

*Leave of Absence**Friday, June 03, 2005***HOUSE OF REPRESENTATIVES***Friday, June 03, 2005*

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 following Members requesting leave of absence from sittings of the House as follows: the hon. Member for Laventille West (Hon. Eulalie James) from today's sitting of the House; the hon. Member for St. Joseph (Mr. Gerald Yetming) for the period June 03 to 05, 2005; the hon. Member for Naparima (Mr. Nizam Baksh) for the period June 01 to 21, 2005. The leave which the Members seek is granted.

PAPER LAID

Report of the annual audited financial statements of Point Lisas Industrial Port Development Corporation Limited for the year ended December 31, 2004. [*The Minister of Trade and Industry and Minister in the Ministry of Finance (Hon. Kenneth Valley)*]

To be referred to the Public Accounts (Enterprises) Committee.

DEFINITE URGENT MATTER**(LEAVE)****Joint Statement on Crime**

Mr. Ganga Singh (*Caroni East*): Thank you very much. Mr. Speaker, in accordance with Standing Order 12 of the House of Representatives, I hereby seek your leave to move the adjournment of the House for the purpose of discussing the following matter of urgent public importance, namely the Joint Statement on Crime by Organizations and Representatives of the Private Sector in Trinidad and Tobago.

The matter is definite since it points to a specific statement on crime with recommended solutions addressed to the 36 Members of Parliament.

The matter is urgent because crime and criminal activity is a national disaster and there is need for immediate action on the part of the Government authorities.

The matter is of public importance—

Mr. Valley: You are looking like a leader. You are sounding like a leader.

Mr. G. Singh: —since it is the principal concern of all right-thinking citizens; no one feels safe.

Mr. Speaker: Hon. Members, the leave which the hon. Member for Caroni East seeks is denied. And again, may I suggest to the hon. Member that Standing Order 11 is the appropriate Standing Order.

LAND ACQUISITION (AMDT.) BILL

Bill to amend the Land Acquisition Act, [*The Minister of Agriculture, Land and Marine Resources*]; read the first time.

FREEDOM OF INFORMATION (EXEMPTION) ORDER

Mr. Ganga Singh (*Caroni East*): Mr. Speaker, with your leave I beg to move the following Motion appearing in my name:

Whereas by virtue of section 5(1)(c) of the Freedom of Information Act No. 26 of 1999, the President may by Order subject to negative resolution of Parliament determine such public authority or function of a public authority to which the Act shall not apply; and

Whereas the Freedom of Information (Exemption) Order, 2005 which was laid in the House of Representatives on the 27th day of April 2005 exempts "information held by a public authority relating to a matter subject to an investigation by the authority from the application of the Freedom of Information Act;" and

Whereas the said Exemption Order 2005 is contrary to transparency, accountability, good governance and for diverse other good cause and reasons:

Be it resolved that the said Freedom of Information Exemption Order 2005, be annulled.

Mr. Speaker, good governance requires a system of transparency, accountability and openness and at the same time a deepening, widening and expanding of the access to information, not a whittling away, contracting or further narrowing of access to information. It has been said that the aggregate growth in any economy should impact or affect human welfare in a positive way. Therefore positive growth rate in any country should be associated with a number of factors including the improvement in freedom, civil liberties and democracy.

Mr. Speaker, today, by virtue of this Exemption Order, will go down as a day of shame in the annals of the political history of Trinidad and Tobago. It is a shame and a disgrace because this Government is changing the Freedom of Information Act to the “Restriction of Information Act” by the passage of this restrictive Exemption Order which seeks to deny the ordinary citizen access to information from over 160 public authorities on the basis, on the ruse that the matter is under investigation. This Exemption Order is practically a repeal and a removal of the Freedom of Information Act.

Mr. Speaker, when we were in Opposition, the UNC supported and drafted a Freedom of Information Bill, we brought a private Bill to promote that particular position; it was also reflected in our Manifesto in 1995. And as soon as we were elected and formed Government in 1995 along with the NAR, one of the first things we did was to introduce the Freedom of Information Act, No. 1. It took four years of widespread, large-scale consultation with all segments and sections of this society to bring into being the final version which today, you know as the Freedom of Information (No. 2) Act of 1999. That Freedom of Information Act covers all public officers and public authorities.

Mr. Speaker, when the UNC government made the necessary steps to implementing the Freedom of Information legislation at the time, the existing law did not permit an individual to have a right to government-held information. As a matter of fact, before the FOIA law came into being—

Mr. Valley: Ramesh law.

Mr. G. Singh: —the governing laws promoted secrecy in governance and would have prevented members of the public from getting information as a right from the Government and other state institutions. We saw the purpose of publishing information as being that the people would know about the functioning and the procedures which govern the public authority. The Freedom of Information Act will give to an individual a legally enforceable statutory right to know about, and have access to state-held information. The law would also give to an individual a statutory, legally enforceable right to know what information is being held about him or her in state records and it would give to him a legally, enforceable right to have inaccurate personal information corrected.

Mr. Speaker, the Act provides that if there is denial of access to information by a public authority there are two avenues of recourse. Under section 38A of the Act you may write to the Ombudsman within 21 days of receiving the letter, complaining of the company’s refusal to grant the official documents. The Ombudsman would have to

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examine the matter and make recommendations as he sees fit to the particular public authority; or under section 39 you may apply to the High Court for judicial review within three months of the state or public authority's decision. The court of the land, therefore, becomes the ultimate arbiter, but under this Exemption Order it would remove the court from the ambit, and therefore, what it would do, it would automatically create a situation where you cannot apply. It is a ruse!

Mr. Speaker, the Freedom of Information Act which the UNC brought into being, was consistent with the fundamental rights and freedoms enshrined in our constitution and also consistent and in keeping with the United Nations General Assembly Resolution and I quote:

“Freedom of information is a fundamental human right and... the touchstone of all the freedoms to which the UN is consecrated.”

It was enshrined under Article 19 of the Universal Declaration of Human Rights. So that this particular right which we have today, it is that right which the PNM Government is seeking to take away.

Hon. Member: Correct.

Mr. G. Singh: It is not something trivial; this right demonstrates the beauty and the poetry of the idea that access to information as a fundamental right found expression in the Freedom of Information Act. Section 3.(1) states:

“The object of this Act is to extend the right of members of the public to access to information in the possession of public authorities by—

- (a) making available to the public information about the operations of public authorities and, in particular, ensuring that the authorisations, policies, rules and practices affecting members of the public in their dealings with public authorities are readily available to persons affected by those authorisations, policies, rules and practices; and
- (b) creating a general right of access to information in documentary form in the possession of public authorities...”

With the exception of certain documents that would be in the interest of the public, to provide the citizens of this country with access to information about governmental authorities.

Mr. Speaker, we must place this Exemption Order in the context of—you know what this Government is trying to do? They want to deny you access to information from over 160 public authorities, under the ruse that there is an investigation. They do not define in anyway, what is the nature of the investigation. In a society that has a 2020 vision, like Britain, they have about 14 clauses or sections defining when a matter is under investigation and therefore precluding certain instances. But in this instance, you have a blanket investigation, so you deny access to information. And then, the other pillar in the revocation of freedom in this society is that now, through the amendment to the Judicial Review Act, 2000 you are being denied access to the courts of the land. [*Desk thumping*] So, you deny information, you deny access to the courts of the land.

Hon. Member: Pressure.

Mr. G. Singh: You know, this is a Government that is tyrannical in intent. [*Desk thumping*]

Hon Member: That is part of [*Inaudible*]

Mr. G. Singh: Mr. Speaker, what has been the people's response? At the end of the day you make laws for the good governance of the country and a litmus test that you must use, must be to what extent the ordinary citizens who have the right of access, how have they been utilizing this opportunity of access. The public response in accessing this right that was granted by the government of the day, the UNC, has been overwhelming and the reaction of the public is the true litmus test. It is a clear barometer in determining how any legislation functions, so it is the public that has the right to take the initiative.

Mr. Speaker, according to a report by the Trinidad and Tobago Transparency Institute on Government's response to the questionnaire on provision selected by the Committee of Experts for Analysis within the Framework of the First Round, author Heather Collins stated:

“In the first year of the life of the Act, there were 66 requests for information, of which four were refused on the grounds that the applicants were not entitled to the information. There were no applications for judicial review; there was one complaint to the Ombudsman which resulted in the public authority supplying the requested information.”

Mr. Speaker, this legislation has functioned so well, not only locally, but it is seen as a benchmark for international best practice in freedom of information legislation models. In a report entitled “Recommendations for Transparent Governance”

published at conclusion of the Study Group on Access to Information, held in partnership with the Parliament of Guyana—Ghana during July, 2004.

Mr. Imbert: Like your mind on Guyana.

Mr. G. Singh: It was noted that it should be mentioned that it is with the current FOIA introduced by the UNC government that prompted these comments, and I quote:

“Parliamentarians should also seek to employ innovative strategies to address the culture of secrecy and to involve public officials in promoting openness”.

The group commends in this regard the good practice in Trinidad and Tobago.

Mr. Speaker, the House should note that the hon. Member for Arouca South went to this Conference and represented the Government and people of Trinidad and Tobago. So, if the group of which the hon. Member was a part can view the removal of the culture of secrecy in Trinidad and Tobago as being one of international good practice, then why is this Government trying to tamper with this legislation and seeking to exempt 160 public authorities from scrutiny and from access? Why? This report also noted— *[Interruption]* “You doh worry ’bout me you know. You doh worry ’bout me.”

Mr. S. Panday: You cannot understand—

Mr. G. Singh: Mr. Speaker, this group continued:

That the obligations set out in access to information legislation should apply to all bodies that carry out public functions, regardless of their form or designation, in particular, bodies that provide public services under public contracts should to that extent be covered by the legislation.

The group commends the situation in South Africa whereby it further states:

“...even private bodies are obliged to disclose information where this is necessary for the exercise or protection of any right.”

Mr. Speaker, do you think bpTT could have told the country that they will not disclose the value of the contract—

Mr. S. Panday: To Maranatha.

Mr. G. Singh:—to Maranatha? They could not have done that in South Africa under Mandela. Because Mandela understands that when you start the culture of secrecy as was done under de Clerks, under the Boers and under the apartheid

regime, then you go into the realm of oppression. British Petroleum could not do that in South Africa, but bpTT could do that in Trinidad; deny the value of the contract in which a sitting Minister has an interest, and he has set up a blind trust. But we will deal with that and we have been dealing with that. *[Interruption]*

Mr. Speaker: Order!

Mr. G. Singh: Yes, blind trust. Feel everybody blind in this country. *[Interruption]*

Mr. Speaker, in South Africa, under the freedom of information legislation, a private sector is obliged to make information available, but in Trinidad and Tobago you have the major oil and gas multinationals refusing to divulge. There are ethical issues! There is the appearance of impropriety!

Hon. Member: They real crazy.

Mr. G. Singh: Mr. Speaker, when people are saying now that bpTT means in your back-pocket, we understand who is in the back-pocket of bpTT. *[Desk thumping]* This Conference, attended by the Minister, the hon. Member for Arouca South, I would quote:

The delegates noted in their recommendation that freedom of information is a fundamental human right and a cornerstone of democracy and good governance. Recognition of this key right is essential to empowering all members of society including Parliamentarians to strengthen the Parliamentary democracy, to reversing practices of government by the few, and to improving the relationship between Parliament and the media.

They believe that these measures will promote transparency in governance and I know that the Member for Arouca South subscribed to this and touted the Freedom of Information legislation as a model, so I know that the Member could not support this exemption.

Hon. Member: True.

Mr. G. Singh: Mr. Speaker, the Member could not support this exemption.

The Speaker of the Parliament of Ghana said and I quote:

“Opening windows for more freedom to access information has enabled civil society to prevent the misuse and waste of public funds, and prevented governments from gravitating towards despotism.”

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This is what the Speaker of Ghana is saying that when you have access to information in civil society, you prevent the misuse and waste of public funds and prevent governments from gravitating towards despotism.

Mr. Imbert: Despotism!

Mr. G. Singh: Mr. Speaker, “you doh worry, Emile Elias go tell you how to pronounce it after you pay him the \$32 million.”

Dr. Moonilal: I want my money.

Mr. G. Singh: Mr. Speaker, what do we have in this society today? We have a situation where there is this blanket exemption and I really want the Attorney General, after I saw him last night on TV—

Hon. Member: Nine o’clock. [*Crosstalk*]

Mr. G. Singh:—painfully—you know I have a lot of time for him—trying to explain, like Shaggy—

Hon. Member: Bring back Morean.

Mr. G. Singh:—“It wasn’t me”. [*Laughter*] Painfully, and I looked at him and I saw the nuance and I saw the pain of expression and I said to “me”, but he is like Shaggy: “It wasn’t me.” But I want to tell him, if it was not you and you do not have access to the head of the police political unit headed by Superintendent Maurice Piggott—Supt. Piggott was calling the media that very morning!

Sen. Jeremie: That is not so.

Mr. G. Singh: I am telling you! If you do not know, check his phone records! He was calling members of the media that morning and informing them that they were going to arrest Mr. Panday and Mrs. Panday. You must check that out! He is under your jurisdiction. Check it out!

