iles is free to explain the handicaps under which he laboured. His story is disturbing. He revealed to Newsday that he had written to Prime Minister Manning three times early this year to have the declaration forms which were ready since September 2001, laid in Parliament as required by the Act.

Justice Des Iles said he received no response from the Prime Minister nor from his Permanent Secretary who he had spoken to on the phone. The only reply he got is a formal letter from a junior secretary, three or four months later

informing him that the three letters were receiving the attention of the Prime Minister.

Time has run out. I say quite clearly that we on this side will not support the amended Motion. This is far too vital. It affects the \$30 billion already spent by the PNM, every taxpayer and citizen in this country because money is flowing through their lands like water. Every state enterprise and chairman—Mr. Manning said that the net is too wide. That is the real problem. The PNM boys and the state boards do not want to file declarations because the money is flowing through their hands. Do not come and tell us that you need a joint select committee. The truth of the matter is out of the mouth of the Prime Minister, that they want to remove state board chairmen out of the net of this legislation.

We will not accept it. Every Member on this side says that he would support by affirmative resolution the regulations as made and the Motion as amended, so that we can give effect and strength to the integrity legislation of this country.

Mr. Ganga Singh (*Caroni East*): Mr. Speaker, I second the amendment to the Motion moved by my colleague, the Member for Siparia. I reserve my right to speak.

Seconded by Mr. Ganga Singh.

Mr. Speaker: Hon. Members, before I put the question on the amendment to the House, I wish to suspend the sitting of the House for about 15 minutes to discuss a procedural point. I invite the Leader of Government Business and the Acting Attorney General together with the Member for Caroni East and the Member for Siparia to join me in my chamber for 15 minutes.

3.10 p.m.: *Sitting suspended.*

3.25 p.m.: *Sitting resumed.*

Mr. Speaker: Hon. Members, during the suspension of Parliament, I heard the amendment as proposed and I have ruled it ultra vires.

Mr. Winston Dookeran (*St. Augustine*): Mr. Speaker, we have heard from the Member for Siparia, an historical account of the efforts this Parliament and previous parliaments have taken in order to deal with this critical issue of integrity in public life. At this juncture in the political life of our country, this is one of the most serious and critical issues we must tackle and we must do so in a total way. We have had too much of a chequered history on this particular issue. I ask the question: What are we proposing to the honourable House? Is the mere

establishment of an appropriate form adequate to deal with the problems of integrity in public life? Governance and integrity in public life are interrelated. Today, we are addressing issues of ethics and politics.

Some time ago we had invited a speaker, Prof. Ruth Grant, to look at these issues under the Dr. Eric Williams memorial lecture series. The topic which she identified was ethics and politics, institutional solutions and their limits, the key word being the “limits” which are imposed by these institutional solutions. What are some of the limits which we must overcome in order to deal with this problem comprehensively? It is important for us to make a concerted effort to deal with the problem in a more comprehensive and total way. We can take the legislative approach and the bureaucratic approach which the Member for Arouca South took today. To some extent these are important considerations.

What is more important are three issues that have been identified in dealing with the question of integrity in public life. The first is the issue of the values of public officials, politicians and elected officials. The second is that of the political culture in which we operate and its permissiveness in this respect. The third is that of the issue of leadership and the way in which leadership handles its problems.

I had hoped that we would have developed a programme to encourage, instil and put in place, integrity in public life; a programme that not only deals with constitutional issues of which the hon. Member for Siparia gave a very expert account, or the bureaucratic issues, but also to get to the fabric of our society and develop programmes that will inculcate the necessary values that would bring about the changes that are required. Ethics in politics is an old subject. In every area of life we have to make ethical choices. In family relations ethical challenges typically surround matters concerning loyalty, reciprocal responsibility and generosity. In economical relationships we look at honesty, keeping promises, equity, just distribution and critical concerns. In politics the ethical question associated with politics are questions about the abuse of power; the question of protecting the weak against the strong; preserving individual rights and promoting the public good rather than the private interest.

The preamble to this debate—I had hoped that the presenter would have taken the opportunity to start the process by looking at some of these ethical issues and then deal with the response, one of which would be to deal with the introduction of the necessary forms. I believe that Dr. Williams in his Independence day address on August 31, 1962, to the citizens of this country, called on all citizens:

“...to accord the highest respect to our parliamentary system and institutions and to our Parliament itself. Democracy rests finally on the higher power than Parliament. It rests on the informed, cultivated and alert public opinion. The Members of Parliament are only representatives of the citizens. They cannot represent apathy and indifference. They can play the part allotted to them only if they represent intelligence and public spiritedness.”

In other words, he was making the point that the success of institutional structures depends on the underlying values that support them. This is where we need to start. A programme of developing the necessary public opinion of tolerance or non-tolerance on this particular issue is of extreme importance. The Parliament may enact its laws, but if the citizenship does not have the necessary intolerance to these issues, you will never see the fruits of our efforts.

It is in that context I was somewhat surprised when the debate which is dealing with our values took place, on the restrictions or alleged restrictions of entry into COSTAATT. I felt then and my immediate reaction was that there was a group of people, Afro Trinidadians and Tobagonians who were being belittled by that provision—however it was thought of—who found that their pride would have been hurt by such a requirement in the society that has moved way beyond that. While there is need to devise ways and means to deal with the problems in a total sense, to segregate was not only an act that compromised the very issue of equality, but it also created a sense of shame and dishonour for citizens who had to be given preferential treatment. We believe in the absolute equality of the intellectual gifts of all the people of Trinidad and Tobago. We believe that there is no need to make such distinctions. It may have happened in other jurisdictions of the world where the socio-political climate is different, but it is not so in Trinidad and Tobago. *[Interruption]* I do not know if the Member for Diego Martin Central knows when I am criticizing him or applauding him.

The first issue is that of values. A programme for integrity in public life must indeed address that issue frontally. There is also the issue of political culture. Ruth Grant in her paper on the issue of institutional solutions and limits had this to say.

Politicians certainly do not announce their transgressions. On the contrary, just like the rest of us they try to present themselves in the best possible light and they try to provide a plausible public justification for their actions.

All of us do that.

Often voters do not know simply whom to believe; even worse is the situation where the voters do not believe anybody. Instead, they come to believe that all politicians are corrupt as a matter of course and they simply abdicate their electoral power through apathy.

Those are the fundamental underlying issues that need to be tackled if we want to tackle the issue of integrity in public life.

Electoral institutions also fail to check abuses of power, when voters become polarized along partisan lines, particularly when partisan divisions are reinforced by religious, ethnic or ideological lines. When partisan loyalty replaces political judgment, elections no longer serve as a means of judge in the performance of particular political leaders in office. Is it the state of political culture that often determines whether political institutions will or will not function as they were designed to function?

I said earlier that the issue of integrity in public life is linked to the issue of good governance and as to the functioning of our political institutions. It is in that context a programme to deal with the issue of our political institutions must be seriously addressed. In this respect, we have had a recent debate on the issue of constitutional reform where the hon. Prime Minister, according to the newspaper report, has agreed that this is a critical issue. The Leader of the Opposition has been arguing for some time that this is an important issue that must be addressed in order to provide the right conditions for good performance of our political institutions in Trinidad and Tobago. Should we not, in trying to change the political culture to support integrity in public life, also address that issue in a detached and objective way? If we do not address these underlying issues we would be using this Parliament from time to time to introduce forms and provisions but we would not have the underlying issues that promote integrity in public life.

The second issue that has risen is that of political culture. It is quite possible that our system as it exists today will encourage cynicism, apathy and fanaticism. These are the corrosive political attitudes that we must guard against. Could there be an ethical national government? Unless we have the underlying issues of values which I have spoken about, or political culture of which I have dealt with, should not the proposal before us deal in a broader context in a comprehensive way, or are we going through the motions of setting up forms which may or may not be effective in the future? Are we carrying out a debate that is not likely to

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promote integrity in public life, or do we really want to tackle this issue for generations to come? It has been an issue that requires leadership at all levels in the society; leadership that is motivated by a sense of public service and humanitarian ideals. We cannot assume that this is not the motivating factor of most people in public life.

I am suggesting that we adopt a more comprehensive approach to the issue of integrity in public life; that we include in the programme education; a programme for looking at the performance of our public institutions to ensure that there are transparency and responsibility in the actions of those who act on behalf of the public. It is only in that kind of context that one can find that we would make a dent on the issue of integrity in public life. Good governance and integrity in public life are linked together. I had hoped that when this matter eventually came to Parliament, it would have dealt with it in a manner that would leave no stone unturned as to the determination and resolve of this Parliament to handle this issue. It has been a trying one for the nation for many a year and we need to get it behind us if we are to move the society to a higher plane of performance.

That is why I thought that I should say a few words today, if only for the record, so that when the issue arises again, we would be able to tackle it in a more comprehensive way. We must deal with the underlying causes that have created this issue so that it does not become uncontrollable and so generate apathy, fanaticism and cynicism. This will cause disrespect in our political institutions and in the conduct of our political life and undermine our democratic way of our society.

What is the role of the Government in addressing such an issue? Clearly, it has an important role. Whether it is through the educational policy, or the exercise of constitutional reform and change, or the adherence of transparency and responsibility for one's action in the conduct of our public affairs, we must make these very important pillars upon which we build public life in our country.

The Member for Siparia has already spoken about dealing with the issue frontally. My contribution was merely to put this in the context of a further debate, so that we can handle this issue in a comprehensive and total way and allow the next generation to inherit a society in which integrity in public life would be the norm in Trinidad and Tobago.

Thank you.

Dr. Roodal Moonilal (*Oropouche*): Mr. Speaker, I rise to make a contribution on this very important matter before the House and to make a few points as they relate to this issue of integrity in public life—the course of action being adopted by the Government today as announced by the Member for Arouca South, by which the Government, it appears, would like to continue from where they left off before to postpone, delay and frustrate the full implementation of legislation dealing with integrity, transparency and corruption.

On this side of the House we believe that transparency is not a concept with which the PNM is familiar. Integrity is not an issue with which they are comfortable and it is not surprising to us that this is the course of action we heard. Today, I came all prepared. I phoned my bank this week and announced that I need to get my documents in order because forms would be available from Monday, so I can fill out my form to declare my assets. I came all prepared to go and declare my assets along with the Member for Ortoire/Mayaro, not only of the Members but of their wives, husbands and so on. We came today, feeling that, finally, this matter would have been dealt with and I could have shared the company of the Member for Ortoire/Mayaro, the new chairman of the PNM, in going to declare our assets. I am quite willing to declare publicly my assets. I want to challenge the Member for Ortoire/Mayaro and new chairman of the PNM who has been the subject of some crosstalk and discussion about ownership of property, that we both should march to the office to declare our assets; we should copy them and send them to the newspapers and ask the editors to look at them and if there is anything they want to publish, they should publish. I am prepared to do that in the company of the Member for Ortoire/Mayaro, so that persons would not stand in this House and so unfairly cast aspersions on his integrity. That is a challenge I want to leave with the Member for Ortoire/Mayaro. [*Interruption*] I will declare ten salaries if you want. There is no problem with that.

It is time the PNM put up or shut up! They take corruption, integrity and transparency on the platform, politicize and make propaganda. For political expediency they carry out a campaign to tarnish the image of people. Their approach is to wait for election; go on the political platform to talk about people's houses, cars, and jobs. Our approach has always been that we set up the institutions, mechanisms, policies and the legal machinery to deal with issues of integrity. That is the fundamental difference. That is why they get cheerful and full of glee and they are comfortable shouting across the floor about people's houses and cars. They get uncomfortable when you say, "Bring the forms for us to declare." Let us deal with the matter in an institutional and legal environment.

They have a problem because transparency is not a concept with which they are familiar. There is a link between integrity and transparency.

If this Government knew about integrity, two Members of that Cabinet would have resigned this morning. At a post Cabinet conference, the normal Thursday comedy show, the Prime Minister indicated that those Members stood in Parliament and what they said did not reflect his Government's policy. One stood in this House and the other in another place to indicate that is Government's policy and nothing was wrong with that. The Prime Minister spoke out against it and condemned both his Ministers. They are still in their jackets and ties proudly walking up and down the corridor. What integrity are we talking about? In another environment they would have resigned. They have no shame! They have no integrity! They would have resigned in the afternoon and their resolve would have lasted for one evening and they would have taken back the letter of resignation in the morning. That is their idea of integrity. If they had integrity, this morning we would have had the resignations of at least two Ministers. No wonder they would continue to postpone, delay and dilly-dally with this matter before us.

This Government has several matters that are now the subject of investigations by the anti-corruption investigation bureau. *[Interruption]* The Government of which you are not a part and to which you do not speak. My friend is now a regular writer with the *Trinidad Guardian* and that would be how he would make his Friday's contribution. This Government has matters before the court and matters that challenge their integrity. We forget that there is a matter before the police dealing with the issuance of a broadcast licence for radio to the chairman of the National Lotteries Control Board. That concerns integrity in public life. The matters of police investigation of the PNM could take forever. Those things are not necessarily hurried. The matter of LABIDCO and the waste of money is before the police as well.

Recently, we heard of the former chairman of the Unit Trust Corporation involved in another matter. Again, that is related to not just the conduct of a senior Member of Cabinet, but also to the integrity. This is not a comfortable issue by any means for Members on the other side.

There is a reason those of us on this side would like this matter to be dealt with swiftly. We prefer to debate and pass those regulations quickly. This country has been plunged into scandal and counterscandal with charges and countercharges and allegations over matters of corruption, abuse of office and persons without integrity. For us to move in the direction of developed country

status and that much abused term “Vision 2020” we must have strong democratic credentials. They would agree with that. I do not think that anybody would disagree with that. It is part of the cell structure of democracy that you will have strong working institutions dealing with integrity, transparency and allegations of corruption. Democratic credentials are important if you are aspiring for developed country status. It is not in the best interest of our social and economic advancement to continue to delay and pussyfoot on this important matter of establishing the institutions for those who hold public office.

This is not just for Members of Parliament—many of us might just declare that we own a computer and a motor car—but those who occupy other offices such as members of the boards of state enterprises; members of those boards are involved sometimes in business with millions and millions of taxpayers’ dollars. It is not necessarily ministers and Members of Parliament. It could be that members of boards are reluctant; they would oppose the implementation of this legislation; reject those forms and fling them in a garbage bin, because they would not want to expose their assets and accumulation of wealth. It could be that members of those boards could be bag men and women for other government officials. There is no madness in this. It is calculated by postponing and delaying indefinitely the approval of these forms. There is a particular amount of intent that persons who occupy state office can continue if they are in abusive and corrupt practices in certain ways that may redound to the benefit of senior government officials.

We on this side are saying, “Put up or shut up!” If you cannot bring the forms for us to declare our assets and where we are in terms of our earnings, stop talking about corruption. This is all about political expediency. They want to con this population and they succeeded to a certain extent. I must confess that they succeeded to convince some people in this society, through propaganda, that politicians in Opposition to them may have engaged in suspicious acts. I am happy to report that the eyes of many of those people have been opened with the recent conduct of this Government as it relates to the Community-based Environmental Protection and Enhancement Programme (CEPEP), Unemployment Relief Programme (URP), National Housing Authority (NHA) and crime and Grimes at WASA.

I want to warn this Government that there would be no developed country status and Vision 2020 if they do not deal once and for all with this matter of integrity and getting all Members of Government whether they serve on state enterprises, the Senate and the Lower House to declare their assets and subject

themselves to the accountability of independent and neutral institutions in the country.

They always like to be caught with a no-ball. That is a trend with them. Every time they get caught they claim it is a no-ball. At first, there was an anti-corruption buster, Lindquist. He came and left. Another was there advising on kidnapping and he came and left. Now we have Mr. Bertrand De Speville, a globetrotting anti-corruption buster moving across the world. I went on the website and I noticed that this gentleman is also involved in exposing governments that have links to violent crimes. They distributed a survey form on corruption for us to fill out about what we think should be done. I intend to communicate with Mr. Bertrand De Speville to indicate to him that he may well find it useful to survey the country on this matter of the link between politics and violent crimes. Then, we will have another story to tell in this Parliament.

On the matter of integrity there are different types of integrity. We can think about intellectual integrity and you are not telling untruths. If you are at the Elections and Boundaries Commission, you would not say something that you know to be wrong. There is financial integrity which those on the other side are well-known for hurling charges against others on that matter. There is moral integrity and ethical and spiritual. This term must be used with a certain amount of consistency and fairness.

The Government's approach is one of utter hypocrisy. I remember going to Canada for the first time not too long ago and driving through a place called Scarborough, where I was told by the driver that those twin towers, multi-storeyed building were built by the taxpayers of Trinidad and Tobago. I said that is bewildering. How is that possible? There was a time when something like that was possible. There are buildings in Canada built by the taxpayers of Trinidad and Tobago and, the taxpayers of Trinidad and Tobago cannot enjoy a health centre facility in Debe, Trinidad. The health centre there is in a state of collapse. You have twin towers, multi-storey built in Canada with taxpayers' money. That happened under the PNM, the party that the Member for Ortoire/Mayaro now chairs. He would have to deal with the pains of that party. That would have happened in the '70s. The matter of corruption, integrity and transparency is now more in the public domain.

Information technology, expansion of the media and the awareness level of society are higher. People are now concerned when a Member of Parliament drives around in a Mercedes Benz. There was a time in Trinidad when nobody bothered with that. People are more conscious. That consciousness becomes

more intensified when citizens realize that they are hurting more. They pay more for gas and to use the maxi-taxi and those who occupy public office not only enjoy the perks that go with that office, rightly so, but they may also be pilfering and accumulating wealth. That affects our consciousness. For this Government to indicate that this matter would go to a select committee and we would deal with it next year at some time and, by that time Parliament would cease to be, it does not stand tall on integrity. If they wanted to score points with the national community—and their popularity now is lagging sadly; if we are to believe some of these polls, it is going down rapidly—and increase that popularity, they would have come to the House and indicated that they have the forms; they are ready; let us debate and pass. Monday morning the Member for Ortoire/Mayaro and I would march into an office somewhere in Port of Spain with our forms after we copy them to the editors of the three daily newspapers.

4.15 p.m.

No, Mr. Speaker, they would not do that, because integrity and corruption issues are for the political platform when election comes around. If everything is clear with Members here, then there is nothing to fire up the population with, against the UNC. So they could go again in the year 2006, or before, and talk about motor cars, houses and two salaries, and so on, because that is where they are comfortable.

Mr. Speaker, while transparency is not a guarantee for integrity, it means that processes and policies are visible and, therefore, citizens could make a judgment about the issues involved. If this Government were transparent in its financial matters, automatically, there would be greater integrity, so there is a link between transparency and integrity. Where are they going on that transparency scale, Mr. Speaker? Down, and down rapidly! If we are to accept the data presented by Transparency International, as I said, they are going down rapidly. The Member for Siparia spoke about this.

In an article in the *Economist*, dated August 28, 2002 a Corruption Index was posted for about 102 countries. In terms of corruption and corruption-free country, countries like Finland, Singapore, Canada, Britain, Hong Kong and the United States of America were ranking very high. When you look at the end of that tail you will see Bangladesh, Indonesia and neighbouring Venezuela, Philippines and so on. When you look at Trinidad and Tobago, you will notice that we are moving down, not up. So immediately there is a contradiction between the line to Vision 2020 and the line that is taking—[*Interruption*] Minister Khan, if you follow the graph, Vision 2020 will take you to Finland in

that direction, but you are pulling to go in one direction with Vision 2020 when the country is going in the next direction with the Corruption Index, so you see what is happening. You are going in two different directions so there is contradiction. You should be taking the necessary steps now to correct that—this is the moment—but you are not. You prefer a situation where the population is kept in the dark on Government matters that affect the country.

The United National Congress is proud of its track record on this matter of transparency. We brought the issue of freedom of information to the Parliament, the nation, the classroom, and the workplace. Today there are posters in different offices and so on indicating the procedures for getting information. I must say that citizens do write and obtain information under the Freedom of Information Act. Where did that Act come from? Who brought that Act? The National Association for the Empowerment of African People (NAEAP)? Did they bring that Freedom of Information Act? No! It was the United National Congress.

Today, while we see a naked abuse of funds, one of the Junior Ministers of Finance paid a courtesy call on the National Lotteries Control Board (NLCB). He was driving around somewhere; realized he had an hour to spare and dropped in to see the chairman, his friend. Mr. Speaker, that became the subject of a colour advertisement in the three daily newspapers. There were advertisements in three daily newspapers to indicate that a junior Minister of Finance paid a courtesy call on the chairman and members of the National Lotteries Control Board. Money goes in that direction but how many advertisements do we see? What is the extent to which we are promoting freedom of information so that average citizens on the ground know—beyond those who are in government offices—that there is information out there they could have and must have as their right? We should spend the money doing that, not highlighting the Junior Minister of Finance's drop-in on the office of Mr. Louis Lee Sing. Mr. Speaker, that is where the money is going in this country.

Transparency is not a matter with which they are familiar at all. How then do you explain other developments with this Government? In a previous incarnation we heard about the write-off of millions of dollars to a former and current Minister. Today, we are hearing about rampant corruption in the Unemployment Relief Programme (URP) and at the National Housing Authority (NHA). In fact, it has now reached a point where the Government and the Prime Minister have declared openly that there is corruption there. In fact, we declare corruption but we do not declare our assets; that is where we have now reached. [*Interruption*]

We have declared corruption in URP, NHA and NLCB.

Mr. Speaker, I was informed that GTECH is a company that has been doing business with the National Lotteries Control Board. This is what this company announced on its web page, which was downloaded on October 29, 2003:

“GTECH signs five-year contract to provide complete video lottery solution in Trinidad and Tobago”

And they announced that to the world!

“GTECH Holdings Corporation...announced that its wholly-owned subsidiaries, GTECH Latin America Corporation and GTECH Global Services Corporation, signed a contract with The National Lotteries Control Board and The Betting Levy Board...to provide a complete video lottery solution, including a central system, video lottery terminal (VLTs), and communications network, in Trinidad and Tobago. The contract is for five years, and includes a two-year extension option.”

Mr. Speaker, it is worth over \$78 million. Well, thank God for the Internet so that we can read about this! We would not have read about it in the newspapers or even in the *Hansard*. When this matter was raised in the House—the matter of this contract with GTECH and the terms of this contract, whether there was tendering and so on; whether other companies were allowed to bid as they did with this Atlantic LNG and so on, on the last occasion—the Minister of Finance declared that he knew nothing about it [*Interruption*] and he says that he still knows nothing about it.

Mr. Speaker, if we are to accept what the Minister of Finance says, and we have no reason to doubt him, these people are really involved in bacchanal and “commesse” on the Internet. They are using the Internet to promote scandal! How can they go on the Internet and tell the world that they have a five-year contract with the National Lotteries Control Board—let us get this straight with and Trinidad and Tobago—and the Minister of Finance knows nothing about that? How can they do that? We should ask the new Attorney General to look into this—the new Attorney General? Is the Attorney General still in Trinidad or is she in the United Kingdom? We do not know. We should ask this most competent Attorney General to look into this matter! This is a scandal! What is GTECH telling the world? Are they saying that we do not have proper systems in Trinidad and Tobago? Are they saying that we have a lack of integrity? Mr. Speaker, is GTECH announcing to the world that there is no integrity in Trinidad and Tobago? The Minister of Finance knows nothing about this \$78-million

contract at the National Lotteries Control Board? This is a scandal! The Minister of Finance and the Prime Minister may have to speak to any one of his Attorneys General, the outgoing or incoming, to investigate this matter of the GTECH Global Services Corporation's contract.

Mr. Speaker, if we had a system based on integrity and transparency, we would know whether this is true or false. We would not have to depend on the Internet to know that \$78 million of our taxpayers' money may or may not have gone to a company doing business. This company, GTECH, was also involved in another scandal in the United Kingdom. That is where the current Attorney General is going so she may be investigating this.

“G-Tech was ordered to pay Virgin Atlantic's CEO Richard Branson more than TT \$1 million by a jury at London's High Court, as well as legal costs.

The company has been accused of bribery to gain contracts to run State lotteries.”

I am quoting from *The Probe* newspaper dated Sunday, October 19, 2003. [Interruption] Mr. Speaker, a company that is before the courts in England, that was ordered to pay TT \$1 million and stands accused of bribery to gain contracts to run state lotteries, proudly announced on its website that it is now involved with this “very clean” Trinidad and Tobago Government. Mr. Speaker, this is shocking! That is “Lee Sing”, I suppose.

Their track record will not get better, in fact, it will get worse because of their failure to implement and effect this type of measure. In not implementing it, they are really creating the environment to sustain and perpetuate corrupt activities. It is a pity that Members of the Government would not stand and admit that when you implement and effect legislation like the Integrity in Public Life Act and so on, you really help yourself and your country. Apart from the social and economic development, you help yourself. No one could make charges and go on political platforms and accuse you of having five houses in five weeks, or of having foreign bank accounts and so on because the institution is there. You have declared! They could accuse other people but they cannot accuse you! So it is in their interest. Mr. Speaker, why are they hesitant? Why would they neglect this? Why are they more concerned with bringing legislation to bring Cuban doctors? They are bringing legislation to do other things but are not concerned with getting these forms finally approved, and in the hands of Members like me, eager to fill out the forms; but, Mr. Speaker, that is their track record on transparency and integrity.

Transparency is the best guarantee for consistency and integrity in the conduct of public business. The UNC government must take credit and, of course, we are proud for bringing that legislation to the national Parliament and passing it.

You would recall that in 1997, the UNC government agreed to this type of legislation, when Trinidad and Tobago made certain commitments under the Lima Declaration on corruption. Coming out of the signing to that declaration, the UNC government committed this country to a certain course of action. We committed this country to bringing to the Parliament and passing legislation to pursue integrity in public life and to place laws on the statute books that would provide for transparency and integrity. Mr. Speaker, by signing that declaration, the following steps must be taken and this country is committed. We committed this country to introducing a system of declaration of assets by persons holding public positions of trust, and their families, and placing on them the obligation to justify possession of property, wholly disproportionate to their legitimate sources of income.

Mr. Speaker: Hon. Members, the sitting of the House is suspended for tea and will be resumed at 5.05 p.m.

