

HOUSE OF REPRESENTATIVES*Friday, October 27, 2006*

The House met at 1.30 p.m.

PRAYERS[MR. SPEAKER *in the Chair*]**SESSIONAL SELECT COMMITTEES
(APPOINTMENT OF)**

Mr. Speaker: Hon. Members, I wish to make the following announcements: I wish to announce the appointment of Members to the following Sessional Select Committees, in accordance with the requirements of Standing Order 71(2) of the House of Representatives.

Standing Orders Committee

Mr. Barendra Sinanan	Chairman
Mrs. Camille Robinson-Regis	Member
Mr. Fitzgerald Hinds	Member
Mr. Hedwige Bereaux	Member
Mr. Harry Partap	Member
Mr. Nizam Baksh	Member
Miss Gillian Lucky	Member

House Committee

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

Committee of Privileges

Mr. Barendra Sinanan	Chairman
Mrs. Camille Robinson-Regis	Member
Miss Penelope Beckles	Member

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Committee of Privileges (Cont'd)

Mr. John Rahael	Member
Mr. Subhas Panday	Member
Miss Gillian Lucky	Member

Regulations Committee

Mr. Barendra Sinanan	Chairman
Mr. Roger Boynes	Member
Mr. Stanford Callender	Member
Mr. Fitzgerald Hinds	Member
Dr. Roodal Moonilal	Member
Mr. Manohar Ramsaran	Member

**NATIONAL CARNIVAL BANDS ASSOCIATION
(REAPPOINTMENT OF COMMITTEE)**

Mr. Speaker: Hon. Members, I also wish to advise of the reappointment of the following Members to serve on the Special Select Committee of the House of Representatives on a bill to incorporate the National Carnival Bands Association of Trinidad and Tobago and for matters incidental thereto:

Mrs. Eudine Job-Davis	Chairman
Mr. Fitzgerald Hinds	Member
Mr. Edward Hart	Member
Mr. Ganga Singh	Member
Dr. Adesh Nanan	Member

LEAVE OF ABSENCE

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

**VACANT SEAT
(COUVA NORTH)**

Mr. Speaker: Hon. Members, I am to advise that in accordance with the provisions of section 49(2), (3) and (4) of the Constitution of the Republic of Trinidad and Tobago, the seat of Couva North, held by Mr. Basdeo Panday, was declared vacant with effect from October 24, 2006.

Vacant Seat (Couva North)

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Mr. Sharma: Mr. Speaker, please permit me, as you mention Couva North, to say that I find this to be a grave injustice to a Member.

Mr. Speaker: Please!

Mr. Sharma: I feel another two minutes—

Mr. Speaker: Order! Order! Please take your seat!

Mr. Sharma: Mr. Speaker, this is a grave injustice to a Member.

Mr. Speaker: Please take your seat, hon. Member! Please take your seat! Please continue! [*Crosstalk and laughter*] Order!

Mr. Sharma: Mr. Speaker, I cannot sit in this Parliament today.

Mrs. Job-Davis: A-w-w, that is the plan. [*laughter*]

[*Some Members of the Opposition walk out*]

PAPERS LAID

1. Report of the Auditor General of the Republic of Trinidad and Tobago on the financial statements of the Penal/Debe Regional Corporation for the year ended September 30, 2002. [*The Minister of Trade and Industry and Minister in the Ministry of Finance (Hon. Kenneth Valley)*]
2. Report of the Auditor General of the Republic of Trinidad and Tobago on the financial statements of the Princes Town Regional Corporation for the year ended September 30, 2002. [*Hon. K. Valley*]
3. Report of the Auditor General of the Republic of Trinidad and Tobago on the financial statements of the Princes Town Regional Corporation for the year ended September 30, 2003. [*Hon. K. Valley*]
4. Report of the Auditor General of the Republic of Trinidad and Tobago on the financial statements of the Mayaro Civic Centre for the year ended September 30, 2002. [*Hon. K. Valley*]
5. Report of the Auditor General of the Republic of Trinidad and Tobago on the financial statements of the Mayaro Civic Centre for the year ended September 30, 2003. [*Hon. K. Valley*]
6. Report of the Auditor General of the Republic of Trinidad and Tobago on the financial statements of the Mayaro Civic Centre for the year ended September 30, 2004. [*Hon. K. Valley*]

Papers 1 to 6 to be referred to the Public Accounts Committee.

ORAL ANSWERS TO QUESTIONS

Supply of Airships

1. Miss Gillian Lucky (*Pointe-a-Pierre*) asked the hon. Minister of National Security:

Could the Minister indicate:

- (a) the individual cost of each airship used over the past four (4) years;
- (b) who supplied the airships; and
- (c) whether the contracts to purchase the airships were subject to open tender, and if not, how were they procured?

The Minister of National Security (Sen. The Hon. Martin Joseph): Mr. Speaker, I wish, with the agreement of the Member for Pointe-a-Pierre, to ask for two more weeks to respond to question No. 1, please.

Question, by leave, deferred.