Dr. Moonilal: Bring back Morean. [*Interruption*]

Mr. G. Singh: Mr. Speaker, what I find hypocritical about the PNM’s position of returning to the culture of secrecy and denying the citizens the right to access information from public authorities under the ruse that the matter is under investigation, is the fact that you have at least two Ministers who have attended conferences and they have subscribed to the recommendations for transparent governance. Hypocrisy!

Hon. Members: Hypocrisy.

Mr. G. Singh: You are trying to now revoke freedom of information, but you are going to the international arena and saying that you subscribed to it. The hon. Member for Arouca South and my good friend, the hon. Member for Laventille East/Morvant, went all the way to Australia to deal with the issue of accessing. *[Interruption]*

Dr. Moonilal: He should have stayed there.

Mr. G. Singh: Mr. Speaker, the culture—because this hypocrisy—of the denial of the access to information, brings into being government of a monopoly of the few and finds expression—that is why I do not believe the Member for Arouca South is a part of that, nor the Member for Diego Martin. When I read his contribution, which I will read into the record, he could not subscribe to this blanket exemption, nor the Member for Diego Martin West. I believe that the person who is at the heart and genesis of this culture of secrecy is the missing hon. Member for San Fernando East. *[Desk thumping]* *[Crosstalk]* Because you see, I cannot see, based on the contributions of the hon. Members— *[Interruption]*

Mr. Speaker: Please! Hon. Members, there is too much rumbling in the House. I would like to listen to the contribution of the hon. Member for Caroni East and I implore all of you to listen because you would all have a chance to reply to him. Please, let us hear him in silence.

Mr. G. Singh: Mr. Speaker, why it is there are changes? Why would the Cabinet of the PNM Government bring such a blanket exemption, 160-plus public authorities and any matter under investigation, and they do not say the mechanism for the investigation? The Board of Directors which they appoint can then, therefore, determine any matter under investigation and therefore preclude the right to access. It cannot be in keeping with the expressions of the hon. Member for Diego Martin East, Arouca South, Laventille East/Morvant and Diego Martin West. It has to be the despotism of the hon. Member for San Fernando East.

I appreciate the problem of the hon. Attorney General because he is like a ventriloquist cipher *[Laughter]* and the ventriloquist cipher speaks in the voice of the ventriloquist and that is the unfortunate reality of Westminster government, that the voice of the ventriloquist cipher is the voice of the ventriloquist. In this instance with respect to this piece of legislation, I am of the firm view that the ventriloquist is the hon. Member for San Fernando East and what you have is like a ventriloquist dummy. The dummy speaks in the voice of the ventriloquist.

Mr. S. Panday: Puppet!

Mr. G. Singh: Mr. Speaker, Woodrow Wilson cleverly puts it and I quote:

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“Everybody knows that corruption thrives in secret places and avoids public places and (we believe) it is fair presumption that secrecy means impropriety.”

I should tell that to Robert Riley or bpTT—

Mr. S. Panday: Tell him.

Mr. G. Singh:—that secrecy means impropriety.

Mr. S. Panday: Tell Maranatha too.

2.00 p.m.

Mr. Speaker, I now quote from Justice K. K. Mathew, Supreme Court of India. I know that you recently had guests from India; they were embarrassed, and it created quite a foreign policy brouhaha, but I know that when they left this country they would have understood how far we have to go in a maturing society to reach First World status.

“In a government where all the agents of the public must be responsible for their conduct, there can be but few secrets. The people have a right to know every public act; everything that is done in a public way by their public functionaries. The responsibility of officials to explain or to justify their acts is the chief safeguard against oppression and corruption.”

This is what the Indian Supreme Court of India Justice K. K. Mathew had to say, that “the chief safeguard against oppression and corruption” is the public’s right to know. What is this exemption about? It is a denial of the public’s right to know. By extension, what are you seeking to do? Have you become purveyors of oppression? Have you become purveyors of tyranny? It is clear to us that this is bad legislation.

It is, perhaps, relevant to note that in Kenya, during the Daniel Arap Moy era, fear of the consequence of asking for or giving information culminated in power being consolidated around the presidency to the extent that serikali, the Kiswali word for “government”, became synonymous with sirikali meaning “top secret”; so government became serikali, became synonymous with sirikali, top secret, because they precluded access to information. [*Crosstalk*]

Mr. Speaker: Order!

Mr. G. Singh: When a government withholds information from the public, it creates subjects rather than citizens since it stifles individual expression and is a violation of human rights. This is what this Exemption Order is seeking to do, to

create, not government serikali, but a top secret government, sirikali, government under the rule of the Member for San Fernando East. *[Interruption]*

Mr. Manning: Leader.

Mr. G. Singh: I want the hon. Member to know that he may be practising certain policies akin to that of the former leader of Kenya, Daniel Arap Moy, but he would not be allowed to get away with these Kenyan-type policies in Trinidad. *[Crosstalk]* The PNM has always been opposed to freedom of information and now they are attempting to overthrow, to repeal, the Freedom of Information Act.

Mr. Speaker, I learned something in my younger years. When we started West Indian history, in Form III I think it was, in dealing with the apprenticeship period prior to the total abolition of slavery, when there was an attempt in the Caribbean and the West Indies by the plantocracy, the plantation colonial class, to revert to the heinous practices of slavery; the response of the downtrodden masses was that freedom once granted could not be revoked. *[Crosstalk]* So you can come with the Kenyan model of sirikali or, to coin an expression, it might be “Jeremicali” or you might have “Patrickali”, but soon you will find out that freedom once granted cannot be revoked. *[Desk thumping]*

Why is this Government seeking to bring about such bad law in place? I cannot understand it. I thought about it; I looked at it, but you cannot think of Vision 2020 and First World status and deny the fact today that your freedom of information legislation is First World legislation and it has already reached 2020 status in giving the ordinary citizen access to information. Why are they seeking to deny and repeal this piece of legislation? It clearly has to do with an attempt to cover up their blatant act of corruption, cronyism, nepotism and discrimination. *[Desk thumping]* Is this attempt to have a blanket denial over 160-plus public authorities, the Government’s response to the various exposés of corruption, cronyism, nepotism and discrimination in the State enterprises and the public authorities? Is this the hon. Member for San Fernando East’s, the head of the Government, response to the cases of discrimination by Devant Maharaj, Marlene Coudray, the Maha Sabha and others who have utilized the Freedom of Information Act (FOIA) to access information on their personal records, consistent with their fundamental rights under the FOIA and, subsequently, utilizing the mechanism under the Judicial Review Act 2000, successfully challenging the Government in the courts of the land to expose their discrimination?

Mr. Valley: Mr. Speaker, I wonder if the Member could inform us whether any of those matters were under investigation at the time when they attempted to access the Freedom of Information Act. *[Crosstalk]*

Mr. G. Singh: That is exactly the point, because from the time they have the right to access the information they will come under investigation.

Mr. S. Panday: And block it!

Mr. G. Singh: That is the point; if you want to have an investigation you must not do it in the context of secrecy. If you have criminal investigations then you can put the boundaries there. The First World societies deal with it that way, but you are talking about investigation carte blanche; that is not the right approach, because under your Government all that is required is the fact that the person applies and then you would send word. Could you imagine Devant Maharaj applying under the freedom of information legislation and Louis Lee Sing, your party hack, recognizing that? He would be immediately under investigation in perpetuity. You are asking me, "Will he be able to access that?" No, no, no, no, no; "doh come with dat man".

Dr. Moonilal: Do you think it is a blind trust?

Hon. Member: What is that?

Mr. G. Singh: Mr. Speaker, what are the 160 authorities that fall under this Exemption Order?

Dr. Moonilal: Blind trust. [*Crosstalk*]

Mr. G. Singh: It is important that we appreciate what are the 160 public authorities they are seeking to exempt from the purview of this Exemption Order. It is a lengthy list, but for purposes of the record I may have to read it: the Agricultural Society of Trinidad and Tobago; Caroni Limited; Ministry of Agriculture; National Agricultural Marketing and Development Corporation; Cocoa and Coffee Board of Trinidad and Tobago; Ministry of Community Development and Gender Affairs; Naparima Bowl Board of Management; Queens Hall Board; Lake Asphalt; National Gas Company; Petroleum Company of Trinidad and Tobago. Petroleum Company of Trinidad and Tobago? Ramnath, is this Petrotrin?

Mr. Ramnath: In which I have the honour to serve.

Mr. G. Singh: So under this Exemption Order, you can have the denial of access to information because a matter is under investigation? So that the Cudjoe Report in which there is an over \$120 million cost overrun for a construction project in Petrotrin—which the report is as a result of an investigation—can be now denied, because they can have an investigation in perpetuity? What you are doing is a cover-up.

Mr. Speaker, the list continues: Trinidad Nitrogen Company Limited; the Central Bank of Trinidad and Tobago; Customs and Excise Division; the Ministry of Finance; National Insurance Appeal Tribunal; National Insurance Property Development Company Limited (Nipdec). So they can say that they are investigating the cost overrun in the Scarborough Hospital, in Nipdec and that investigation of over \$60 million, at this stage, at the foundation stage, and be engaged in perpetuity in order to protect their ministerial colleagues and so on. What is this? How can we in Opposition participate in this blatant act of cover-up and corruption?

Mr. Speaker, also on the list, the National Maintenance Training and Security Limited (MTS); MTS is firing everybody. If you seek to investigate this matter, then you could be under investigation because the board is controlled by the Government and the Government could issue a directive. [*Crosstalk*]

Mr. Speaker: Order!

Mr. G. Singh: The Trinidad and Tobago Securities and Exchange Commission (SEC). Suppose there are allegations of insider trading in the SEC and an ordinary citizen or a shareholder in some company wants to have access, then you can have investigations in perpetuity. The Dental Council of Trinidad and Tobago; Medical Board of Trinidad and Tobago; Northwest Regional Health Authority. What is it that they want to deny the people of this country? Suppose somebody sends his or her child to the hospital and as a result of negligence the child dies; the hospital would conduct an investigation, but suppose that person is a friend of the PNM, that investigation can be conducted in perpetuity. That is why I am saying that you need to define your exemption. Your investigations are too broad; they can be triggered by political expediency.

Mr. Speaker, Northwest and Southwest Regional Health Authorities; Princess Elizabeth Centre for Physically Handicapped Children; Tobago Regional Health Authority; Land Settlement Agency; the National Housing Authority.

Hon. Members: Ooh!

Mr. G. Singh: The National Housing Authority! Can you imagine the National Housing Authority? They will be investigating all the contracts they have issued in perpetuity, because the Chairman is the treasurer of the PNM.

Hon. Member: Ooh!

Mr. G. Singh: The board will make a decision that the matter is under investigation and when it writes the ordinary citizens seeking information as to why they were denied a house whether on the basis of discrimination or ethnicity—or contractors like Heron Lewis who did not have a hand-held cement mixer, but is getting hundreds of houses to build in Carlsen Field; cover up. The matter is still under investigation, because I raised it in this Parliament; that would be under investigation in perpetuity. You cannot do that.

Mr. Ramnath: Black man bite “de” dust; give him something.

Mr. G. Singh: National Quarries Limited; National Petroleum; the Board of Inland Revenue; Central Tenders Board; First Citizens Bank; National Enterprises Limited; National Insurance Board; National Lotteries Control Board; Treasury; Valuation Division; Caribbean Health; Eastern Health Authority; Ministry of Health; Pharmacy Board. Mr. Speaker, the reason I am reading this list is so the country can get an appreciation of how broad and wide this blanket is. [*Desk thumping*]

The list goes on: the Family Planning Association of Trinidad and Tobago; Tobago Council of Handicap Children; Trinidad and Tobago Association for Retarded Children; Ministry of Housing; Rent Assessment Board; Urban Development Corporation of Trinidad and Tobago (UDEcOTT). Can you imagine UDEcOTT that is building almost everything in this country, what is it doing here? You are, in fact, taking an approach that is not consistent with the needs, demands and desires of the society today.

Mr. Speaker, the Registration and Recognition Board; Legal Aid and Advisory Authority; Export Centres Company Limited; Ministry of Culture and Tourism; National Carnival Commission of Trinidad and Tobago; Ministry of Education; Ministry of Energy and Energy Industries. Can you imagine that? A Minister who sits as the Minister of Energy and Energy Industries, who has a company that is doing business with a major multinational, bPTT, puts his interest in a blind trust whose trustees, according to newspapers reports, is his brother Earnest and his partner Mapp. [*Crosstalk*] I want to know, if Earnest and Mapp has a qualified trust company—[*Interruption*]

Dr. Rowley: Have; Earnest and Mapp always have.

Mr. G. Singh: Have a qualified trust.

Mr. C. Imbert: Plural.

Dr. Moonilal: You could “tief” in good language.

Mr. G. Singh:—and whether they were issued a licence by the Central Bank under the Financial Institutions Act, because if it is not a qualified trust company, then you are “tiefing” this country blind. [*Desk thumping*] There are certain requirements and unless the Minister gets up and says that these requirements have been fulfilled—I did a listing of the trust companies. You have Royal Bank Trust Company; Republic Bank Trust Company; Clico Investment Bank; Scotia Trust Company—well, Scotia is the one that the Minister of Information used properly; he put his lack of assets in a trust company called Nova Scotia Trust—there is also Felix Bocas Trust Company, but there is no company I saw registered of Earnest and Mapp. [*Laughter*] [*Crosstalk*] It is nothing but a scam.