4.30 p.m.: *Sitting suspended.*

5.06 p.m.: *Sitting resumed.*

Dr. R. Moonilal: Thank you very much. Mr. Speaker, before the tea break, I was discussing the issue of the role of Trinidad and Tobago in fulfilling certain obligations made by the government of the United National Congress, when it undertook certain responsibilities by virtue of becoming a party to certain international conventions and declarations and so forth. It was in 1997 that Trinidad and Tobago became a party to the Lima Declaration and, incidentally, in 1999, Trinidad and Tobago signed on and ratified the Inter-American Convention Against Corruption.

Mr. Speaker, by virtue of being a party to the Lima Declaration, this country undertook to implement very strong anti-corruption laws and integrity in public life legislation. This country is committed to introducing a system of declaration of assets by persons and so on. We are committed to introducing systems to monitor the assets and lifestyles of significant decision-makers by independent agencies. We are committed to enacting laws which effectively empower the freezing, seizure and confiscation of wealth that is acquired unlawfully. This country is committed to introducing a legislative code of conduct so that Government could examine and enforce the ethics and integrity of administrators.

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Mr. Speaker, whereas we look at this list of commitments that this country embarked upon, by virtue of becoming a party to the Lima Declaration, we must not take this lightly. As a country we cannot afford to put this matter of integrity on the back burner. For example, in the area of labour and employment matters, Trinidad and Tobago is also a signatory to several conventions and recommendations of the International Labour Organization. By virtue of ratifying certain conventions we undertake, time and time again, to implement national laws and policies. Likewise with the Lima Declaration we are under a certain obligation to implement this.

The point I was making in the beginning of my contribution was that by implementing legislation for transparency and integrity in public life, we must not just do it for the international reputation of the country, as important as that clearly is, but we must do it to protect our own character. As I said before, by passing this legislation and implementing it by way of having the required regulations and so on, it would improve the character of the Government as a whole. The characters themselves would be protected from malicious public commentators and from political opponents and so on. It is in their interest, in every sense, from a personal, national and international point of view. It is not something that we should take lightly.

Mr. Speaker, if we are to reform this country's institutions that deal with all aspects of governance, we must also reform the persons. You cannot have integrity in public institutions when the persons who occupy public institutions themselves do not have integrity. Or, their integrity cannot be placed on a platform for public scrutiny. It is critical that you have integrity for the persons and for the institutions.

Today, it is no secret, Mr. Speaker, that several institutions in this country, whether it is the police, the civil service, the medical services and so on, lack credibility. Several office holders in this land lack credibility and their integrity is suspect. The longer we delay with this type of legislation the worse it would be for us as a country, and the worse it would be for economic growth and development. There is a clear connection between our ranking in corruption and in our failure to implement anti-corruption transparency and integrity laws.

I think it is a connection the Government has recognized but, for reasons best known to Members on the other side, they cannot now move with haste to implement the legislation brought and passed by the United National Congress. We hope that other pieces of legislation before us, at another time, such as the

Occupational Safety and Health Bill and others would not be treated to the same reckless abandonment by way of making them a subject of a committee, and adjourning, indefinitely, such important matters on our national agenda.

Mr. Speaker, today we quoted from GTECH, but that is just one issue. There are several others in which public officials are increasingly coming under scrutiny. This will do the country no good; it will do our national reputation no good and it will do the individuals no good as well. This is a country that is driven, by and large, by bacchanal, scandal, “mauvais langue”, “bad talking” each other, standing in the House and casting aspersions on people and attempting to bring up the character of certain persons to destroy their character and so on. This is a country where people take pride in ill-speaking others, by having a “mark to buss” about one Government Minister or another, and so on. This is a country that thrives on that.

Sadly, Mr. Speaker, this is also politics that thrives on that same type of scandal. Our politics is scandal ridden and bacchanal ridden because many of those persons who occupy public offices are unprotected by legislation, policies and institutions and so on. Implementing this Bill would go a long way towards uplifting the quality of our politics in Trinidad and Tobago. If we continue as we are going now then every election would really be defined by a scandal. Parties would win or lose elections because they are all based in and around a scandal. When you con or seek to mislead people for the purpose of voting with a scandal, yes, you win and you get into office, but at the end of the day you do not have the legitimacy to govern.

Today the crisis we face in this country is not that we do not have a Government—we have a Government and the Government has a parliamentary majority—but from the fact that the Government got there by means which may not be virtuous. The crisis we face results from the fact that this Government got into office, in the first place, because of the will of our Head of State and not because of the expressed will of the people. Mr. Speaker, because of that it would have serious repercussions in government. When you get into power that way, by definition, you do not have the support of the national population and you cannot mobilize the national community towards the development effort, because you did not mobilize the national community to get into Government.

This is why in 1987, I believe it was, when the NAR won 33 seats—*[Interruption]* 1986, yes, but I am talking about 1987. The Member for Diego Martin Central, the unusually alert Member, would remember that in early 1987—

Mr. Speaker: Hon. Members, the speaking time of the hon. Member has expired.

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

Question put and agreed to.

Dr. R. Moonilal: Thank you, Mr. Speaker. Thanks to my friend, the Member for Diego Martin Central. I really wanted five more minutes but I will take ten if that is his wish. [*Laughter*] I will satisfy that Member. Mr. Speaker, depending on how you come into government has implications for how you govern. If you come into government with 18/18 without the expressed will of the people, then you cannot mobilize the people. [*Crosstalk*]

In 1987, when the NAR had 33 seats, they were able to mobilize this population towards a national clean-up day, towards a national development effort—[*Interruption*]—because the NAR had the expressed will of the people and was in a position to mobilize people towards winning an election, but more than that, towards governing the country.

One of the sad dimensions to Westminster politics, which I will share with my friend, the Member for Diego Martin Central who is always eager to learn, is that we spend 90 per cent of our time attacking each other and when we end our contributions we end with “We have to work together. You need to co-operate with us and we need to co-operate with you.” That is always an irony of this type of politics. The Prime Minister and the Minister in the Ministry of Finance would spend all their time attacking the Opposition and then remind us before they close that they need our help, and they need to pass legislation with our support and so on.

The point I am making, Mr. Speaker, is that you need to mobilize your population based upon your own integrity as a Government. This Government started, sadly, on the wrong foot; 18/18 was the wrong foot. [*Interruption*] Mr. Speaker, I do not think anybody, except the Members on that side, recognize that in the next election when they use the power of their office to run some money and hire criminal elements and so on, on polling day—but that is the subject of a court matter and I do not wish to discuss it. A former Attorney General, I think, is in court on that matter with respect to the failure of the Prime Minister to call election. That is a subject of a court matter that we may read more about in the newspapers.

5.20 p.m.:

Mobilization is important and it would only come about by the integrity of governments. It would not come about with more and more scandals and corruption now at GTECH and the National Lotteries Control Board when we have not solved—the CITADEL licence has not yet been solved; it will not come about by that type of conduct; it would not come about by threatening, it would not come about by issuing threats so that you either want to lock us up or shut us up. If you cannot lock us up, you shut us up, it would not come about by threats; it would not come about by implementing treason law and locking up Opposition MPs and so forth. Mobilization would only come about by genuine dialogue towards the path of constitutional reform; it would only come about by implementing and effecting integrity in public life legislation. That is how the mobilization of this country's resources would come about.

Mr. Speaker, quite recently, the president, I believe, of the Manufacturers' Association, in presenting a paper, made a revelation which is quite significant when he said two things. Firstly, that IT professionals in this country were not recognized properly by way of wages. Secondly, and probably more importantly, is that our IT professionals, our human resource, the persons who benefited from public institutions funded by the taxpayers, those people are now leaving this country in droves and are attracted to better jobs abroad and so forth. Invariably—and I know hon. Members on the other side, and it even includes some of their own children and relatives and so forth—those persons would not be attracted to return to Trinidad and Tobago to assist in the development of this country. On the contrary they would participate in processes that would build the competitive edge of another country against Trinidad and Tobago. So that the failure to mobilize one's resources would lead to this exodus—and I am sorry to tell my friend from Ortoire/Mayaro that when people leave they may not come back in five years to use all the beautiful roads that he intends to build when he told us one day—and had me exploding in laughter—that when persons return they would get lost when they see all these roads. He sounded convincing. Those persons may not return to enjoy the great infrastructure that the hon. Member for Ortoire/Mayaro is going to build.

Mr. Speaker, the skilled part of our population would depart the shores; IT specialists and others would not contribute to this country. They, clearly, would not be mobilized in the national Vision 2020 effort, and they would not be attracted by marginalization, neglect and that word that one does not want to use too much, the four-letter word. I know hon. Members opposite got angry on

the last occasion when I was not here with the use of that four-letter word. The population would not be attracted by those conditions that exist in the country and part and parcel of that is the Government's lack of transparency and its position as it relates to integrity, which is an important aspect, as I said before, of democracy. I am sorry I cannot provide them with more humour but that is not the joke. I think the outside date that the Government is looking at for returning to deal with this matter is the end of the year, early next year but the failure to implement this type of legislation could have dire effects on the credibility of this country, our international and national reputation among the business community, among other societies and so forth. Without it, we would just be left with my friends on the other side hurling accusations against us, hurling abuses against us and so on as they are prone to do. But all we can say is a word to the wise.

I thank you, Mr. Speaker. I think I took the 10 minutes that the gentleman from Diego Martin Central requested.

Dr. Fuad Khan (*Barataria/San Juan*): Mr. Speaker, I would like to make a brief intervention on the Integrity in Public Life (Prescribed Forms' Regulations, 2003. When I saw this being tabled I said to myself, how far we have come and maybe Government was really talking to itself seriously after what it had said.

When I read this article in the *Newsday* of Wednesday, August 20, 2003:

“Government Ministers ready for Integrity Forms”

I felt a sense of relief. When I read it I saw:

“Junior Trade Minister Diane Seukeran...

She is not here—the hon. Member for San Fernando West:

“stated that once anyone ‘stands for office’, declaration of their assets is a must because ‘the idea is to protect against corruption.’

Seukeran noted that the main area of concern regarding the declaration of assets was the ‘width of the band.’ ‘Last week, Prime Minister Patrick Manning said one of the concerns raised about the Integrity legislation was whether “the net” of persons who must make declarations was not cast too wide.’”

A change of what happened on October 06, 2002.

“Seukeran said several of the persons raising these concerns had ‘good grounds’ to do so and if the current legislation ‘leaves loopholes,’ (really loopholes) Government would be prepared to either amend it or bring new legislation to Parliament.”

That is in about the next 10, 15 to 20 years, such as what happened in 1987 when it first came.

“The Minister added that Government was also working to ensure that any information declared to the IC is kept in strictest confidence.”

Ha, ha, we know that is not true.

Mr. Speaker, I said that for a reason. While we were going through our 18/18 scenario in this country, automatically all of a sudden one of the hon. Member’s on this side alleged bank account and non-declaration of assets surfaced. Where was the confidentiality for that? I wonder whether it was a deliberate attempt to remove the previous chairman of the Integrity Commission for asking certain valid questions. When I saw this article I said yes, integrity is going to take on a new direction. Lo and behold, when we were told that we are going to come to this Parliament today to discuss the Joint Select Committee to reassess the forms, et cetera, it made me do some research. I asked myself, why would it be such that the hon. Member of Parliament for Diego Martin East on Friday, October 06, 2000 made a certain contribution, and I will read it because it is very good.

Integrity in Public Life (No. 2) Bill Friday, October 6, 2000.

“There is a ministerial tenders committee where the permanent secretary is either the chairman or the senior member of that tenders committee which has the authority to award contracts up to \$500,000.00 without requiring the approval of the Central Tenders Board, at any one time.

There are situations where, as I said, permanent secretaries could award contracts for \$100,000.00 at a time—so they could award a \$100,000.00 in contracts every day—it just has to be a different item—without the approval of the Central Tenders Board. This Government, however, decides it is going to take permanent secretaries out of the range of persons (that is, UNC government) that fall within the integrity commission. Mr. Speaker, one has to wonder what is really going on. Why have they taken permanent secretaries and chief technical officers out? Why are government Senators—remember this was a select committee of the other place which would have a majority of Government Senators on it.”

So it went to a select committee already and further down it says:

“...look at who they bring in, Mr. Speaker.”

It talks about the poor councillors and it continues on the other page, a very brilliant speech by the hon. Member for Diego Martin East, a pity I have not heard it today.

“But, these Government Senators who have moved out of their modest dwellings and have built palatial mansions in one year at \$12,000 a month. I do not want to say the words ‘Mercedes Benz’ again, but I have to. It just happens to be the car of choice of Government Ministers.”

Mr. Speaker, do you know that is true? That is so true! The revelations the hon. Member made. I will read it again:

“I do not want to say the words ‘Mercedes Benz’ again but I have to. It just happens to be the car of choice of Government Ministers.”

Thank God I was not a minister. I never had a Benz.

“But these Government Senators who have moved out of their modest dwellings and have built palatial homes—we have seen them on the front pages of newspapers.”

I remember in the old days they used to take pictures of the cars of Government ministers and say “Mercedes Benz bought by this person”. I do not see the newspapers doing it again.

The hon. Member of Parliament for Diego Martin Central was so right, on Friday, October 06, 2000 when he said—some Senators he is talking about. I do not know which one he is talking about.

“...we have seen them on the front pages of newspapers—and are now driving the most expensive cars after working in modest circumstances prior to being made Senators.”

He went on:

“We must not determine the assets of the Government Senators who has been given this very high paying job to repair the Government’s fleet of vehicles.”

The Government, after all that *bravè danger*, excludes members of the Judiciary from the group of persons who have to declare their assets.”

It makes you wonder if we are living in wonderland. A very good speech and I commend him for it. It goes on again:

“Government Senators must be able to explain how, in 1995, they had nothing: no house, no car, nothing! They had no appreciable source of

income. Government Senators must be able to come here and explain what their asset base was in 1995... What about the chief executive officers of state corporations over the last five years? The Government has used chief executive officers and members of state corporations to do its dirty work....The Government thinks that we are stupid.”

You have to be careful what you are saying—I am very glad you say it is true. So you agree that they should fill out the forms now. I am very glad hon. Member for Diego Martin East.

“This is the last day. Parliament would be prorogued tomorrow. We want this legislation to be retroactive, and bring all chairmen of state enterprises, since the assumption of office of the UNC, all CEOs and so forth, that they have appointed in state enterprises from 1995—2000. The Government should put all of them under the purview of the Integrity Commission. Then, and only then, I will believe that the Government is serious.

A lot of ‘ratchiffee’ and racket has taken place over the last five years, and has been done by minions, activists...”

You are talking about CEPEP or not. This is CEPEP you are talking about.

“A lot of ‘ratchiffee’ and racket has taken place over the last five years, and has been done by minions, activities, appointees in quasi state organizations.”

Shades of Malcolm Jones, Errol Grimes, Louis Lee Sing, Ken Julien.

“This is why the Government does not want contracts to go through ...”

This is a sweet one. This is really good.

“This is why the Government does not want contracts to go through the Central Tenders Board.”

The Member for Oropouche just explained at length.

Mr. Speaker: Speak through the Speaker.

Dr. F. Khan: I am talking to you. I just said the hon. Member said that. The Member of Parliament for Oropouche just said NLCB, I think it was; he got it on some Internet ...the GTECH companies said how great it is to be given these video lottery terminals but when we realized it was given with a sole selective tender, nobody was allowed to tender and the John Wallace and other members of the private members’ association, George Laquis was saying they did not get the opportunity to tender and here is a Member of the Opposition on Friday, October 06, 2000 saying:

“This is why the Government does not want contracts to go through the Central Tenders Board.

A lot of ‘ratchiffee’ and racket has taken place over the last five years, and has been done by minions, activists, appointees in quasi state organizations.”

Mr. Speaker, who put the chairman of the National Lotteries Control Board there? That is a government appointee. He is an activist, he works for them at election time so I wonder if the Member of Parliament for Diego Martin East is stating that the “ratchiffee” that is taking place at the NLCB, not going through the Central Tenders Board, giving out \$78 million on contracts to GTECH is a result of the need to not expose that. My dear friend, the Member for Diego Martin East, goes on:

“So that we believe that the Government is simply not going far enough with this legislation; it is not going far enough. We do not understand the exclusions. I am pretty certain that many of them were motivated by Government Senators, as I have said, and when one reads the committee reports one sees that Government Senators were most vociferous in demanding that certain persons be excluded from the purview of the Integrity Commission. We are demanding that this Government amend this legislation to include the persons that we have requested, as I said, Senators, Judges, Magistrates. We are demanding that all chairmen of state enterprises—“

Mr. Assam: Judges too?

Mr. C. Imbert: Why not? What is the problem? What is so sacrosanct about that? In my opinion it will create greater respect for that system. Why should anybody be sacrosanct? Why should we have any sacred cows in this society?” *[Interruption]*”

I will stop reading.

Mr. Speaker, for the whole afternoon the hon. Members on the other side were very quiet and well behaved.

Mr. Speaker: Yes. I cannot understand why they are reacting to your contribution in that manner. Please, the hon. Member is on his feet and do not forget we have the Hansard reporter right there so give her some courtesy also.

Dr. F. Khan: Thank you, Mr. Speaker. I have no idea why they are acting in such a manner. When we came here and I realized that the motion had been lodged so that it could be sent to a joint select committee, my thoughts started to go in different directions. I asked myself why would they want to send it to a

joint select committee? Then I remembered, at one of those post-Cabinet conferences, when the issue of Mr. Malcolm Jones' salary and his perks, it was quoted about almost \$100,000 odd a month, the hon. Prime Minister said, "A better friend I never had or somebody never had." He is the chairman of the state enterprise, and, as reported by the TV6 news, wants to muzzle a Member of Parliament's privileges in this honourable House and at the end of the day he is breaching the parliamentary privileges as far as I can remember from my days as Deputy Speaker. Then he goes on, and I started to think about another gentleman, Errol Grimes, and the Audi and I realized that his salary jumped up and down until I do not know if it is stabilized yet. [*Crosstalk*]

Mr. Speaker: Hon. Members, do remember that this is the Parliament of Trinidad and Tobago, and let us conduct ourselves in accordance. Hon. Member, if you address the Chair I think you would avoid the asides, and if I find it is becoming a little intolerable I would bring the hon. Member to—

Dr. F. Khan: Thank you, Mr. Speaker. He said I made it for a different ethnic race. As I was saying when I started to think about all these chairmen, I thought about board members—one starts to wonder and then there is the hon. Prime Minister in the *Newsday* of Sunday, August 17, 2003—I have to read. This is a public document. They used to read in Opposition. They used to read, attack bad; in fact, in one of these things I recall he called people "tief" and "tief." Nobody reprimanded him. I quote:

"Justice Des Iles revealed that he had written the Prime Minister three times..."

Mr. Manning revealed his thoughts on this issue on Thursday when he said his government was having 'second thoughts' about the legislation—which, by the way, his party, while in Opposition, had supported in Parliament. After 'mature reflection'..."

Maybe, there is a word called "acceptable" these days.

"he now holds the view that the 'net' of persons who must make declarations was cast too wide."

They want to know who is telling the truth. They said the Attorney General is contradicting herself and the Integrity Commission would either be restructured and open-ended. They are talking about integrity in state bodies or whatever it is.

The Attorney General said the forms were never laid in Parliament; some people say they were but the crux of the matter is, why are they afraid to fill out

the forms now and pass legislation now? Because people like Ray Braithwaite from SWMCOL, head of the CEPEP, who is giving out the contracts to the PNM party hacks in preference—I am saying that now CEPEP has increased from \$90 million wastage to \$225 million wastage to be given as gifts to party hacks, contractors who hire at the upper level of the contracts their families and friends and then give the smaller people the crumbs at the bottom. This man maybe has half of these people under his pocket. I am not saying anything wrong, because they would have to go to him and say, “Give this person a contract, give that person a contract, give this party person a contract.” He would have to be the one because there is no tendering there. There is nothing, and if he is the one giving, maybe, their girlfriends, their friends, their families or parents contracts, then they have to protect him because his assets must be larger than what he is working for, and when one looks at the integrity form, its instructions states in 12(5):

“Where, in a declaration filed with the Commission, a person in public life discloses an income which is insufficient to support the accretion in value of the net assets disclosed so as to raise the inference that there must have been other income to account for the extent of the acquisition of such assets, the person in public life will be deemed to have been in possession of such income which has not been disclosed and the onus shall be on him to establish the source of that further income.”

This would hit straight home at those “fellas” in the state enterprises who, as they say, are squeezing out of the system. Every Member of Parliament, be it in government or opposition, faces a trying time in an election. They face a trying time at the polls; 50 per cent for you and 50 per cent against you; people tell you all kinds of things. You sit making legislation but at the end of the day you have to appoint certain people who never faced the polls—some activists and they are the ones who do the damage. At the end of the day, what is happening is that these people are a law unto themselves and you end up with people who are doing certain negative things and basically party, they have to protect them. When you see this other one—(do not laugh)—this is *The Probe*, the best, the most dynamic hard-hitting newspaper in the country today, Sunday, September 21, 2003 at page 32:

“State directors scared to sign integrity forms.

Several successful businessmen are having second thoughts about answering the call to give public service on Statutory Boards and State enterprises...”

It goes on:

“We are all willing to give back something to our country, but not at the expense of exposing the state of our finances to people unknown,” said one Board member.

‘If they insist that I sign the declaration, I will have to walk.’”

It goes on:

“Responding to this assurance...”—

If anything is given out—

“An official at the ministry said, however, that the declaration forms would be highly confidential and would not be seen by everybody in the ministry. ‘There are very serious penalties, for revealing the information on these forms,’ he said.

Responding to this assurance, another Board member said: ‘This is Trinidad. Nothing is sacred here. Even Cabinet notes show up in the media from time to time. I will leave immediately, if I have to sign.’”

State board, state directors, we do not know who it is said that but obviously the people know. When one puts everything together one puts the protection of the state, CEOs, et cetera; you put the Member of Parliament for Diego Martin East as he is “Randy the runway;” his contribution as an Opposition Member; you put what the hon. Member for Arouca South who has come to this Parliament to ask that it be sent to a select committee; you know the fact that it has already gone through a select committee; the Attorney General stated initially that the forms were never laid and then there is an article which said it was laid previously; then they say there was a delay in establishing the new integrity commission; then there was the previous chairman who was unceremoniously removed and another chairman, Gordon Deanne, who is a member of the private sector, I think it is with the Algico group and in BWIA, becoming the new chairman of the Integrity Commission. There are people like Ray Braithwaite from SWMCO who knows who he gave contracts to, on the request by whom from CEPEP, and when one puts all that together, one would have the NLCB chairman who has got a movement, a radio licence; he has given GTECH the contract without tendering for \$70 million plus.

Who are these people paying out? Why is it that all of a sudden when they are in Government and we are in Opposition the net is now too wide? Before the net

was not wide enough. We call on the Parliament to approve the forms today. Let us all sign the forms and, if necessary, come back with amendments so all public servants and officers would sign those forms. That is the only way to root out corruption in this society. There is no other way. They are saying that the only people who do not have any semblance of integrity are the ones you are asking to sign these forms. What utter hogwash! This is the instruction again:

“PERSONS REQUIRED TO FILE

- (1) Members of the House of Representatives
- (2) Parliamentary Secretaries
- (3) Members of Municipalities
- (4) Senators
- (5) Members of the Boards of all Statutory Bodies and State Enterprises including those Bodies in which the State has a controlling interest
- (6) Ministers of Government
- (7) Members of the Tobago House of Assembly
- (8) Members of the Local Government Authorities
- (9) Judges and Magistrates appointed by the Judicial and Legal Service Commission
- (10) Permanent Secretaries and Chief Technical Officers”

So these are the only people in this country whom they figure are dishonest? I want to know how come many customs officers, police, people from the Board of Inland Revenue, audit officers, licensing officers are living beyond their means and high positions in those state enterprises. “Why they cannot sign these forms, too?”

I am calling on the Government to stop delaying—there is a book called the *Peter Principle Why things go wrong* by Lawrence J. Peter. He wrote some other books, one called *The study of Hierarchies* and in a hierarchy—everything is a hierarchy in some form or fashion. In a hierarchy, when the administrative group wants to make sure they kill something or delay something, they send it to a committee and the committee destroys it, and I think this is the function of this thing. They have been exposed here today because if one is in Opposition and one says something, when one goes in government one does not change to suit one’s

own interest. One should continue with the focus and mindset one has had in Opposition, and do the honest and good thing and let us go ahead with the integrity legislation forms today and forget about a select committee. Thank you.

5.50 p.m.

The Minister of Trade and Industry and Minister in the Ministry of Finance (Hon. Kenneth Valley): Mr. Speaker, I am entering the debate today, at this time, simply to put things in perspective because it appears that those on the other side seem to be suggesting that the Government is interested in delaying the issuance of the forms, or approving the forms, and there is no such intent. The forms came from the independent Integrity Commission. It came to the Parliament and we thought that courtesy dictates that the Parliament ought to look at it to ensure that there are no errors.

Mr. Speaker, a bill is subjected to a committee stage and we are looking at forms which the Government had nothing to do with—it did not come to the Cabinet—which affects Independent Senators and a number of other persons. We thought the Parliament ought to look at it and that is still our view. The Member for Oropouche was making the point that we want to leave it until next year after Parliament is dissolved, but one would note that we have put a short deadline for this matter. It is a one-month committee because we know how important this is.

Mr. Speaker, I want to touch also on one or two matters raised by the Member for Siparia. The Member for Siparia, an old hand at the game, of course, will not allow—*[Interruption]* Mr. Speaker, you notice the insinuation of the Chief Whip? A good hand, Mr. Speaker. I am not insinuating that the lady is old. I am saying that she is able to turn a ball and—

Dr. Moonilal: She is clever.

Hon. K. Valley: Clever by half because, in so doing, I think it affects her own credibility.

Mr. Speaker, when one makes a point, first of all, and says, "Listen, in 2002 Trinidad and Tobago' competitiveness was 37, however they have changed the basis of the assessment and it is now 42"; but then later on one says, "Mr. Speaker, do you know what the competitiveness was in 2001 under the UNC? It was 38, therefore, we were better than the PNM which is now 42", implying, without stating that this ranking of 38 was based on the old basis and, therefore, on the new basis it would have to be at least 43.