“Eye-in-the-sky” Equipment

2. Miss Gillian Lucky asked the hon. Minister of National Security:

Could the Minister advise the House of:

- (a) the location of the “eye-in-the-sky” equipment;
- (b) the individual cost of each “eye-in-the-sky”;
- (c) who supplied the “eye-in-the-sky” equipment; and
- (d) were they obtained by open tender?

The Minister of National Security (Sen. The Hon. Martin Joseph): Mr. Speaker, in keeping with the intended purpose, the Centennial Sky Watch Mobile Crime Deterrence and Surveillance Units are deployed to different areas on a needs basis as a means of deterring criminal activities.

During the month of October 2006, the units were deployed to Trincity Mall, Independence Square North and Chaguanas, specifically the main road, opposite Market Square.

The Centennial Sky Watch Mobile Crime Deterrence and Surveillance Units were procured at a unit cost of TT \$462,605.85.

The units were supplied by the firm Up & Notch, a subsidiary of Merchandising and Special Events Services Limited.

In September 2004, Cabinet granted approval for the acquisition by sole selective tender of the three Centennial Sky Watch Mobile Crime Deterrence and Surveillance Units based on the sensitive nature of the item and time frame in which they were required. Accordingly, the units were obtained by sole selective tender.

Miss Lucky: Would the Hon. Minister, indicate how many units are in the country.

Sen. The Hon. M. Joseph: Three units, and I have indicated where they are now deployed.

Miss Lucky: Could the hon. Minister also indicate, with respect to how they were obtained, how the particular company was chosen?

Sen. The Hon. M. Joseph: As I indicated, it was sole selective tender because of the time frame and the nature of the equipment being purchased.

Miss Lucky: Could the hon. Minister indicate whether there is any contract given to any company or individual for the maintenance of these units?

Sen. The Hon. M. Joseph: The answer at this time is no.

Dr. Khan: Just for enlightenment, could the hon. Minister, indicate if the units operate on a solid state or is there a police person in the unit itself? Is it operated by a policeman or is it one of higher technology?

Sen. The Hon. M. Joseph: When they were first acquired, they required the literal presence of police. Right now, they are manned by surveillance cameras.

Children's Authority (Function of)

3. Mr. Manohar Ramsaran (*Chaguanas*) asked the hon. Minister of Social Development and Minister in the Ministry of Housing:

Could the Minister indicate when the Children's Authority would become functional?

The Minister of Social Development and Minister in the Ministry of Housing (Hon. Anthony Roberts): Mr. Speaker, in October 2000, four pieces of legislation pertinent to the establishment of the Children's Authority of Trinidad and Tobago were passed in the Parliament of Trinidad and Tobago. The package of legislation included the following:

- the Children's Authority Act, No. 64 of 2000;
- the Children's Community Residences, Foster Homes and Nurseries Act, No. 65 of 2000;
- the Adoption of Children Act, No. 67 of 2000; and
- the Children (Amdt.) Act, No. 68 of 2000.

It is important to note, however, that consequent upon the discovery of a number of flaws therein, which impeded the effectiveness of the legislation, the package of legislation was referred to the Family Court Committee for review, with a view to recommending the necessary amendments to facilitate effective implementation of the legislation.

Based on the comments and recommendations of the Family Court Committee, the Cabinet agreed to the following:

- (a) that the Chief Parliamentary Counsel be instructed to draft the necessary amendments to the package of children's legislation;
- (b) that the Chief Parliamentary Counsel draft the International Child Abduction Bill; and
- (c) the appointment of a multi-disciplinary committee to advise the Minister of Social Development on the immediate establishment of the Children's Authority subject to the amendment of the legislation and the enhancement of the nation's social services capacity.

It should be noted that the package of legislation is expected to be presented for the consideration of the Parliament by the end of 2006.

Mr. Ramsaran: In light of what you said and the urgency you outlined, could you give us an estimated time that we can expect this to take place?

Hon. A. Roberts: Mr. Speaker, I advised that the legislation will be in the Parliament for amendment by the end of this year 2006.

Remand Home (Aripo)

4. Mr. Manohar Ramsaran asked the hon. Minister of Social Development and Minister in the Ministry of Housing:

Could the Minister indicate the status of the Remand Home for young male offenders at Aripo?

The Minister of Social Development and Minister in the Ministry of Housing (Hon. Anthony Roberts): Mr. Speaker, the remand home is intended to serve as a place of safety and custody for young males on remand. The facility will provide services to address the developmental needs of the residents through the provision of basic life skills and technical and academic training to assist them in becoming productive and positive members of society.

Construction works on the remand home building were completed in November 2001 and the building was officially commissioned in December 2001.

During 2002, the Ministry of Social Development reviewed and evaluated proposals from non-governmental organizations for the management of the remand home. In September 2002, Cabinet considered the evaluation reports and agreed that the Minister of Social Development consider, in further detail, the issue of the management of the home, giving particular consideration to the alternative option for operationalizing the home, taking into account the quantum of financial resources involved and the capacity of the pool of organizations that submitted proposals to manage effectively all aspects of the home.

In 2003, it was determined that there were still outstanding works as per contractual agreements and additional works requested by the Ministry to be completed. These include:

- electronic gates to be installed in three dormitories;
- commissioning of alarm system;
- replacement of existing fittings and vandal-proof fixtures; and
- the construction of an outdoor basketball court and car park.