One must not deny the history of this country. Another oil and gas company, Tesoro, was part of our history. Tesoro provided to a Minister of Finance and a Prime Minister certain facilities and had to give evidence before the Securities and Exchange Commission in the United States to make full disclosure. They had to give a description of what they provided to that Minister of Finance and Prime Minister. They provided two blonde prostitutes to the then Minister of Finance and Prime Minister, George Chambers. [*Crosstalk*]

Mr. Ramsaran: What did Patrick get? [*Crosstalk*]

Mr. Speaker: Order!

Mr. G. Singh: If he was not Prime Minister, he was Minister of Finance.

Mr. Manning: Mr. Speaker, I really find it in poor taste that the hon. Member for Caroni East could make as spurious a statement as that about a former Prime Minister [*Crosstalk*] in circumstances where it is known that the matter was taken to a court of law and the Prime Minister was paid compensation as a result of those spurious statements. [*Desk thumping*]

Mr. Ramnath: Mr. Speaker I can get the SEC documentation and the prostitutes were paid by credit card; there was a trail. You are talking nonsense and trying to defend. [*Desk thumping*] [*Crosstalk*] I do not want to deal with that. That is a fact. Oil and gas companies like to put ministers of government in their back pockets and whatever the means—they are like Malcolm X, by any means necessary, whether blonde or otherwise.

Mr. Valley: You know it as a fact that the man came before the SEC?

Mr. G. Singh: Mr. Speaker, the list continues: Ministry of Labour; Consumer Affairs Division; Chaguanas Borough Corporation—[*Interruption*]

Hon. Member: You are nothing but an incompetent “fella”.

Mr. Imbert: “Yuh lie!”

Mr. Speaker: Hon. Members, earlier on I appealed to all Members to let the Member for Caroni East make his contribution in silence. When you crosstalk and disturb him, it is a disrespect not only to him and the Chair, but disrespect to all of you; so, please, do not disrespect yourself in this way.

Mr. Ramnath: Do not look at me; he is the one shouting liar, liar. While you are talking he is bawling, “Liar, liar.” You have no respect.

Mr. G. Singh: Mr. Speaker, I continue; there are the various regional corporations; the Ministry of National Security. Can you imagine? In the Ministry of National Security, the lack and failure to deal with crime will be under perpetual investigation. The *Sea Prowler* came in with heroine in this country—[*Interruption*]

Hon. Member: Heroin. [*Crosstalk*]

Mr. G. Singh:—heroin, heroin; on a weekly basis and yet you have no indication.

Dr. Moonilal: Who owns the *Sea Prowler*?

Mr. G. Singh: We have a situation where the private sector in this country, over 17 organizations, took the unprecedented step of taking out a whole page ad for a message to the 36 Members of Parliament in Trinidad and Tobago. Some of the things to be acted on immediately: act within the existing laws; the police; the Forensic Science Centre; the Judiciary; the witness protection plan; jail, kidnappings and so on; unprecedented. The matter will be under perpetual investigation.

Mr. Speaker, I see also the Trinidad and Tobago Prison Service. God forbid if something were to happen to the Leader of the Opposition within the precincts of the prison; that matter may be under perpetual investigation, because this Exemption Order will allow that. I can go on and on and on; the Chaguaramas Development Authority is No. 72; National Archives; the National Library; the Institute of Marine Affairs; Regulated Industries Commission; Trinidad and Tobago Electricity Commission.

Why is it that this Government is really unwilling to embrace the Freedom of Information Act in its real form? It is clear to me that the PNM wants to arm themselves with the power to cover up activities, because all you need is to have a board in place in any one of the State or public authorities and the board responds

to the political directorate. You know, the Member for San Fernando East when the chaps down at Petrotrin attempted to buck him, he just arrived at the airport and certain gentlemen had to leave the directorial positions; so you cannot buck the political directorate. Therefore, if there are members within the political directorate, you have problems.

For example, you have a body like the Estate Management Business Development Company of Trinidad and Tobago. The Chief Executive Officer (CEO) of that company is Mr. Utara Rao. I know that you know him and he is a good friend of yours. There are allegations of sexual harassment.

Mr. Manning: He is a good friend of mine.

Mr. G. Singh: He is a good friend of yours. I want to read a letter, because with the Freedom of Information Exemption Order you will not be able to access information like this, because this matter is under investigation. It is written to:

“The Hon. Kenneth Valley”

Minister in the Ministry of Finance
Level Eight, Eric Williams Finance Building,
Independence Square,
Port of Spain.

Dear honourable Minister”

Mr. Valley: What is the date of the letter?

Mr. G. Singh: You want to abdicate responsibility so fast? It is May 5, 2003. It reads:

“Re: Sexual harassment and victimization at EMBD”

My name is Naila Rajab and I was employed at the Estate Management Business Development Company Limited (EMBD) as an office assistant for the past two and a half months. On April 1, 2003, I decided to quit my job at EMBD reason being that I was being sexually molested, harassed and victimized on a daily basis by the CEO and Chairman, Mr. Utara Rao.

On numerous occasions Mr. Rao would touch my breasts and buttocks and kiss me on my cheeks.”

Hon. Members: Ooh!

Mr. G. Singh: The letter continues:

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“Mr. Rao enquired about my waist size, bra size and said he would purchase tablets for me to firm up my breast. He insisted that I go Maracas Bay with him on several occasions. Mr. Rao also told me that he would get me a car if I behave myself. [*Crosstalk*]

When these approaches were made to me and I refused, Mr. Rao became angry and would shout at me for the entire office to hear.”

Dr. Moonilal: That is PNM culture.

Mr. G. Singh: The letter continues:

“He would also yell at me for any slight error, because he had me doing the duties of executive secretary although I was hired as an office assistant.

On Wednesday, February 12, 2003, I informed Mr. Soom of what was happening and I was contemplating to leave my job. Mr. Rao apparently became suspicious that I had spoken to Mr. Soom and repeatedly threatened that he would kick both of us out because he was doing Mr. Soom and myself a favour by having us there at EMBD.

On Friday 14, February 2003...”

Valentines Day:

“he pushed his hand into my bosom. Mr. Soom saw me crying at my desk and asked me what was wrong and I told him. Mr. Minister, since I have left, Mr. Rao has called my home and harassed me on several occasions. The first executive secretary left the job after only two weeks without giving notice or reason. The accounts clerk has spoken to me and said that she is leaving at the end of the month, because she cannot put up with the behaviour of Mr. Rao.

In conclusion honourable Minister Valley, I wrote this letter with the expectation that you would take some form of action, so that there would not be a recurrence of this kind at EMBD. If you desire to have a meeting with me to discuss this grave matter at length, I can be contacted...

Yours respectfully,

Naila Rajab”

I will not say the telephone number. [*Crosstalk*]

Mr. Speaker: Order!

Mr. G. Singh: Mr. Speaker, a copy went to John Sandy; this is the kind of matter that will be under perpetual investigation.

Dr. Moonilal: What did you do?

Mr. Valley: The lady should tell him what was done.

Mr. Ramnath: Is Rao a citizen of this country? [*Crosstalk*]

Mr. G. Singh: Mr. Rao is protected and that is the point I am making. This blanket investigation is a mechanism for political expediency to protect who they want to protect. [*Desk thumping*]

The board of EMBD moved a motion of no confidence in Mr. Rao. I want to read this into the record, because I do not know what Mr. Valley did, but I do know where the power lies in that environment and he, too, was speaking with the voice of a ventriloquist cipher; he could not do anything because of political expediency. It is written:

April 21, 2005:

Motion of no confidence and loss of trust in the Chairman and CEO of the Estate Management and Business Development Company.

Be it resolved that the members of the board have lost confidence and trust in Mr. U. Rao to administer the affairs of the Estate Management and Business Development Company in his capacity as Chairman and CEO. The line Minister..."

Who is that today? Sen. Christine Sahadeo.

"has given an undertaking to the media that allegations of misconduct by the Chairman/CEO are being dealt with by this board. In addition it is felt that time and again too often the Chairman/CEO has unilaterally made decisions without consultation or approval of the board in matters that he should have done so."

You could imagine, even if the board said that the matter is not under investigation, Rao could say that the matter is under investigation, because he is anointed by the hand of God.

Mr. Partap: The hand of Mr. Manning.

Mr. G. Singh: Mr. Speaker, the Motion continues:

Whereas allegations of misconduct of a certain kind has been recorded in *Hansard*, reported in daily and weekly newspapers and has been the subject of

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radio talk shows, has brought the company, the members of the board, the staff and even the line Minister into public odium and ridicule;

I hereby beg the support of members of the board for a vote of no confidence and loss of trust in the Chairman/, Mr. Rao, of the Estate Management and Business Development Company.

I should also ask that this vote be passed by majority or unanimously that a copy of this Resolution be forwarded immediately by courier to the office of the line Minister.

Ladies and gentlemen, I thank you.

Vernon Ramesar

Director EMBD”

There is a note:

“Motion passed unanimously by board at 6.30 p.m. on April 04, 2005.”

Mr. Rao is on the job. I understand that the matter went to the line Minister at that time, Christine Sahadeo. She passed it on to the hon. Prime Minister; he can get up and say whether it is so or not. The Prime Minister then passed it on to Conrad Enill to deal with and he convened a meeting of the board, effectively telling them—I do not want to use words that he did not use—that they will have to live with Mr. Rao or leave and politics has its own morality. [*Crosstalk*]

Mr. Manning: He said that?

Mr. G. Singh: That is what board members have said. Mr. Rao is today, with all the charges of sexual harassment, with all the allegations against him, in the face of a motion of no confidence, standing like the rock of Gibraltar in the lands of Caroni.

There is other information, but you understand the point we are making. Under this approach, hon. Minister who is piloting this legislation, do you understand the ramifications? Have you given an appreciation of the political culture in which we are operating in the Westminster system? Why are you reverting to this culture of secrecy? If you want to protect matters that are under investigation, criminal matters that may end up in the jurisdiction of the court, then there is an approach to that; but this blanket for any other investigation is an avenue for corruption, cronyism and for the blatant misuse of the public purse.

Mr. Speaker, I have reached the Trinidad and Tobago Electricity Commission. It is an area which I know very well. [*Crosstalk*] I really want the Prime Minister to listen to some of the contributions of his Members and place them in the context of what is happening in the society today and in the context of the hypocritical position he is taking today. This is what the hon. Member for Diego Martin West had to say when he talked about the Bill back in 1999.

Mr. Imbert: Diego Martin East.

Mr. G. Singh: The hon. Member for Diego Martin East.

Mr. Imbert: East not West.

Dr. Rowley: They do not know east from west.

Mr. G. Singh: I quote from the *Hansard*, Mr. Speaker:

“What this Parliament needs to do is to thoroughly examine the exemptions—because the exemptions are the problem—to see whether it is necessary to have such wide-ranging exemptions and so many areas where public authorities will now legitimately be entitled to deny information to the public.”

You hear that?

Mr. S. Panday: Two sides of his mouth.

Mr. G. Singh: It continues:

“So underneath all the old talk from the other side about information, this legitimizes denial of information; it restricts access to information; it prevents publishing of information. I would ask the Government, if it is serious enough to engage in ‘mamaguy’, to look at all the exemptions, put...time limits and constraints...on them—remove some of the clauses; tighten them up so that the public authorities will not be able to use weak, lame excuses to deny information to the public.”

Mr. B. Panday: Who said that?

Mr. G. Singh: The hon. Member for Diego Martin East.

Mr. B. Panday: He speaks on both sides of his mouth.

Mr. G. Singh: My brother. Mr. Speaker, this was what the Member had to say in another part of his contribution.

Mr. Ramnath: He is a gentleman who has no shame!

Mr. G. Singh: He said:

“Under the Freedom of Information Act, this is an exempt document...therefore, you are not entitled to the information. Is that what we are going to get, because we already had it from the Attorney General...”

This is what I really want to read.

Dr. Moonilal: Open up everything.

Mr. G. Singh: He said:

“You want to hear about recommendations? Take out all this rubbish about exemptions; take it out, open it up. Open up everything.”

Now he is not even opening up his mouth.

“That is my recommendation. I will support that. Take out all the exemptions and I will support the legislation. That is my recommendation for this legislation. They are always saying we do not have any recommendations. As far as I am concerned you should remove all this ‘simidimi’ and let us have open legislation.

I mean, certainly with this Government we have on the other side, we wish to get as much information as possible. Therefore, what this legislation needs is a thorough overhaul to remove all these trapdoors, escape hatches, back doors, ship ladders and other holes, apertures, hidden entrances and exits where public authorities can escape their responsibility to give information.”

What? And you are sitting there quietly and are seeking to bring to this Parliament that blanket exemption?

Mr. Ramnath: You have no shame!

Mr. G. Singh: No, hon. Member; you cannot sit there with any credibility.
[Crosstalk]

Mr. Speaker: Order!

Mr. G. Singh: You required all this. What is the kind of information under this Government that they are seeking to deny? You see the hypocrisy. With respect to T&TEC, I want to read something into the record, because I considered this to be one of the most heinous acts of the rape and plunder of peoples’ money in Trinidad and Tobago, ever, ever, that has come to our knowledge thus far.