Mrs. Persad-Bissessar: Not at all.

Hon. K. Valley: It has to be.

Mrs. Persad-Bissessar: No, since before it was revised it was 42.

Hon. K. Valley: If 37 went to 42 what will 38 go to, Mr. Speaker? Forty-one?

Mrs. Persad-Bissessar: You have not read it.

Hon. K. Valley: If 37 went to 42 on the new basis, what will 38 go to on the new basis? It has to be at least 43.

Mrs. Persad-Bissessar: It was not 42.

Hon. K. Valley: It must be. What is that?

Mrs. Persad-Bissessar: It was 38 to 42.

Hon. K. Valley: It was 37 to 42, therefore, what would 38 be?

Mrs. Persad-Bissessar: It was not.

Hon. K. Valley: Mr. Speaker, when one does these things and denies an interjection at that point, all one does really, for those who know, is undermine one's own credibility. One does not interfere with us.

Mr. Speaker, we also had the Member for St. Augustine theorizing. We have come here to approve some forms and he went on telling us what we ought to consider when we consider integrity legislation. The fact is that we were considering integrity legislation in 1987 when he was in the Parliament. I checked the debate. One would remember that in 1987, in the Lower House, his party had 33 Members. There were only three PNM Members on the other side. Fifteen members spoke in that debate. He is not numbered among the 15 who spoke. He did not make the points he raised today then, but we did because your humble servant was in the other place. We made the point that while we were dealing with financial integrity there were other issues. So to come and attempt to pontificate on the wrong issue—I had a friend who, in writing an examination after preparing for a particular topic and not seeing it on the examination paper, wrote in the topic on the examination paper and answered the question. That is what the Member for St. Augustine was doing this afternoon. We were not dealing with integrity legislation. *[Interruption]* All we came here to do was to approve some forms. All we are saying is, "Listen, let a committee look at the form, come back and tell us whether it is okay, and, if it is okay, we are going to approve it" and finish with that. There is no big deal about this. One thing I want to assure Members of is that

the items for debate today, as I stated on last Friday, we intend to complete Government's agenda. So, if their intent is to spend the time on this—

Mr. Sharma: Do not threaten us.

Hon. K. Valley: I am not threatening anybody, I am just stating a fact that when we are finished with this we will do the Professions Related to Medicine Rules, and then we would do the Firearms (Amdt.) Bill. That is the agenda that the Government intends to complete today.

I thank you, Mr. Speaker.

Dr. Adesh Nanan (*Tabaquite*): Mr. Speaker, the Member for Diego Martin Central sounded hollow this evening. We have heard a “considerable greater” contribution from him. But I want to say here that it was a very difficult debate for him because I do not think he was prepared to speak.

Mrs. Robinson-Regis: Considerable greater?

Dr. A. Nanan: Mr. Speaker, the Member for Arouca South has had her turn and she would have her turn again.

Mr. Speaker, I want to deal with the Transparency International Corruption Perception Index, 2003 because it is important when we deal with this Motion before this House. We heard the chronological sequence of events leading up to this particular Motion, but once more the Government had an opportunity, in terms of the international environment, this evening, but they have come here and they are vacillating. I am sure that the Member for Diego Martin East would remember—all other Members would remember—that with the 1987 legislation, the power of the Integrity Commission, at that time, required that you file your declaration and they would probably send a few warning letters. That was all. The legislation had no teeth, so to speak. Today, we have the opportunity to give the fire back to the dragon. We have that opportunity here. The Member for Diego Martin Central, who is the Minister of Trade and Industry, must recognize the importance of this particular Motion before the House.

The Transparency International Corruption Perception Index 2003 placed Trinidad and Tobago at number 43 in 2003. [*Interruption*] I went on the website and researched that. In the Transparency International Corruption Perception Index 2002, Trinidad and Tobago ranked 33. So, we are going downhill. In 2001, the Transparency International Corruption Perception Index ranked Trinidad and Tobago as 31. So we are seeing a decline. [*Interruption*] Thirty-one. The Member for Diego Martin West could make his contribution after.

Mr. Speaker, 31 in 2001; 2002, 33 and in 2003 we are now ranked 43. What is the importance of this data? The eyes of the world are looking at us. When I speak of the eyes of the world I want to deal with a particular area. I remind Members of a particular offence called "illicit enrichment". I want the Member for Ortoire/Mayaro to listen very carefully.

We would have been setting up an anticorruption agency in which the police and the Director of Public Prosecutions would be given all the necessary resources and the anticorruption agency would have the powers to look and see whether there is what is called "illicit enrichment". What is illicit enrichment? There are situations where you may not have evidence that a person is corrupt but if, for example, one sees that a person in public office suddenly becomes rich—he has a motorcar, house, shares, jewelry and many other things—that would be a situation where questions could be asked. If he cannot give an appropriate answer there would be a presumption that he or she is corrupt and the court can use that presumption as the basis of evidence.

Mr. Speaker, I read from an article in *The Probe* dated Sunday, September 14, 2003, headlined "Mayaro MP lives at Fyzabad. Now Franklin Khan buys hot Toco property".

Mr. Speaker: Hon. Member, let me just warn you about one thing; do not repeat a previous contribution. A Member on your side alluded to that before so do not repeat it again.

Dr. A. Nanan: I am not repeating. The Member just mentioned it in passing. She did not read the article.

"SUPERMAN Minister of Works, Franklin Khan, who is the MP for Mayaro, lives in Fyzabad and has a house in Moka, Maraval, has now landed in Toco.

Khan, according to villagers of Sans Souci, a quaint seaside village, just beyond Toco proper, has purchased an acre of land on a cliff with a glorious view of the rocky coastline and the Atlantic Ocean.

The land is on the Paria Branch Road, also known as Basin Road, which leads out of the village and up into the mountains.

(Incidentally, Government recently announced plans to cut a road from Toco leading right through to Paria and Blanchisseuse.)"

Yes, Mr. Speaker, illicit enrichment.

Mr. Speaker, we also heard, in the Parliament, about the Inter-American Convention on Anti-corruption and the LIMA Declaration. [*Interruption*]

Mr. Speaker: Order, please! Order! The Hansard reporter is appealing to me. Please, Members, if you have to speak, speak in undertones and let the Member make his contribution.

Dr. A. Nanan: Mr. Speaker, the first international convention against corruption, the Inter-American Convention against Corruption (ICAC), was concluded in 1996. One of the primary obligations was that parties must make it a criminal offence for any public official to solicit or receive and for any party to offer, promise or give directly or indirectly a bribe or other benefits in exchange for any act or omission in the performance of official duty. Parties must also establish, as criminal offences, a number of other acts of bribery or related abuses involving public officials.

Article VIII of the ICAC requires that parties adopt laws similar to the United States Foreign Corrupt Practices Act (FCPA), making it a crime to bribe officials of foreign governments in connection with an economic or commercial transaction in exchange for an act or omission in the performance of the official's public duties.

Mr. Speaker, an article in the *Newsday* of Monday, April 28, 2003 reads:

“In a follow-up to *Newsday's* exclusive story yesterday on the resignation of board member Emile Elias, and the removal of two other members, a source told *Newsday* yesterday that there was another dimension to the changes in the Board membership. It involved a deal that was struck with Exxon/Mobil.

According to the source, the Petrotrin Board had decided unanimously that Exxon/Mobil's failure to complete the contracted drilling programme had resulted in the company having to pay Petrotrin a (TT) \$250 million penalty.

Instead of paying the money Exxon/Mobil offered to do other work for Petrotrin, to the value of US \$25 million. The Board had turned down the offer and insisted that the US \$45 million penalty be paid. It is the minutes of that meeting that has disappeared, it was learned.

Shortly after, however, Petrotrin's 'arm was twisted' by 'somebody higher up', and the local oil company was made to reverse its decision.

The Board then agreed on a divided decision to go along with the 'higher up' instructions; to accept the Exxon/Mobil offer and not insist on the \$250

million penalty. Exxon/Mobil had drilled four dry wells and had decided to ditch the programme, which resulted in them being in breach of the contract.

The source said the argument that was used to get Petrotrin's Board to change its mind was that Exxon/Mobil was of great value to Trinidad and Tobago in oil/gas exploration, and that one had to look at the bigger picture, and not insist on the penalty with respect to the east coast failure."

I make this intervention with respect to this particular Inter-American Convention Against Corruption.

The Member for Diego Central spoke about the contribution of the Member for St. Augustine with respect to theorizing on this particular motion. I remind him that this same convention prescribes a series of ground-breaking, non-criminal preventative measures that the parties agreed to consider establishing. These include: systems of government procurement that assure openness and equity of such systems—this would reflect on the situation at the Solid Waste Management Company Limited with respect to the openness and equity of such systems; standards of conduct; government revenue collection and control systems.

Mr. Speaker, recently we had a situation where over \$200 million of taxpayers' money could not be accounted for with respect to the Green Fund collection. We also have laws that deny favourable tax treatment for any individual or corporation for payments that violate laws against corruption.

Mr. Speaker, reference was made in this House this evening to the LIMA Declaration Against Corruption. The LIMA Declaration states—

Mr. Imbert: Somebody made reference to that already.

Dr. A. Nanan: I am expanding. Mr. Speaker, I do not want to be distracted.

Mr. Speaker, the LIMA Declaration states:

“Convinced that corruption

- erodes the moral fabric of every society;
- violates the social and economic rights of the poor and the vulnerable;
- undermines democracy;
- subverts the rule of law which is the basis of every civilized society;
- retards development; and

- denies societies, and particularly the poor, the benefits of free and open competition-

Mr. Speaker, there are certain actions with respect to the LIMA Declaration that Trinidad signed:

“Actions at the International and Regional level

2. Tax deductibility of bribes by which exporting countries actively subsidise and encourage the corruption of officials in other countries must be ended.”
5. The World Bank and the IMF should accelerate implementation of their policies against corruption...”

That is a very important concept here because Trinidad and Tobago utilize a lot of multilateral lending agencies with respect to the facilities for development and particularly the suspension of lending to governments who do not adequately address the corruption issue. That is why I asked: Why is the Government vacillating at this point in time? They can give the fire back to the dragon. In the eyes of the international community we would be addressing the kind of corruption that is being perceived.

Mr. Speaker, this LIMA Declaration also talks about:

- “14. The reform and modernisation of customs systems, with an emphasis on transparency and integrity...”

There is also:

“Actions at the National and Local Levels:

22. All governments should operate in a transparent and accountable manner at all levels, with the public having access to information to the maximum extent possible.”

Credit the United National Congress for the Freedom of Information Act to make that possible.

“They should ensure that public accounts are open to public scrutiny.

The role of civil society is most crucial at the national and local levels, where participation should be fostered by providing open access to decision-makers and the holding of public hearings on matters of importance.

24. All governments must assure the independence, integrity and de-politicisation of the judicial system as the cornerstone of the rule of

law on which the effectiveness of all efforts to combat corruption depends.”

Not interfering with the judges of the Industrial Court—“independence, integrity and de-politicisation of the judicial system”.

“27. Governments who have not already done so must restrict to the minimum remaining economic opportunities for bribery and corruption...”

As I talked about the Exxon/Mobil situation.

Mr. Speaker, this declaration states—as was mentioned before and is not tedious repetition—

“providing a system for the declaration of assets by persons holding public positions of trust (and their families), and placing on them the obligation to justify increases out of line with legitimate sources of income;”

We also see the:

- providing appropriate protection for witnesses (and their families) and protecting whistle-blowers;”

Part of the anti-corruption drive is to have a proper witness protection programme.

What we are seeing here is the whole international environment being stymied by the Government in terms of our dealing with the corruption factor. Part of the transparency index I want to deal with, was, what survey they did, in the particular area, with respect to that index. [*Interruption*] I want to make sure that the Member for Diego Martin Central understands, especially as he is the Minister of Trade and Industry—

Mr. Speaker, a CPI 2003 score relates to perceptions of a degree of corruption as seen by business people, academics and risk analysts—

Mrs. Robinson-Regis: Risk analysts? Risk analysis.

Dr. A. Nanan: Risk analysis, I am sorry. You have to forgive me, my eyesight is not of the best following my illness.

Mr. Speaker, and range between 10, which is highly clean, and zero. What we are seeing here, beside the asides, is that this survey is based on credible people: business people, academics and risk analysis. So, it is not something to put aside

and say this—*[Interruption]* Mr. Speaker, I hope the Member for Arouca South deals with the increasing consumer price index. I hope that she can also factor in the minimum wages in this country.

Mr. Speaker, I got up to raise these matters in terms of the environment, the international importance of this index, of this particular Motion before the House and the country itself in terms of the global scenario which respect to trade. The Minister of Trade and Industry must recognize, as we compete internationally for the Free Trade Areas of the Americas (FTAA), that we must be able to transcend in terms of going more towards the clean area, the zero areas, than heading down towards Bangladesh which is on the 10.

Mr. Speaker, as I conclude, we recognize the importance of the integrity legislation before the House and we are saying that we want these forms signed now. I myself am willing to sign them.

I thank you.

6.20 p.m.

Mr. Chandresh Sharma (*Fyzabad*): Mr. Speaker, I intend to be very brief since we are going to be here all night and we are going to have to speak again. I want to raise a few points. One is: it appears that the Government wants to make a mockery of the court. The Member for Siparia indicated that a Member on this side has filed a matter dealing with this. It appears that as soon as that matter was filed, the Government kicked into action and started to bring these things. This is not how a Parliament should operate. More than that, this information has been with the Government for the last 25 months, so it is not that they were not conversant with what is to happen. So that is the first thing. Is the Government making a mockery of the courts of Trinidad and Tobago? They will have to answer that.

The second point is: there seems to be an element of racism in this. That was best advanced by the Member for Diego Martin East. When he spoke on the last occasion, he indicated that the net was small and that we should include every Dick, Tom and Harry. He wanted all the Senators and all the others. Today, they do not want that. Whom are they protecting? They are protecting their friends whom they have appointed to high places.

More than that, it is crystal clear that there is a pattern of behaviour on the Government side. The Member for Diego Martin West asked the question: “How we reach ‘dey’?” We reached “dey” simply because they are protecting their

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friends. At one time, they felt that it was everybody else in government appointed to state boards. The Member for Diego Martin West was attacking every Indian chairman, every other chairman, whether Indian, Chinese or Dougla, appointed by the UNC. It is a bunch of racism and, today, when you look at the composition of chairmen of state boards appointed by the PNM, it does not reflect the racial mix of Trinidad and Tobago. That is the racial approach to it. It is crystal clear and that is why they make so much noise about it. [*Crosstalk*]

Mr. Speaker: Order!

Dr. Rowley: Who locked up Gopeesingh?

Mr. C. Sharma: Very good question. Who is appealing it? Why do they not withdraw the appeal? Again, we are seeing the racism. If Gopeesingh's name were Mottley, Rowley or Imbert, we would not find the same thing. It was the Member for San Fernando East who said that the net was too wide. Within the Opposition the net was not too wide. Suddenly in government they find the net is too wide. Why?

The Member for San Fernando East went on to say that chairmen of state bodies have threatened to resign. When you look at government expenditure of \$19 billion in the previous budget, you realize that a number of Government Ministers have been directly and indirectly involved in the expenditure and that, more than that, they have agents acting on their behalf. A classic example is the \$100 million spent on the Community-based Environmental Protection and Enhancement Programme (CEPEP). Almost every Member opposite has a relative with a contract, a personal secretary or the chairman of a constituency, including local government practitioners.

So, when the Member for Diego Martin East on the last occasion said that he was crying for the local government councillors, it is not by accident because they knew sooner or later they would be giving local government councillors CEPEP contracts—hundreds of millions of dollars in which they have a vested interest. [*Crosstalk*]

Mr. Speaker: Please! Hon. Members on the Government Benches, I am appealing to you to let the Member have his say. You can have your own say, but not when the Member is on his feet.

Mr. C. Sharma: Thank you, Mr. Speaker.

The Member for Diego Martin East, on the last occasion, said that they do not want the Senators because they are buying big Benzes and getting big contracts.

Today, every Member has more than one motor car. Suddenly, every Member opposite has money, not only in Trinidad banks, but banks abroad. In Opposition, it was a different story. Every Minister, including my good friend, the Member for Diego Martin West, now wears a suit for \$3,000. In Opposition, they could not afford it.

Suddenly integrity is for one set of people. Suddenly these forms have been delayed by design and what they are hoping to achieve is that period to escape to put their houses in order. [*Interruption*] They have had two years, Mr. Speaker. Their conscience is bothering them. The mover of the Motion said in one month. What were they doing for the last two years?

The Integrity Commission is a creature of the Constitution. The laws of the land require that it obtain at all times. It is not for the PNM to say it is going to be or not going to be. In fact, I think that the Attorney General—I am not sure who that is at this point in time—said they were going to re-engineer. What does that mean? The Attorney General—and that was also said by a Member on this side—said the forms were not laid. That is bringing the Parliament into public glare because in this very Parliament, of which I am a Member, the forms were laid. The records are there. So when a Member of Government misleads the House, there is an obligation—I am not sure on whom and I cannot suggest it is on you, Mr. Speaker. If the forms were laid and a representative of the Government claims they were not laid, someone needs to correct that and I want to correct it this evening to make sure that the Government does not continue pretending.

I want to read from the *Express* of August 16:

“Attorney General Glenda Morean maintained yesterday prescribed forms as outlined in the Integrity in Public Life Act of 2000 were never laid in the Parliament in September 2001.

A release from the Office of the Attorney General challenged a report in yesterday’s *Express* which stated that the AG’s position was in contradiction with Hansard’s records...”

In that report, the *Express* quoted that the Hansard records of September 7, 2001, which stated that the Integrity in Public Life ...Regulation...and Integrity in Public Life...Rules...were listed as items seven and eight on the Order Paper.”

Why does it take a reporter to demonstrate this? Whose responsibility is it if we come to this Parliament collectively and we conduct the business of the

Integrity in Public Life Regulations
[MR. SHARMA]

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people, the forms were laid and then a Member says they were not? It is calculated to protect—fill their pockets, take money left right and centre, abuse the system every Monday morning.

I am sometimes embarrassed to be a Member of this House. When a guest comes from the other place—AG against Hansard's records. [*Interruption*] What am I talking about? This is his colleague. He does not read. This is not the Member for Arouca South. She would make a very good AG. It is for the first time in the history of Trinidad and Tobago since the coming of the Integrity Commission that the country has been without an Integrity Commission under the PNM. The PNM has a history of breaking the rules of this land; destroying everything that has been put in place for good governance of the country.

The other matter I want to raise is that, at one time, we saw from the Government, a number of statements emerging about the Integrity Commission: who has filed and who has not filed and whose records have been made public. How did this happen? Why did it happen? Look at the period it happened as well. It appears as if the Government has a way of taking information that is private between two parties—not necessarily for public consumption—and making it public for political mileage. If we are Members of this House and we subscribe to the oath of office, we have to be very careful that we do not promote that. Again, it always happens under the PNM. It has been happening for the past 35 years; medical and financial records of people—private matters.

When the article was read about my former constituent from Fyzabad, a lot of noise was made; but when raised about Members opposite, it is gospel. They say it; they sing it all over; they get their radio stations to carry it and they get their newspapers to carry it.

I see in the *Newsday* of June 22, 2002 “Police must continue investigating Carlos John”. The Integrity Commission has refused to answer questions by the *Newsday* on a particular matter. When the PNM is in government all kinds of things surface. How do these things happen? These never happened under the NAR administration; never under the UNC administration. This is a very dangerous country under the PNM. They will go all out to destroy you, including hurting you physically.

Mr. Speaker, are you aware that a Member of this House has been threatened, his car damaged, his house broken into; all under the PNM? Constituency offices of Members of Parliament are interfered with.

Mr. Speaker, through you, the Member for Diego Martin Central as Leader of Government Business and the Member for Arouca South have indicated, and not for the first time, that in this particular instance they want to go to a joint select committee for a month. Are they aware that the offices of Members of Parliament are not serviced for one reason or the other in many areas? The Government is calculating to avoid resources going there. How can they get the work done? This will apply to Members on both sides. They want Members to do research; to come up with answers and suggestions. When Members leave the Parliament, they have to return to their constituency offices from which it is hoped that some of the things they want us to do could be done, but they find a way of denying those resources to make it happen.

In this very article, which appeared in the *Newsday*, it says that the cops asked John about his bank account, again under the PNM. So, every Member of the House has a bank account, I am sure, but only the UNC are probed.

From everything that has been said, it would be best for this not to go to a joint select committee that the law of the land must hold fast; that the Constitution of the country must be observed. For that to happen it must mean that we agree collectively that the law of the land talks about Members here and others filing their returns and every effort must be made to comply with that.

[MR. DEPUTY SPEAKER *in the Chair*]

Another article appeared on August 18. I want you to remember, Mr. Deputy Speaker, the closeness to the date that this particular matter went to obtain the court's attention. I want to read a part of that article agreeing that there was a delay in laying the forms. They are talking about the AG here:

“...Morean said it was incorrect to say that the forms were ready since 2001.”

I have just demonstrated that the forms were in fact ready and laid in this Parliament. Was this by design to mislead the House and national community, to make it appear that there were no forms and therefore no matters to treat with? This is a very dangerous way to go and more so coming from the Attorney General of the country.

“The forms are done by the Commission and they were done somewhere in December 2002.”

How can an Attorney General come to this House and create this kind of situation; mislead the House—be very economical with the truth? It begs the question: Why would the PNM Government know that the forms were laid in

[MR. SHARMA]

September 2001 and claim that they did not exist then and further claim that they had not existed for more than a year? What are they hiding? Who are they protecting?

I want to answer part of it. They are protecting themselves in the first instance. It is crystal clear that, in this country, the PNM has been the most corrupt of all governments in this part of the Caribbean. In some areas of the Commonwealth, it is said that the PNM has been the most corrupt.

It was the Member for Siparia who read some past information; cost overruns in so many projects undertaken by the PNM; the wastage of funds. A lot of that money found itself in the pockets of senators, ministers and high-ranking members. It is a global story of real estate in Toronto owned by a former government minister. It is well known what obtains for a former chairman of the PNM. I hope my good friend from Fyzabad does not get caught up in that.

We are friends and colleagues here and today he is sitting there because it is claimed that his asset is having an Indian face. This is a sad state of the country. On the one hand they want integrity in public life and one, because of an Indian face, obtains a front seat and one having the same Indian face is removed from WASA, Petrotrin, MTS; and the list goes on.

Because of that same Indian face, someone cannot get a job in a state organization; you cannot be enlisted in many of the protected services. The Member for Laventille East/Morvant asked for the evidence, but look at the mix in the public service where the PNM has control; look at the mix in MTS where the PNM has control; look at the mix in WASA where the PNM has control; look at the mix in T&TEC where the PNM has control; TSTT where the PNM has control. It surely tells you there is no integrity—absolutely none—so we cannot go on being governed this way.

Mr. Deputy Speaker, you come from a very challenged area.

Mr. Deputy Speaker: You leave me out of this.

Mr. C. Sharma: Yes, but you cannot deny the area you represent, Mr. Deputy Speaker. I am making the comparison.

Mr. Deputy Speaker: Hon. Member, I sit over there and you can deal with me when I am over there; when I am here, will you please leave me out of it.

Mr. C. Sharma: Mr. Deputy Speaker, I bow to your ruling, but I cannot deny your existence in the House whether you sit there or elsewhere. The fact is that I

am neighbour to La Brea. I am from the constituency of Fyzabad and we have a lot in common. All Members know and you and I know more that people cannot—

Mr. Deputy Speaker: Do not bring the Speaker into the debate!

Mr. C. Sharma: The Speaker is not in the debate, Sir, I am. [*Interruption*] I do not need your advice. You are a ship that is drifting; soon you will not exist.

Mr. Deputy Speaker, I do not want to lose the point. [*Crosstalk*]

Mr. Deputy Speaker: Hon. Members! Hon. Members!

Mr. C. Sharma: Mr. Deputy Speaker, the psyche of human minds is always challenged especially when you are being treated like the Member for Diego Martin West. I can understand his problems.

I started off by saying it appears that when a matter went to obtain the attention of the courts of Trinidad and Tobago, the Government reacted in a particular way. That is the first point I made and I do not want to lose that point.

The second point I made is that there appears to be a racist approach, even in this legislation. I do not want to deny that simply because all the evidence points that way. When we look at what was said in Opposition, which was less than two years ago; they were singing a totally different song. Today they find themselves in government “by hook or by crook”, by fraudulent methods, and the situation has changed.

Today, the net is too wide. Under the UNC, according to the PNM in opposition, the net was too small. Every Dick, Tom and Harrilal was buying a car. Do you know why? I remember the former Member for Oropouche, when he bought a Mercedes-Benz, he was challenged by the Member for Diego Martin West and had to answer in the Parliament. Do you know why? Because he looks like me. Today, the very Member for Diego Martin West can drive a car costing \$1 million dollars, no questions asked. What has changed? [*Crosstalk*]

Mr. Deputy Speaker: Hon. Members, you will have your opportunity. Will you please allow the Member for Fyzabad to continue without disruption?

Dr. Rowley: I was not selling the Government’s teak.

Mr. C. Sharma: Mr. Deputy Speaker, another hat I wear is that of a priest. He is confessing he did not sell the teak, but he collected \$3.5 million or whatever sum of money at National Quarries Limited.

Dr. Rowley: Mr. Deputy Speaker, I really do not want to break my friend's trend, but he is so gracious this evening that I want to indulge him. The only thing I collected at National Quarries were my emoluments as approved by the board.

Mr. Deputy Speaker: Hon. Members, I know it sounds like a joke; but confine yourself please, Member for Fyzabad, to the debate; and all other Members on both sides of the House, allow him to speak without interruption.

Mr. C. Sharma: Mr. Deputy Speaker, did I stray a minute ago? I was just making sure because I am always guided by your ruling.

It is important in debate that there be a degree of small talk, which adds life to the debate and helps Members to understand.