In January 2004, the Special Anti-Crime Unit of Trinidad and Tobago (SAUTT) was granted permission to utilize the remand home on a temporary basis upon request of the hon. Minister of National Security. The Ministry of Social Development has, however, recently concluded discussions with the Ministry of National Security on the matter of handing over the building to execute the operations of the remand home. The building will be returned to the Ministry of Social Development by November 2006.

In anticipation of the release of the facility, the Ministry of Social Development, in August 2006, by newspaper advertisements, invited letters of interest from suitably qualified organizations and firms to manage and operate the remand home. Three responses have so far been received.

The Ministry of Social Development is committed to the development of our social sector and, in particular, the development of our youth. It is, therefore, our intention to fully operationalize the remand home for young male offenders in 2007.

Brian Lara Stadium

5. Mr. Manohar Ramsaran asked the hon. Minister of Sport and Youth Affairs:

- (a) With regard to the Brian Lara Stadium, could the Minister advise:
 - (i) the status of work being conducted;
 - (ii) the expected completion date; and
 - (iii) the cost overruns to date?
- (b) Could the Minister state what would the stadium be used for in relation to Cricket World Cup 2007?

The Minister of Sport and Youth Affairs (Hon. Roger Boynes): Mr. Speaker, the Government of Trinidad and Tobago, through the Ministry of Sport and Youth Affairs and the Sport Company of Trinidad and Tobago continue to promote the development of cricket by supporting the Trinidad and Tobago Cricket Board in its development initiatives.

In 2006, the board received \$3,205,109 in financial assistance. [*Interruption*]
With respect to question number five, may I indicate—

Mr. Speaker: That question is with respect to the Brian Lara Stadium.

Hon. R. Boynes:—that I am asking for a deferral of that particular question.

Mr. Ramsaran: Mr. Speaker, with due respect, may I inform you that this question was about six months in the last term and I re-filed the question for this term, so I expect some urgency.

Mr. Speaker: For how long do you want a deferral, one week?

Hon. R. Boynes: May I ask this honourable House to have this question deferred for a two-week period and I will definitely make every effort to have the answer given to this House. [*Crosstalk*]

Mr. Speaker: Order! I think the hon. Member for Chaguanas is agreeable to your getting a two-week extension.

Hon. R. Boynes: I thank my colleague on the other side for so doing. It shows the camaraderie and the working of the House. I would not say the same for those in front there, Sir.

Mr. Speaker: Please! Please take your seat!

Question, by leave, deferred.

The following questions stood on the Order Paper in the name of Mr. Harry Partap (Nariva):

**Education Facilities Company Limited
(Conflict of Interests)**

9. (a) Is the hon. Minister of Education aware whether any member of the board of the Education Facilities Company Limited also serves as a director of any construction company that has tendered for and has been awarded contracts to construct or renovate schools?
- (b) If the Ministry is so aware could the Minister further advise what steps are being taken to avoid such conflict of interests?

**School Cleaners
(Benefits/Pensions)**

10. (a) Could the hon. Minister of Education state whether the ministry is aware that cleaners at denominational and government-assisted schools are not provided with terminal benefits or pensions when they retire, notwithstanding their lengthy years of service?
- (b) If so aware, could the Minister advise what steps would be taken to ensure that cleaners at denominational and government-assisted schools are provided with terminal benefits at the end of their service?

Roy Joseph Housing Project

11. Could the hon. Minister of Housing please state:
- (a) the reasons for the delay in completion of the Roy Joseph Housing Project in San Fernando;
- (b) the name(s) of the contractor(s) on the project;
- (c) the estimated cost of the project when the contract was awarded and the revised cost for completion of the project;

- (d) how many families from the Roy Joseph Housing Scheme have been placed in private homes at the expense of the State and the cost to date; and
- (e) the contribution that displaced families are making towards rental of private homes?

Mr. Speaker: Hon. Members, unfortunately, the Member for Nariva has voluntarily left the House, therefore these questions will be struck off.

Questions, by order, struck off.

**SPECIAL SELECT COMMITTEE
(FINANCING OF POLITICAL PARTIES)**

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

Whereas it is acknowledged that political parties play a vital role in the functioning of democratic government;

And Whereas there is at present no legislative framework regarding the registration of political parties or the disclosure, by political parties, of contributions made to them by individuals or corporations;

And Whereas the financing of political parties is an issue of major public concern;

Be It Resolved that the House do appoint a special select committee to make recommendations as to what principles and systems of financing of political parties would be appropriate in the public interest.

Mr. Speaker, you would appreciate the historical context of this Motion, for it is 50 years—since 1956—when, with the formation of the People’s National Movement, the PNM, party politics was introduced in Trinidad and Tobago. It is now at this historical juncture—50 years after the introduction of party politics—that the Parliament of Trinidad and Tobago is now engaged in a debate dealing with the role, function and financing of political parties in Trinidad and Tobago.