I read a memorandum from the attorney Mark James Morgan of Fitzwilliam, Stone, Furness-Smith. [Interruption] Fitzwilliam, Stone, Furness-Smith and Morgan; I know you are in your arena. I will read it, because it is important that we understand why this type of legislation is totally against the national and public interest.

“On the 24th day of February 1995...”

It was under your administration, hon. Member for San Fernando East.

“the former committee of the pension plan headed by Mr. Monteil...”

Who is the treasurer of the PNM.

“decided to sell the entire equity portfolio of the plant of which on the 10th March, 1995, the entire equity portfolio was, in fact, offered for sale on the Stock Market. Viveca Holdings purchased the Republic Bank shares and Clico purchased the rest of the portfolio for a sum of \$85,100,393.96.

Did you hear that figure?

“In High Court Action No. 2027 of 1995, Republic Bank acting as a co-trustee of the pension plan and concerned that the former committee was acting in breach of its fiduciary duties to the pension plan, obtained the leave of honourable Justice Jones on the 16th day of June, 1995, to issue a writ of summons against Viveca/Clico and also obtained injunctive relief against Viveca and Clico.

Further, in accordance with the said Order of Justice Jones, Republic brought an action against Viveca/Clico and the former committee for breach of trust being High Court Action No. 2021 of 1995.

Further, Republic issued a summons for the continuation of the ex parte injunction obtained in the said High Court Action 2027 of 1995. This Order has been appealed. The interlocutory application for the continuation of the injunction was eventually heard by honourable Justice Lucky who in a written judgment dated 10th January, 1996, discharged the ex parte injunction on the basis that, one, there was no serious question to be tried; two, the balance of convenience lay in the favour of Viveca/Clico and the former committee and, three, that damages will be an adequate remedy if the injunctions were discharged and Republic was successful at the trial.

In this High Court Action No. 2031 of 1995, pleadings are closed amongst all the parties and the attorneys-at-law are not awaiting a trial date.

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Three beneficiaries of the plan have also brought an action, High Court Action No. 718 of 1996 for breach of trust.”

So it is breach of fiduciary duty and breach of trust.

“Pleadings are also closed in this action. As of now, the merits of the three High Court Actions are awaiting trial. The new management committee was appointed in late 1996 and soon after by letter dated 19th December, 1996, Republic requested the current committee to declare its position formally with respect to the disposition of the equity shareholdings and whether it considered the disposition to be in breach of trust.

After taking advice of its attorneys by letter dated 24th December, 1996, the current committee replied giving the assurance that it proposed at all times to act in accordance with the law and in the interest of the pension fund.

Mr. B. Panday: The pension fund has \$500 million!

Mr. G. Singh: It continues:

“Because of the sensitivity of the situation English Queen’s Counsel, Mr. Christopher McCall, QC, a chancery specialist, was briefed to advise on the proper approach for the current committee. In his advice, Mr. McCall expressed doubt as to the correctness of Justice Lucky’s judgment and further advised the current committee that:

1. they ought to be ready to assist Republic Bank in its attempt to ensure that if the pension fund has suffered loss by virtue of self-dealing on the part of those in a position of fiduciary responsibility, that loss is remedied.”

So self-dealing, breach of trust, breach of fiduciary duty.

2. if the fiduciaries have themselves or through their associates made a profit out of their dealings, that they should account for that profit or the dealings should be set aside;
3. they should seek a negotiated solution, but one which goes a long way to give them what they hope to achieve by successful litigation.”

That is to say, either the setting aside of avoidable bargain or on account of profits.

Following receipt of Mr. McCall’s advice, the plan’s then Chairman, Mr. Mansoor, met with Mr. Monteil and after several discussions Mr. Monteil made the following settlement proposal:

1. Viveca agreed to the continued ownership of the plan of the 5,731,756 Republic Bank shares held by Trintrust Limited for the plan immediately prior to the recent rights issue, providing that all dividends accruing from the said shares from the date of their purported sale to Viveca to the 28th May, 1997, shall be paid to Viveca, provided that the whole of the consideration paid for the shares be retained by the plan;
2. Disposing of all other shares which are sold by the plan as a consequence of the said decision to dispose of the equity portfolio, will take effect as per their respective contractual terms.

In consideration of the above, the current committee:

- A. Retains all interest earned on the moneys for the purchase of the shares;
- B. Acknowledges that this settlement does not in any way attribute wrongdoing to the defendants;
- C. Releases and discharges the defendants from all claims and action arising out of disposal of the plan's portfolio."

Mr. Speaker, the memorandum goes on; Mr. Selby Wooding was retained to facilitate. This is the important part:

"Republic Bank has calculated that if Mr. Monteil's proposals are accepted by all parties, it would result in 77 per cent of the value of the equity portfolio being restored to the pension plan and that will amount to a loss of \$104 million."

Mr. Ramnath: And you have him as treasurer of the PNM?

Mr. B. Panday: Monteil in "dat"? And the poor pensioners dying in poverty.

Mr. Speaker: Order!

Mr. G. Singh: Mr. Speaker, the options available to the current committee with the pension plan are as follows:

- "1. To press ahead with settlement so that all the High Court litigation can be brought to an end, as soon as possible and have at this stage 77 per cent of the equity portfolio returned to the pension plan committee; or
2. Continue the litigation between the parties and to ultimately have the court decide whether Mr. Monteil and the former committee committed acts amounting to a breach of trust in the management of the pension and to attempt after that litigation, if successful, to retrieve

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the shares and the moneys lost from the pension plan as a result of the acts of the former committee, Viveca...”

Senior counsel is saying that litigation is speculative.

“Whilst we have been advised on the merits of the case, they feel that it is better to take the 77 per cent.”

So in what might be considered the most heinous act of white collar criminality in this country, the then Chairman of T&TEC who was in charge of the pension plan—self-deal, breach of the fiduciary trust, breach of trust and made \$104 million. He paid back \$356,810,250. Do you understand that?

When I see Mr. Monteil, Chairman of NHA; when I see Mr. Monteil, Chairman of Education Facilities Limited; when I see Mr. Monteil, Vice-Chairman of the National Infrastructural Development Company (Nidco) and when I see Mr. Monteil as treasurer of the PNM, I understand the purport of this legislation. [*Desk thumping*] One of the greatest predatory acts against public authorities—and it is only through being able to access information under the Freedom of Information Act, which you seek to deny today, that the country can know about this kind of predatory behaviour.

Mr. Ramnath: It makes the Member for Ortoire/Mayaro look like an angel.

Mr. G. Singh: Mr. Speaker, \$104 million. Is there any pension plan in the National Housing Authority? Can you imagine Nidco? Nidco has all the major infrastructure development, educational facilities, multibillion-dollar building and renovation of schools; NHA, multibillion-dollar enterprise and here it is that one of the biggest thieves in this country sits on all those boards in positions of power.

Mr. Speaker: There is freedom of speech; the man is not here to defend himself. Please use different language.

Mr. G. Singh: One of the biggest predators on the public purse sits on all those boards and that is in keeping with their moral and spiritual values. [*Laughter*] [*Crosstalk*] When you deny people access to information, when you bring about this culture of secrecy, then you allow the Monteils of the world to perpetuate, recreate and reproduce in so many forms. You have not thought about this exemption in the context of this society and therefore, you will continue to perpetuate people like Monteil to rape the poor people pension plans and get away with impunity; \$85 million has to be paid back; \$300 and something million and made \$104 million profit. [*Crosstalk*]

Venture Oil is a different matter. There are so many things, but I believe that this Government owes a duty to the people of this country; freedom once granted ought not to be revoked and you cannot come by sleight of hand and seek to revoke the freedom of the people. Let us not deny our citizenry the right to access information through this ruse in which you will have an approach for investigation and you will deny the people of Trinidad and Tobago the right to protect their public purse.

Mr. Speaker, I thank you.

Seconded by Dr. Roodal Moonilal.

Question proposed.

The Attorney General (Sen. The Hon. John Jeremie): Mr. Speaker, as I listened to the Member for Caroni East, I wondered if we were on the same Exemption Order. If you look at what the Order seeks to do—and I will not be as long as he was—*[Interruption]*

Mr. B. Panday: You cannot.

Sen. The Hon. J. Jeremie:—is to exempt information held by a public authority relating to a matter that is subject to an investigation by the authority. All the illustrations given by the Member for Caroni East related either to spent investigations or to matters which were never investigated, which were simply allegations, “ol’ talk”. I had great difficulty following the Member.

No one in this House can say that the Freedom of Information Act does not have laudable objectives; it does. The Act is in keeping with international norms and governance and is a necessary pillar for a free and democratic society. We on this side recognize that, but the difficulty is that in the drafting of the Act the provisions were, first of all, done in a manner which was inconsistent with the Constitution—and I shall come to that in a while—and, secondly, the provisions of the Act did not spell out instances in which the Act was not to apply, and that is the reason we are here this afternoon, to provide for an exemption. If the Act had been done in the proper course, in the first place, there would have been no need for an exemption.

I refer this House to the Freedom of Information Act of 2000 in the United Kingdom, section 30, which the Member for Caroni East glossed over. It provides that information held by a public authority is exempt information if it has, at any time, held by the authority for the purposes of—and it lists a number of circumstances in which the information would be exempt. But they did not see it

fit to include that provision in the parent Act, so that we are here this afternoon to do a clean-up job.

Mr. Singh: We can live with that.

Sen. The Hon. J. Jeremie: We on this side appreciate that once secrecy is allowed to prevail in any society corruption flourishes.

Mrs. Persad-Bissessar: Who said that, Woodrow Wilson?

Sen. The Hon. J. Jeremie: This is not an attempt to create a culture of secrecy. It is an attempt to fix the Act of 2000 which the Member for Caroni East and his colleagues brought into being. *[Interruption]*

Mr. Singh: Would you be so minded so as to utilize and tailor the relevant section 30 of the UK legislation appropriately so we can have some measure of comfort as it defines the law as against the broad approach.

Sen. The Hon. J. Jeremie: I think he should listen to my contribution before he seeks to compromise and surrender.

What I need to point out in relation to the Act is that it did not take into consideration this matter on which we speak this afternoon. This is an important matter, because in our legislative framework the Integrity Commission and the Anti-Corruption Bureau, which is a favourite of my friend, the Member for Caroni East, are both public authorities. The consequence of that is that if a matter is under investigation by the Integrity Commission—notwithstanding the comprehensive secrecy provisions which apply to the Integrity Commission—the Member would have the right to simply go into the bowels of that Commission to pull out information without giving persons before it the opportunity that the code which establishes it has set up for a proper and fair hearing of their matter.

Mr. Speaker, the Integrity Commission was created by the supreme law, the Constitution. At section 138 (1) of the Constitution the commission is established and at section 138(2) the commission is charged with the power of monitoring and investigating conduct, practices and procedures which are dishonest and corrupt. By section 139 of the Constitution, Parliament is given the power to make law with respect to the commission for the maintenance of secrecy in respect of all information received by the commission in the course of its duties with respect to the assets, liabilities and incomes of any Member of Parliament and any other person.

It is to be noted that both sections 138 and 139 are constitutionally entrenched. Under 64(2) of the Constitution a two-thirds majority of all Members of each House of Parliament is required to amend those sections. The Freedom of Information Act was passed with a simple majority. It provides a back door route to get around the entrenched provisions of the Integrity Commission under the Constitution. This is a matter which came to the attention of the State and which the State was duty bound to address.

In relation to section 3(1), the Freedom of Information Act confers on the public a right of access to information in the possession of public authorities, by making available to the public information about the operations of public authorities. The Act makes available information in relation to authorizations, policies, rules and practices affecting members of the public in their dealings with public authorities. The Act does make that sort of information readily available.

It also creates a general right of access to information in documentary form in the possession of public authorities, but that right of access is limited by exceptions and the exemptions which are necessary for the protection of essential public interest and the private and business affairs of persons in respect of whom information is collected and held by public authorities. So that even in the Freedom of Information Act—we are not speaking about the Integrity Commission here; we are speaking about your Freedom of Information Act—the right of access to information is clearly defined to be limited to authorizations, policies, rules and practices affecting members of the public and it does not create a general right of access in respect of persons' private and business affairs and essential public interest.

That is essentially what the exemption which is before us seeks to give effect to. The exemption which is before us—and if I might be permitted to refer back to it—speaks only of information held by a public authority which relates to a matter that is subject to an investigation by the authority. There are two obvious checks on the broad terms of the Order. First, the Order is limited to protecting information which is actually the subject of an investigation. So that the minute an investigation is completed, the investigation is not current, so that at that instant, the information is available to members of the public.

The second check on the width of the Order is that the Order is, by its nature, subsidiary legislation and the courts will treat it as subsidiary legislation. It is ultimately the courts which shall have to decide what is protected information within the terms of the Order and what is information which is not protected and, therefore, which is readily available to the public.

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So that to pretend, as the Member for Caroni East sought to do this afternoon, that the information in some way would prejudice the right of the public to information which it should have in the ordinary course of business, is simply not accurate. The Order does not seek to do that. Every single one of the 160 public authorities that the Member for Caroni East read out meticulously this afternoon, shall be subject to the provisions of the Freedom of Information Act, with the only exception being that if there is an investigation which is underway, the determinations of the authority shall be shielded. That is consistent with the highest principles of transparency; that is consistent with the highest principles of good governance and it is the reason the Order is before us.