My good friend, the Member for Diego martin West, said he did not sell teak and that is interesting. However, there is a lot of information documented. We both are Members of Parliament. He is committed to the integrity—

Mr. Deputy Speaker: You are coming close to imputing improper motives. Get on with the debate.

Mr. C. Sharma: I will make sure no such thing happens. I was making the point that in the public domain there is information documented that a Member of this House, who was at another place in a particular post, collected a large sum of money. Whether he collected it or not is not important because I do not have that evidence, but in public life these things happen.

When the member for Diego Martin East spoke in this House on the last occasion—and the Hansard staff borrowed the newspaper clipping so I cannot quote exactly—he was making the point then that Senators appointed by the UNC were being treated to large sums of money by contracts and otherwise. Assuming, but not admitting that, it is clear today that CEPEP contractors—for instance the senior staff member for the Member for Diego Martin West, to date has received contracts in excess of \$5 million. The question is: What sums, if any, has the Member for Diego Martin West gotten from that?

Dr. Rowley: I thank my colleague for giving way. I have received nothing from anyone working in the CEPEP; neither do I expect to receive anything. I would appreciate if you would stop calling my name in CEPEP.

Mr. C. Sharma: The Member for Tabaquite just read from an international document when he talked about how the global watchdogs look at issues of corruption. He went on to point out that sometimes there may not be direct

evidence but the lifestyle of those enjoying such may demonstrate involvement. One cannot deny that the lifestyles of Members opposite—the Member for Ortoire/Mayaro, the Member for Diego Martin West, the Member for Diego Martin East—seemed to have elevated; the cars they drive, the homes they now live in; their spending habits. I am not suggesting anything, I am simply saying that it appears to be corresponding to the observations of the Member for Tabaquite; in keeping with what obtains in the global watchdog community.

The third point I raise is that the Integrity Commission is a creature of the Constitution of Trinidad and Tobago. It is not for the PNM, in government or elsewhere, to decide it should not exist. The law of the land says that there shall be an Integrity Commission and persons are required by law to file those returns. So, if the PNM use any tactics to delay, to protect themselves and their friends and to hide their sudden richness, it is not our business, we must file and everything must be done to make sure it happens.

The article I referred to a while ago of August 17 went on the say:

“We ask that the chairman, the board members and the chief executive officers of every state enterprise be required to declare their assets with the Integrity Commission.”

Those were the words of the Member for Diego Martin East—very instructive. I want to repeat that.

The Member for Diego Martin East in Opposition, was he convinced then? Was he communicating the PNM’s position? Was he communicating the Opposition’s? He said “we” meaning the PNM asked that the chairman, the board members and the CEO of every state enterprise be required to declare their assets with the Integrity Commission. What has happened today? All the chairmen have their friends on the PNM appointed state boards, so they must be protected.

If I say this appears to be racist, one can bawl as loud as he wants, Mr. Deputy Speaker; that is how I see it. There might be other reasons behind it. I do not know but this tells me something and it tells the national community as well. I am not the only one.

6.50 p.m.

What did you say? [*Interruption*] And he thinks he is a fool.

“We ask for that. There should be no discretion in this matter. Once you are willing to take the chairmanship of a state enterprise, why should you be afraid to declare your assets? You have state enterprises like Petrotrin...”

Today we have “Petromanning”.

With respect to BWIA, my good friend, the Member for Diego Martin Central did not declare to the Integrity Commission—[*Words expunged*] It is in the *Hansard*.

Mr. Valley: Mr. Deputy Speaker, on the point of order 36(5), I am asking that the Member withdraw that statement please.

Mr. Deputy Speaker: Standing Order 36(5) states:

"No Member shall impute improper motives to any other Member of the Chamber."

I rule that you have imputed improper action to the Member for Diego Martin Central. I ask that that be expunged from the record and that you apologize.

Mr. C. Sharma: Mr. Deputy Speaker, I intended no such—

Hon. Members: Apologize!

Mr. Deputy Speaker: Please, I did not ask for assistance. You have been asked to apologize.

Mr. C. Sharma: About what, Sir?

Mr. Deputy Speaker: For the allegation made against the Member for Diego Martin Central.

Mr. C. Sharma: Mr. Deputy Speaker, I may consider apologizing just before—

Mr. Deputy Speaker: No, take your seat. [*Interruption*] Member for Laventille/East Morvant, allow me to handle this matter, please.

Mr. C. Sharma: Mr. Deputy Speaker—

Mr. Deputy Speaker: Take your seat!

Dr. Khan: He apologized.

Mr. Deputy Speaker: I did not ask you. You were saying?

Mr. C Sharma: I apologize, but I want to place on record that the Member for Diego Martin Central, in his capacity as consultant in an earlier period, whilst he was a Member of this House, offered services to BWIA. The clientele included, among others, the organization I spoke about. When I said it I made absolutely no improper—[*Interruption*]

Mr. Valley: I have never offered consulting services to BWIA.

Mr. Deputy Speaker: Member for Fyzabad, I have spoken to you and you still persist in continuing to impute improper motives to the Member for Diego Martin Central. Do not do that again. If you do, I would have to ask you to take your seat, please.

Mr. C. Sharma: As I mentioned here, the Member for Diego Martin East indicated, that we asked that, I quote:

“There should be no discretion in the matter. Once you are willing to take the chairmanship of a state enterprise, why should you be afraid to declare your assets? You have state enterprises like Petrotrin, BWIA...”

I have also indicated that Members opposite offered services to some organizations that were referred to by the Member for Diego Martin East, from which they would have earned, by way of services offered, moneys. That is a matter of fact.

I continue the quote:

“...I believe. But there are state enterprises that have revenues exceeding \$1 billion per annum. Take Petrotrin, for example, the revenues of Petrotrin exceed \$1 billion, whereas you have ministries who have allocations that might be as small as \$20 to \$30 million.”

This is a very significant point. If this obtained when the Member for Diego Martin East spoke, how has it changed today? Why was the net too small? The argument then was that we wanted to include everybody. Today the Government is changing that. It does not make sense to me. The only reason that comes out of it is that the PNM wants to protect themselves and others.

Very relevant to this debate is, I quote:

"Yet you require a Minister who does not have the flexibility, the powers and control that a chairman or a CEO of a state enterprise has; you require a minister or even a Member of Parliament, for example, who has no government departments under his jurisdiction, such as the Member for Barataria/San Juan;"

He went on to say that he does not deal with budgetary allocations.

“Yes, but I am saying, you have a situation where it has been recognized that Members of Parliament should declare their assets and yet we have Members

[MR. SHARMA]

of Parliament without any control over government departments, declaring their assets...”

He went on to talk about NIPDEC.

You would have recalled in this House, in the last financial year, through the National Housing Authority (NHA), we spent close to \$100 million. The Member for Oropouche caused a question to be asked which showed that a number of cheques were paid to non-existing persons, one such person is Jennifer Lopez. Again, we are seeing the connection.

“why should the Chairman of NIPDEC, the agency in charge of the billion-dollar airport, be required to declare his assets?”

We are asking that he declare his assets as well. Today we are seeing hundreds of millions of dollars being placed in the hands of people for political mileage. The Community-based Environmental Protection and Enhancement Programme (CEPEP) and the Unemployment Relief Programme (URP) are good examples. We are not seeing the kind of accountability. This is a dangerous PNM government.

“So we believe that the Government is simply not going far enough with this legislation;”

Those were the words of a current Minister of Government less than two years ago.

“We do not understand the exclusions. I am pretty certain that many of them were motivated by Government Senators...”

Who is influencing them today? We saw the chairman of a state organization obtaining personal benefits in excess of \$1 million per annum. Is that chairman going to declare his assets? If the PNM has its way, he will not have to declare his assets. If that chairman was serving under the UNC, he and his entire family will have to declare their assets. If I do not see that as being racist, I cannot see it any other way. I speak from a qualified view. That is what obtains in the country today. The PNM is using everything at its disposal to destroy half of the country, especially those of us who live south of the Caroni River.

“We are demanding that this Government amend this legislation to include the persons that we have requested...”

Can we demand the same thing today? Maybe we should. Senators, judges, magistrates—I hope they include Industrial Court judges as well. We are demanding that all chairmen of state enterprises—why not? What is the problem?

Having drawn those very visible points, I wish to conclude by saying that the time has come when the Government must bring legislation that adds value to the lives of the people of the country and not just bring legislation to attack people. The Government should remove itself from the personal attacks and stop demonstrating by their actions, that they are against more than one-half of the population or what they say in Opposition one day and then do in Government the next day. The Government takes the moneys from the State and spends it in selected areas and communities. Only when those things are treated with, then there could be integrity in public life. Thank you very much.

The Minister of Legal Affairs and Acting Attorney General (Hon. Camille Robinson-Regis): Mr. Deputy Speaker, I rise to repeat that the Motion that is before this House is one that is asking for the forms that were laid in this House to be placed before a joint select committee. This was not a Motion on the integrity legislation, that is already law. This was not a Motion even on the integrity forms that are not yet law. This was a Motion to ask the House to agree to place the forms before a joint select committee, in circumstances where Standing Order 76, as it now stands, places a duty on the Regulations Committee to consider all subsidiary legislation.

Really, in the case of a simple document the House may bypass the Regulations Committee. In fact, a practice has developed over time where subsidiary legislation has not been sent to the Regulations Committee. Mr. Deputy Speaker, Standing Order 76 was placed in the Standing Orders to ensure that there is parliamentary scrutiny of all legislation, especially subsidiary legislation.

[MR. SPEAKER *in the Chair*]

What we have come to this Parliament to ask is that in circumstances, where the legislation has come from an independent authority and has not had the benefit of parliamentary scrutiny, then it is clear that a joint select committee should be established in order for the regulations to be properly scrutinized. What passed for a debate here today was really amazing, in circumstances where for six years, those who sat on the other side, almost from the first day that they came to this Parliament and were in the government, were tainted by the brush of corruption.

Mr. Speaker, you would recall that very early in the life of the Parliament, under the previous administration, there was the situation with the Cherokee jeeps. It was a corrupt situation, where we were told in this very House the reason

that the jeeps were bought was because the Motorola radios could only work in those Cherokee jeeps, and as a consequence the government had to buy Cherokee jeeps.

We sat here today and heard the Member for Siparia talk about corruption in the PNM from 1956—1986. In circumstances, two of the persons who were in that government from 1956—1986 were deputy leaders of the PNM and as soon as those on the other side got into government they were hugging those two persons. If they are now telling us that those persons were involved in corruption, they must come out quite openly and say: "How it is that you were so eager to embrace those persons whom you are now saying were involved in corruption?" Those persons are members of their party up to today.

We are in a situation where the Member for Barataria/San Juan is standing in this House today and talking about those on this side being corrupt. He was the one who, as Junior Minister of Health, waged all-out war against those who were on the Board of the North West Regional Health Authority (NWRHA). From captain to cook, every attempt was made to block his intervention to ensure that the corruption did not persist. The Member for Caroni Central was one of the main persons blocking him from ensuring that that corruption was not revealed. It is amazing, the kind of amnesia, I would call it a cloud of amnesia, that has settled over each and every one of them.

They are the only government in Trinidad and Tobago whose three sitting Members of their government: their Attorney General, their Minister of Foreign Affairs; and their Minister of Agriculture, Land and Marine Resources had to stand before the public and say: "The stench of corruption is so overwhelming that we have to leave."

As we talk about that, it was October 27, 2000 when the integrity legislation was assented to. It was not until September of the next year those on the other side brought regulations to the Parliament. A whole year passed before they brought any regulations to the Parliament. Under the weight of corruption, in October of that year, their government fell. As a consequence of that, the regulations lapsed.

Mr. Speaker, you are aware that it is only when the Independent Integrity Commission approves the regulations—they are the ones who drafted the regulations. The Independent Integrity Commission has placed the regulations before this House and has only approved the regulations in September 2003. They were appointed in August. They approved the regulations on September 12,

2003 and on October 06, 2003 it was brought before the Parliament. Yet, those on the other side waited an entire year—when the commission was in existence and when they were in government—before they could even bring the regulations. I repeat; it was under the weight of corruption that their government fell. While they sit on that side now and pontificate about integrity in public life—

Imagine the Member for Fyzabad said that persons who earned money, he used the term "earned", are corrupt, but people who steal money are okay. What nonsense is that? I congratulate the Member for Ortoire/Mayaro for moving out of the constituency of Fyzabad. How could he have stayed in Fyzabad with someone who has that skewed logic as his Member of Parliament? He has made one of the best decisions that any citizen could make. If the people of Fyzabad are only to be exposed to the reality of their Member of Parliament, you would see thousands of them moving out of Fyzabad.

Mr. Speaker, imagine the Member for Fyzabad will say that the regulations are a form of racism. The regulations, which stemmed from an Act that they brought to the Parliament, are racist. Mr. Speaker, if that is their concern, let us put it before a joint select committee and see how racist it is. Let us take out the racist parts. I am hoping that he will be on the committee so that all the racist parts, he could cleanse it and send it back to the Integrity Commission and tell us do not bring these racist forms back to the Parliament of Trinidad and Tobago where we do not want racism to be an integral part of our legislation. [*Desk thumping*] Mr. Speaker, that was one of the salient points for making sure that these forms go before a joint select committee. The forms, as far as the Member for Fyzabad is concerned, are racist.

Mr. Speaker, you know that we on this side have said that we abide by the rule of law. We do not believe in racism and, as a consequence of that, the Member for Fyzabad, who is claiming that the forms are racist—I am glad that he, in a circuitous way, is agreeing that it should be placed before a joint select committee. It is clear that we need to look at these racist forms. [*Interruption*]

Mr. Speaker: Member for Fyzabad, you had a full 40 minutes to make your contribution. The Acting Attorney General is on her legs. I insist that you allow her to make her contribution, without too much crosstalk, so please.

Hon. C. Robinson-Regis: It seems as though those on the other side either failed to caucus or forgot what the caucus decided. The Member for Siparia ranted and raved about the forms and that there should be an amendment. She

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[HON. C. ROBINSON-REGIS]

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spoke on a non-point for 75 minutes. Immediately after the Member for St. Augustine got up and said, I quote:

“Are we going through motions of setting up forms which may not be effective?”

The Member for Siparia indicated that we should just agree with the forms. In the next breath, the Member for St. Augustine said we must not go through the motion of setting up forms which may not be effective. That is a cogent argument for sending the forms to a joint select committee. [*Desk thumping*]

Again, the legislation insists that we must have structures which depend on underlying values. Integrity must be linked to the issue of good governance; all reasons for sending these forms, which have come from an independent commission, for the scrutiny of the Parliament of Trinidad and Tobago.

I want to indicate that we on this side have absolutely no fear of complying with the laws of Trinidad and Tobago. There is no one on this side who has found that, almost with every month, their name is embroiled in an issue of corruption. We on this side insist that in circumstances where, for six years, there were almost on a daily basis, issues of corruption, issues that indicated that the government of the day was embroiled in corrupt activities, issues such as InnCogen, the Desalination Plant, Piarco International Airport, the rice deal, the Miss Universe fiasco, the Cherokee jeeps, the \$52 million account, the \$10 million account, the telecommunications licences where the Member for Couva North was brought before the court and found guilty of bias in circumstances where one of his own ministers was to be granted the licence, the rum deal, the NP gas station upgrade, the billion-dollar TIDCO road paving exercise, the \$30 million ferry that never came, the Dhanpur Mill, and the Solomon Hochoy Highway upgrade. The list goes on and on. I am hearing the Member for Siparia saying that is why we need the forms. Why did they not bring the forms?

Mrs. Persad-Bissessar: We did in 2001.

Hon. C. Robinson-Regis: A whole year! The legislation was assented to on October 27, 2000. The forms were brought in September 2001. Where was she all that time?

The Member for Siparia said while she was Attorney General, the first thing she asked for was the Green Paper on integrity legislation. When she was Attorney General, I think that was in 1995, she asked for the Green Paper or the White Paper on integrity legislation. Between 1995 and 2000, they did absolutely

nothing about it. They brought nothing to the Parliament. They sat there for five years. The Green Paper that was called for was as a result of the person who became the actual Attorney General who raised an issue in the Parliament, asking for integrity legislation to have more teeth. The Member for Siparia has, very similar to the Member for Fyzabad, very skewed logic. Five years they sat there and did absolutely nothing. Another year passed, after the legislation was assented to, and they did absolutely nothing.

We on this side are saying that in circumstances where an independent commission has brought this subsidiary legislation—in circumstances where the subsidiary legislation is different from what had existed before—a joint select committee should be established in order for Members to scrutinize the subsidiary legislation, in order for Members to receive expert advice and assistance from members of the Independent Integrity Commission.

With those words, I beg to move.

Question put and agreed to.

Resolved:

That pursuant to Standing Order 79, and notwithstanding Standing Order 76, this honourable House appoint five Members to sit with an equal number from the Senate as a joint select committee for the purpose of considering the Integrity in Public Life (Prescribed Forms) Regulations, 2003 and the Integrity in Public Life (Period of Furnishing of Information) Regulations, 2003 and report to Parliament thereon:

Further resolved:

That this joint select committee be mandated to report back to Parliament, no later than December 1st, 2003 and be empowered to receive expert assistance and advice from members of the Integrity Commission.

PROFESSIONS RELATED TO MEDICINE RULES

The Minister of Health (Hon. Colm Imbert): Mr. Speaker, I beg to move,

Whereas it is provided by subsection (4) of section 7 of the Professions Related to Medicine Act, 1985, that the council may, after consultation with all the boards for the time being established under this Act, and with the approval of the Minister, make rules with respect to the form and keeping of

the registers maintained on behalf of the boards and the making of entries, alterations and corrections and other matters prescribed therein:

And whereas it is provided by subsection (8) of section 14 of the Act, that the Council may, after consultation with each of the boards, and with the approval of the Minister make rules as to the procedure to be followed and the rules of evidence to be observed in proceedings before the Disciplinary Committee and other matters prescribed therein:

And whereas it is provided by subsection (5) of the said section 7, that rules made under subsection (4) shall be subject to affirmative resolution of Parliament:

And whereas the council has on the 30th day of September, 2003 made the Professions Related to Medicine Rules, 2003:

And whereas the Minister has on the 8th day of October, 2003 approved the Professions Related to Medicine Rules, 2003:

And whereas it is expedient that the said rules now be affirmed:

Be it resolved that the Professions Related to Medicine Rules, 2003 be approved.

Mr. Speaker, the rules before this House are made pursuant to the Professions Related to Medicine Act, No. 35 of 1985. This Act is an umbrella piece of legislation, which provides the legal framework for professions allied to medicine. It currently covers six such professions as follows: physiotherapists, radiographers, medical laboratory technicians, nutritionists and dietitians, speech and occupational therapists and medical psychiatric social workers. I will give a brief overview of each of these professions.

Physiotherapy: Physiotherapy through the science and art of physical therapy attempts to restore to normal function, patients who are physically disabled, or rehabilitate patients who have undergone surgery or who have been bedridden for long periods. They also instruct patients in the proper use of appliances that may be used to provide mobility.

Medical Laboratory Technicians: Medical laboratory technicians carry out biomedical, microbiology, hematological and histological tests that enable clinicians to make diagnoses. It is an exact science, and requires strict supervision and quality control to ensure reliability of results.

Radiographers: Radiographers are imaging technologists who have been trained in the techniques of taking X-rays safely and advantageously to assist clinicians with radiological diagnoses. They also operate other modalities of imaging, for example ultrasonography, nucleus scanners and magnetic resonance scanners.

Dietitians: Dietitians are concerned with the appropriate nutritional support of the ill and well population. They plan the nutritional intake of various grades of patients in a hospital or health facility, as well as give advice on special diets for diabetics, renal failure, obesity, et cetera.

Psychiatric and Medical Social Workers: Social workers look after the social welfare of medical and psychiatric patients, both as patients and outpatients. They are particularly concerned with the living conditions of the indigent and the indisposed; they investigate and handle claims for welfare benefits and public assistance; they also source funding for medication testing procedures that are not readily available within the public health system; and they are also concerned with the rehabilitation of patients into a safe home environment.

Occupational and Speech Therapists: Occupational therapists assist medical, and especially psychiatric patients, to rehabilitate themselves through the use of their mental functions. Older patients are taught occupations like basket weaving, bookbinding and printing, while younger patients are taught to paint and read. The principle behind this therapy is to occupy the mind with constructive occupations, which will ease the discomfort of institutionalization. In fact, this is a feature in mental institutions.

Speech therapists are trained in speech pathologies and assist patients with dysphonia and dyslexia to produce acceptable speech. They teach communicative skills to patients who have lost their larynges through surgery, and to children with delayed onset speech and autistic children.

Mr. Speaker, that is a very basic overview of the six professions which are currently recognized. I am advised that for the last several years, the massage therapists and the chiropractors have lobbied the council for registration. The chairman of the council held in-depth consultations with the existing boards, and after extensive discussions the council took the position that both groups cannot be recognized at this time, because they were not recognized disciplines of medicine. So, the massage therapists and chiropractors are not recognized disciplines of medicine at this time.

With regard to the matter before the House itself, which are the rules, these rules are quite straightforward and these rules are required to operationalize Act No. 35 of 1995. Members opposite appointed an interim board in 1998, and boards have been functioning since then. The council comprises of two registered medical practitioners who are appointed by the Medical Board of Trinidad and Tobago; three persons who will be appointed by the Minister, two of whom must be specially qualified by reason of experience related to the professions and one shall be a representative of the Minister of Health, one person representing the University of the West Indies and two representatives of each board.

If we go straight to rules, the first and second rules are merely procedural.

Rule 3 provides that every application for registration by a person, entitled to be registered, shall be in writing and forwarded to the registrar giving evidence of a degree, associate degree or diploma entitling the person to registration, and other criteria such as a certificate of good character, et cetera.

Rule 13 allows for the review of fees that are imposed by the council, because the Act allows the council to impose fees for the registration of these professions allied to medicine.

Rule 4 allows applicants to be registered. They are granted a registration certificate for a period of one year.

Rule 12 stipulates that the register of professions may be inspected at the registered office of the council—unlike some registers that are not always readily available—from 9.00 a.m. to 3.00 p.m., Monday to Friday, on the payment of a fee of \$5. I can assure Members that when someone pays that \$5 that person will be allowed access to the register of the professions—even if there is a view that the person is a Member of the Opposition, that person will be allowed to pay \$5 to inspect the register without let or hindrance.

The point with these rules is that no one can be registered under the Act without these rules. So the interim council which was appointed by the previous administration in 1998—the boards have been functioning and working with ad hoc and informal rules and regulations—what we are doing now is giving legal effect to the professions allied to medicine, and allowing the legal registration of professions allied to medicine for the first time.

Part III of the Act provides for a disciplinary committee, and the powers and responsibilities of that committee are detailed in section 16(8) of the Act which says:

“The Council may, after consultation with each of the Boards, and with the approval of the Minister make Rules as to the procedure to be followed

and the Rules of evidence to be observed in proceedings before the Disciplinary Committee...”

It is contained in the Act—in order to observe the rules of natural justice, due process—to give people a right to be heard—and to make sure that if disciplinary proceedings are instituted that they are in accordance with good and fair practices.

Rules 14 to 32 deal comprehensively with the issues of disciplinary proceedings.

Rule 15 mandates the council to direct the committee to enquire into any complaint in accordance with section 16 of the Act. The committee may enquire into complaints where a particular individual has been convicted of an offence punishable on indictment or was found guilty of infamous or disgraceful conduct in a professional respect.

Section 18 requires the board to prepare from time to time a statement as to the kind of conduct which is considered to be infamous or disgraceful in a professional respect. Once this is done, each board must then send to each registered member of the profession a copy of this statement outlining the criteria for infamous and disgraceful conduct. Again, the other rules deal with natural justice and the whole question of how to conduct an enquiry.

Section 17 also deals with various aspects of discipline.

Section 19 allows the concerned person to appeal a decision of the committee and again give that person a right of due process.

Mr. Speaker, we believe that these professions play a very important role in the provision of health care. They are very useful support to doctors, nurses and other health care providers. We believe it is time that they are given the recognition and respect that they deserve. As the Minister responsible for health, I did not take these rules at face value. I convened a meeting with representatives of the various boards and the council to make sure that all the boards were on board, and that the boards were in agreement with these rules.

I am satisfied with that meeting—in fact, I believe we had two meetings—that the various professions that would be governed by these rules are in agreement with them. There has been consultation and the consultation has been democratic, and members of the various professions are generally in agreement with these rules.

Mr. Speaker, before I close—I notice that the Member for Caroni Central is not here. The Member for Caroni Central has a tendency to ask all sorts of

extraneous questions about all sorts of other things, when I bring matters to this House. I have prepared a status report with respect to legal activities that are being undertaken by the Ministry of Health at this time. I will start with the Mental Health Act and Regulations which have been placed before Cabinet and one is now before the Legislative Review Committee. That is a comprehensive overhaul of our mental health legislation, and when they are reviewed and accepted by the Legislative Review Committee and placed before this House, Trinidad and Tobago will have comprehensive mental health legislation, which has been long outstanding.

The Tissue Transplant Regulations have been submitted to Cabinet and have been placed before the Legislative Review Committee. I expect that the Legislative Review Committee will deliberate shortly on these regulations, so that we could come to this Parliament within the near future, and pass the Tissue Transplant Regulations to allow for organ donation and transplant of organs in Trinidad and Tobago, and to facilitate the easier transplant of organs.

The Regional Health Authorities Regulations relating to discipline and conduct have been completed and sent to the Chief Parliamentary Counsel, and once approved they will be laid in Parliament.

The Funeral Homes Bill which was laid by the previous administration and was allowed to lapse in 2001, will be submitted to Cabinet in the very near future to be re-laid in Parliament once Cabinet agrees.

The Human Reproductive and Generic Technologies Bill, which was laid in Parliament by the previous administration and was allowed to lapse in 2001, will be submitted to Cabinet shortly and would be re-laid in Parliament once Cabinet gives its approval.

The Pesticides and Toxic Chemicals Bill 2003, which is related to the control of illicit drugs, is to be put before the Legislative Review Committee shortly, and it will be laid in Parliament shortly thereafter.