Mr. Speaker, one ought readily to acknowledge the vital role played by political parties in the context of our democratic politics. Literally, the word “democracy” is derived from the Greek word “demos” meaning “the people” and “krateo” meaning “rule”; “democracy” meaning “the rule of the people”. Abraham

Lincoln described democracy as government of the people by the people and for the people. It is, in all representative democracies, that the basic requirements are as follows:

- (1) universal adult suffrage, that is, where any citizen over the age of 18, male or female, can vote by secret ballot and participate in free and fair elections;

So “by the people” in this context means those who fall within the realm of universal suffrage.

- (2) elections in the democracy must be free and regular—at stipulated times—in the context of Trinidad and Tobago within a five-year period and in the American context every four years;

In Trinidad and Tobago, they must be regular—every five years—but we have had situations in the last decade where we have had election in 2000, 2001 and 2002 under circumstances with which you are quite familiar, Mr. Speaker.

- (3) the elections must be free, fair and competitive, therefore the people are presented with a choice of persons to govern themselves.

In fact, one of the central characteristics of democracy is that there should be parties competing for the right to govern.

It is in this context that political parties play a vital role in the workings of democratic governments. Indeed, the political parties in Trinidad and Tobago are integrated and, in fact, articulate the views and aspirations of the citizenry and, on the basis of the proper articulation of those views and aspirations, Members are elected to this honourable House.

Further, in our political structure, a political party, victorious in a general election campaign arising from a political structure of first-past-the-post system forms the government. That party, as a result of the first-past-the-post system and of the political system which we currently engage in, enjoys a virtual monopoly of power and patronage, the dominance of the House of Representatives and, to a lesser extent, the Upper House, the Senate.

It is, indeed, the victorious party in a general election campaign that will provide the personnel to fill the various offices of State: the ministers, state enterprises, advisors and so on. In fact, former British Prime Minister Benjamin Disraeli stated quite succinctly what is evident. I quote:

“Without party, parliamentary government is impossible.”

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So it is clear that political parties in our own political architecture play a vital role in the functioning of our democratic government and that healthy political parties can give rise to a robust functioning democracy.

It is therefore in the context of the Motion to focus now on the juridical nature of political parties in Trinidad and Tobago. Fifty years after the emergence of party politics, 44 years after independence and 30 years after republican status, this is what the Law Revision Commission had to say in a report entitled Political Parties and the Law. I quote.

“There is, at present, no legislative framework requiring the registration of political parties or the disclosure by political parties of contributions made to them by individuals or corporations and it is felt that this lack of disclosure may allow for corrupt practices as funding of political parties may be based on the premise of receiving future benefits.

The purpose of this report is to examine the imposition of a requirement for a disclosure of contributions, financial or otherwise, to those political parties.”

So, Mr. Speaker, there is no—

Mr. Imbert: Thank you for giving way. Will you tell me the date of that report, or the year?

Mr. G. Singh: The year is 2000. In some instances it says 2001, but I think it was 2000.

Mr. Speaker, the absence, therefore, of a legislative framework for the registration of political parties in Trinidad and Tobago has led to a situation where the Elections and Boundaries Commission, charged with the duties, *inter alia*, of the registration of voters and the conduct of elections, provides, in the absence of a juridical nature of political parties, for administrative recognition of political parties and this is done within the Elections and Boundaries Commission through an internal administrative protocol in which the EBC recognizes the political leader of a party, the general secretary of the party and the symbol associated with that party.

Mr. Speaker, what is clear is that with the lack of a juridical basis, the saving grace is really the administrative dicta of the EBC, which, by virtue of its internal protocol, allow for the nomination of candidates from the various political parties to be accompanied by a letter from their general secretary and their political leader and, in that instance, that person then becomes the candidate for that particular party and it is placed on the ballot paper with the particular symbol assigned to that particular candidacy.

2.00 p.m.

If you are a PNM, it is the general secretary of the PNM and the political leader who has to write this letter to the Chief Elections Officer indicating that the hon. Member for Diego Martin Central, Kenneth Valley is the candidate for Diego Martin Central and similarly, the Member for Caroni Central, Dr. Hamza Rafeeq, the general secretary of the party will have to write indicating that he is the candidate for the UNC. And in a similar situation from members of the Congress, the general secretary, Roy Augustus will write and then the assignment of the symbol and then the ballot paper would take shape and form in that context.

Mr. Speaker, the point is that there is this absence of a legal basis, a legal recognition in the laws of this country of political parties in the context of their registration. So that is a wrong we must put right. And no doubt, you will appreciate the irony, Mr. Speaker. We are all elected Members of Parliament, elected from our various constituencies for the various political parties, and as Members of Parliament we make laws for the peace, order and good government of Trinidad and Tobago. But all the political parties represented in this Chamber lack legal status in the context of their registration. There is tangential—and I will come to that recognition of political parties in the Constitution and in the Representation of the People Act—but there is no definitive recognition of political parties in the laws of Trinidad and Tobago. It is this wrong we must put right in the context of the evolution of political parties and in the evolution of our democracy.