It is also important to note that although the Freedom of Information Act was passed into law with a simple majority, the Constitution of the Republic protects the right to privacy under section 13 of the Constitution. So that the question which arises is whether documents affecting personal privacy are also exempt from disclosure even on the face of it, under the terms of the Freedom of Information Act, and we have views on the constitutionality of the Act. We think that the Act in that respect is of doubtful constitutionality, but we continue to provide the information on a needs basis within firm policy guidelines.

We, on this side, say that there is nothing offensive in the Order. It seeks to protect bodies such as the Integrity Commission which have important investigative work to do; it seeks to protect those bodies in the discharge of their function without let or harassment from persons who are bent on bringing frivolous applications before the court. What I should like to point out to the Member for Caroni East is that we might not have been here this afternoon had the matter of Chandresh Sharma versus the Integrity Commission not established for us that the Integrity Commission was itself a public authority for the purposes of the Act. So that what Mr. Sharma has done, quite justly—it is his right to petition the courts—was to bring an application under the Freedom of Information Act to succeed in the information, to get information which might not have been available to him under the code which governs the Integrity Commission, because that information is governed by certain provisions which provide for secrecy during the course of the investigations.

So that Mr. Sharma has pointed out to us that the Integrity Commission is a public authority and we have done the responsible thing and brought the Exemption Order to protect all public authorities which are embarked on investigations during the course of investigations, from the scrutiny of the public at large. I say that is an objective which is consistent with the very provision of

the Freedom of Information Act which my friend, the Member for Caroni East, sought to bring into being.

Thank you, Mr. Speaker. [*Desk thumping*]

Dr. Roodal Moonilal (*Oropouche*): Mr. Speaker, let me begin by congratulating the Member for Caroni East for the courage in laying this Motion on the table and forcing this House to debate a very important matter before the national community which, had it not been for this debate, may well have slipped off the front burner of public discourse. I want to congratulate the Member for Caroni East for his explosive, eloquent and revealing presentation in the House this afternoon. It is not easy to continue when a bowling attack begins this way, but it is very easy to continue after the Attorney General whose bowling attack and whose contribution, I daresay, would not even help him make a depleted and strained West Indies bowling attack.

Mr. Manning: Unkind.

Dr. R. Moonilal: The real “unkind” is to come.

Why are we here debating this matter this afternoon? What is the genesis of this matter? What is really the position of the Government on freedom of information? If we are to look at the record of *Hansard*, there would be several views coming from the PNM. This afternoon I welcomed the Attorney General, who himself joined this administration quite recently, indicating to us—I imagine his personal position—that he supports freedom of information legislation; he supports this type of disclosure; he supports progressive legislation that leads to transparency, openness, fairness, and so on. I am happy with that statement from the Attorney General. But we are not sure if that is the position of the Government. It may not be the position of the Government.

In 1994, when a member of the United National Congress, in opposition then, piloted a Motion on freedom of information, we debated the matter here. It was the first time we were debating freedom of information and the implications of a freedom of information package and its impact upon our democracy, and so on, and the Member for Diego Martin Central made a contribution on the afternoon of Friday, August 26, 1994, in which the Member, then Leader of the House as well, stated the position of the Government on this matter. His position was that freedom of information is important information; disclosure, and so on, very important. However, when individuals require information, the Constitution is there. His position was that there is a right via the Constitution and there was no need to legislate with the Freedom of Information Act; that if persons wanted

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information, they could use whatever rights they have under the Constitution, but there was no need for legislation. That was the position of the PNM in 1994.

So today, the Attorney General, who joined this administration a few months ago, indicates that his position, apparently, is different from the position of the PNM Government. You have to understand where they have reached and how they came to this position. Later, in 2000, when the matter of freedom of information came to the House for legislation after extensive public consultations throughout Trinidad and Tobago, when the UNC government allowed the citizens to speak; to bring their recommendations and suggestions to influence the legislation, the Government came with the Freedom of Information Bill.

[MR. DEPUTY SPEAKER *in the Chair.*]

At that debate it is also very, very informative to take note of the posture of the PNM and the key speakers on that afternoon. The Member for Caroni East indicated already, unsurprisingly, the double-speak of the Member for Diego Martin East. It came as no shock to us that the Member for Diego Martin East would have been saying one thing in 1999 and positioning himself differently today. That, we understand and, of course, the Member is incurable in that regard.

Other Members spoke, and it is informative, reading from *Hansard*, of Friday, April 30, 1999, at 1.30 p.m., where the Member for Diego Martin East spoke about recommendations to remove all the exemptions, and so on. He accused the UNC government of bringing this piece of legislation and putting exemptions, though they were few—national security, and so on—and of wanting to cover up their tracks. Today, this Member sits on the other side in the Government and will participate and support a Motion that has a catch-all, a blanket Order, providing for exemptions across the board. I will come to the contribution of the Attorney General in a few minutes. It is noted in *Hansard* in the debate on the Freedom of Information Bill, where the Member said in 1999:

“And I think it is necessary for us in the PNM to give an undertaking that when we are returned to government we would reverse these dishonest and treacherous pieces of legislation.”

Mr. Partap: Who said that?

Dr. R. Moonilal: The Member for Diego Martin East. Again, let me repeat that:

“...we would reverse these dishonest and treacherous pieces of legislation.”

They had never been committed to freedom of information in the first place, Mr. Deputy Speaker. When they entered government through the back door, again, they brought so far two Exemption Orders. What are they?

Their first Exemption Order was to prevent information disclosure as it relates to Nedco. There were questions in the public domain as to the spending of Nedco, giving over \$75 million in loans that they could not account for; that we could not find out who were getting these loans. When the Government was faced with that and the possible scandal that may arise, they brought an Exemption Order to indicate that Nedco would be outside the limits, the bounds, of the Freedom of Information Act. So today, millions and millions of taxpayers' dollars have been given away; have been granted by loans, and so on, to Nedco clients. We do not know who got loans, who repaid loans, who did not repay loans, et cetera.

While they would parade one or two successful entrepreneurs from Nedco—and we congratulate persons who have used the Nedco resources, and so on, and have been successful—we do not know how many may not have been successful; how many may not have paid back one cent of taxpayers' money. That was their first venture into Exemption Orders.

Second, when a private religious institution took this Government and the Central Bank to task for the appointment of directors at the Central Bank of Trinidad and Tobago, to disclose information pertaining to the appointment of the director and benefits being given to the director in question, particularly travel benefits, book grants, and so on, to someone parading as a professor; when they were faced with that reality, they brought a second Exemption Order: “You cannot get any information on Central Bank directors.”

Let us go again. This Government has been at the courthouse every Monday morning, where the court is ruling against it by way of judicial review action. Just yesterday, in a matter involving Justice Hosein, the court again ruled that this Government acted unlawfully, illegally, irrationally, and they violated the rule of law. Mr. Deputy Speaker, in the matter with Marlene Coudray, Devant Maharaj—but I want to make the link very early between the judicial review process and freedom of information. They go together. When you need to take a government or a public institution for judicial review, you need at least a basic amount of information to make a claim that you have been wronged; that the public authority acted unfairly, unlawfully or outside of their bounds. For you to determine that you have been wronged, you need information. So if I am working in the public

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service and I want information on my personal records because I intend to take the public authority to court on judicial review, I will use the freedom of information as a tool to challenge the Government or the public authority on my rights. So what you do is, restrict the access to freedom of information. Then would you believe it, by next week or the following week, we are going to be debating restricting your right to judicial review?

It is diabolical that they have brought the two together. It is a diabolical and scandalous state of affairs in this country. When they are doing that, citizens are crying out for more information. Today, citizens are before the courts challenging public authorities. When this Exemption Order is passed, those citizens will not get access to their information.

[MR. SPEAKER *in the Chair*]

Let me deal immediately with the position of the Attorney General. The Order is clear:

“Information held by a public authority relating to a matter that is subject to an investigation by the authority is exempt from the application of the Freedom of Information Act.”

It is just three or four lines. This says nothing about the Anti-Corruption Investigation Bureau; this says nothing about the Integrity Commission. If you had a problem with the Integrity Commission and you believe, rightly or wrongly, that the Integrity Commission’s position vis-à-vis the Constitution was being undermined by the Freedom of Information Act, then deal with that. You find another piece of legislation to deal specifically with that, or you exempt them. But you cannot come here and indicate: public investigation taking place; no information. With their modus operandi, if you have to investigate the San Fernando Hospital, the chairman would call an investigation, set up two members of the board and forever they would be investigating and you would not be entitled to any documentation.

You know, it was important that we heard the Attorney General in that very short and disjunctive contribution because he told us what motivated him was the Integrity Commission and the Anti-Corruption Investigation Bureau. They may well be public authorities and the way they operate, you cannot challenge them because they are involved in investigations. Suppose as a private citizen, I would like to ask the Anti-Corruption Investigation Bureau whether or not the policeman who laid the charge against the Opposition Leader was on vacation when those charges were laid; whether or not he was asked to return from vacation to swear

before a magistrate on Saturday morning to get the warrant to arrest the Opposition Leader; if I want to ask that, that is a matter subject to an investigation; you cannot enquire.

But that may be a tragic reality, that policemen on vacation are being called out and handpicked, singled out, to lay charges for particular reasons; to go on a Saturday morning before a magistrate and swear to obtain a warrant, which they had from Saturday, and chose to execute when the Opposition Leader was meeting the Speaker of the Parliament of the Republic of India, Shri Somnath Chatterjee. How fitting it is that the Speaker of the largest democracy in the world would witness the basest level of politics in the world. This is the banana republic that they are creating. This is not Vision 2020; this is the road to a banana republic. When policemen would call on the Opposition Leader's office to arrest him when he is meeting with a foreign delegation of such magnitude, that is the cornerstone of banana republic politics. That happens in the underdeveloped regions of the world. That is their MO.

The Anti-Corruption Investigation Bureau will be one of several public agencies. But it should not surprise us because the PNM has never supported freedom of information, while the entire world has moved along. It is a cultural problem with the PNM; it is in their DNA. The PNM's DNA does not allow for freedom of information. You do not need to apologize; that is how they are.

In the British colonial civil service, you have the, sort of, sacrosanct, invisible, sometimes aristocratic civil service culture, but in the period of globalization and opening up and fairness and transparency, you have a clash between English civil service culture and Western Americanized disclosure, where everything you do is really in the public domain. But in the PNM's culture—this is why when they returned to government they dismissed the term “Infrastructure Development” and went back to “Works”. They go back to what they know: “Works”, “Foreign Affairs”, you know, the old titles from 1961, because they know that and they are comfortable with that. They are not comfortable with other titles that bring portfolios together to synchronize, and so on. The UNC was about that.

Mr. Manning: We are about performance.

Dr. R. Moonilal: Mr. Speaker, I do not want to spend too much time laughing. The Prime Minister is provoking me into laughter. He says he is about performance. He must tell that to a collection of editors. They are not too kind to him these days. I will get to performance, but let me just suppress this laughter.

Their position on freedom of information is the same as on judicial review. It is an attempt to suppress the rights of citizens. That is what they are about. But it is also an attempt to legalize corruption. [*Desk thumping*] That is the point. This Government of the PNM has been exposed as no other PNM Government before, because we did not have that level of technology and know-how before to expose them. It took 30 years before 1986 to chase them out of office. In 1995 when they left, we knew of certain corruption but we did not have the means. Apart from that, the UNC had not served in government prior to 1995. So today, whereas the UNC had served in government and several members of the Opposition would have experience in government, would know how to approach agencies, would know the processes of government so we can expose them, today they cannot hide anymore. They are being exposed on the Internet; they are being exposed in the newspapers.

It may well be that the media may take an interest to know that plans are already afoot to remove Parliament from the Red House to construct the office of the Prime Minister at the Red House building. Contracts have been given out. People are working busily to ensure that the Prime Minister's office come to the Red House. Anytime now we can be called away to another building. In fact, anytime I get the Order Paper I look carefully at the location, because it could be in Chaguaramas. It could be anywhere. How many people know that a contract has been given; that people are busy working? Could you imagine that you do not even know this now, with freedom of information? Then if somebody decides that we need to have an investigation into the contract to rebuild and restructure the Red House for the office of the Prime Minister, they would say that is subject to an investigation; you cannot find that out.

The Member for Caroni East indicated that British Petroleum—you know, in all honesty, some of us would have some respect for the head of British Petroleum. When he was appointed there was a grand fanfare about a local person taking over BP and how important it was to our self-esteem, and so on, that we have a local running BP in Trinidad and Tobago. But today that local, sadly, appears to be “PNMized”. We did not want a PNM local. Perish the thought to have a PNM local in charge of British Petroleum. To this day, we cannot get information on the quantities of moneys involved in the contract to Maranatha, but they established blind trusts left, right and centre. This is a blind trust government. It is a blind government in the first place, but they operate, all of them—the Member for Port of Spain North/ St. Ann's East has a blind trust, the Public Administration Minister has a blind trust, the Member for Port of Spain

South has a blind trust, the Member for Diego Martin Central, I imagine, would have a blind trust operating the bar. That is how they operate. This is their MO. But today they are being exposed at every corner.