The Food and Drugs (Amdt.) Bill 2003, which seeks to control the distribution of certain chemical substances used in the manufacturing of illicit drugs, will be submitted to Cabinet shortly and it should be laid in Parliament shortly thereafter.

The Health Services Quality Bill has been completed, and it will be submitted to Cabinet in the very near future, and shortly thereafter, we expect this Bill to be laid and debated in this Parliament. Again, this legislation is long overdue, and this would be landmark legislation, changing the face of health services regulations in Trinidad and Tobago.

With respect to the Nurses and Midwives Act, a review of this Act has been completed, and amendments will be submitted to Cabinet shortly to be laid in Parliament.

The amendments to the Private Hospital Act have been placed before the Legislative Review Committee, and it will be laid shortly in Parliament.

The Ambulance Bill will be completed within the next month, and it will be submitted to Cabinet. This Bill will be laid shortly in Parliament for debate.

There are also regulations for the Opticians Registration Act.

We are also working on legislation to control the use of tobacco, following the signing by Trinidad and Tobago of the Convention Against Tobacco. Shortly, some of my hon. friends on this side and on that side, who are users of tobacco, will be unable to use tobacco in public places, because that is what the convention calls for. The Convention Against Tobacco calls for the banning of advertising; it calls for the restriction of the use of tobacco in public places; and many other things. It is an international convention which was signed by all member countries of the World Health Organization in 2003. Even the United States of America, which was previously opposed to this convention, agreed to sign it in this year, 2003.

Mr. Speaker, I have given an overview of the regulations before the House. I have also given you some information with respect to some of the legislative matters which are under review, and some of the legislative matters which have been completed in the Ministry of Health and will be laid and debated shortly in this Parliament.

I beg to move. [*Desk thumping*]

Question proposed.

PROCEDURAL MOTION

The Minister of Trade and Industry and Minister in the Ministry of Finance (Hon. Kenneth Valley): Mr. Speaker, before the Member makes his contribution, I think this might be an appropriate time to move that the House continue to sit until the completion of the business identified for today, that is this Motion, as well as the Firearms (Amdt.) Bill which is on the Order Paper.

I beg to move.

Question put and agreed to.

PROFESSIONS RELATED TO MEDICINE RULES

Dr. Fuad Khan (Barataria/ San Juan): Mr. Speaker, thank you for allowing me to enter this debate. I listened with intent to the Minister of Health and

Member for Diego Martin East. As a good Minister, and a good mover of a Motion, the Member indicated that the rules and regulations were done under the tenure of the UNC government. This Act was passed in 1985, and nothing was done with the rules and regulations until 1995 when the United National Congress came into office, and the boards were appointed in accordance with the law. The council was then appointed under the distinguished chairmanship of Dr. Austin Trinidad, the gentleman from south Trinidad. The first mandate of the board was to get together and develop the rules and regulations as outlined by Act No. 35 of 1985, the Professions Related to Medicine Act.

Mr. Speaker, the physiotherapists, radiographers, dietitians, et cetera, that the Minister read out are professions related to medicine, but together with them are ancillary professions. The Minister mentioned the massage therapists and the chiropractors, and these two individual groups have been lobbying for quite a long time for recognition. They have been doing a lot of work assisting the people of Trinidad and Tobago. However, although they have not been included in the rules and regulations in Act No. 35 of 1985, the professions related to medicine are still enjoying management of health care in this country.

The ultimate objective of medical health care is to assist people with medical illnesses in the best possible manner. The Government's job is to enact legislation so that the people who obtain this medical care will not be detrimental to any part of their medical management. However, taking this opportunity to bring these six professions into alignment—the physiotherapists, radiographers, dietitians, nutritionists, occupational speech therapists, the medical and psychiatric workers and the medical laboratory technicians—one wonders whether the reason for the rush of these rules and regulations is to discipline the medical laboratory technicians.

Mr. Speaker, recently, there have been medical laboratories in south that came up with a so-called mystery virus, and these laboratories were able to show that there has been a high incidence of a viral illness, because of the stereotypic nature and the stereotypic examination of blood fluids which was sent to them and was documented as dengue or dengue type illnesses. The reason they were doing this—and they made it known—was that Trinidad Public Health Laboratories were very slow in giving results.

I have a clipping from the *Saturday Express* newspaper dated August 23, 2003 and it says:

“Smith said he sent 192 specimens from patients thought to have the disease to a private nursing home between June and August 18.

He said 81 returned positive for dengue and that 42 of the patients had been previously afflicted with the disease.

Smith said the report was from just one of the ten diagnostic laboratories in the South.

He said a study done by the SWRHA showed that people were kept on the hospital wards because of delays in getting the results of tests conducted by the Trinidad Virus Laboratory.”

The article went on to say that:

“On Wednesday Health Minister Colm Imbert appointed a committee...to investigate...statements by senior officials at the hospital that there was a viral epidemic in South Trinidad.”

There was a toing and froing as to whether the medical results were correct; and whether the laboratory technicians were qualified and so forth.

Mr. Speaker, I have another clipping from the *Sunday Newsday* newspaper dated Sunday, August 24, 2003 and it says:

“These statements are false, misleading and irresponsible...”

The article went on to say:

“Existing ‘unofficial laboratories’, the Ministry said, are operating in an unregulated environment, without any adherence to proper standards and procedures for testing and are being used to create ‘mischief.’”

Mr. Speaker, the rules and regulations are long due, but when we start to use legislation to discipline people who basically argued against their positions—and I hope the Minister is not doing this—one wonders whether this concept of constant attack on a profession is determined in the course of medical management.

If one goes back to the previous year when the Minister was appointed as the Minister of Health, the Minister was having this problem with the doctors and he had meetings and there were certain industrial actions taken and so forth, and this resulted in legislation being brought to this Parliament, where a new pseudo medical board panel of registration was set up, because the Minister and the ministry’s officials could not have gotten their own way in the registration and mobility of doctors. This also resulted in the bypassing and threatening of the Medical Board by telling them they were going to bring in Cuban doctors. I think the Minister himself and the ministry’s officials went to Cuba and got these doctors.

Mr. Speaker, what is surprising is that here we have professions related to medicine—and these are people who are local professionals—and they are now being subjected to rules and regulations—satisfactory evidence of a degree or associate degree, diploma or certificate entitling the person to registration, a certificate of good character and the fee prescribed by the Council. So, we are subjecting our professionals to these rules and regulations by legislation and, yet, the Government is allowing people who cannot speak proper English to come into our country, as observers, only to discipline a group of local professionals. That cannot be right. So it is unfortunate that the Government or the Minister of Health does not step back a little and look and see what is occurring.

7.50 p.m.

Based on the facts before us, it is obvious that this legislation was brought to this Parliament to discipline medical laboratory technicians, and to decide on what is happening to the southern laboratories. I am not saying that it is not good legislation, but it must be done appropriately. When you read the Act itself, one can only be registered by a board, which is maintained in accordance with the Act. Before one gets registered, one must have an approved training course, together with tuition, qualifications, et cetera, that must be approved by the Council. You must hold a degree and qualification granted, and have had sufficient practice, training and relevance.

Section 12(1) says:

“A person who is registered shall be entitled to use the title of Registered Physiotherapist...according to the profession in respect of which he is registered.

2. Any person who—

(a) practices or advertises his service...when his name is not on the register...”

or takes the name falsely or does things that they were not supposed to do, according to the Act, can be disciplined accordingly.

Utilizing the parent Act and the rules and regulations, one could now determine—once you are in authority—the persons we are going to get. Are they registered? How long have they been practising? Also, we are going to deal with them, because they are bucking the system. I do not think legislation should be done solely for the intention or the intent purpose of disciplining people who are bucking the system.

What about the alternative homeopathy practitioner who is not really a medical doctor, but it is a profession allied to medicine? The chiropractors have been here since time immemorial and they are holding degrees from England, the United States, and Canada with a whole recognized body on their own. Why is it that the chiropractors here cannot be recognized and they have been doing their duties very well for the last 30 to 40 years? By not recognizing them and putting them under rules and regulations there are people coming to this country who are not qualified, and are saying that they are. By doing that, they are opening centres around the country saying that they are chiropractors but they have no rules and regulations. Some of them go so far as to buy X-ray machines and do their X-rays in the office. Also, they read the X-rays themselves, making innumerable mistakes and treating patients with—God knows—the same massages, et cetera, and these are not qualified chiropractors. Yet, the qualified chiropractors have to be subjected to the Professions Related to Medicine Act Board, who will not recognize them for whatever reason. Is it because there would be competition with the physiotherapists—because that is the same as masseurs, et cetera? The list goes on.

There are some doctors in this country who were trained in alternative medicine in Germany, England and India, and they do a very good job in alternative medicine and homeopathy medicine. However, by not regulating them under the same rules and regulations, you are going to end up with the same situation as the quack chiropractors that are not qualified. So I am telling the hon. Minister of Health that he has come here with rules and regulations for six professionals who have been professionals for a while and are doing their duties adequately, but rules and regulations are brought in this honourable House just to discipline them. It would have been a better move to come to this honourable House and bring in other professions which are so-called related to medicine, and determine rules and regulations for the whole body.

There are people who called themselves “doctors” and the unsuspecting public goes across to them, and they are treated with devices and systems that either burn their skins; their hair; or do something negative to their systems, but they are not subjected to rules and regulations in this country and they perform unabated, with absolutely no type of legislation except the normal civil lawsuit.

Mr. Speaker, if you look at the ads in the *Newsday* of Friday, October 31, 2003, there is a whole section on health care. It says:

“All female/male urinary and sex problem, breast/prostate cancer”
can be cured, call this number—

“663-3977

Amazing oil and Avalon=”

This is the public newspaper; people are calling this number. [*Interruption*] You see, the Minister of Health makes a joke of everything. This is a serious thing. This is the public newspaper. It goes on:

“Goodbye Arthritis”

There was an advertisement in the newspaper of a man who was selling a toxic substance called “sure cure” which people have been drinking. The quote goes on:

“Colon Cleansers

Lose 20-50 lb, Weight, Stamina guarantee”

et cetera. [*Interruption*] I am serious. Mr. Speaker, these things ought to be in the regulations. It goes on:

“Diabetic & Skin Clinic for poor circulation, tingling, swellings, discoloration, ulcers...”

There is one called “Mother Nature” that is being shown on the television all the time. [*Interruption*] The tobacco people are being attacked for a long time—nothing is wrong with the attack, but what I am saying is, why did the Minister not bring regulations for all these things at one time? [*Desk thumping*] He came here just to bring regulations to discipline medical laboratory technicians for doing a job for the longest while. The doctors in this country know which medical laboratories to use and which not to use. [*Interruption*]

Mr. Imbert: How?

Dr. F. Khan: Because of the results they got.

Mr. Speaker, there is another quote concerning a lady with womb treatment for pregnancy and other womb illnesses, and there is a telephone number to call. There are drug stores selling homeopathy medicines that you can purchase. Recently, there was a problem with a weight loss product.

These are the things that need regulations and rules, but they are not even being attempted, but we come to the Parliament and we deal with nice rules and

regulations which have been long in coming, but the sole intent is to come and discipline the medical laboratory technicians for telling doctors in South that there is a large mystery illness and these laboratories have to be checked. Basically, the Minister has the right concept, but whether he is doing it for the right reasons, one has to ask oneself.

What I would also like to see—I do not know if it is going to come in the Nursing and Midwives Registration Act—is that there are numerous schools that teach “practical nursing systems”. Some of these schools have rules and regulations by the Nursing Council whereas some of them do not. Yet, there are hundreds of young persons going to these schools and paying a lot of money, thinking that they are going to become nurses and ancillary medical professionals, Medtechs, coming out in a system and going to the nursing homes to be used for free labour and at the same time there is no upward mobility. Some of them may or may not get into the public health systems and as a result are being exploited. That is something which needs legislation, rules and regulations; not professions that have been here symbolically with medicine for the longest while.

The idea of the rules and regulations is an excellent one. This was a system that was long in coming, but I chose the opportunity, not to bash the Minister of Health—because I see he is doing all the legislation that we had there before the 18/18 scenario where we were unceremoniously pushed out of government while they were put into government, and I am glad he is bringing the legislation that we had in train.

Mr. Speaker, with these few words, I thank you. [*Desk thumping*]

The Minister of Health (Hon. Colm Imbert): Mr. Speaker, it is painful sometimes to listen to the random thoughts of the Member for Barataria/San Juan. If he was a student of mathematics he would understand the concept of random numbers. He generates random thoughts. The allegations he has made are so absurd and childish.

The Act was passed in 1985. The first Council of these Professions Allied to Medicine was established by the former government in 1998, and was given the mandate to develop rules for the profession with respect to 1998, 1999, 2000 and 2001. This is why I said they are random thoughts. The hon. Member for Barataria/San Juan,

Professions Related to Medicine Rules
[HON. C. IMBERT]

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in his capacity as junior Minister of Health, chose these six professions, and they are: physiotherapists/radiographers, medical laboratory technicians, nutritionists/dietitians, speech and occupational therapists and medical psychiatric social workers. The hon. Member for Barataria/San Juan deliberately and purposely selected these six professions allied to medicine. They excluded chiropractors—no matter how much lobbying they did to him and his colleague from Caroni Central—cried for six years under that administration; the massage therapists cried for six years! They blanked them! They decided that only these six professions would be registered as professions allied to medicine. This was a UNC policy. His decision! Yet he would come in this Parliament today with selective amnesia and try to convince his colleagues that there is some sinister, diabolical plot on the part of the Member for Diego Martin East. All I am doing is faithfully completing what the Member for Barataria/San Juan started. This is the height of childishness, Mr. Speaker!

One can imagine the kind of mind—I met these rules when I went to the ministry—that would develop rules for professions allied to medicine; pick out six professions and leave it there for an incoming administration and then when the new minister comes in and does what they “woulda, coulda, shoulda” but could not do, says that it is a sinister plot on the part of the minister, to discipline laboratory technicians. What arrant trash! Maybe there is some racism in there. [Laughter] I probably missed it. You know, it is such trash, Mr. Speaker. Everything inside of here was developed by the hon. Member for Barataria/San Juan. The decision to exclude chiropractors was his decision; the decision to leave out massage therapists was the decision of the hon. Member for Barataria/San Juan. I am not going to waste any time responding to any of the nonsense uttered in this honourable House by the Member for Barataria/San Juan.

I beg to move, Mr. Speaker. [*Desk thumping*]

Question put and agreed to.

Resolved:

That the Professions Related to Medicine Rules, 2003 be approved.

FIREARMS (AMDT.) (NO 2) BILL

Order for second reading read.

The Parliamentary Secretary in the Ministry of National Security and Rehabilitation (Mr. Anthony Roberts): Mr. Speaker, I beg to move,

That a Bill to amend the Firearms Act, Chap. 16:01 be now read a second time.

Mr. Speaker, this Government has been saying all along that a partisan approach cannot be adopted when dealing with the issue of crime. You see, Mr. Speaker, crime fighting should be the business of all the citizens of Trinidad and Tobago. [*Desk thumping*]

We have also said on this side that it is prudent to adopt a holistic approach to crime fighting and criminal activities in Trinidad and Tobago. Ad hocism, as we have seen over the past years, has not worked and cannot work. I have previously indicated in this honourable House that penal reform and prisoner rehabilitation is part of the Government's crime fighting mechanism. So, too, is this Firearms (Amdt.) Bill, 2003, which I have the honour to present this evening on behalf of my colleague, the hon. Minister of National Security and Rehabilitation.

One of the fundamental objectives of this Bill is the implementation of the obligations under the Inter-American Convention against the illicit manufacturing of and the trafficking in firearms, ammunition, explosives and other related materials. Trinidad and Tobago is a signatory to this convention, and so it is binding on this country to prevent, combat and eradicate the illicit manufacturing of and trafficking in firearms, ammunitions, explosives and other related materials, as well as to promote and facilitate cooperation and exchange of information and experience among state parties. You see, it could also enhance the law enforcement efforts of the state parties in other areas, given the links that often exist between those offences and organized criminal activities.

The convention provides a broad range of co-operation, including mutual legal assistance, technical assistance and exchange of information, experiences and training, in relation to the offences covered under the treaty. The convention also imposes on the parties an obligation to criminalize the offences set out in the treaty. Trinidad and Tobago's legislation, in the form of the Firearms Act, Chap. 16:01, already covers basically everything that was required of the state parties. However, under Article 11 of the Treaty, record keeping was required and the article states:

“State parties shall assure the maintenance for a reasonable time of the information necessary to trace and identify illicitly manufactured and illicitly trafficked firearms to enable them to comply with the obligations under Articles 13 and 17.”

Mr. Speaker, in an effort to conform to this article, section 21C of the Firearms Act is being amended by making provisions for a firearms registry. The amendment proposes:

“21C. The Commissioner shall establish and maintain a register, to be known as the Trinidad and Tobago Firearms Register”, in which shall be kept, a record of—

- (a) every licence, registration certificate and permit that is issued, renewed or revoked by the Commissioner;
- (b) every application for a licence, registration certificate or permit thereof that is refused by the Commissioner;
- (c) every exportation into or importation from Trinidad and Tobago of a firearm and ammunition of which the Commissioner is informed under this Act;
- (d) Every loss, finding, theft or destruction of a firearm and ammunition...
- (e) such other matters as may be prescribed.”

The establishment of this Firearms registry in Trinidad and Tobago will not only facilitate our obligations under the convention, but it would also assist our police service in keeping a more efficient track of firearms issued, lost and imported or exported, all in an attempt to facilitate and enhance the law enforcement efforts.

According to section 6(1) of the Firearms Act, Chap. 16:01, it is an offence to have in one’s possession, a firearm or ammunition if one is not a holder of a Firearm User’s Licence; simply to hold or inspect a firearm is, therefore, an offence.

Subject to section 7, a person may purchase, acquire or have in his possession a firearm or ammunition only if he holds a Firearm User’s Licence with respect to such firearm or ammunition.

In an effort to correct the ambiguity with respect to persons intending to obtain a firearm, section 11 of the Act is being amended to give the Commissioner of Police the authority to issue to a person a provisional licence. It states that where a person intends to obtain a firearm licence he shall, prior to the granting of such licence, obtain a provisional licence from the Commissioner of Police, authorizing him to discharge a firearm for the purpose of training in the use of a firearm. It should be noted that the provisional licence is only valid for three months and the provisional licence shall authorize that holder of the said

licence to discharge a firearm only for the purpose of training, and would be restricted to the shooting range named in the provisional licence. Further, the holder of the provisional licence cannot discharge the firearm unless he is under the supervision of a licensed firearm user.

The second fundamental objective of this Bill is the firearm policy of the Ministry of National Security and Rehabilitation. This policy was informed by a comparative study with several other acts of various jurisdictions such as the Firearm Act of Canada of 1995; the New Zealand Act of 1983; the United Kingdom Act of 1994; and Bermuda of 1973. In addition to those mentioned, the legislations of Jamaica, Malaysia, Australia and Barbados were also considered. These studies resulted in an increase in penalties in respect of 12 offences under the Act. Two new definitions were added, six entirely new sections were incorporated, and additions were made to four of the Act's procedural provisions.

The third fundamental objective of this Bill before this honourable House this evening, is the increased penalties and the general modernizing and updating of the Firearms Act, Chap. 16:01. Section 7(a) of the Act is being amended to include the director of Trinidad and Tobago Forensic Science Centre, and such other scientific officers as designated by him, in the list of persons who are exempted from holding a firearm licence.

Section 7(h) of the Act is being amended to reduce the time from 30 days to 15 days in which a person who comes into possession of a firearm or ammunition in the capacity of an executor, or an administrator of an estate, must hand over the firearm to the police—in 15 days.

8.20 p.m.

Section 8 of the Firearms Act deals with the carrying of a firearm in a public place and it states:

“Any person other than a Police Officer or a member of the Defence Force in both cases acting in his capacity as such is guilty of an offence and liable on summary conviction to a fine of four thousand dollars and to imprisonment for two years who carries any firearm or ammunition in a public place so prescribed by the President.”

This clause, however, is being amended to now provide that it is an offence to have a firearm in any place to which, at the material time, the public has or is permitted to have access, instead of having the President prescribe the public place to which such an offence would relate.

Mr. Speaker, the Bill also seeks to increase the penalties for offences relating to the law, the unlawful sale or transfer of firearm. The Act stipulated that on summary conviction the fine is \$4,000 and two years. This has now been increased to \$15,000 or imprisonment for 10 years and, on indictment, from five years to ten years' imprisonment.

Section 12 of the Act deals with the penalty for possessing a firearm with intent to injure. We are proposing that the term of imprisonment on conviction be increased from 10 years to 20 years. Provision has been made in the amendment to this Act to establish an offence for trespassing with firearm and possession of firearm while being drunk or under the influence of drugs. Where a person enters or is in any building or land as a trespasser and has in his possession a firearm or imitation firearm, he would be guilty of an offence and is liable on summary conviction to a fine of \$50,000 and imprisonment for 10 years.

Any person, Mr. Speaker, who appeared to be intoxicated or under the influence of a narcotic when in possession of any firearm may be apprehended by any person and be taken to the nearest police station. On summary conviction, that person will be liable to a fine of \$10,000 or imprisonment for 24 months. Additionally, any person who knowingly sells or transfers, gives or loans a firearm to any person who is intoxicated or is not of sound mind, shall be liable on summary conviction to a fine of \$10,000 and imprisonment for 24 years.

The Firearms Bill of 2003 also seeks to increase the penalties for the following offences:

Prohibition on the manufacture of firearm or ammunition—section 15;

Failure to report loss or theft of firearm or ammunition—section 28;

Restrictions of the importation and exportation of firearms—section 31;

Failure to declare to the customs officer whether or not they are in possession of a firearm or ammunition—section 32; and

Boarding or attempting to board or disembark from any aircraft while in possession of firearm—section 34(3).

Further, Mr. Speaker, we have created a penalty for taking in pawn firearms and ammunitions and it states:

“A pawnbroker shall not take in pawn from any person, any firearm or ammunition.”

Any pawnbroker who contravenes this subsection shall be guilty of an offence and is liable on summary conviction to a fine of \$15,000 and imprisonment for two years.

In addition to the documents that are necessary to support every application for a licence, certificate or permit, the person shall also submit a report from a registered medical practitioner certifying the applicant's physical fitness, a report from an optician attesting to the applicant's visual acuity, a report from a psychologist or a psychiatrist, and they must provide a certificate of good character issued by the Commissioner of Police not less than three months prior to the date of application.

The effect of these requirements necessary to possess a firearm, Mr. Speaker, is obvious. We need to be sure and feel secure in the type of individuals we allow to legally possess firearms. Our society has seen an increase of deaths by firearms, by both licensed and unlicensed firearm users. Over the years, domestic violence crimes have also been in the forefront of our newspapers. There have also been a number of murder/suicides, so, in addition to the domestic violence legislation, we have sought to include a provision in this Act to disqualify domestic violence offenders from holding a firearm licence. This new section, Mr. Speaker, states that any person convicted of a domestic violence offence within the meaning of the Domestic Violence Act of 1991 is disqualified from holding a firearm licence under this Act for a period of five years from the date of the conviction. The intent of this legislation is to discourage and/or diminish the unlawful use, possession and manufacturing of firearms and ammunition in Trinidad and Tobago.

It is intended that by having more stringent controls and a registry of firearms and ammunition, more controls can be exercised by our Commissioner of Police in a sort of know your holder policy. Further, Mr. Speaker, our police service, in conjunction with the customs division, intends to strengthen and to control at the export and import points of transit. The intention of this Government is also very clear and that is to exercise control over the possession and the usage of firearms in this society, to severely punish all persons who are in breach of these measures and, more importantly, to create a safer and secure environment for all the citizens of Trinidad and Tobago.

It is on this understanding, notwithstanding what the Member for Oropouche indicated, that we on this side will continue to appeal to the Members on the Opposition Benches, on this occasion, Mr. Speaker, that they should forget their

Firearms (Amdt.) (No. 2) Bill
[HON. A. ROBERTS]

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political biases and put the interest of the people of Trinidad and Tobago first. I urge my colleagues on the other side to give support to the measures in this Bill and to work with the Government as we strive to institute stronger and relevant measures to combat the incidents of crime in our society, Mr. Speaker.

I beg to move. [*Desk thumping*]

Mr. Speaker: Hon. Members, the sitting of the House is suspended for dinner and will be resumed at 10 minutes after 9.00.

8.30 p.m.: *Sitting suspended.*

9.10 p.m.: *Sitting resumed.*

Mr. Speaker: Hon. Members, I shall now propose the question for debate.

Question proposed.

Miss Gillian Lucky (Pointe-a-Pierre): Thank you so much, Mr. Speaker. I must begin by indicating that my contribution tonight, because it is now nighttime, will be somewhat subdued when compared to my previous contributions in this honourable House. That is because I must indicate from the outset my great disappointment, almost devastation, that the hon. Senator, Minister Howard Chin Lee, the Minister of National Security and Rehabilitation, is not here this evening and tonight to actually pilot a very important Bill that comes within his portfolio. I mean no disrespect to my friend on the other side, the Member for St. Ann's East. The Member, in fact, has read from a prepared script and he has stuck to the script and whether in fact he understands or not will be a matter that I will address.

The reason I feel so upset about the absence of the Minister of National Security and Rehabilitation, Mr. Speaker, is that I feel I chased him away. I feel he came here on the last occasion, and, although he got his mathematics very wrong by saying that 152 is greater than 178, I feel that I should have listened to my colleagues on this side who said, "Treat him nicely", but, in true Pointe-a-Pierrian style, I went for his jugular and I feel that I have chased him away and he will never come back. [*Desk thumping*]

However, Mr. Speaker, I am not the only person who is chasing him away because, when such an important piece of legislation, as admitted by the Member for St. Ann's East, is being presented in the Lower House and the Minister with that given portfolio is not here with us tonight, it can mean a few things, and I will just indulge myself in the realm of speculation. Either the Minister is not really

the Minister of National Security and Rehabilitation or we should be hearing from a minister maybe by the name of Minister Joseph, maybe his first name might be Peter, maybe he might be a Brigadier, I do not know, or maybe this is really a sign of things to come and we will really be seeing a permanent disappearing act by this Minister of National Security and Rehabilitation who will no longer be holding that portfolio.