The rule of law, the very basis and foundation for our governance must prevail and not administrative dictate no matter how benevolent, in this case, the Elections and Boundaries Commission. The laws affecting political parties were comprehensively dealt with by the Law Revision Commission in their reports. Reference was made to two pieces of legislation. One, the Constitution, the supreme law of Trinidad and Tobago, which in section 4(e), the fundamental rights provision, guarantees access to political parties by entrenching:

“the right to join political parties and to express political views.”

Further section 73(1) of the Constitution provides that:

“The election of members of the House of Representatives shall be by secret ballot and in accordance with the first-past-the-post system.”

Section 76 of the Constitution provides that the House of Representatives shall, consist of Members who shall be elected in a manner provided by Parliament.

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The Constitution of our country also provides for the appointment by the President of the Prime Minister and the Leader of the Opposition. In the case of the Prime Minister, it is the person who is the leader of the party which commands the support of the majority of Members of the House of Representatives. In the case of the Leader of the Opposition, the person best able to command the support of the greatest number of the House who do not support the Government. In that sense, there is that level of recognition.

The Constitution also establishes the Elections and Boundaries Commission charged with the duties of, *inter alia*, the registration of voters and the conduct of elections. This provision is enforced in section 3 of the Representation of the People Act, which provides that in the exercise of its function under section 71 of the Constitution, the EBC shall exercise general direction and supervision over the conduct of elections.

Mr. Speaker, since the 1960s, the Representation of the People Act has not been altered to recognize the existence of political parties nor has it been altered or amended to deal with the spending and contribution limits of political parties. There is indeed a sense of omission or lack of focus in dealing with that issue.

The laws and regulations for the financing of elections in Trinidad and Tobago are contained in the Representation of the People Act, Chap: 2:01, sections 44 to 59. These sections are very familiar to all elected Members of the House. This law was enacted in 1967 and in the year 2000 there was the most recent amendment which related to the amount of money that a candidate or his or her election agent is legally allowed to spend. That is, it increased from \$5,000 to \$50,000. It is legally permissible for a candidate to spend in a general election in Trinidad and Tobago a limit of \$50,000. Prior to 2000, it was \$5,000.

Professor Selwyn Ryan, writing in the OAS publication, *From Grassroots to the Airwaves—Paying for Political Parties and Campaigns in the Caribbean states*, and I quote:

“Candidates or their agents can receive gifts and other contributions for the conduct and management of elections up to a statutory limit of TT\$5,000...”

So the candidates and or their agents can receive gifts and contributions to a limit of \$5,000.

“Candidates are also allowed personal expenses, not exceeding TT\$5,000, incurred in connection with elections.”

This Act, the Representation of the People Act:

“prohibits the incurring of expenses through the promotion and advertisement of the candidate by persons other than the Candidate, the election agent or persons authorised by the election agent.”

So there is a prohibition; there must be no kind of advertisement, no kind of promotion, if you are not authorized either by the candidate or the election agent, and that has a cap of \$5,000.

The Rules further require that financial claims against a candidate or his agent must be submitted within 21 days after the election result is declared, and must if it is so submitted be paid within 35 days. Candidates or their agents must also transmit to the Chief Elections Officer a statement of all payments made, together with bills and receipts, within 21 days after the day on which the results of the election are declared.

The returns and declarations are retained by the Chief Election Officer and are open to public inspection, on payment of a fee, for a period of two years.

Mr. Speaker, what are the sanctions for failure to comply with this requirement? The penalties for failure to comply or for knowingly making a false declaration are severe, though not in monetary terms. Failure to file is deemed an “illegal practice” which is punishable by a fine of TT \$1,500 (US \$250) and imprisonment for six months. The penalty for knowingly making a false declaration, which is deemed a “corrupt practice”, is punishable by the same fine and imprisonment.

Mr. Speaker, no doubt from your own experience in a previous incarnation, and I am certain that the hon. Member for San Fernando East, the longest serving parliamentarian before this Parliament, would agree that these caps, these limits bear little or no relation to what candidates or parties spend. The hon. Member for Tobago East wants to know how long I know that. You know that from the time you have to fill in your first election expenses return form, and I think it is very important to note, because George ‘Umbala’ Joseph, one of the few candidate/authors to have emerged from the politics of this country, writing in his book *Diary of a Candidate*. had this to say with respect to the filling in of the election expenses return. And he is dealing in the context of where the limits are placed and I quote from the foreword:

“That’s when it became clear to me, as a candidate, that you have to lie and cheat if you want to speak the truth. By then, it is far too late to ‘turn back

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now' because you have already committed yourself and your deep-set interest. So what does one do? You know for a fact you are already a sinner and a liar since 350 T-shirts are already over \$5,000 when your arithmetic clearly shows that at \$15 a time you are not going to see the Pearly Gates unless you speak the truth to the Chief Election Officer, which the rules and the law forbids the candidate from doing.

Thus my story begins. According to my honest temperament, I should not have been part of the sour business of this thing called 'politics' since, according to the word itself, it is clear that one has to be a bit of a scamp in the business to become successful at it."

George 'Umbala' Joseph, writing of his experience of filling in the candidate expenses return and the cap on it not being related to the reality of running an election campaign.