What do you do? You bring an Exemption Order to escape the glare of the public, the Parliament and the Opposition, so you ensure that nobody can get information again. To this day I am still waiting for the PNM Government to tell me clearly why we need this Order as it is worded. If you need an Order to exempt the Integrity Commission because Chandresh Sharma is making trouble, fine, exempt it, if it is unconstitutional; the police activity, and so on, fine, but you cannot exempt every single state enterprise and public authority in this way. Mr. Speaker, they can tear up the Freedom of Information Act, 1999 and throw it away. The Freedom of Information Act is worthless. It is not worth the paper and the ink used after this Exemption Order is given effect. This is the effect of the Exemption Order: to repeal, to throw in the garbage bin, the Freedom of Information Act. If they have problems with this Act, fix the Act.

They are talking, as well, and making reference to the British experience. Very interestingly, would you believe that Trinidad and Tobago under the UNC government, pioneered freedom of information legislation before the United Kingdom? It was the United Kingdom that followed us. We were so progressive that developed countries had to look on at our progressive legislation and follow us. But they talk about 2020. It is a banana republic they are sending us to. This is one example. This is a country where citizens live under a tree, where citizens have to buy a car for the police. That is not Vision 2020. They released the Vision 2020 statement recently and the chairman of Vision 2020 indicated that crime and squatting are not part of the Vision 2020 plan. Look at the state of our hospitals. At several police stations throughout the land they ask citizens to donate water; the telephone is not working at several police stations.

I had an emergency in Oropouche and I sent by fax instantaneous communication to NEMA (National Emergency Management Authority) that I needed their help. Three weeks later they responded and said they were moving office and they do not have a director and furniture. But that is the National Emergency Management Authority. Is that Vision 2020 or banana republic? Recently in the news you read that there are NHA vehicles without inspection. Workers do not want to use the NHA vehicles. This is a country where students are banned from a library. Entire schools are banned from libraries; nine teachers suspended with full pay, and recently, the hounding, harassment and victimization of the Opposition Leader of Trinidad and Tobago. That is a sign of a banana republic status, where, when you

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demit office, the Government persecutes you and chases you down; that when you leave office now, the Government comes with a certain vindictive quality, a vendetta as well, and they chase you and hound you into jail.

That does not happen in the United Kingdom and the United States, you know. They use the law here as a tool to persecute their political opponents. That is where they have reached.

Mr. Singh: Selectively.

Dr. R. Moonilal: Selectively. They charged Tim Gopeesingh on nine counts of corruption. Tim Gopeesingh is the recipient of a national award for his contribution to medicine and education. When Tim Gopeesingh was humiliated by the courthouse, the Chief Magistrate, in dismissing the charges, said that these charges are not known to the law. Who took the blame for that? Who was accountable? Which policeman was investigated? But this is the banana republic we live in, where the charge against the Opposition Leader would be dismissed.

I intend to write the Anti-Corruption Investigation Bureau under the Freedom of Information Act to get some information about the police officers conducting this enquiry. But, of course, I cannot do that. They would hide and keep secret all the information. The Opposition Leader was granted \$750,000 in bail. Unless I am mistaken, this Opposition Leader is not building a housing scheme in Tobago; does not have four houses at the four corners of Trinidad. If \$750,000 is punitive, there is another implication. But these are the areas that this Government would seek to cover and to suppress information.

The UNC has been exposing the PNM Government on corruption at WASA, NHA, CEPEP, URP, HYPE—what else—CCC, all over, exposing—Nedco. They began by playing bravado, by indicating that, “You want investigation, we give you investigation; you want enquiry, we enquire.” When all the investigations have piled up and they cannot now postpone forever revealing the results of investigations and enquiries, here comes a blanket exemption on freedom of information.

The Attorney General, whom we also want to wish well in terms of his health, and so on, should know better. We need to repeat again for the benefit of the Parliament and the nation, it was the Chairman of the UNC, Sen. Wade Mark, in another place, who exposed a plot to remove the Chief Justice. It was the Member for Caroni East who exposed corruption in Tobago; it was the Member for Siparia who first told us about a man who went on to national acclaim, Dansam Dhansook. We

never heard of him before. It was the Member for Siparia who led to investigation after investigation.

Mr. Ramsaran: The Member for Port of Spain South called him Bob.

Dr. R. Moonilal: The Member for Port of Spain South called him Bob?

But interestingly, Dansam Dhansook made allegations against two Ministers. They pressured one out, but the other one remained.

Mr. Singh: He went to Mount St. Benedict to pray.

Dr. R. Moonilal: And he went to Mount St. Benedict to pray. When I heard that I told them they had better cover the collection bowl up there, because if it is the same practice by Smokey and Bunty, they have to watch the collection up there.

Freedom of information in the world has reached a point where, as the Member for Caroni East says, you cannot take it back. In the United Kingdom they have a certain principle in law which is called the test of public interest. It is embedded in law and policy. I want to use some information briefly from *Parliamentary Affairs*, Vol. 57, No. 2, 2004, an article entitled, *Dragging the Constitution out of the Shadows*.

Mr. S. Panday: Most up to date.

Dr. R. Moonilal: Yes, 2004 literature. In a section dealing with freedom of information, prominent writers, Meg Russell, Alan Trench and Mark Sandiford—political scientists and one legal scholar—outlined the use in British legislation of what is called, a public interest test, which means that if you have to exempt information from the Act, you apply a public interest test and if you satisfy the canons of the test that information regarding security, foreign policy—

As you well know, Britain led, together with the United States, an initiative into Iraq to remove the former President there and that war and the participation of the United Kingdom led to an enormous amount of controversy at the Parliament in terms of the Hutton Enquiry, and so on. It led to a lot of debate on public policy as regards freedom of information, because it was felt that the United Kingdom government as well as the United States, did not disclose information to their population before committing their armed forces to war, and because of those developments, the British have reviewed their freedom of information legislation.

They are now pronouncing and articulating on public interest tests, that if a piece of information regards national security, foreign policy or private information as well, you have a test that you devise; that you rank the piece of information you want with a certain grade, and they work it out that if your grade is above a certain level, you have satisfied a public interest test, in that the information must be public interest and it must be disclosed. But if it does not satisfy that and it is below a line, then you cannot disclose the information across the board, whether it is foreign policy or national security. In fact, in terms of economic planning, it is also subject to exemption, as well as advice to Ministers or a Prime Minister. If someone gives a minister confidential advice, they may exempt that from freedom of information, and so on.

But there is an orderly way of doing it. The United Kingdom that followed us with freedom of information has now outlined a remedy in law to assist us with these exemptions. Why does the PNM Government not see it fit to use the public interest test as proposed in the United Kingdom and in New Zealand as well? But that would not suit them because you have to be specific. With the public interest test, even if you deny persons information, you need to say for how long.

So let me now create the scenario. If you are conducting an investigation at the NHA and someone applies for information at the NHA, and you say, "I am sorry, we cannot provide you with that information; it is the subject of an investigation", you must now change the law to give the authority a time frame in which—

Mr. S. Panday: Within 14 days.

Dr. R. Moonilal: —they must conduct their investigation and satisfy a requirement of law to provide information. So you create a procedure, a time frame. You cannot just say: "We are investigating". But you can investigate for two years. You could investigate all the way towards the next general election and no one will get information.

So what I am proposing to the Attorney General is that he meekly take back this Exemption Order, return it to the dustbin, come with another Exemption Order that would deal with the Integrity Commission, if that is their problem, or if they want, under another guise to deal with investigations, and so on, that will create a procedure, so when matters are being investigated, it is for a particular time; it is for a certain category of issues.

You cannot be investigating a matter at the National Museum and at the NHA. They are different issues; their scope is different; their public impact is different. Their possibility for corruption might be different as well. But you cannot take all state enterprises and lump them together. This will not lead to good governance, to productivity, to delivery.

We know that the Member for San Fernando West is very concerned with delivery. It is not often I agree with the Member for San Fernando West. In fact, when I do agree, I believe that the Member might be wrong for me to agree. But the Member is quoted as saying:

“We (meaning the PNM) have been in power for the last two and a half years. Millions and millions have been allocated, but not a single bit of work is being done. Does Government work? It seems that it can’t.”

Hon. Member: Oh, my god!

Dr. R. Moonilal: That was the Member of Parliament for San Fernando West, Dianne Seukeran at the Cancer Society at Gulf City, May 24, 2005.

Hon. Member: It was cancerous.

Dr. R. Moonilal: I repeat:

“We have been in power for the last two and a half years. Millions and millions have been allocated, but not a single bit of work is being done. Does Government work? It seems that it can’t.”

Mr. Partap: She means the PNM Government.

Dr. R. Moonilal: Well, by “we” certainly she cannot mean the Member for Oropouche.

When the Member got caught in an honesty trap, she back-pedalled and said, “What I mean is really the 100,000 public servants cannot work, but the Cabinet works. The Cabinet functions. They pass minutes. They look at notes and okay minutes; they work. But, really, it is the thousands of public servants who do nothing.” This is the approach. Sometimes, depending on your state of inebriation, you could talk the truth. [*Laughter*]

Mrs. Seukeran stands.

No, I am coming to another point and I will come to you in a minute. I am not giving way. [*Interruption*] I intend to, but not at this moment.

Sometimes Members on the other side will take this public position—we cannot compliment them because they participated in the thing already, but I want to ask the Member for San Fernando West—and I want to pick them out too,

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because, really, I cannot categorize all the Members on the other side in one way. I want to ask the Members for Arima, for Tobago East—and I stop with the first group—how do you feel sitting there and voting for an Exemption Order that will exempt all public authorities from any information disclosure relating to any investigation? How do you feel about that? I know the Prime Minister is in the House so I do not expect you to answer, but I want to ask them to search—if your conscience is asleep, what is the state of your brain? How can you read an Exemption Order like this and participate and vote for this Exemption Order, where “investigation” is not qualified either? It could be the investigation at the highest level or the lowest level.

Mr. Partap: It could be a farce.

Dr. R. Moonilal: You can create bacchanal at a state enterprise, manufacture an investigation and then prevent information disclosure. That is what you can do. My friend from Tobago East who is now at the University of the West Indies pursuing post graduate education—I want to compliment her, because she is a sitting, active and dynamic representative in Tobago. Mr. London may not think so, but the Member for Tobago East is a hardworking Member of Parliament, a Minister of Government and a post graduate student at the University of the West Indies, and I compliment her on her enormous capacity to succeed in all. I really admire her ability to be so multi-tasked.

There was some hope that the Member for Arima, because of the background, and so on, and really noble ancestry in the labour movement—I want the Member for Arima to read this carefully. Search your conscience. We do not know if the Member for San Fernando West bolted from the stable already or is just hooking on at the door waiting, or looking to see which other stable is looking stable. This is the state of affairs that Trinidad and Tobago faces today. I want to alert the Government that no amount of Exemption Orders will save them.

Mr. Ramnath: Their days are numbered.

Dr. R. Moonilal: If you had seen the 10,000-plus persons at Gasparillo two nights ago and over 8,000 at Felicity, on a rainy night, and you go tonight at San Juan, you would know that your days are numbered. In fact, as one supporter of the PNM noted to some of us, they do not know if the Prime Minister knows what he did, but he should take note of the crowd, of the gradual additions to the meeting, both in the audience and on the stage. I have said it before, that this Government is an opposition’s dream. They may not have known what they have done but they are now uniting this country in a way that this country has not been

united before. [*Desk thumping*] Persons who were outside and looking on and believing UNC/PNM, and somehow they are not satisfied with either party, with this last diabolical and dictatorial move, those persons are now finding their way to the UNC camp. The PNM's days are numbered. I want to indicate that in the next UNC government, within the shortest possible term, we will reverse all these Exemption Orders passed by this Government. Take note of that. And if a few of you are unfortunate enough to be returned and to be on this side of the House, take note that we will debate this matter again very soon.

Mr. Ramnath: We have to get a new Speaker.

Dr. R. Moonilal: And the 37th Member may also be different. We do not know. I want to tell you that the UNC government in its manifesto position—because we must now articulate to this country our position, our policy—has pledged itself to full information disclosure; to full implementation of freedom of information. But, you see, whether it is freedom of information, DNA legislation, Occupational Safety and Health legislation, that is window dressing for the PNM. That means nothing.

They got us to come to the Parliament to pass the OSHA. The Member for Point Fortin was then Minister of Labour and Small and Micro Enterprise Development. Two Ministers of Labour later, they have not implemented the OSHA, because progressive legislation means nothing. They have the DNA legislation before them. They will not find the time to implement that legislation, but out of the sky they said: “The MP for Fyzabad reminded us that we need to get this Exemption Order.” This Exemption Order has nothing to do with the Member for Fyzabad; it has nothing to do with the Integrity Commission. This has to do with their secretive transactions. [*Desk thumping*] Secrecy is a hallmark of conspiracy, which is a hallmark of corruption. To corrupt, you conspire. To conspire, you do that secretly. You cannot conspire in the open. You need the elements of secrecy to conspire and conspiracy leads to corruption.

I do not want to draw the Member for Ortoire/Mayaro into this again, because he is now contented reading away busily there, but in several matters of secrecy, you need to be secret. You need to park your car a certain mile away and by telephone tell somebody what is the bid, and then tell the person: “Well, I expect to collect sweetbread.” [*Desk thumping*] That is secrecy. That is the hallmark of corruption. [*Interruption*] He said something is grass, so you need to watch him. This Government is prone to secrecy. While we welcome the statement of the Member for San Fernando West, we do not have much hope that anything will change.