You see, Mr. Speaker, when persons presenting legislation in this House make us get carried away with their grandiose plans and their very commendable objectives, we find ourselves on this side actually following what they are saying and waiting with great anticipation and expectation, but when you really dissect and analyze coldly, clinically and analytically what has been presented here this evening, what we realize is that this legislation once again will not have the desired effect. Here we have the Member for St. Ann's East saying very boldly, and rightly so, that crime is going to be dealt with by this Government in a holistic manner. I mean no disrespect but I just ask whether the Member for St. Ann's East understands the meaning of the word "holistic" because holistic means comprehensive. It means addressing all relevant aspects and issues but what this legislation really does, Mr. Speaker, is to increase penalties and the days of fighting crime by increasing penalties—because of this Government's approach to embracing criminals—have long gone. It is no longer relevant. [*Desk thumping*]

Mr. Speaker, I practise in the Magistrate's Courts on a daily basis. I have been in the High Court and the Court of Appeal and even though we will hear the "Oh goshes" coming from the other side, I now encourage them to really express their sighs of disbelief because what it shows is that they will encourage the Opposition to be a part of a fight. On the one hand they raise our enthusiasm to join them and with the other hand they push us away and say, "Listen, what you are speaking is irrelevant or nonsense" or "You do not say it in an eloquent manner." [*Interruption*] So you see, Mr. Speaker, and I am glad—and if the Member for Diego Martin Central is listening then I hope when I come to clause 17 you will not only listen but will do more than listen, which is put into effect once and for all, and maybe for the first time, the suggestions that are coming from this side. It is only when you listen and put what is said in action you can truly say that you are acting in the best interest of all the people of Trinidad and Tobago.

Mr. Speaker, this legislation is being bandied about as a potent weapon in the fight against crime because of the increase in penalties, but, you see, for those who practise commendably in the criminal law arena, they would recognize that,

like myself, the problem that is now being faced with respect to the fight against crime is the fact that persons no longer fear the court process, they no longer fear the law, and, when they are detected in the very few instances in which they are detected, the criminal law process is so long, bureaucratic and pedantic that at the end of the day you have many persons before the court but who is really, Mr. Speaker, taking the statistics as to whether they are successful convictions.

Mr. Speaker, one of the greatest ironies in this piece of legislation before us is that there is a move, and I think it is a very commendable one. There is provision for the director of the Forensic Science Centre to be one of those persons who will benefit from the exemption to have an FUL—Firearm User’s Licence. In other words, by virtue of holding that office, the director of the Trinidad and Tobago Forensic Science Centre, such a person will now in fact be one of the selected persons holding that office who will be exempted from the need to have an FUL.

The reality is, Mr. Speaker, that while you are giving the director of the Forensic Science Centre an opportunity to own a firearm legitimately, I am sure that if you were to ask anybody who has held the office, is holding the office now or will be holding the office, they would say they do not want a firearm in the Forensic Science Centre, what they want are the resources and equipment to deal with all the material and the bits of evidence coming before them. So do not say that you are giving them, because you have been giving and giving and giving and the only beneficiaries have been CEPEP and URP and all other persons who are involved in crime as opposed to persons who are involved in detecting crime and dealing with criminal prosecution.

As usual, the Government is saying, “In the fight against crime we will bring legislation and increase penalties”. So a person now, Mr. Speaker, gets charged with possession of a firearm. Do Members on the other side know—and I challenge any one of them. I am sure the Member for Laventille East/Morvant will agree with me—the length of time it takes when a firearm exhibit, firearm and/or ammunition exhibit, is registered in the court, and then it is sent for a analysis? This is because, of course, the prosecution must prove that it is, in fact, a firearm as defined within the Firearms Act. Do any Members on the other side really know how long it takes?

Mr. Speaker, just two days ago I happened to be in the court involved in a matter in which there is a firearm exhibit and even the magistrate in frustration—and I know when matters are sub judice. Notice I do not say the jurisdiction, I do not even call the name of the matter. What the magistrate said was this, “Miss

Lucky, what date do you want as an adjournment?" I said, "I am in the court's hands", and when the magistrate said, "Well you know the exhibit would not be back for another year maybe even two", and I said "But my diary only takes me to December 31, 2003." She said, "Miss Lucky, I can put it in the book for you but I am telling you on the next occasion the complainant, that is the police officer, will come and say that the exhibit is not ready."

What happens in the interim now, Mr. Speaker, is that the matter will be called several times and by the third or fourth time, what is going to happen is that the complainant would have gone on vacation and, you see, many police officers have accrued very long vacation periods, and what is very interesting is that this is legislation making provision for tracking down firearms and I say again that is good but right now we do not even have a proper system for tracking down police officers. Many times I had to say in the courts of Trinidad and Tobago, "Do not just stand and say a police officer is on vacation. Where is he on vacation? If he is out of the jurisdiction, when is he coming back? Is it that he has gone away, and, like many citizens, has decided never to come back to Trinidad and Tobago because it is such an unsafe place?"

In other words, by the time the matter is ready to be heard and the virtual complainant and the complainant in the matter, that is the police officer, is back, guess what happens, Mr. Speaker? By that time the markings on the exhibit now, because it has been years and many people have handled it and property rooms in police stations are not in the kind of condition they ought to be, are no longer visible. So when the prosecution is excited with its case, it is finally getting its case off the ground, what happens? When you are looking for the letters and the markings, the markings and the letters are not there, and then, if the prosecution cannot substantially explain why it may have disappeared because of the passage of time, you have some magistrates who, based on what is before them, will say, "Well, the prosecution has not satisfied this court that the exhibit being shown that day in the matter is the same exhibit that was taken." That is the reality of what is taking place in the Magistrates' Courts, Mr. Speaker.

So that when legislation is brought increasing penalties, I find myself in the position of saying, so what? What are you really going to achieve? You are going to achieve nothing. I can tell you, Mr. Speaker, the reason that on some occasions, such as this one tonight, I speak with such authority, is that I have advised on the amendment to the Firearms Act, when I was working in the office of the DPP, when I was a junior Minister in the office of the Attorney General and Legal Affairs, and even now as a practitioner, so I know it from all ends. I say to

the Government, I commend the fact that legislation is being brought but it is not a new concept. It was recognized many years ago that the legislation had to be amended, but do not come to this honourable House boasting that your legislation will solve the problem when you are relying on increased penalties and the creation of new offences and I am sure in my mind that those great weapons of the Government will do nothing in the fight against crime.

Mr. Speaker, in this honourable House I do not just make allegations or accusations or suggestions without more. Look at the legislation dealing with anti-kidnapping. How many persons have been charged for that hybrid, convoluted, very ridiculous, multi-componented offence of kidnapping for ransom? The answer is not one, because, when the Opposition said, "You are making a convoluted offence that involves the component of kidnapping, false imprisonment and demanding money for menaces, we were laughed at by the other side. The other side stood, firm in its ground, and said this legislation is needed, it is targeting kidnapping for ransom. Well, there have been so many kidnappings for ransom and not one person can be charged under that particular offence that had been created by the legislation.

So whenever Members on the other side stand and lament that they are not getting the support of the Opposition, what they are really lamenting is the fact that the Opposition is recognizing the patent flaws in what is being brought to the House, and, instead of letting it just fall through the cracks, the Opposition is exposing it and that is what they cannot deal with. They just want our blind acceptance to everything passing, even things that appear in documents that they do not even seem to know. Of course, when I speak of "those documents" I am speaking of documents in this one such as the Judiciary of the Republic of Trinidad and Tobago Annual Report 2002—2003 as provided for me by the Member for Oropouche, and I will be coming to that shortly.

The last time, Mr. Speaker, I indicated the very overburdened lists of matters in the Magistrates' Courts, the other side abused me, shouted the terms they like to shout—"Rubbish, nonsense, why you 'doh' shut up." That is what has happened now. So when the criminals hear this kind of, you know, debate taking place, coming from the other side, what they realize is, "Listen, nobody is really taking us seriously." When there are advertisements saying, "Crime begins with us", the criminals are saying yes because the tag line in that advertisement to deal with crime says, "If you want to fight crime, deal with yourself first." So the criminals are saying, "Right, let the country deal with themselves and we will continue wreaking havoc all over the place."

Those are the methods used by the Government to fight crime, and we will come to the most alarming story I read yesterday, Mr. Speaker, talking about the fact that now gang members from Laventille are going to be part of a security firm going to all the businesses in Port of Spain, including DOMA—which incidentally is very silent on the issue, and one can understand because “how dey going to come out now against that proposal”—and these criminal persons are going to have guns and they are going in the hot spots of Port of Spain. So imagine a police officer bouncing up one of these special security persons saying, “Listen, what are you doing here?” and imagine a person with a criminal record is going to turn round and tell the police officer, “Buh boy, we on de same side, yuh know. Leh we go, bro. Leh we fight crime.” That is the nonsense taking place!

They are prepared now when rebutting what I say, Mr. Speaker—because they will rebut—they are going to come up with one list of ludicrous, frivolous and vexatious explanations for what is happening. They will say, “Look, even police officers supporting what is going on.” So when you read in the *Trinidad Guardian* page 3, Thursday, October 30, 2003, “Gangs to guard PoS”—you see, what the Government of the day hopes is happening to citizens is that they are being brainwashed, so that when citizens read this, “Gangs to guard PoS”, they will say, “Yes, that is good. Gangs are going to guard us and therefore we are safe,” but citizens are not stupid people. Citizens are very worried about these kinds of headlines and when you read the substantive part of the article—and I am just going to read a few paragraphs, Mr. Speaker—it starts like this.

This is what you are hearing being endorsed by this Government to protect the citizens. It goes like this and I quote:

“Rival gang members from parts of east Port-of-Spain and Laventille who have called a truce among themselves to stop the spate of violence, are to be employed as ‘special’ security guards to patrol downtown day and night.

They are to be employed by the Laventille group of Council of Elders which has initiated a number of anti-crime programmes to bring gang leaders and their members together.”

So you read that first paragraph and you are meant to feel safe. Then you read on.

“Saying warring factions were excited about the new security company coming on stream...”

Now, Mr. Speaker, I have to stop. They must be excited. I mean, these are persons with criminal backgrounds getting a chance to enjoy immunity, walk

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around legitimately with illegal weapons, “go down Port of Spain” and offer protection. If I were they I would not be happy, I would be excited. In fact, when I had heard from a colleague that a very senior member of the Government indicated that Minister Chin Lee would not be removed because many persons had called in and said that Minister Chin Lee was an excellent Minister, I said, I agree. I agree that he is an excellent Minister. It is just that when you check the demographics of the callers you will see it would be the criminals. They were the ones who called up—[*Laughter*] [*Desk thumping*] criminals, rapists, killers and murderers. They have rights too so they called up and they said they like the Minister. Anybody bent on criminal activity must like this Minister of National Security and Rehabilitation because his policies are impotent when it comes to fighting crime.

Mr. Hinds: Thank you very kindly for giving way. [*Interruption*]

Mr. Speaker: Order. [*Interruption*] Order please!

Miss G. Lucky: Give him nice—[*Interruption*] Give him a chance.

Mr. Hinds: Would the hon. Member like to demonstrate how does this proposal with DOMA and those persons have anything to do—how does that link what the Government is doing and the proposal to the legislation today?

Miss G. Lucky: Sure. Well, you have asked two questions and I will answer them as you have raised them. The first point is—and I think it comes under that umbrella of relevance—the relevance is this. Legislation is being brought here today in which, according to the Member for St. Ann’s East, there is going to be greater accountability and answerability with respect to firearms. When you allow persons who have this kind of chequered background to become security officers walking around with arms, it is inconsistent with a policy in which you are saying that persons in your legislation, persons who have chequered—

Mr. Valley: Please. No, please—

Miss G. Lucky: Might I finish? No, I will give way. It seems a lot of you want ways, highways and all. Let me finish. You see, you cannot handle when you get the answers you expect. You know, there is a very important theory. When you want to cross-examine somebody make sure you know the answer for it, otherwise you will be embarrassed and you are being embarrassed because you are getting not only answers, you are getting weaponry to show you the nonsense taking place in legislation.

Mr. Speaker, in this legislation it is saying, “Listen, if you have a chequered or criminal background that will deprive you from getting an FUL.” When,

therefore, guards who are saying that they are happy—it says they are happy, the gang members. They are happy “it coming on stream” because the guards will be patrolling on a 24-hour basis in hot spot areas and what is worrying is—and they are going to be on the lookout for burglars and other petty thieves on the streets of Port of Spain. I hope they would not have to say, “Hello, ey, how yuh going? Ey, Fred, doh worry. Ah won’ worry to report yuh. Go nah. Try out something.” That is the nonsense.

Then the question being asked by the Member for Laventille East/Morvant is, well what is the connection? How is it part of the Government’s policy? You see, if the Government reads the papers and the Government thinks that this is a nonsensical plan or inconsistent with its political agenda, write and say it because some things within recent time that were not meant to be part of the political agenda, although some say it is part of the political agenda, those articles have been finding themselves in the newspapers.

When, according to this page, the Commissioner of Police is commending it, and a senior superintendent, Raymond Craig, is commending it, and a man called Sahadeo Singh, who once worked as the Chief Clerk of the Port of Spain Division from 1980 to 1990, is commending it, then it means it is being put out in the public domain for its consumption. Or is it, Mr. Speaker, when you find that DOMA disagrees with it and business people say, “Thanks but no thanks for your assistance”, then we will hear the Prime Minister saying, “Listen, it was just a thought”? Everything in this country now is just a thought. [*Desk thumping*] What we have is a thoughtful Government. We have a thoughtful Government. They have said they are a caring Government and another word for caring is thoughtful, so we have a thoughtful Government. Everything is just for thought. So, Mr. Speaker—[*Interruption*]

Mr. Valley: Will you give way now?

Miss G. Lucky: Yes, I will give way.

Mr. Valley: Mr. Speaker, it appears as though the Member for Pointe-a-Pierre is putting up a straw man and “licking it down”. I mean, I really do not know with what logic you are jumping to the conclusion that these people, who have stated that they want to set up a security company, secondly that they will get guns, the licence and ammunition and all this sort of thing and, thirdly, that the Government is behind it. With what logic are you making these leaps?

Miss G. Lucky: Mr. Speaker, once again what I will indicate is that when you have this kind of freedom where people who have entered into truces or a

truce and that has been commended in the past and in the present by the Government—and the Government cannot get out of it because even the Prime Minister said he had seen the truce. The reality is the Council of Elders of Laventille has been commended and I am not saying it is right or wrong, but the point is, Mr. Speaker, what is being sent as a powerful message in this country is that some people could be as bad as bad can be and they will get away with murder and other people who are trying to do the right thing are not going to be the beneficiaries of such generosity.

You cannot have a situation in which guns are already out of control in this country in terms of the ability to track and trace them and then have a system in which gangs are going to be guarding Port of Spain. If the Government is dead set against it, write and say so and come out openly and say, “Listen, we disagree with what is going to be taking place.” This was a headline in the newspaper. You see, however, it is thrown out into the public domain and then all of a sudden when the Government finds that this proposal does not meet with public approval, it will say, “Listen it was not us, you know, it was just a thought” and I move on.

Accept it or not accept it, the reality is this; how free criminals feel in this country where they can now say, “Listen, we have the power to enter into a truce, we have the power, despite our criminal track records and back records, to go into a security company” and what is frightening in that article is, already many of them have said, “Listen, we going to start in Port of Spain and then we coming to other areas.” So, you know what? Other areas, watch out! If the Government was really serious—and let us answer the two Members in this way.

When a certain Member in this honourable House, the Member for San Juan/Barataria formed the Guardian Angels, [*Desk thumping*] who, because of the lack of resources lost some of their wings, it did not take 24 hours before the Government chastised it and called it a vigilante group, and what was being caused. Well it is more than 24 hours but you are silent on the issue and DOMA is silent too because the very DOMA, with the greatest respect to them, that was busy applauding the Government for all that it was not doing is being now targeted in this as, “We coming to help you, DOMA, we coming” and poor DOMA does not know what to do. I do not feel sorry for them, because, if they have been applauding the Government, go ahead with the applause.

Mr. Speaker, it may appear that these are not very serious issues but they are, in fact, very serious issues and they really impact on the legislation because this legislation is meant to send a strong message but you dilute a strong message when your actions speak louder than the words in the legislation. Going back to

the point about the courts, unless it is recognized by this Government and the Member for St. Ann's East, who piloted this legislation, that the critical aspect now in the fight against crime is successful prosecution and successful detection, we are always going to have a problem with crime. When you are bringing legislation stiffening penalties, ask yourself the question: how many people are being successfully convicted to even be brought into that courtroom to reach the stage in a case in which the magistrate or judge or the judicial officer would have an opportunity, after conviction, to impose sentence? When one looks at the record, Mr. Speaker—and I was looking through this document this evening—take for example the Arima court. I am dealing only now with matters that will—

Mr. Speaker: Could you indicate the source?

Miss G. Lucky: Yes. Mr. Speaker. It is in fact the document to which I referred earlier, the Judiciary of the Republic of Trinidad and Tobago Annual Report 2002—2003. When one looks, for example, at the Arima court and what the list looks like, one will recognize the very unfortunate task that magistrates have to face in this country on a daily basis because I am looking at the numbers that will relate to offences related to firearms and in those kinds of offences on a daily basis the list has about 60 to 110 matters. So when you are dealing with matters that are that voluminous and you are dealing with exhibits and you are dealing with the fact that many of these matters cannot even get off the ground because there are so many other matters that are competing for priority and precedence, how many criminals are really understanding that message that they are going to be dealt with harshly if they are found guilty? In many instances the matter, as I pointed out earlier, Mr. Speaker, does not even reach fruition and even though there may be babblings coming from the other side, more specifically to my left and upper left, the reality is, I know about what—[*Interruption*] well on the other side obviously—I know about what I speak. If the Government of the day would just stop talking and start listening to those who have the expertise, they will be able to get the legislation right.

Now, Mr. Speaker, what happens in the courtroom is one problem. What happens at the Forensic Science Centre and the ballistic department is another problem because, as I indicated earlier, the exhibits take a very long time before they can be analyzed and brought back to the courtrooms. For so long we have been hearing this Government saying that they are going to improve the conditions at the Forensic Science Centre, they are going to give better terms and conditions, they are going to bring equipment. It has not happened. I practice in the courtrooms in Trinidad and Tobago. It has not happened and there is no

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justification in saying, “Well, it was a problem six years ago, 10 years ago in the UNC’s days.”

Stop using those as excuses. If you are the Government of the day, get up and you do it [*Desk thumping*] because you became the Government by saying, “The other group could not do it, we could do it.” Well you are mandated now to do it and stop using it as the excuse because it is a pittance of an excuse and one that will not be tolerated by people in Trinidad and Tobago. [*Interruption*] I will not be giving way.

Mr. Speaker, take for example the extended power that would be given to police officers by virtue of this legislation. Do people recognize in this country—does the Government understand that before it contemplates giving more power to police officers it should worry about the situation in which rogue elements seem to be doing so well within the police service and the fact that so many people bent on criminal activity have access to police uniforms, have access to police resources? So that when more power is being given to the police service and we have an escalating problem with persons who are criminals getting access to police uniforms and posing as security officers and police officers, having all this authority now and increased authority being given to police officers, what is going to happen to a person who is in a home, who really does not know whether that person is dealing with a police officer or a thief?

Those are things that the Government should be worried about, but this Government does not worry if pertinent papers from important reports go missing. That is not something to worry about. This Government does not worry if gang members in a truce decide that they are going to guard Port of Spain and then come down to other areas. They are not worried if people in this country bent on criminal activity have access to police uniforms and ammunition and unlicensed firearms. They are not worried at all because everything is just happy-go-lucky—no pun intended. That is how this Government is operating and the country continues to be traumatized by increased criminal activity. [*Interruption*] Then you hear these outbursts and sighs. You see, that is why we are getting nowhere in the fight against crime.

Mr. Speaker, take for example clause 17. It states, and I quote— [*Interruption*] If Members on the other side do not recognize that I was with the Bill from the start of my contribution, I cannot help it if they do not understand simple logic. Mr. Speaker, clause 17(1) states:

“There shall be compiled and retained by the prescribed authority, a database of all licensed and unlicensed firearms and ammunition located in Trinidad and Tobago.”

Now, at first blush, when one reads this, one says, well this is commendable because you are setting up a database and therefore this database will be able to assist in tracking down, tracing and monitoring the licensed firearms. In other words, I am picturing a situation in which you can punch into a computer or the database the name of a person and you might determine whether that person has a firearm, or you punch in the firearm serial number and you will get a corresponding name—not a problem but, you see, when one goes back to how it is drafted, it is saying there shall be compiled and retained by a prescribed authority a database of all licensed—not a problem up to there—and unlicensed firearms. How are you going to get all the unlicensed firearms? Are you going to go to the gangs providing security in Port of Spain? You are going to tell people, “Listen, you have unlicensed firearm, come here”? How are you going to do it? It makes no sense.

Immediately I went to the legislation and said, “Listen, was it here before?” Then I realized, you know, it is an insertion. Well, if you are going to insert something, make it sensible. Make it something that can be usable. Make it something that will not cause ambiguity and confusion. What is worse, Mr. Speaker, it is a mandatory provision. So you have now given this prescribed authority the problem of finding all the unlicensed firearms in the country because you do not say—you see, commonsense would have dictated—and they are going to refute this nonsense. I know this is coming, Mr. Speaker, and when it comes I am going to smile and nod my head.

You see, what they ought to put in this section is that there shall be a database of all licensed firearms, and persons who might have been exempt from having to have a licence, as stated in section 6(1) of the parent Act—so that what you would have in the database is a clear and comprehensive list of all those with firearms and all the corresponding serial numbers. What you also want to have now is a database relating to what is being provided for in section 21C of the Bill, which is the firearms register. What you want to have in your database is that every time an unlicensed firearm is an exhibit in a case, for example, or a person has been found with a firearm but not with an FUL for that firearm, you want now to create a database where you can have a tracking system. That is what you want to have.

The whole idea, however, is to bring legislation that is flawed, if it is clumsy it does not make a difference, even if you are using phrases like “word of mouth”, even if you say section 31 when you mean section 32, leave it because at least the headline will say, “Government passes Firearm (Amdt.) Act”, running after the headlines but leaving a trail of stupidity that creates ambiguity and failed

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prosecutions. So you see, Mr. Speaker, read it objectively—not you, Mr. Speaker—but I say, read it objectively. How can a prescribed authority get all the unlicensed firearms? You have now given them a job that they will be unable to do and what are you going to say? Let us apply the rule of—you see, there are many rules of interpretation as you know, Mr. Speaker. There is the literal rule, the golden rule, the contextual rule and the mischief rule.

Are we going to say, “Well, you know, the intention of Parliament, which is the mischief rule, was to make sure you had a database?” You cannot do that unless there is ambiguity in using the literal rule, which is, words are given their ordinary and natural meaning. So you could imagine, Mr. Speaker, nobody wants to be that prescribed authority because nobody wants the job of asking 1.2 million people, “Do you have an unlicensed firearm?” Nobody is going to take the job and, more than that, it cannot be done. So you are hitting pie in the sky and creating an impossible achievement for a prescribed authority and the nonsense of this clause is apparent because it is an amended—it is not even an amended section, it is a new section that is being inserted in the parent Act, section 26, which deals with records and returns.

You see, section 26 in the parent Act, which is being left, deals with records and returns and that makes sense. In that section 26 of the parent Act you are dealing with a situation in which persons are selling firearms and you want them to have proper records and the police are entitled to go at any time and say, “Let me see your records of sales and who has what firearms” do an audit and a check, that is understandable. Then you are inserting, right after that section 26 in the parent Act, this new section, which is not going to make sense. In fact, this particular section makes more sense if it comes right after the new section being created dealing with the entire firearms register. So here again you have legislation that is going to prove to be ridiculous. On this side, however, the Government expects us to be quiet; we must say nothing. They must say, “Support us” and we must just be quiet and follow them and support, and you will never get that from this side. As long as you bring nonsense, as long as you do not act in the interest of all the people of Trinidad and Tobago, you will not get our support. [*Desk thumping*] So you see, Mr. Speaker, that is clause 17.

As I said earlier, there is clause 20 of the Bill and that deals with extension of powers given to the police. Again I say, Mr. Speaker, how can you contemplate giving the police more powers at a time when it is clear that there are many police officers who are part of a rogue element and there are many persons on the outside who are getting access not only to sensitive information but are able to

pose as police officers? When you are passing legislation, you cannot afford to be thinking of yourself in the seat of power and immune from many of the powers or many of the effects of what you are passing.

You have to picture yourself, innocent law-abiding citizen, in a house, in which persons posing as police officers bash down your gate and break down your door because they are victimizing you for something you might have said or something you might have done and they come into your house and then you are in a position where you do not know what to do. That is what you have to start thinking about and then the police will say, "Listen, as far as we are concerned, we came in here and we took your computer and we took your photocopying machine" and everything else that this new clause will be giving them the wider powers to do and, at the end of the day, they will say, "Well, we felt there was a substantial risk that the public was in danger or that a crime was about to be committed." Mr. Speaker, until we start dealing with the issues frontally and forthrightly, we are continuing to have problems and will continue to have problems in the country.

Mr. Speaker, I am not going to spend my time this evening going through this Bill clause by clause because in the past it has proven that the other side really does not listen in the first place. They find that everything you say is nonsense or rubbish. I have just used the opportunity tonight to highlight one clause that is going to be problematic. The approach the Government has taken in the past is to read it, chastise the person on this side making the observation and say, "This is so clear and it is so perfectly legally drafted, it is just that the Opposition does not understand English", rather than looking at it and saying, "Listen, this is really not making any sense."

This clause ought to ensure that you have a system that creates a database for all persons with registered firearms and then you want to have another database that will be tracking and monitoring all the unlicensed firearms that you are able to unearth, either through the powers of detection or because they have been exhibits in criminal prosecution and, at the end of a criminal prosecution, there is something that has to be done with an exhibit. Normally with a firearm it is not necessarily destroyed, it is sent to a particular place. So you want to make sure that that also is monitored.