Mr. Speaker, in today's campaign a T-shirt, cheap T-shirt printed with a logo and the message would cost about \$30. If you use polo jerseys it is much more expensive but a T-shirt is a political staple now in this country, because when you campaign, no T-shirt, no vote. So a political staple like a T-shirt, \$30 for one. The minimum requirement for any constituency is at least 2,000 in the first place. [Crosstalk] So that if you have that minimum for a constituency of 29,000 people, you would have a problem in the distribution. Spreading 2,000 T-shirts amongst 29,000 potential supporters in your constituency really is not an easy task. And there are those, as one would know, who become collectors of T-shirts, depending upon the end of the election campaign which one to wear. Trinidadians being who they are, might have three or four T-shirts per political campaign, and I know my friend from La Brea smiles because he recognizes that reality in the politics.

So 2,000 T-shirts would cost \$60,000, so immediately you exceed that cap of 60,000. Let us take another staple in the political campaign, a billboard. A billboard for example, at the Lady Young intersection, a beautiful billboard which says "Hinds for better minds" would cost—I did not have a discussion with him but from my own experience, a billboard of that nature and size, would cost in the vicinity of at least \$30,000 for a year. I am not going into the whole paraphernalia of an election campaign but I just want to indicate the law as it stands, that provides for that kind of scenario where you have to avoid dealing with the true cost of a campaign.

Mr. Speaker, Prof. Ryan, in the text, gives an appreciation from grass roots in dealing with the disclosure and enforcement of political parties and campaign financing in the Caricom States, and this is what he states:

“Today, political campaigns in Trinidad and Tobago are capital-intensive and market-oriented. Funds are needed to pay media elites, PR experts, spin doctors, and pollsters, many of whom are imported from the US and the UK at high costs. Campaigning is largely an ‘air war’, fought via the media, especially newspapers, radio and television. While ‘ground wars’ are still fought by a political infantry, that infantry is now largely a mercenary rather than a voluntary army. Many underclass voters also expect to be, and are, paid to cast their ballots. Many will not turn out to meetings or vote unless they are given a T-shirt. Party officials estimate that candidates each spend TT \$100,000 instead of the TT \$50,000 (US \$8,000) that is allowed and that parties together spend approximately TT \$25 Million (US \$4 Million).”

This is Prof. Selwyn Ryan in his studying the environment in the Caribbean and in writing for the OAS in a most recent article.

The pertinent question one must ask then: Where is the money coming from to fund political campaigns in Trinidad and Tobago?

Professor Ryan continues in a very lucid fashion:

“There are several ways in which funds are secured and channelled to political parties and candidates in Trinidad and Tobago:

Social fundraisers are organised by candidates of party groups. These take the form of dinners, parties, or some other type of social activity. These build loyalty as they raise money, but the amounts earned are not substantial.”

In fact, this evening Congress of the People has a social fund raiser at Tamnak Thai. Secondly, Prof. Ryan continues:

- “In election years, major businesses routinely budget and allocate sums of money to all significant political parties. Much of the giving is justified as prudential practice. One wants access to whichever party wins. The evidence indicates that the party in Government is generally given more than the Opposition.
- Businesses usually have their preferred parties, candidates or political elites, and privilege one group more than the other, though many family-owned businesses split their support between major parties. Businesses are also known to adopt or sponsor particular candidates.

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- Transfers may be effected in cash, by cheque, or as payment for services, such as advertising, transport, T-shirts, food or some other commodity. Indirect funding is tax deductible. Provisions in kind also allow for some of the expenses to stay within the firm or the business group.
- State or state-owned corporations and statutory bodies normally provide jobs, services, (advertising, transport, food, muscle) rather than cash donations to the governing party or designated individuals or firms.
- ‘Community Leaders’ who control inner city spaces (garrisons) and other quasi-urban constituencies provide muscle and ‘ballot fodder’ for candidates and parties which in turn allocate lucrative contracts to manage unemployment relief or other social programmes that have the potential to mobilise voters. The State in effect thus indirectly pays for the election campaign of the ruling party.”

Mr. Speaker, Prof. Ryan continues from this very work, *From grassroots to the Airwaves*, an OAS publication.

- “Some parties insist that corporate donations be made directly to the party and insist on giving receipts and deposit slips to donors. Many businesses or individuals, however, make donations directly to the party leader or his nominee or ‘bag man’ and no attempt is made to formalise the transaction or insist on accountability. In both parties, the party treasurer received only a fraction of the money donated during the election campaign. This was confirmed by the...Treasurer of the Trinidad United National Congress (UNC). The Political Leader of the PNM also indicated his concern about the fact that many persons solicit money in the name of the Party, and that funds are not used for the purposes for which they were given.
- Substantial donations are allegedly made to political parties and candidates from illicit sources. It is difficult, however, to quantify the magnitude of financing provided by these sources.”

So I come back to that question of illicit funding. What Prof. Ryan is saying in the context of Trinidad and Tobago, is that there is a broad range of fund-raising activities undertaken by political parties, from the mundane barbecue and cake sale to the profane—the moneys from illicit activities, in particular, in this instance, in his article, from narco-trafficking. This issue of drug money fuelling elections is a serious one, and when you acknowledge what is said by the Minister

of National Security and others within the security apparatus that Trinidad and Tobago is a major trans-shipment point for narcotics moving to the North, you would understand that we cannot claim to be ignorant of that reality or claim immunity, and the need for funding for political parties is no different.