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I want to point out another element of this growing dictatorship. They are cutting down the Parliament time. Have you noticed this Parliament meets once in a blue moon? Parliament used to be every Friday and twice a week, but suddenly Parliament in Trinidad—

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

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

Question put and agreed to.

Dr. R. Moonilal: Thank you, Mr. Speaker. As I was saying, the Parliament in Trinidad and Tobago today is not unlike Parliaments in the Eastern Caribbean States, and so on, where, because of their smallness and their small number, small Cabinet and issues, and so on, many of them choose to meet once per month. Every two months, and so on, a parliament would meet, whether it is in St. Vincent and the Grenadines or Grenada. That is because of the type of governance structure there. In Trinidad and Tobago, when we meet today, we can adjourn indefinitely forever. They met a few weeks ago, no Parliament. There was a time under the UNC government when you come on Friday, keep a shirt pressed out for Monday, because you could be coming back Monday morning. But under the PNM, they do not have a work ethic of Parliament. When they come here it is to pass laws for secrecy, to prevent information disclosure. We will return in a few days to discuss judicial review, another case of restricting the rights of citizens which the UNC gave.

Again, I must indicate under the UNC government you got the legislation on freedom of information. That was our contribution to this country. That is progressive. You had Equal Opportunity legislation—progressive legislation. The creation of the joint committees of Parliament is a creature of UNC governance. Never before could you look at the newspaper or the television and see who was the chairman of the board of a state enterprise, who was the CEO or who were the senior managers, but today they come in Parliament. They use the very seats we use, as they answer to the Parliament on governance at the corporate level. That is a creature of the UNC, not the PNM! Accountability! Transparency! Under the UNC government we created these parliamentary joint committees and entrenched them, so today you have the state enterprise sector coming before us, although some of them are rude, arrogant, and invariably they are former candidates of the PNM. They come here and they must answer to the representatives of the people. Deepening a democracy is increasing and expanding the role of your Parliament.

Several Members on the other side fly all over the world to Commonwealth Parliamentary Association meetings. I wonder if they understand what is expanding the role of your Parliament to deepen your democracy by bringing citizens' business here. You do not announce government's policy by press release and by an American-style press conference at Whitehall. Look at what they have reached to now. They put three Ministers who are probably not hungry enough at the moment and they sit at the table and announce something, while the rest is dining. That is not government. Government is coming to the Parliament and announcing your policy measures and having a debate among the representatives of the people. The UNC promoted that. But in their role of secrecy, conspiracy, and so on, what do they do? They have plans to dismantle the Central Tenders Board. That is consistent with judicial review restriction and freedom of information exemption. So now private organizations will participate in the allocation of bids and contracts. Instead of enhancing the role of the Central Tenders Board, making it more transparent, giving resources, and so on, and bringing openness, you close it down.

When the UNC was in power, we had the Member for Siparia and the distinguished Member for Tabaquite running a Ministry of Education, building 12 schools, 25 pre-school centres all over Trinidad and Tobago. Since the new Minister of Education—the handpicked Minister of Education—came into office, they have to create a state enterprise to run the Ministry of Education. A Minister cannot run the Ministry of Education, and in the Cabinet reshuffle the Minister of Education remains. So we create a state enterprise to deal with education because that is needed for delivery, but the Member for Tabaquite and the Member for Siparia could have run a ministry and delivered. And they are reshuffling all the time. They have had four Ministers of Labour and Small and Micro Enterprise Development. That is not a reshuffle. The pack falls on the ground and you pick it up any old how. There was no thought.

4.00 p.m.

I want to ask the hon. Prime Minister: What wrong did my colleague from St. Ann's East do? The Minister of Labour, Small and Micro Enterprise Development went into the ministry and came to terms quickly with a few matters; he had some brilliant ideas with respect to change and so on; what wrong did he do to be removed from the Ministry of Labour, Small and Micro Enterprise Development? What did he not do? But they brought someone who told the working class of this country to eat cassava and dasheen if they could not afford chicken and put him as Minister of Labour, Small and Micro Enterprise Development. A minister of labour is

a sensitive position, you put anti-working class; anti-labour; aristocratic bourgeois; pompous persons as ministers of labour. You have again undermined your own creditability in dealing with labour. Do you think the OSHA Bill would ever be effected under the Ministry of Labour, Small and Micro Enterprise Development?

Mr. S. Panday: Never.

Dr. R. Moonilal: In fact, interestingly, if we are investigating the delay with the implementation of the OSHA Bill we cannot ask any questions and get any information on that either.

Mr. Speaker, the Attorney General in his short presentation sought to allay our fears and to indicate to us that they brought the Exemption Order only to tell us that the Integrity Commission is under the Constitution, and what they mean is that you cannot get information from the Integrity Commission because it may interfere with a constitutional right.

Mr. S. Panday: The Integrity Commission is the biggest leaking agent.

Mr. Ramnath: The Integrity Commission [*Inaudible*] newspaper probably. It cannot be trusted!

Dr. R. Moonilal: Mr. Speaker, it is my belief and the belief of several others on this side that every member of the Integrity Commission should resign forthwith! The court has ruled on several occasions that they have acted outside their jurisdiction, that they have misinterpreted the law and their position. Imagine you put men and women as integrity commissioners, a critical role in a society like this, and the High Court rules against them that they cannot read the law; they cannot understand their role and responsibilities. That is another banana republic indicator!

Hon. Member: They are getting a whole hand this time.

Dr. R. Moonilal: Yes. It is an indicator of a banana republic when the Integrity Commission does not have integrity. That is the state of play of this nation. The Attorney General wants us to believe that this blanket and catch-all Exemption Order has to do only with the Integrity Commission and the Anti-Corruption Investigation Bureau.

Mr. Speaker, let me put them on notice that the United National Congress has communicated already with international agencies, including the Organization of American States, the Association of Caribbean States, and Caricom to bring to

their attention the undermining of democracy in Trinidad and Tobago. [*Desk thumping*] The UNC and the Opposition will, in a few days, alert the international community by an aggressive campaign, both locally and abroad, as to the undermining of democracy in Trinidad and Tobago whereby the Opposition Leader was charged by a unit of the police, under the instructions of a politician; under the management and authority of a sitting member of the Cabinet, a politician. [*Desk thumping*]

Mr. Speaker, the Attorney General in the United Kingdom is not a Member of the Cabinet. In our Constitution the Attorney General is selected by the Prime Minister and sits in the Cabinet. He is a politician. It is against the Constitution and international law to have a unit of a police service under the direct management and authority of a politician. That is akin to Mugabe-style government, when Mugabe would arrest opposition members and jail them. The police and the army are under the authority of the President of Zimbabwe, His Excellency The Right Hon. Robert Mugabe. He commands the police, not just the army! In their Constitution the police is under the direct authority of the politician and not an intermediate, neutral and independent commission. Mr. Speaker, this Government is following practices of the southern part of Africa. How ironic it is that the government of Malawi has a vision 2020.

Mr. Manning: Mr. Speaker, I thank the hon. Member for Oropouche for giving way. Perhaps he could let us know who is the Commanding Chief of the Armed Forces of the United States of America?

Dr. R. Moonilal: Mr. Speaker, I think what the Prime Minister wants to say is that with the reference to President Mugabe that when you are in a presidential constitutional model, although you are commander-in-chief in a developed country, there are institutions below you that deal with the authority, the management and the execution of the jobs of the police.

Mr. S. Panday: To insulate.

Dr. R. Moonilal: To insulate the President of the United States from a sergeant guarding a building in Washington.

Hon. Member: Just ask Nixon!

Dr. R. Moonilal: There are institutions and there are experiences. What happens in banana republics is that you remove the intermediary institutions; they are no longer there. [*Desk thumping*] The president signs instructions to the police. If you do not believe me you can read about Zimbabwe's constitutional structure. It has been a subject of an extensive special report in the independent

newspaper of the United Kingdom. I can make that available to you and you can read it.

Mr. Speaker, the point is that there is a comparison between what they are doing in Trinidad and Tobago and what is done in these banana republics, by having police officers under the management and authority of politicians. Mr. Speaker, that cannot happen in any civilized developed country. This Government will have to answer to the international community! The policeman will have to answer! Mr. Speaker, I say, categorically, that this Government behaves as if they are beyond the rule of law! They act outside the arm of the law! Could you imagine in a country like this where the court rules every Monday against the Prime Minister and the Government on several matters whether it is the Devant Maharaj, Marlene Coudray, the Maha Sabha licence, Justice Hosein and so on? They take all court judgments; they look at them and say: "You mean this is another one against the Government? Put that in the file called 'court judgment against the Government.'" It means nothing in terms of their policy and in terms of their change, because they are beyond the rule of law.

Mr. Speaker, the Maha Sabha licence is a classic case. The court ruled that they acted unfairly, unreasonably and unjustly in not giving the Maha Sabha a licence. The court said to the Government: "In a certain number of days to reconsider". They took the days and more days and there was no frequency as to whether the Maha Sabha got a licence or not because they are beyond the law. We believe it is only pressure from the international community that will straighten them or will give them some inclination.

Mr. Ramnath: If the courts do not like the Chief Justice you conspire to fire the Chief Justice.

Dr. R. Moonilal: You fire the Chief Justice. This is a country where the Chief Justice is facing impeachment; the Opposition Leader is in jail; the former Speaker was jailed and all public authorities slam their door on information disclosure. This is where we are; the banana republic!

Mr. Speaker, name a time in our history where an Opposition Leader was in jail, one Member was suspended indefinitely from the House and the Chief Justice was before impeachment proceedings. When in our history has this ever occurred? Every institution of this country is targeted! While this is happening, there is one law for the UNC and another law for the PNM. [*Desk thumping*]

Mr. Speaker, I reminded friends of an experience I once witnessed in cricket. The West Indies had a problem with opening batsmen. They selected two

batsmen, Sherwin Campbell and Suruj Ragoonath, and they both made duck. They dropped Suruj Ragoonath. *[Laughter]* Now, both the Members for Ortoire/Mayaro and Port of Spain South got the same bribery charge but one has gone; one has remained! *[Interruption]* Well, that must be Sherwin Campbell. What is their approach to governance? *[Crosstalk]*

Hon. Member: Racism, that is their approach.

Dr. R. Moonilal: This nation is disgusted with the governance of this country. *[Crosstalk]* Mr. Speaker, it is instructive that while the Maha Sabha did not get the licence, their crony and friend, another leading PNM, Louis Lee Sing, got a second licence for the urban youth. It is instructive that they continue to favour their PNM cronies. *[Crosstalk]* My friend from Arouca South is now bothering me.

Mrs. Robinson-Regis: I am bothering you?

Dr. R. Moonilal: Very soon I will talk about Ministers who hire their relatives as advisers. Mr. Speaker, let me get back on track to suggest to the Attorney General—

Mrs. Robinson-Regis: *[Inaudible]*

Dr. R. Moonilal: No, because you did not hire another sister.

Mr. Speaker, Anand Ramlogan in an article in the *Sunday Guardian* dated May 22, 2005—*[Interruption]* No, husband was in the first round. Mr. Ramlogan asked in the article:

“What’s there to hide?”

The purpose of the Judicial Review (Amdt.) Bill is really to put Anand Ramlogan out of work. *[Laughter]* He has been leading a charge against this Government by taking up the cases of public officers and winning: poor people; public officers, who have been wronged by this Government whether they were supporters of UNC or the PNM, anybody. Mr. Speaker, they believe it is only the UNC supporters they are harassing and discriminating against. They would be shocked to know the persons who are crying discrimination as to the persons and their voting record. It is not only the UNC. They discriminate against all with different levels of vengeance and venom. They are creating a society where persons who have voted for the PNM are now complaining about discrimination from the PNM.

Mr. Speaker, the PNM has reached so bad that the children of the PNM members are running. They are children of Government Ministers and I must say,

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children who are intelligent; who are qualified; who have good education; who could even participate in building this country. When these children of PNM Ministers study abroad they are now telling their daddies and mummies, who sit in the Cabinet; “I am not coming back to Trinidad and Tobago, leave me in England.” They will not come back to participate in developing a country that is run by their mother and their father and their uncle. If it was the UNC you would say: Well they think they are being discriminated against; attacked and persecuted, so they would not come back. How do you explain that the children of prominent PNM members will not come back to develop the country that their parents are running? They are running away!

Mr. Anand Ramlogan asks:

“What’s there to hide?”

[*Interruption*] I am hearing some mutterings from the Member for Laventille East/Morvant. The Member for Laventille East/Morvant is a very popular figure on the airwaves so I would not deal with him.

Mr. S. Panday: He is a professional radio caller. He does not work at all.

Dr. R. Moonilal: Dale Enoch threw him off the radio. Mr. Speaker, Anand Ramlogan asked an important question:

“Why does the Government want to encourage or facilitate the suppression of information? Requests for information are likely to be met with the flippant reply that ‘it relates to a matter under investigation.’ What foolishness! Most public authorities do not have any powers of investigation!”

Mr. Speaker, that is another interesting point, that they may not even have power of investigation. Mr. Anand Ramlogan who has been spearheading this type of attack in the courts over the years—and not only Mr. Ramlogan but several attorneys in this country, including the very prominent Member for Siparia has been in the court on matters of judicial review.