So one day when you believe on opening a property room and you might find—you are supposed to find—100 former exhibits, you do not want to open the property room and find that you have none. That is what is supposed to be done

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and it just calls for a little common sense, a little time, a little commitment to sit and redraft the clause. I do not live in the hope that the Government will even try to redraft it. I only say that when the problem arises, maybe next year, this year or years to come, *Hansard* will show that the Opposition was able to point out that particular flaw and history will exonerate us. That is all I can say.

So, Mr. Speaker, I just would conclude by saying, in the fight against crime, I agree with the Member for St. Ann's East that you must use a holistic approach, but this legislation is not a holistic approach. This legislation is coming far too late in the day. You are increasing penalties but you are doing so without giving the police the necessary resources they need to deal with criminal detection and giving the necessary departments that need the resources—those departments involved in criminal prosecution.

If, at the end of the day, the Government wants to run around and boast to the country, "Look, we passed that legislation, we passed that legislation", however flawed it may be, and that is part of their political agenda, so be it. However, let us understand, Mr. Speaker, that criminals are continuing to laugh at us, they continue to mock us, they continue to jeer at us because, at the end of the day, they recognize that the Government of the day is prepared to associate with them, prepared to embrace them and prepared to provide for them.

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

Mr. Fitzgerald Hinds: (*Laventille East/Morvant*): Thank you very much, Mr. Speaker. Mr. Speaker, I thank God and I want to thank the Member for Pointe-a-Pierre for toning down a bit this evening, because, if her presentation could be regarded as a toned-down presentation, God forbid if we had gotten the full blast at this late hour.

Mr. Speaker, I begin by saying to the hon. Member, who concluded her presentation on the suggestion that the criminals are laughing at us and they are continuing to run wild around us with crime and that sort of thing, I have come to the conclusion that the United National Congress and its representatives in this honourable Chamber are concerned about crime, yes, very, very concerned about crime, but they are certainly not concerned about the solutions to crime. They talk a lot about crime and all of the problems and so on but, whenever we come to them with any measure or measures to deal with the crime that they complain about, they are no longer interested. We saw that in the Police (Amdt.) Bill, including the Constitution (Amdt.) Bill—the three Bills that we have before this House, and others.

Mr. Speaker, I had asked the Member for Pointe-a-Pierre to give way during her contribution because I merely wanted her to demonstrate the link between the activities of the Council of Elders in Laventille, about which we have been hearing, and of which I know directly since I represent part of that constituency, their proposals for some security unit and their collaboration with DOMA. All we were asking, the Member for Diego Martin Central and I, Mr. Speaker, was for the Member to demonstrate the relationship between those proposals and the Government, because she was directing it at us, this side, as a criticism. She has failed to demonstrate that link and, as a consequence, I need not detain myself on her suggestions on the point. She has failed to demonstrate any such link.

9.55 p.m.

I want to say as well, before I get into the substance of this debate, that the United National Congress is really a sham and I think the best example of that was highlighted here this evening when the Member spoke about the so-called “Guardian Angels” as established by my friend for Barataria/San Juan. I happen to know that that is as non-existent as you could have it. It was all conjecture. It was all conjured up in his own mind. He was the president, vice-president, secretary, chairman—he was all the Guardian Angels. They did not exist! It was like a paper company! He fooled the UNC and he tried to fool the country, the Member for San Juan/Barataria; a sham; and he made statements for months purportedly coming from the Guardian Angels. He was the only “Guardian Angels” in this country, Mr. Speaker.

Mr. Speaker, my friend from Fyzabad said “Standing Order 36(5)”. The Member for Pointe-a-Pierre made reference to clause 17 of the Bill and she belaboured the point that the unlicensed firearm ought not to have been mentioned in that clause. She said that you can have a database of licensed firearms, because these would be people who would have applied for a firearm and there would be records and the police could now put it on a database for easy reference purposes.

I want to tell the Member, whenever illegal firearms are detected and offences are committed; and whenever they are seized, the police keep a record of them as well, as they do licensed firearms; but they want to create a more comprehensive, a more modern, more accessible system of record keeping, a database, and they would do the same for unlicensed firearms. Nothing too startling about that. Nothing too complicated about that. I am surprised that the Member had so much trouble understanding that. I want to move on, having said so.

I think one of the main measures that we have seen in this legislation as proposed by my friend, the Member for St. Ann's East, who I want to give credit

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for a very lucid introduction, a very important piece of legislation at a time when we need it, very much need it in Trinidad and Tobago, one of the major measures is the increased sentences for the various offences.

In the generality, we have a problem with sentencing, not only in this jurisdiction. I have seen it in the United Kingdom and elsewhere where you have inconsistency of sentencing between different judges, different courts, Magistrates' Court, and what have you. I sat, for example, in the Magistrates' Court and saw, to my consternation, a young man fined \$2,000 for being in possession of 26 rounds of so-called "rhinoceros" ammunition, armour-piercing ammunition. I was astounded at that, because I thought to myself that that offence was sufficiently serious and should have attracted a much higher sentence.

Another magistrate may have treated with him more severely. Now, of course, when we increase the sentences in this Bill, that would not resolve the issue of consistency, but this is the Parliament! We are not obliged to—we are not expected to—venture into the realm of the Judiciary. That is a matter for the Judiciary.

In England, for example, judges meet from time to time in retreat to work out consistency in sentencing. We passed legislation here in order to achieve that under the very United National Congress. So, it is hoped that that matter would be addressed. I support the measures that would increase the sentences generally, because firearm offences are very serious offences indeed, but so prevalent are they, it appears as though the magistrates have begun to treat firearm, illegal firearm possession and other such offences, as though they were an obscene language. I think we have to reassert ourselves. We have to reassert our seriousness and commitment to these, but that, of course, is a matter for the Judiciary.

Mr. Speaker, on the question of search and seizure, the Member alluded to it. She said that in her closing remarks, we are bringing this legislation, but we are not equipping the police with the equipment and the necessary tools in order to do their job, but that would be the same, whether this legislation came to this House today or not. That is, again, a separate matter, and I have gathered from the Parliamentary Secretary in the Ministry of National Security and Rehabilitation, my friend, the Member for St. Ann's East, that measures have been and continue to be put in place to make the police service more able to carry out their very trying and risky functions to protect us citizens of Trinidad and Tobago.

I would like to tell this honourable House and my friend that sometime ago I took the opportunity to observe very closely a police officer in Miami, and I noted

that he was well attired in his uniform. He wore a bulletproof vest. He had a pair of handcuffs. He had extra clips of ammunition, he obviously had his loaded pistol, he had pepper spray, he had a short baton, he had a long one. Mr. Speaker, he had a whistle, he had a radio, and his friends, his colleagues, back-up, would have been two minutes away. He knows that. If he signaled them, in less than two minutes he could get 10 police cars in the area to which they were called.

That is the kind and level of efficiency we are hoping to achieve in Trinidad and Tobago and, as part of the Vision 2020 project; but there are costs to that. It costs a lot of money to do that. We are increasing the police service by a thousand members, hopefully by the end of this year, if my friend's effort in National Security comes good, and I rather suspect that it will. However, another thousand police officers would mean another thousand salaries each month. I have not calculated it, but that will impact significantly on the budgetary allocation for the Ministry of National Security and Rehabilitation, and Trinidad and Tobago, particularly my friends on the other side, must understand that you cannot wish efficiency. You cannot wish improvement. You cannot merely wish better equipment and training. There is a price tag to all of those, and we have to be willing to pay the price tag if we have to get to that level.

When we came here last week, wanting to get their support to raise revenues, they had difficulty with that, as they do with everything that we bring to this country.

Mrs. Persad-Bissessar: You have so much money, why would you want to raise the price of gas?

Mr. F. Hinds: Mr. Speaker, when I considered how well equipped the officer in Miami was, I considered as well that he would walk the streets of Miami with such confidence because he knows that he can choose from a range of options when a situation arises.

In Trinidad and Tobago, if an insane person—I was about to say like one of my friends, but that would be unparliamentary—so I would not say that, but if a madman approaches a police officer with a penknife or two bottles or two stones in Trinidad and Tobago, and our police officer is not as well equipped as his counterpart in Miami, automatically and invariably, he goes for his firearm. So a madman with two bottles could wind up getting shot and killed because the police officer is not as well equipped as his counterpart in Miami. So we want—you see, the police officer in Miami can draw the long baton and he might be able to deal with the fella with a little knife. You follow what I am saying.

Not only is the police officer, when he is well equipped and well trained, more confident, but the potential criminals, recognizing the capability of the officer, members of the public, they know his potential and they would be a lot more cautious in the things they would do in relation to that police officer or, at the very least, in his presence. That is what we would like to see.

When we bring Bills to improve the management of the police service, for that reason and that reason alone, we expect the support of the other side, particularly since they shout about crime as much and as loudly and as often as they do, but we do not get their support, and that is the reason I said to you, Mr. Speaker—I am not speaking to my friends, I am addressing you, Mr. Speaker—that is the reason I began my contribution by saying they are concerned about crime, but they are not concerned about solutions to crime.

Mr. Speaker, training of police officers, another very costly exercise! There are many police officers, when I was in the police service, we had regular in-service training. When I was an instructor, we had senior police officers, those who had passed out before, coming systematically over time for refresher programmes. If we introduced new weapons into the police service, we brought them in batches over time to train them in the use of these particular new weapons.

Resources are scarce, the burdens and the pressures on the police service are greater and I am sure that some of those programmes had to be scaled down a bit and we would like to see them improved again, because police officers must be very well trained. They must be physically fit. They must be constantly alert. I know that they were overworked in this country, particularly the Fraud Squad, for the last six years. That must have put a tremendous drain on the police service—their contribution to the state of affairs in this country, but that is quite all right. We are getting there, the Ministry of National Security and Rehabilitation and my friend, exerting best efforts to redress these difficulties and to put us back on track.

Mr. Speaker, when I was in the police service, again, when we did raids and we went on exercises, we used to use with the soldiers some long, antiquated metal detectors on a stick and we would walk around with it and it would buzz when it detected metal under earth, or so. When we got a buzz, we suspected that there might be firearms there and we spent hours now digging or trying to raise the soil to see what was under there, and we discovered a Milo pan or some other bit of metal.

Today, Mr. Speaker, there are bits of equipment, scanner systems that when one passes it, it can show the image of the object, the metal object that is under earth or behind the surface of the wall; handheld bits of equipment; and, of course the police service should have that today. If the police go to an apartment building to carry out a search, and they do not have that kind of electronic scanning equipment, they are very unlikely to find firearms. Firearms are getting smaller by the year and people can hide them in the ceilings. So one has to be able to search thoroughly, and that is part of the project that would make the police service more efficient in dealing with the detection, the search and seizure of firearms.

Mrs. Persad-Bissessar: That is when they put you as the Minister of National Security and Rehabilitation after the reshuffle.

Mr. F. Hinds: Mr. Speaker, I want to go briefly to clause 13. My friend elucidated upon it. He spoke about the provisional licence. I see that as a bit of a—like a learner's permit. To my mind, it strikes me like a learner's permit. You apply first for the provisional licence, you are permitted to use a firearm in controlled circumstances, under the supervision of a trained instructor on a range designated in your application and approved by the Police Commissioner for two months, because, as it now stands, when you apply for a firearm, you are issued with the firearm and you are expected to conduct a course of training after you are issued with it, but on day two, after getting the firearm, you can find yourself in a situation where you have to use it and, being virtually with your “driver's licence”, if I may say so, unskilled in driving, you may bring harm to someone that you did not intend to bring harm to. So, I think the idea or the proposal in clause 13 is a sensible and logical resolution to an obvious problem. Very typically PNM and I want to commend my friend and the team that thought this through for this useful proposal.

Mr. Speaker, people get access to firearms either legally by virtue of their applications through the Police Commissioner, who either grants or rejects the application, and then, as we know, there is an appeal process to a board and they will look over the application to see whether the rejected application should really have been approved, and that sort of thing.

There is a tremendous amount of access to firearms illegally, which really is the big problem, because the police service receives, the Commissioner receives approximately 950 to 1,000 applications for firearms each year. Of those, about 350 would be for handguns and the others would be for shotguns, farmers and so,

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to destroy pests on their farms. About one third of the applications, roughly, are approved and the others are rejected, and many people apply for firearms now out of fear, the need for protection, and for various other reasons, of course. Of course, the statistics will show that they revoke about 140 or so licences per year, for negligence on the part of the holders; sometimes criminality. So you have that happening.

In terms of illegal access, I recall about a year and a half ago I had to go to police headquarters, and, as I went to police headquarters, I saw on a table upstairs some arms and ammunition that came from a successful police operation. I had some training in the use of firearms, small and large, and I had never in my life before seen a particular weapon that I saw on that table that day. For those of us who would have seen some of those movies, particularly Rambo, you would have seen the kind of weapon that Mr. Stallone carried in that movie. The firearm I saw on that table was exactly like one of those; not an ordinary firearm; a heavy firearm that could only be managed by a strong man, and the chain of ammunition that went with it.

When I saw that, Mr. Speaker, my blood chilled a bit, because I know to myself, we have had such a relatively uneventful past, the police service in particular, that if they had to conduct a raid on some house and indeed, the policemen who conducted that raid expressed to me that they were very surprised to find that quality, that kind of weapon, police officers are not going to be expecting that, and it was the kind of weapon that could deal with at least three platoons of police officers and/or soldiers quite easily.

A semi-skilled or semi-trained man with two colleagues could be a serious fighting force against two or three platoons of police or soldiers, so I am making the point that there is a tremendous amount of illegal firearms in this country, and very sophisticated weapons as well. So, this Bill is designed to deal with that, but it cannot stand on its own. It has to do with a better trained, better equipped and more highly motivated police service.

One of the major problems in the police service is the question of morale. I have, from my own observations in the courts, and otherwise, found that morale in the police service is very low. Police officers have always worked for relatively small pay packets. I began working for \$496 a month as a police constable in 1976. They have always been underpaid, hardworking, but it is the training, the dedication and the commitment that separate the police officer, an organized unit, or the army from the bandits. Training is what makes the difference, and morale. They are doing what is right. They are the good guys as opposed to the bad guys.

We need to do a lot more for morale, and shouting and criticizing members of the police service does not help. Constructive criticism where necessary would be helpful, but the wild ranting and ravings of my friends about rogue elements and many times unsubstantiated small talk, does not help these young men and women, married with wives and children and husbands who are expected—when we shy away from the criminals, run from them, do not ever want to see them, we expect them to go in search of them, to find them, and to deal with them on our behalf.

So, we must be a little more appreciative of the work of our colleagues in the police service, and more respectful of what they do, and more encouraging [*Desk thumping*] because without them, we would be virtually naked, but again, without them, many of our friends who put their hands in the cookie jar over the last six years would have gone away unscathed or undetected, so I salute the police officer. [*Desk thumping*]

Mr. Speaker, in respect of licensed firearm holders, much more training is required. I remember as a police officer, again, this would be about 1979. One Friday evening I was walking through Prince Street from police headquarters to turn left on Charlotte Street to make my way home in Belmont and I saw this businessman—he is now dead but I would still accord his family with some measure of sensibility and respect—I would not call his name. He stood on Charlotte Street urinating, his back to the thoroughfare, and I saw his firearm protruding from his pocket.

I was a police officer and I got sufficiently close to him and I disarmed him. I identified myself to him and I told him.

Mr. Singh: Which gun did you hold?

Mr. F. Hinds: You see the kind of typical UNC recklessness of which I speak? But that must be ignored. I told him I was a police officer and I told him how careless and reckless he was and he apologized. I noted as well that he was smelling of alcohol. So I have seen today a new measure. This was 1979 but today, I see a measure, after six years, where it falls to us to create an offence from being in possession of a firearm, a licensed firearm, whilst under the influence of drink or alcohol—drunk—or some drug within the meaning of the 1991 Dangerous Drugs Act.

There is a matter about that that requires a little more attention, and when we come to committee stage, my friend has already given me the assurance that he

will pay some attention to it and I am grateful to him. I need not detain the House with any details on that at this stage but the holders of licensed firearms ought to be a lot more careful.

One of the reasons why approximately 150 licences are revoked on an annual basis is for reasons such as those. Carelessness. People would leave firearms in their motor cars and run into the bank or into a store and when they come back, the car is gone and “Oh God! The firearm is missing” and some police officers or civilians are now at risk because of the carelessness of that firearm holder, and, quite rightly, they should have their firearm licence revoked.

As it now stands, the only penalty for being reckless and careless with a licensed firearm is the revocation of that licence, and there are those who feel that there should be an offence, a criminal offence, where when the licence is revoked by the Commissioner, on the basis of such recklessness or carelessness, a further investigation should be undertaken to see whether a criminal charge could be put upon the holder, and if and when he is found guilty, he should be punished now, quite separately, for putting the society at risk because of his negligence or recklessness. So, that is a matter that we might want to consider in the not too distant future.

I see as well in clause 10 we have the offence of trespassing with a firearm. Trespassing is in itself an offence, a criminal offence, but very minor in the scale of things. Typically, Mr. Speaker, if a man is found or a person is found trespassing, he may be put on a bond, he may be given a little fine, particularly if he was not armed or if he did not appear to be about to commit some serious offence, but we have now introduced in this Bill trespassing with a firearm, so that once the man who is found trespassing or the person is in possession of a firearm, it is now a serious criminal offence under these proposals, and he can be fined \$20,000 or be sentenced to a term of two years, and that is to be found in a new proposed section at 13A and I think it is again a sensible proposal that has to be so acclaimed.

Of course, I alluded a while ago to a new clause 13B which deals with the offence of being in possession of a firearm, albeit licensed, whilst drunk or under the influence of some drug.

Mr. Speaker, my friend, the Member for St. Ann's East, has given me an assurance that the proposal in clause 15—because as it now stands, there is no age limit mentioned in section 17 of the existing legislation in respect of the age for

the issuance of a firearm. This legislation is stipulating an age of 18 years. It says that a firearm should not be issued to a person under the age of 18 years. My friend has given me an assurance that he will consider increasing that figure, because he told me in our private conversation that he is considering some adjustments in that for reasons that he has stated. Again, I need not elaborate on that at this stage.

Mr. Speaker, clause 16 of the Bill introduces a new section 21B which debar a holder of a firearm from so holding if he is convicted or found guilty of some offence under the domestic violence regime. I think that that is a sensible proposal, because if a man—we saw on today's newspapers, I think it is, some person who is saying that he is mentally deranged in Point Fortin. He murdered one woman and stabbed another because he said that he was treated badly by either or both of them.

Mr. Speaker, if a man shows a proclivity towards violence in his home, then there is a greater risk that he can demonstrate that violence outside. It is one human being, and I think it is a sensible proposal. The one thing I would like to say on that is that it can be the subject of tremendous abuse, because I have seen in my practice, and this is not to cast aspersions on any of the applicants who traditionally are largely members of the female species, but it can be subject to abuse.

If a person holds a firearm and some spouse—a woman holds a firearm and her husband wants to be nasty to her, he can go to the police and make an allegation of some threat or some abusive language or some other offence under the domestic violence regime, and that can lead to his licence being taken away. So, in the course of the operation of that section, the police must be very vigilant and careful to ensure that abuse is not taken of this otherwise sensible provision.

Clause 26 to protect children and other persons from children. About four weeks ago, some family was in a van, a pickup, I think in the Arima area, and some child took a firearm from the glove compartment—I do not know if you remember this, Mr. Speaker—and shot. It was Valsayn. I think the other person died? Just wounded some other occupant of the vehicle—another child.

Clause 26 is designed to protect such children and other persons from the children. We have had more nasty examples than that. The recent incident at the International School, I do not want to belabour that. I think that is still in the legal system, but that young man, from the reports, was able to access his father's firearm. This raises another point.

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This is for the police in particular, because when an application is made for a firearm, an investigation is done into the character and other aspects of the applicant. They have begun, over the last year or so, making an enquiry of his spouse to determine whether he has proclivities to violence in the domestic situation. Spouses are now expected to say to the investigating police officer that they are of the view that he should or should not get the firearm.

That is fine, but what we do not do is look at the entire family, because they may have a delinquent son in their house, or a delinquent daughter, and once the firearm is in the house, we, not having looked at the background of all of the persons living in that house, it leaves wide open the possibility of the firearm getting into the wrong hands, but again because we have had a relatively uneventful past, these issues probably never arose.

This is why the law must not be immutable. Law cannot be fixed in stone. Law has to evolve as the society evolves, just like the Constitution, just like the attitudes and the hearts of our friends from the other side, which incidentally does not seem to be evolving, but appears to be fossilized in the ways of the Workers and Farmers Party of the 1950s and '60s, their predecessors.

I feel sorry for Trinidad and Tobago because of this, but we are confident on this side that, as we continue to teach them, continue to direct them, continue to call on them to act responsibly, at least a few of them would give way, and we are always very hopeful. So clause 26 is a very sensible proposal and I want to commend my friend, the Member for St. Ann's East, for offering it to the country.
[*Interruption*]

I thank you for your protection, Mr. Speaker. I saw something at the back of the Member for Fyzabad's head and I realize it is the large part of his brain. It is seeping out and he needs help.

Mr. Sharma: That is a religious thing. Do not go there.

Mr. F. Hinds: The size of it made me feel it was the large part of his brain. It is very thin. Mr. Speaker, we now come to clause 24, a very important proposal. One of the difficulties with drug legislation, and one of the difficulties with firearm legislation, possession type offences, is the question of "possession" as a legal concept.

We know at the very base that one can have actual possession where it is on the person of the possessor or one can be in constructive possession that is to say, not on the person of the offender, but under his control elsewhere. As we know,

Mr. Speaker, I can be in Port of Spain and have possession of drugs in Arima or a firearm in Sangre Grande, if it is under my control—constructive possession, so to speak.

Mr. Speaker, this provision at clause 24 is attempting to bring a new concept into the legal matrix, into the framework that we are dealing with here today. It has to do with the business of surveillance. It is described as “controlled delivery”. Someone may import firearms from the United States—and that is from the reports that we read, the United States and South America are the two areas that a lot of the illegal firearms come from into Trinidad and Tobago—and they would not be in actual possession of the payload, if I may call it that, but they have control over it. It was dispatched from the United States or South America to them in Trinidad and it would be under surveillance from the other country, so that the security officials here, operators, would allow that to come in under observation. That is what they call “controlled delivery”.

I think that that is very ingenious. I think it is very potent. I think it is very necessary, Mr. Speaker, because one of the difficulties in proving many of these offences is to demonstrate that the offender had possession of it. So, this is an attempt to deal with that and I pray that it is handled well, it is treated sensibly, and it is put into operation so that it would help us in detecting these offences.

While I am on that, one of the things that we must do, and I have been saying so for quite some time, is to introduce into evidence audio and video recorded material. Oftentimes, the person who has control of the drugs would never touch it, but in some jurisdictions in the United Kingdom and in the United States, some parts, they have been able and they legislated for—and you must legislate to get around the hearsay rule—the ability to use video recorded evidence and audio recorded evidence in evidence in the court.

Miss Lucky: Excuse me.

Mr. F. Hinds: I know of a particular case in England where drug enforcement officials spent roughly six months on the 18th floor of a building monitoring the activities of drug dealers at a location near to that building, recording their activities by day, and with infrared lenses and cameras, by night.

Mr. Singh: You saw that on television.

Mr. F. Hinds: That is true. They monitored it and they recorded the evidence as they knew how, and when they emerged with the evidence in a jurisdiction where they practice plea bargaining, once these videos were shown to

the defendants or the accused, they accepted responsibility, a plea bargain ensued and, therefore, they were dealt with in accordance with the law. Until we do that, we will have the difficulty of proving many of the cases that we would want to in this jurisdiction, and I look forward to the day when we will get to that point.

Miss Lucky: Would the Member give way? Through you, Mr. Speaker, is the Member aware that, even without the statutory legislation, our courts do allow the admissibility of audio and video recordings? It has been done in three or four matters so far, that I am aware of. I am asking whether you are aware. The common law does already provide for it. I do not have the authority but I certainly could, as a colleague in the law, provide you with the necessary authority in case you think it does not already exist.

Mr. F. Hinds: I am fully aware that it applies in limited circumstances and I am saying that there is a difficulty with the hearsay rule and it is legislation to correct it in its entirety, but we will get to that.

Mr. Speaker, before I conclude I want to touch on the question of amnesty. The Member for Barataria/San Juan, in another debate some time ago, got up in this Chamber and said that we should have a gun amnesty. I want to tell him that as noble as his thought might be, this Member of Parliament is of the considered opinion that it would not work.

For one thing, for a gun amnesty to work, there has to be an incentive or incentives for those who are in possession of illegal firearms to hand them over, typically, two incentives. One, they must be certain or reasonably or almost certain that at the expiration of the amnesty, if they did not meet it, tomorrow morning “police coming to get them”. Because of the difficulties with the police service today—shortage of staff, the tremendous pressure, lack of resources—the criminal does not really feel that the “police coming tomorrow morning”, so that incentive is nonexistent.

Secondly, I have discovered from my sojourn into some parts, and my own common sense and knowledge, that guns have inherent economic value. There are persons who rent illegal firearms to go and do a “wuk”, a robbery, so to speak. They would rent it for \$500 or \$800. The guy goes, he does his thing, he comes back, pays the \$800, and whatever happens, happens.

So a gun has inherent economic value on the streets. Typically, a small arm might go for about \$4,000 and, therefore, to the holder of an illegal firearm, that is like having a calf, a goat or a cow. It has economic value. He just would not kill

it. He would not just hand it over to Inspector Moss. He does not want to lose his value.

In fact, one man I spoke to told me—he was not showing me; he was telling me as I talked to him—that his gun was all that he had. It was the only item of value that he had; not to mention the misdirected sense of power that a gun holder carries around foolishly, but, it has economic value. Mr. Speaker, for those reasons, a person might not want to part with his item. He may very well decide if the amnesty expires at midnight on Sunday to sell it to someone else for \$2,000 on Saturday. It remains in the underworld. It does not help the society and it does not come out.