The *Jamaica Gleaner* in an editorial stated:

“A Central Dilemma in how to prevent tainted money from overwhelming the political voting process.”

This issue of the pervasive, and increased infiltration of narco-trafficking moneys in the political process clearly poses a danger to our democracy. Although it is difficult to gauge with certainty most observers believe that drug money has grown in influence in the absence of any meaningful regulation of political party and campaign financing.

So in the absence of regulations for guiding the funding of political parties and campaign financing, the illicit entry of drug money is something that we ought to view with grave concern.

So when you have a situation, for example, where there is a cocaine haul in Trinidad that is valued at \$700 million, it gives you an insight as to the extent and impact of that kind of funding within the borders of Trinidad and Tobago. So when political parties are left without any kind of regulatory environment there is the question of public trust and public accountability as to where they access their moneys.

Mr. Speaker, this issue of the principles and systems of financing political parties should not only ignite interest when there is the regulation of scandals associated with high public officials. But unfortunately, after 50 years of the emergence of party politics we have not dealt with it, and this is an opportunity. It is clear that the moneys used, the nexus between money and politics, constitutes one of the most serious problems facing democratic governments worldwide. We are not immune to that problem.

I want to read from a publication entitled the *International Institute for Democracy and Electoral Assistance* i.e., a handbook on the funding of parties and election campaigns:

“Scandals about the financing of election campaigns and political parties, as well as charges against politicians of personal corruption, are rarely out of the news. Allegations about corrupt political financing both in economically advanced countries and in developing democracies, which have been the subject of extensive press reports...

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AUSTRALIA—1998, a scheme is revealed whereby the Liberal Party apparently they exploited a loophole in Australia’s financial disclosure laws in 1996 through the establishment of Greenfields Foundation. The Foundation was used to make an interest-free loan to the Liberal Party.

BELGIUM: Scandal involving payments of US \$3.2 million... to the Belgian Socialist Party to secure military contracts:

in 1991, former Deputy Prime Minister André Cools is assassinated, apparently in an attempt to prevent his revealing these payments.

BRAZIL: In 1992, President Collor de Mello resigns under threat of impeachment in a case involving alleged kickbacks and illegal campaign contributions from companies doing business with his government.

COLUMBIA: In 1994, the director of President Ernesto Samper’s election campaign and other senior campaign officials are implicated by tape recordings and later jailed in a scandal about receipt of campaign money from the proceeds of drug trafficking.

CZECH REPUBLIC: in 1997, Vaclav Klaus resigns as prime minister amidst a crisis triggered by allegations about falsified financial records and illegal political funding practices involving favours for donors relating to the government’s privatization programme.

FRANCE: ...The revelations lead to a series of reforms...on political financing. After a succession of further scandals, in 2000, the oil company Elf Aquitaine, and the late President Francois Mitterrand are implicated in ‘Kohlgate’...”

2.30 p.m.

“Le Monde publishes tapes implicating President Chirac in a kickback scheme allegedly providing finance for Chirac's party, the RPR.

GERMANY: From 1981 onwards, the Flick Concern is shown to have made massive illegal political payments to all the main parties, allegedly in exchange for business favours. The Speaker of the Bundestag and two finance ministers resign.

INDIA: Since 1987, Indian politics has continued to be affected by the Bofors scandal involving kickbacks to politicians close to Prime Minister Rajiv Ghandi in return for a contract for the Swedish arms manufacturer for FH-778 guns.

IRELAND: In 2000, the former premier, Charles Haughey is obliged to testify before the Moriarty Tribunal about allegations concerning his personal finances and those of the Fianna Fail Party.

ISRAEL: In 2000, the One Israel Party of Prime Minister Ehud Barak is fined US \$2.6 million for evading spending limits in 1999 by using a set of supposedly independent non-profit organizations which raised money which was then used for pro-Barak campaigning.

ITALY: In 2000, former Prime Minister Bettino Craxi, dies in exile in Tunisia where he has fled to avoid a jail sentence for political financing and other offences.

JAPAN: In 1988, the Recruit Cosmos scandal emerges; it leads in 1989 to resignation of the Prime Minister, Noburu, Takeshita and to an upheaval in Japanese politics.

SOUTH KOREA: In 1996, former Presidents Roh Tae Woo and Chun Doo Hwan jailed to 17 years and life respectively and fined US \$600 million.

SPAIN: In 1991, the Socialist Party is gravely damaged by allegations of illegal political payments.

THAILAND: In 2001, telecommunications multi-millionaire Thaskin Shinawatra becomes premier following his party's electoral victory but faces charges of failure in 1997 to declare over US \$200 million of his assets, as required by law.”

You can look for guidance in this area.

“UNITED KINGDOM: The ‘Formula One’ Affair of 1997: the newly-elected Labour government is accused of altering its policy concerning tobacco advertising on television during the screening of Grand Prix motor racing events after receiving US \$1.4 million donation from the beneficiary of the decision.