Hon. Member: What about the Member for Laventille East/Morvant?

Dr. R. Moonilal: No, he would not be involved in that. Anand Ramlogan who also writes a column in the *Guardian* asks: Why do you want to suppress? What foolishness! The other question is: Do public authorities have legal rights to conduct investigations and suppress information disclosure? Mr. Ramlogan is asking this question. Mr. Speaker, it is a very serious question.

We hope that the Member for Laventille East/Morvant, the democrat and

patriot that he portrays himself as, would also take an interest in this. When they were in opposition he sat on this side of the House on this very Bench and barked at the then UNC government about information disclosure, cover-ups, secrecy and so on. Today the Member for Laventille East/Morvant sits quietly and would participate in a motion to exempt all public authorities from giving information once it is: “subject to an investigation”.

Mr. Speaker, the Member for Laventille East/Morvant was dealt with properly by a *Guardian* editorial dated May 13, 2005, when as another part of their operation—I want to tell you, Mr. Speaker, that secrecy and this type of conspiracy goes hand-in-hand with other qualities. When someone is bad, he is not bad in one way, he is bad in several ways. Yes, there will be secrets and they would conspire and so on, but they are also insensitive. Insensitivity is also another element of that character of the evildoer who prevents information from coming to persons because information gives you liberty. When you have information you can exercise rights.

What is the sense—we have a Constitution and we hold up the Constitution and say: “Constitution of Trinidad and Tobago, I have rights.” But you cannot exercise rights because you do not have information as a basis to exercise those rights. The Constitution then is not worth anything as well. The insensitivity to the national population is another hallmark.

The Member for Laventille East/Morvant a few weeks ago at the funeral of a police constable, who was mercilessly shot and burnt in the line of duty, made this most unfortunate statement: “It was in the line of duty; this happens all the time.” The *Guardian* on May 13, 2005 had to point out that:

“Minister Fitzgerald Hinds reached new lows of thoughtless and insensitive speech.”

[*Desk thumping*] The editorial said:

“Mr. Hinds pointedly ignored the significance of this new level of criminal attack on the police and came close to portraying PC Marajah’s killing as all in a day’s work.

Mr.Hinds further reinforced his reputation as the mouthpiece for empty and meaningless talk by repeating that a ‘tremendous amount of work was done’.”

That was a *Guardian* editorial. That was not a letter writer. That is not Harry P.T. Charlie; that was an editorial that spoke on behalf of the newspaper. [*Interruption*] Well, a letter writer referred to him as “yackety-yak”. I do not

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know what that means so I would not talk about that. Mr. Speaker, on that note the Member for San Fernando East could have appointed “Mr. Santa Cruz” as a minister, if it was a radio caller he was looking for as a minister, or he could have appointed “Mr. Endeavour”, or “Mr. Enterprise” or whatever they are.

Mr. S. Panday: It would have been better.

Dr. R. Moonilal: It probably would have been better.

Mr. Speaker, let me get back to the Freedom of Information Bill. I am sure the Member for Laventille East/Morvant would attract the attention of other Members on this side of the House.

Mr. Speaker, Anand Ramlogan the attorney in his article of May 22, 2005, reminds us of when the Government was exposed in the Central Bank matter; he reminds us of the Government’s exposure on the ongoing issues involving the employee of the Ministry of Foreign Affairs; he reminds us of the matter involving the Director of the Central Bank and the link between these issues and civil rights. This Government is now attacking our civil rights. That is important. Our civil rights are under attack.

Mr. Speaker, I want to make a point and I am sure they will groan, but forgive me. When Martin Luther King, Mahatma Gandhi and Nelson Mandela fought against colonial oppression and the oppression of a national government, they were fighting for civil rights. There is no big difference between the struggle of Nelson Mandela and the struggle of the Member for Couva North. [*Aws from Members on the Government Benches*] [*Desk thumping from Members on the Opposition Benches*] [*Crosstalk*] As I predicted, Mr. Speaker! Let me explain! Let me educate them! [*Crosstalk*] You cannot spell Mandela’s middle name. [*Crosstalk*] You cannot wipe his shoes, so be quiet. Mr. Speaker, when Mandela was charged—[*Interruption*] They do not even know what Mandela was charged for. He was charged under the Suppression of Communism Act. He was charged for sabotage! He was charged for incitement! Mahatma Gandhi was charged under British law for inciting. Martin Luther King was charged for segregation. [*Crosstalk*]

Mr. Speaker: Order!

Dr. R. Moonilal: Their position is that neither of them was charged for corruption, but today they used the corruption legislation as the apartheid government used the communism legislation. [*Desk thumping*] It is not the legislation; it is the use of the legislation! It is not the law; it is what you use the law for! If anti-

corruption law was in South Africa in 1961, Mandela would have been charged on nine counts of corruption! [*Desk thumping*] It is not the issue of corruption! It is the issue of the use of law! When you use the law for amoral ends that is the issue! It is not corruption!

Mr. Speaker, if the British Government had anti-corruption laws in India they would have charged Gandhi for corruption, too. Every oppressive government uses the tools that are available to them. [*Desk thumping*] In our law book we do not have anti-communism laws. If we had anti-communism laws here the Member would have been charged for anti-communism. [*Crosstalk*]

Mr. Speaker, I want to correct them immediately. It does not matter the charge and the legislation; it is using law for political repression! [*Desk thumping*] Mandela says—

Mr. Speaker: Hon. Member, I regret to advise you that your time is up.

The Minister of Trade and Industry and Minister in the Ministry of Finance (Hon. Kenneth Valley): Thank you very much, Mr. Speaker—

Mr. Ramsaran: He has a whole minute again, you know.

Mrs. Robinson-Regis: A whole minute?

Mr. Ramsaran: [*Inaudible*]

Hon. K. Valley: Mr. Speaker, I join this debate to give certain assurances to my colleagues on the other side. We have listened to the contributions— [*Interruption*]

Mr. Speaker: Hon. Member, one minute please. Hon. Member for Chaguanas, I am in charge of the Standing Orders— [*Crosstalk*] Listen to me! [*Crosstalk*] I have ruled that the speaking time has expired—

Mr. Ramsaran: We know; we can feel it; you are the big bad wolf.

Mr. Speaker: Order! I have ruled that the speaking time has expired and that is the rule. The Speaker determines the speaking time and he is in charge of that and the speaking time did, in fact, expire. [*Crosstalk*]

Mrs. Robinson-Regis: You are always talking nonsense.

Mr. Ramsaran: That is the first time that has happened in this House! All you go ahead; destroy the democracy of this country.

Hon. Member: Just now they will suspend you. [*Crosstalk*]

Hon. K. Valley: Mr. Speaker, I was making the point that the Government has listened to the contributions of Members on the other side, my colleague from Caroni East, especially, where I think the basic point that the Member made was that the word “investigation” by itself appears to be too wide and that they would feel more comfortable if the Government would put some limitations on the concept of the investigation.

We have taken that point and, really, we want to review that so we would like to adjourn this debate to look at that. Having said that, Mr. Speaker, I think I want to leave some other stuff because this thing about freedom of information legislation, you know what we thought of it.

Mr. Speaker, I was just looking at this and I had reason to quote the Member for San Fernando West, at the time—[*Interruption*] No, I am speaking about the Member for San Fernando West at that time, when I contributed to this Bill on July 09, 1999. I opened by telling the Speaker—he was out of the Chamber at the time and came back when we were winding up and I made the point that I was about to say that you missed the very important contribution of my colleague from San Fernando West but I am aware that in your Chamber you can hear the proceedings of the Parliament.

Then I went on to say that the significant point made by the Member for San Fernando West was that he examined the Bill clause by clause. Even today, if one were to look at section 21 of the legislation, one would see there is a gaping loophole. Way back in 1994, when the Member for Couva South at the time, Ramesh Lawrence Maharaj, brought the Private Members' Motion—when he copied a bill from the United Kingdom (UK)—and came to the Parliament with a Private Members' Motion, we made the point that the Freedom of Information legislation is a misnomer because one has that right.

Mr. Speaker, that is the point my colleague, the Member for Oropouche, was making, that the Constitution provides the right to information to the citizen. The citizen can go to the courts if he is denied that right and seek justice. The Freedom of Information legislation—especially so in 1994—was really an attempt to restrict that right. [*Crosstalk*]

In 1994, there were few countries; not even the UK at the time had the Freedom of Information legislation. [*Crosstalk*] It was a private member, in 1992, who brought a bill which was called “A Right To Know”, that your former colleague copied and brought to Trinidad and Tobago. Even in the UK, however, they voted against that legislation. As I said, Mr. Speaker, the purpose of that

legislation was to restrict the right that one had, and one sees it continuing in the legislation.

Mr. Speaker, one of the issues I think I need to deal with is the issue raised by my colleague with respect to EMBD because—

Mr. Speaker: Hon. Member, you will have to leave that until after the tea break. The sitting of the House is suspended for tea.

Mrs. Persad-Bissessar: Mr. Speaker, one second—

Mr. Speaker: No, no!

Mrs. Persad-Bissessar: Those of us on this side would like to express our concern for a Member of this House; the Member who has had surgery recently—Eulalie James.

Mr. Speaker: No, please! Please, stop! The sitting of the House is suspended for tea and will be resumed at 5.00 p.m.

4.31 p.m.: *Sitting suspended.*

5.00 p.m.: *Sitting resumed.*

Hon. K. Valley: Mr. Speaker, just quickly to recap where we are, I was making the point that the Government plans to adjourn the debate on this matter, so that we can have consultations with respect to limitations that the Opposition is asking for to give comfort.

I was going on to deal with a matter raised by my colleague, the Member for Caroni East, with respect to the Estate Management Business Development Company Limited. You will recall that the Member read from a letter dated April 14, 2003, from Naila Rajab which was sent to me in my capacity as Minister in the Ministry of Finance with responsibility for investment. I got the letter and it is postmarked and was received at the ministry on May 05, 2003. There is a handwritten note that says, “Acting PS, please see and investigate.” There is a report on the investigation. For the benefit of Members I will like to put this on record since it was raised by the Member.

Estate Management Business Development Company Limited

Investigation of complaint

By letter dated April 14, 2003, Miss Naila Rajab wrote the Minister of Finance about a complaint of sexual harassment by the Chairman and Chief Executive Officer of the company. Miss Rajab was invited to discuss the matter

with the Permanent Secretary of the Ministry of Finance. On Friday May 16, 2003, Miss Rajab was interviewed by a team comprising Mr. Leroy Miles, Permanent Secretary, Ministry of Finance; Miss Sonia Noel, Permanent Secretary in the Ministry of Finance and Miss Merlyn Aguiton, Advisor, Human Resources, Ministry of Finance. Miss Rajab indicated that she became aware of the fact that the company was recruiting personnel, having been so advised by a friend who had also submitted her name to the company. She was invited to an interview and on the basis of the interview was engaged as an office assistant.

Miss Rajab is in possession of five O' Levels. There was no job description for the position of office assistant, so Miss Rajab performed duties as required.

The alleged offences took place mainly in the office of the chairman and CEO while performing duties, such as taking notes for memos, and so forth. She also described an instance while she was preparing tea in the kitchen for the chairman and CEO. Miss Rajab was unable to identify any eyewitnesses to support the allegations. However, she did complain to a senior officer in the organization.

She indicated that she was not aware of any other member of the organization who had experienced similar harassment. However, she did refer to the rate of staff turnover during the period of the company's operations extending from December 2002 to April 2003.

Miss Rajab replaced an employee who had spent one week and she stated that another employee was in the process of leaving. Miss Rajab repeated the allegations but was reluctant to pursue actions for the following reasons: She was not prepared to face the publicity which such action would precipitate; she felt that she would be threatened by the chairman and CEO and further harassed as he continued to call her on the telephone after she had left the company. Miss Rajab indicated her motive for sending the letter was her desire not to have anyone else experience what she had experienced.

The Ministry of Finance proposed to interview the other employees who have left the company to clarify their reasons for having left.

I just want it to be noted that the complaint came in. It was investigated by the Ministry of Finance.

I was also making the point that this issue of freedom of information has a chequered past and I am sure that we will have time to speak on it on another occasion. I shall not delay the House unduly on this matter.

I therefore wish, with the concurrence of the Opposition's Chief Whip, to

adjourn debate on this matter so that we can have consultation with respect to putting some constraints for investigation.

I so move.

Mr. G. Singh: [*Desk thumping*] That is okay with me.

ADJOURNMENT

The Minister of Trade and Industry and Minister in the Ministry of Finance (Hon. Kenneth Valley): Mr. Speaker, I beg to move that the House do now adjourn to Monday June 06, 2005 at 1.30 p.m.

I wish to inform the House that the Government plans to debate Bill No. 19 on today's Order Paper which relates to housing and if there is time we will do Bill No. 16 on today's Order Paper which relates to venture capital legislation.

I also want to take this opportunity to inform the House that the Government plans to have a Finance Committee Meeting on Wednesday at 1.30 p.m. In accordance with the rules of the Parliament, on Monday Members will be circulated with the documents for Finance Committee.

Question put and agreed to.

House adjourned accordingly.

Adjourned at 5.07 p.m.