We may have to get to the point where we may have to offer to buy these weapons at a price that is greater than the economic value that they know. Now, there are dangers in that too, because they could wind up getting a lot of homemade firearms, they could also end up getting firearms, but if we do not have proper border security, by the day after, there is a flood of firearms in the society again and, therefore, a border security is what is most important to prevent them from coming into Trinidad in the first place.

This is why I must salute my friend, the Member for St. Ann's East and the Minister of National Security and Rehabilitation, who reported to this nation only recently that they are in the process of acquiring more boats for the Coast Guard so that they would seal the borders and make the flow of firearms into the country more difficult and near impossible. [*Desk thumping*]

Thank you, Mr. Speaker.

Mr. Speaker: You do not have to finish, you know. Hon. Members, the speaking time of the hon. Member for Laventille East/Morvant has expired.

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

Question put and agreed to.

Mr. F. Hinds: Thank you very kindly, hon. Members, for the extension. I do not anticipate that I will utilize all of it, but I am grateful. Mr. Speaker, the Member for Pointe-a-Pierre alluded to the difficulties of the Forensic Science Centre and she was for once very accurate in her assessment that when weapons go to the Forensic Science Centre for testing and for proof that there are firearms within the meaning of that law, the existing law—it could take six to eight months, sometimes even longer. There are other issues about that that have to be

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resolved. Again, there is a price tag for efficiency. Again, there is the need for cooperation on all sides, on both sides of this House, if we are genuinely concerned about these matters.

Certainly, speedier trials will help. We have dealt with those on many occasions. Cases take a long time, police officers go off on vacation, as she correctly said. Police officers leave the police service. Witnesses lose patience. All of these things happen because of the slow turnover of these trials in the Magistrates' Court and in the other courts, but particularly, the Magistrates' Courts.

Mr. Speaker, this is why it behooves of us, as representatives of the people, and as 36 specially chosen people, very special we are, to represent our constituents here and to represent all of the 1.4 million people of Trinidad and Tobago. The position of Member of Parliament should not be underestimated or undervalued. It is a very responsible position indeed.

Mr. Singh: That is why you should be a Minister.

Mr. F. Hinds: I am quite proud to be the representative for Laventille East/Morvant simpliciter. [*Desk thumping*] I have tried to execute my responsibility as a Member of Parliament to demonstrate that pride. This is why there is nothing in *Hansard* that could demonstrate the kind of recklessness that we see oozing from the other side so often—nothing racist, nothing offensive. At times when they taunt me I may speak stridently and justifiably so, but nothing beyond that.

Mr. Speaker, I was saying that this is a very responsible position that we hold and crime is real. Crimes would not go away by blaming the Minister of National Security and Rehabilitation and blaming my friend, the Member for St. Ann's East and blaming the Prime Minister and blaming the Government. It would not go away.

A Member from the other side was a victim of crime recently and I did not salute that. I did not feel happy. If they find me saying something that sounds racist, rather than feel sorry for me, rather than feel sorry for the PNM, rather than feel sorry for the country that we have a racist in a peaceful, happy society, rainbow society, they would get in a state of glee and glory. They are happy to know that there is something they can accuse us of being racist about. It is a sick approach, but it exists.

Mr. Speaker, this is why only recently, and I play the role sometimes as columnist and I said in a column today, and I must say here today too, we need to

help the weak if we are strong. If I find my friend, the Member for Chaguanas, is racist in his orientation, if I find—[*Interruption*]

Mr. Speaker: No. Please, please. I wish to remind the hon. Member and all Members that on the last occasion I ruled that it is against the Standing Orders to accuse another Member of being racist. So I will ask you kindly to withdraw that remark. Firstly apologize and then withdraw the remark.

Mr. F. Hinds: I withdraw it unreservedly, Mr. Speaker. I apologize to my friend most sincerely and profusely for having made the statement, but Mr. Speaker, it was not so much a statement, and I really genuinely meant no offence, so let me rephrase the point I was about to make. If I find one of my colleagues from the United National Congress to be sectarian—[*Laughter*]

Mr. Sharma: How can you find that? What is your basis?

Mr. F. Hinds:—in respect of ethnicity; if I found that, Mr. Speaker, I would attempt to counsel my friend. I would attempt to persuade my friend that that is not the way forward; nothing to be in glee or glory about.

As I was saying, crime is real and we need to settle down. Even if they are being misled by their leader who is on a path of departure, who is on a path—like a light flickering out. They need, Mr. Speaker, to be guided by higher standards and higher principles and do not be guided by that, and I call on my friends to understand, since my friend, the Member for Couva South was on the receiving end of criminal activity in this country. Someone broke into his home. It was reported in the news, and since we are all potential victims to criminals, any time we really need to do whatever we can—

Mr. Singh: I thank the hon. Member for giving way. Would the hon. Member indicate, did he extend that same kind of facility and felicitation to the hon. Member for Laventille West when she was the victim of a criminal attack?

Mr. F. Hinds: Most certainly. I only used the Member for Couva South as an example, but we are all Members of this House and it was nothing that pleased me. I felt very sad to hear that, and every time I make an intervention on a public platform or in this House, as a matter of routine I call on the citizens of this country to curb themselves, to let their hearts and let their minds take them in a more positive direction and to desist from crime and desist from hurting other citizens of Trinidad and Tobago.

I read in the newspapers yesterday and today, in TSTT there is some industrial action and I would hear about vehicle tyres slashed and cables cut and equipment

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damaged. I mean, that makes me genuinely sad, because we are just hurting, shooting ourselves in the foot. That is not the way to do business. That is what we try to achieve from this end.

So, Mr. Speaker, I want to support the proposals as offered by my friend, the Member for St. Ann's East, and to let him know that the people of Laventille are genuinely grateful for his efforts and the Government's efforts at curbing the proliferation of illegal firearms and making the sentences more severe so that they would act as a deterrent, and for encouraging and motivating and equipping the police service, the army and the Coast Guard with the resources that they would have to detect these offences.

If my friend and the Minister of National Security and Rehabilitation and the Government would continue on this path, and I am confident that they would, Trinidad and Tobago would certainly become a more secure environment, a happier environment, in which we could all live in peace and in joy.

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

Mr. Manohar Ramsaran (*Chaguanas*): Thank you very much, Mr. Speaker. In listening to the Member for Laventille East/Morvant, it is really a contribution about which I considered we could say so many things this evening. He accused us, the UNC, of being a sham, of putting our hands in the cookie jar.

Mr. Speaker, we try to keep the debate sometimes at a high level, as was evidenced by the Member for Pointe-a-Pierre, yet, when he comes into this debate and raise these issues, and we on this side respond, they would immediately get angry and jump up on a point of order, and whatever, I think this is quite unfortunate, really, to keep making these low shots at the former administration which would go down in history—I promise you—as the best government that this country has ever seen in such a short period of time. [*Desk thumping*]

We would go down in history as being the best government, of making people understand what equity was, because today, when we look at what is taking place in this society, one would understand the mistrust, the fear and the apprehension that would cross people's mind from time to time.

Mr. Speaker, really, if I were to respond to him, I could go down the road that I do not want to go down this evening, but to really let people understand that his contribution this evening is once again of hate, of maybe regret that he is not on the Front Benches as our good friend, the Member for Ortoire/Mayaro is now on the right-hand side of the Prime Minister and he, the Member of Parliament for Laventille East/Morvant, is way down to the back.

We do not know, but the fact is, we must understand when he makes his contribution in this House, he tries to speak from both sides of his mouth, so to speak, one time praising the Member for St. Ann's East, but I feel very proud of his presentation this evening. He sounded like an Opposition Member chastising the state of the police service. They cannot compare with Miami. They cannot compare to anyone else, and they are not given the tools to work with, and that Government has been in office for two years. So now he is pouring scorn on his colleagues, and I believe that presentation really puts him where he belongs; nowhere really, in or out. [*Laughter*]

I want the Member to read the *Hansard* of that contribution he made this evening and he would understand what he did. When he realized he was going off course, he praised the Member for St. Ann's East, but other than that, he has been criticizing the entire Government on what they have been doing for the last two years—nothing for the police, nothing for anybody else. Let me move on. As I made that play, I hope that somebody would have listened to you. If they did not listen, too bad.

I want to say that the Member for St. Ann's East did indeed outline, as far as I am concerned, the Bill before us, Mr. Speaker. He spoke about crime fighting being the responsibility of all of Trinidad and Tobago. I want to put it on the record that we on this side have been calling for just that, to fight crime, to fight crime effectively, to let the country know what is taking place in that area.

We want to join in the fight against crime. We genuinely want to, but when we hear the Member for Laventille East/Morvant talk about supporting Bills, I want to ask this evening, since this Government has been in office, what sort of crimes have they solved? Tell us their track record, what they have done.

This evening they come with a Bill to deal with the Firearms Act, No. 44 of 1970. When the parent Bill was born in 1970, we remember the times that we lived in, that year 1970, and what was the precursor to this Bill, that period of history. So, they came today, they did not tell us why this Bill was necessary, except that when we look at it they said that it is putting punitive measures in place.

The fact is, they come to this House and have not brought us any evidence why it is necessary to do this. Why are they coming at this time to do this? What is the reason? What is the thinking? How would this solve the crime situation or help the crime situation in the country? Bringing punitive measures, in my opinion, cannot solve anything. We have to first catch the criminal, take him to

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court, charge him and give us the evidence of why they want to introduce this policy. However, Mr. Speaker, again, if we depend on the Members on that side to come to this Parliament and give us food for thought, we would be starved.

Again, the Member talked about penal reform and rehabilitation. I have been hearing him, time after time when he gets up, talk about rehabilitation. I do not know of any rehabilitation done by this Government for the last 22 or 23 months. What has the Government added to the list of alternatives to custody? What have they put on the table so that people in this country will feel there is some holistic plan to deal with fighting crime in this country? We hear nice words but we see nothing.

I read recently in one of the newspapers a cell they have cleared for political prisoners of the UNC. As my colleague would say, they have not denied that story so maybe that is a fact. Again, there is a good part of the story that we would be getting our goat meat and duck to eat. So maybe it is not all that bad.

Mr. Speaker, when they come to this Parliament and want to introduce a Bill, I consider this Bill to be a very serious Bill. As I said it before, this is to amend the Firearms Act, No. 44 of 1970. This Firearms Act, I mentioned it before, happened at a time of turbulent history of Trinidad and Tobago, and some of the laws indeed that were put in here in the original Act, I want to look at briefly so that we could understand.

When I speak this evening, I want the Members on that side to understand that whatever government is in office, some of these laws that have been put in here need to be looked at. For example, this is the Bill to amend the Firearms Act, Chap.16:01, and in my hand I have 16:01. I just wanted to show you an example, Mr. Speaker, at chapter 17, subclause (4).

Mr. Valley: Chapter or clause?

Mr. M. Ramsaran: Section 17(4):

“A Firearm Import Permit, a Firearm User’s Licence or a Firearm User’s (Employee’s) Certificate shall be granted by the Commissioner of police only if he is satisfied that the applicant has a good reason for importing, purchasing, acquiring or having in his possession the firearm or ammunition in respect of which the application is made, and can be permitted to have in his possession that firearm or ammunition without danger to the public safety or to the peace; however, such a permit, certificate or licence shall not be granted to a person whom the Commissioner has reason to believe to be of

intemperate habits or unsound mind, or to be for any reason unfit to be entrusted with such a firearm or ammunition.”

Mr. Speaker, in today's world, the Commissioner of Police, as we know him, is a political appointee, and even that is beside the point.

How could we entrust one man, a Commissioner of Police, who is trained in a particular way to determine the soundness of a man's mind, amongst the others I have read?

10.55 p.m.

Mr. Speaker, in looking at this clause, the power should not reside with the Commissioner of Police to determine a person's soundness of mind. We should have specialized people dealing with this issue. If you look at the amendment before us, clause 13 states:

“Where a person intends to obtain a Firearm's User's Licence for the first time, he shall prior to the grant of such licence obtain a provisional licence from the Commissioner authorising him to discharge a firearm for the purpose of training in the use of such firearm.”

Again, the Commissioner of Police.

- “(2) An application for a provisional licence shall—
- (a) be addressed to the commissioner;
 - (b) be made in the prescribed form;
 - (c) contain the prescribed particulars;
 - (d) be accompanied by the prescribed number of photographs...
 - (e) be accompanied by a certificate of good character issued by the Commissioner not less than three months prior to the date of application;”

Let us think about this loudly; let us understand what is happening here. You are applying to the Commissioner of Police for a provisional licence, but you must have a certificate of good character issued by the Commissioner of Police. I think that is too much authority in one person's hands; this must be looked at. [*Crosstalk*] Whoever the Commissioner is; I said it before. The clause continues:

- “(f) carry a specimen of the signature...”

Mr. Speaker, I want to elaborate on this point: Whoever the Commissioner is does not matter, because laws are not only made for today, but must be scrutinized for the future. You cannot allow one officer to have so much authority; the Government should look at this very, very carefully.

Mr. Speaker, I want to share this with the Parliament: I met recently with the Chaguanas businessmen. They believe that in the application form, the applicant's character or what have you, should be attested by, at least, five people in the community; one may be a retired judge, if such a person exists there. There should be five people of outstanding character to sign that certificate of good character for the Commissioner of Police. How could the Commissioner of Police determine on his own judgment in giving a licence?

As I mentioned before, some anomalies exist with the Commissioner of Police issuing these licences. *[Interruption]*

Mr. Speaker: Hon. Members in the outer room, please, we are hearing you up here. Continue, please, Member for Chaguanas.

Mr. M. Ramsaran: I would like the Government to study this carefully. You are dealing with firearms, an important area in crime prevention. The Chaguanas businessmen feel that the time has come—for example, the investigating officer, the sergeant who makes the initial report, asks for bank statements. I have not seen that anywhere in this law. Maybe the regulations would allow for that, but I have not seen anything here about bank statements. If the goodly businessmen refuse to give their bank statements, that is the end of the application.

Mr. Speaker, I would like the Leader of Government Business to allow us to look at this again carefully. Let us not rush into this legislation this evening; let us take it clause by clause and look at people's human rights. For example, one of the clauses mentioned that a person could be arrested for being drunk. We have the Member for Laventille East/Morvant who is a judge, jury and executioner; he knew that the person was drunk. In law, how could you determine if a person is drunk or under the influence of alcohol? We know that in Trinidad and Tobago a person could refuse to give blood for testing, and, if it is done against his will, it goes against his constitutional rights.

We firmly believe in this Parliament that we are here forever, but that is not so. You are in government today, Opposition the next day and out the next day. When you make a law, it is not for us, it is for the people of Trinidad and Tobago.

There are three Members of this House before the courts at this time. Whether we are guilty or not guilty is for the courts to decide, but the fact is that we are making laws in this Parliament.

The Member for La Brea reminded us during the budget debate that when we were on that side we did not listen to a particular clause that had been put into law, and, today, we are the subjects of that law. The same thing could happen tomorrow. A Member from the Government side could go to Balisier House, have a few drinks, and on his way home get into an accident; the police comes, he is smelling of alcohol and they may find a gun in his pocket, and lock him up. What are we doing? [*Crosstalk*] You do not make laws for today only; we have to be very careful of what we do.

Mr. Valley: I promise you that I will look at it.

Mr. M. Ramsaran: There are many areas that we can look at, and I want to quickly go through a few of them; I do not want to be here all night. I know the Member for Diego Martin Central could not have his Member shut up. My colleague dealt with this point:

“There shall be compiled and retained by the prescribed authority a data base of all licensed and unlicensed firearms and ammunition located in Trinidad and Tobago.”

The Member for Laventille East/Morvant, justified this. I cannot, for all my imagination, justify an error. This happened in our last sitting when the Member for Diego Martin West tried to justify an errata. Today, again, we have the Member for Laventille East/Morvant justifying this; I cannot comprehend it; according to the Member for Diego Martin East, “*No comprendo*”.

Mr. Speaker, I am very, very confused that the Member could justify a database for all unlicensed firearms and, worse, ammunition in Trinidad and Tobago. Member for Diego Martin Central, I think you should talk to your Members, let them understand that, at least, it is not everything they have to come blindly and support. People can make mistakes.

Mr. Speaker, clause 18 which amends section 28 of the parent Act states:

“(1b) Every person who finds a firearm or ammunition shall, within twenty-four hours...Bring it to the nearest police station”. Let us look at a scenario: Two youngsters playing in a backyard, or close to the Member for Tunapuna’s home—you know we have some youngsters who would be there all hours of

the night; they find two guns, and decide to go to the police station with these guns. While going towards the police station, two policemen on patrol snatch them and find the guns. The youngsters say, “Boss, we bringing them to you”. Would they believe these two youngsters? When we put this in place, we have to be very careful.

If a person finds ammunition, something more intelligent than what we have here should be put in place. Let me read clause 18:

“Every person who finds a firearm or ammunition shall, within twenty-four hours of finding such firearm...deliver such firearm or ammunition to the police officer in charge of the police station nearest to the place at which he found the firearm or ammunition and shall give a written statement as to the time on which and the circumstances in which he found the firearm or ammunition.’”

Sometimes when you go to these police stations, you cannot find the police officer in charge. What do you do? Sit there with the guns? The time has come when we have to be very careful how we prepare legislation to come to this Parliament. This Bill is flawed, and it should not be hurried, maybe as an act of revenge for what happened earlier in the day. The fact is we must understand what is happening.

Mr. Speaker, clause 19 amends section 30 of the Act:

“Section 30 of the Act is amended—

(a) subsection (1) by inserting after the words ‘about to be committed’ the words ‘or there is a substantial risk to the safety of the public,’; and...

‘(3) A police officer or other person referred to in subsection (1), may in carrying out the search on the premises or place—

(a) use or cause to be used any data processing system at the place to examine any data relating to arms and ammunition contained in or available to the system;...”

You know, Mr. Speaker, they are now including computers. Let us say some young fellows are doing work on a computer; police officers come in and say, “Hold it right there, we have to examine the database on this computer”. It is amazing, the Bill goes further to say you could be arrested if there is something on the computer about ammunition or arms. Imagine if a little boy downloads something off the Internet from Sweden, and there is some gun on the screen,

could he be arrested? This is madness! The Bill also says if you find any arms and ammunition, if you go in with a warrant, you can seize the computers.

A warrant was issued this afternoon to search the mosque in Crown Trace, Chaguanas. The Member for La Brea raised his head; he knows about this. The police stopped the prayer service this morning, and searched every member on the premises. Of course, according to the news report, nothing was found, but the fact is they went in the mosque. I want to let the House know that the two persons who were arrested and harassed this morning, were arrested with the two Members of Parliament including myself on that fateful day in October. Is that police harassment, going to these people?

They are not linked to the Jamaat, but to ASJA. Are they now being harassed because they took part in a walk with the Member of Parliament for Chaguanas? What is happening in this country? Yet you come today to talk about laws dealing with guns, and bring in these punitive actions? I do not want to link it politically or to anything else, except the freedom of our people in Trinidad and Tobago. I believe that when we bring laws like this one, we have to ask ourselves: Are we eroding the rights of our people? What are we hoping to achieve with this piece of legislation? The Member for St. Ann's East spoke about different clauses and what they hoped to achieve, but with what has been said, the spirit of the Bill is missing.

I want to talk about a few things before I take my seat. You come here to pass an important piece of legislation, and this is an important piece of legislation. We are supposed to make sure that when we leave here, we feel comfortable that we have done something to help the development of Trinidad and Tobago. As I mentioned earlier, we had a meeting with the Chaguanas businessmen. They have asked me to raise in Parliament that the firearm user's licence be given more serious consideration now than ever before; not that we expect the businessmen to use them.

I am one, Mr. Speaker, who believe that it should be part of the law that businessmen be well trained. If they cannot take the training, they should not be issued with a firearm. I believe that we should be a little more realistic in granting licences to people, not only because of the crime situation in this country at the moment, but because of the feeling of being secure. I know they might shoot us down by saying that Mr. Gouveia died because he had his licensed firearm and could not use it, but the fact is that people should be trained to use a firearm. We should not be so negative, to use a current term, about the whole thing, that when

someone applies for a licence, you shoot it down for the simplest of reasons. That is what happens.

They say that the police officers tell them that they do not have to give them a reason for refusing the licence. I believe that you should be given a reason. Nothing should be denied without being given a reason.

I want to go quickly into some of the issues raised. I was reliably informed that the cost of a firearm is about \$8,000, and if the person pays about \$20,000 he could get a licence and a firearm.

Mr. Bereaux: Just for assistance, there is an appeal process. When you have been refused a firearm licence, you can appeal. You go before three persons, and you can get it.

Mr. M. Ramsaran: Thank you, I am aware of that. For example, if I apply for a licence and was blanked, no reason given, how would I appeal? What would be on my appeal application, that I applied for a licence and was given no reason? On what grounds would I appeal? We have to look at the whole question of how and why we do things in a certain way.

I was making a point on the issue of corruption that was brought to my attention. At a meeting held last night, we were told that once you pay \$20,000 you could get a licence, but if you go through the normal channels you would not get it. I would like the Parliamentary Secretary to take this matter seriously and investigate a dealer in central Trinidad. That is the report that came to me last night. I have no evidence, but he is the person in office to deal with that. We understand what is taking place in our country; we have to stop corruption at all angles. I do not know who the person is, but if you do some investigation, you can find out.

Mr. Speaker, I do not want to take up too much time this evening, because my throat is not strong enough. I want to put on record that when we come to the Parliament with a Bill as serious as this one, we have got to look at all the clauses. I wanted to go through more clauses to show that this Bill was not thought out properly at all. If you look at the question of arrest for being under the influence of alcohol, I think that it is against a person's constitutional rights. Maybe the Leader of Government Business could look at that.

The other issue we can look at is trespassing. What is trespassing in a public place with a gun? A public place could mean Woodford Square. Does it mean that you must not walk through Woodford Square with a licensed gun in your

waist? There are many anomalies in this piece of legislation that we must look at carefully. When we come to the committee stage of this Bill, I will be prepared with most of the discrepancies that I have found.

We had a competent authority described here as people from the customs, police and so on. Yet when we come to the section which says that a woman must be searched by a woman police officer, I think it should be looked at. It should not be that a woman could only be searched by a female police officer, but a female officer. Something could happen at midnight at Piarco Airport or in some area where only a customs officer is available. This should be changed to be the same as earlier in the legislation where it talks about competent authority being customs, police and so on. I believe that female officer should be as described in the Police or Customs Act, which includes police officers. That would help us to achieve what we want to. You cannot arrest a woman, let us say in Piarco, and have to wait until the next morning to have her searched. I believe you could make that minor change.

Mr. Speaker, I know sometimes when we come to Parliament with some foolish mistakes, because of arrogance on both sides, we do not accept the advice of the Opposition and we could find ourselves in trouble. That is another area we have to look at. [*Crosstalk*]

Mr. Speaker, I would like the goodly Leader of Government Business to put this off to be dealt with at the committee stage, because this is a very important piece of legislation. [*Interruption*]

Mr. Valley: I give you the commitment.

Mr. M. Ramsaran: You give me the commitment? Before I take my seat—

Mr. Valley: That is the fourth time you have said that.

Mr. M. Ramsaran: Mr. Speaker, just to the Member for Ortoire/Mayaro, I wrote him a letter a couple of months ago telling him that the embankment on the Uriah Butler Highway would cause severe flooding. Just a couple hours of rain today, and traffic could not go south. I think this should be looked at.

I thank you.

The Parliamentary Secretary in the Ministry of National Security and Rehabilitation (Mr. Anthony Roberts): Mr. Speaker, for the short time that I have been to this honourable House, unfortunately, I have to indicate that I had given up hope on my colleagues on the other side; but this evening I am a bit

[MR. A. ROBERTS]

heartened and encouraged when I hear both the Member for Pointe-a-Pierre and the Member for Chaguanas making reference to the Bill and saying that it is, indeed, a serious bit of legislation. I am not yet ready to say that they are coming around, but I urge my colleagues to continue to speak with them to get them to understand that they must demonstrate a bit of responsibility as we are all here to represent the interest of the people of Trinidad and Tobago. I congratulate both Members. [*Interruption*]

The Minister of Trade and Industry and Minister in the Ministry of Finance (Hon. Kenneth Valley): Mr. Speaker, I think the Member started off quite well, and I want to give him the opportunity to continue on the next day.

In discussions with the Opposition Chief Whip, I gave him the assurance that we would want to consider some of the comments made by Members on the other side before going into committee stage. Therefore, we would want to adjourn this debate until the next day.

INTEGRITY IN PUBLIC LIFE REGULATIONS

Joint Select Committee (Appointment of)

The Minister of Trade and Industry and Minister in the Ministry of Finance (Hon. Kenneth Valley): Mr. Speaker, before moving the adjournment of the House, in pursuance of an earlier decision of this House, I beg to move that the House revisit item (m) on the Order Paper, in order, simply, to appoint Members to serve on the Joint Select Committee.

Mr. Speaker: Is it agreed?

Hon. Members: Yes.

Hon. K. Valley: I beg to move,

That the following five Members be appointed to serve with an equal number from the Senate on the Joint Select Committee to be established for the purpose of considering the Integrity in Public Life (Prescribed Forms) Regulations 2003 and the Integrity in Public Life (Period of Furnishing of Information) Regulations 2003, and report to Parliament thereon by December 01, 2003.

Mr. Speaker, the committee members are: Mrs. Camille Robinson-Regis, Mr. Colm Imbert, Mr. Hedwige Bereaux, Miss Gillian Lucky and Mr. Subhas Panday. The Chairperson of the committee would be—[*Interruption*]

Agreed to.

Adjournment

Friday, October 31, 2003

ADJOURNMENT

The Minister of Trade and Industry and Minister in the Ministry of Finance (Hon. Kenneth Valley): Mr. Speaker, I beg to move that this House be adjourned to Friday, November 07, 2003, at 1.30 p.m. I wish to inform Members that on that day we will complete the matter before this House, the Firearms (Amdt.) Bill. The Government wishes also to debate the Postal Corporation (Amdt.) Bill, to extend the period of exemption from taxes and other charges and the National Lotteries (Amdt.) Bill to alter the definition of “financial year”.

Question put and agreed to.

House adjourned accordingly.

Adjourned at 11.22 p.m.