UNITED STATES: After the 1996 presidential election, the Democratic National Committee returns US \$2.8 million in illegal or improper contributions, of which almost 80 per cent had been raised by two Asian-Americans...”

These revelations point to the fact that if there are regulations in place and there is abuse, then there is that kind of sanction applicable to those who are in breach of the regulations and the law of the day.

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Right here in the Caribbean, in Jamaica to be precise, during this month of October, there is what is now called the Trafigura Scandal. I will quote an article from the *Jamaica Gleaner*:

“Partying on state funds”

Bruce Golding, Leader of the Opposition, accuses the Jamaican Government of using oil money to finance their party’s conference. I quote:

“The Opposition Jamaica Labour Party (JLP), yesterday accused the governing People's National Party of using state funds of up to \$31 million from the Nigerian oil deal to finance the party's annual conference last month.

But in quick response last night, the Government denied the claims.

In a hastily-called press conference inside the Opposition's quarters at Gordon House, Mr. Golding released findings of transactions, which he said were made to an account in Jamaica known as CCOC Associates, with Minister of Information Colin Campbell as one of the signatories on the account.

Mr. Golding said that two cheques totalling \$30 million were issued payable to SW Services with both having the signatures of Mr. Campbell, in addition to the signatures of Phillip Paulwell, the Minister of Industry, Commerce and Technology, Prakash Vaswani and Delan Barnett.”

Mr. Speaker, it is important to follow how this political campaign financing scandal emerges in our sister Caribbean country, Jamaica.

In the *Jamaica Gleaner* of October 06:

“‘Corrupt Culture’—Jamaica Chamber of Commerce criticises PNP on Campaign Contribution

The Jamaica Chamber of Commerce (JCC) yesterday labelled as ‘inappropriate’ the \$31 million campaign contribution by the Dutch oil trader Trafigura Beheer, to the governing People's National Party (PNP), saying the gift helps to reinforce the perception of a culture of corruption in Jamaica.

But while the JCC stopped short of telling the PNP to give back the money, it threw its support behind calls for legislation governing contributions to political parties and said an interim code of conduct should be put in place ahead of the next general election.

‘...It is critical that, as a matter of the greatest urgency, legislation be agreed and passed to govern the contributions to political parties and their affiliates, by foreign and local donors.’”

They went on to say certain things. This was October 06.

On October 11, 2006 an article in the *Jamaica Gleaner* stated:

“Major international controversy over Trafigura Scandal

‘Opposition Leader Bruce Golding, disclosing that the Netherlands government has initiated investigations into the Trafigura Beheer fiasco, said yesterday that the Jamaican Government could be embroiled in a major international controversy over the matter.’”

This is from October 12:

“Churches lend voice to Trafigura criticism

‘The Jamaica Council of Churches says it is disturbed by the circumstances surrounding the Trafigura scandal and has urged political parties to declare both local and foreign funds they receive for political campaigns. ‘The council further calls for the establishment of policy guidelines for campaign financing and offers its assistance in developing such guidelines.’”

Another article in the *Jamaica Gleaner* of October 12, 2006 stated:

“‘Lock them up!’

‘Government Senator Professor Trevor Munroe wants sanctions to curb political breaches.’”

What was the response of the Jamaica Government? The Jamaica Prime Minister, hon. Portia Simpson-Miller, who recently visited Trinidad and Tobago, succumbing to political and public pressure ordered the return of the Jamaica \$31 million to Trafigura.

What is the outcome of all of this, apart from the obvious undermining of public confidence and public trust in the political system and in political parties? Robert Buddan wrote an article in the *Jamaica Gleaner* entitled “Trafigura: A Case for Regulation”. In that article, Mr. Buddan states:

“‘Democracy does not just happen and government must be governed. We regulate democracy and government through laws. Regulations fail when rules are not complied with, when they are not clear, when they are not enforced, or when laws are not there to back them up.’”

Mr. Buddan goes on to say:

“‘The Trafigura controversy should be used as a case study to guide us towards campaign finance regulation.’”

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It is clear, Mr. Speaker, that in this instance the Jamaican public has put pressure on the system to bring about finance regulation, in order to allow for the societal construct to remain intact, otherwise there will be anarchy prevailing in that milieu. So too in Trinidad and Tobago, we ought to embrace this concept of the regulation and of the financing of political parties.

We cannot say that we are immune in Trinidad and Tobago, because there is an old adage: "When your neighbour's house is on fire, wet yours." This is very applicable to us in Trinidad and Tobago. It points to the clear need for the regulation of political financing and this is reflected in the findings of the Law Revision Commission.

The Law Revision Commission, in their conclusion and recommendations stated:

- "that a system of the registration of political parties be adopted in principle;
- that there be a consultation with national stakeholders, including the Elections and Boundaries Commission and the Trinidad and Tobago League of Concerned Citizens, to determine the criteria for registration, the statutory limitation on elections expenditure and the obligations on political parties to disclose their accounts and submit their returns for public inspection;
- that the Canadian model be considered as a prototype for Trinidad and Tobago."

I am certain that my colleagues will have more to say and no doubt will engage in what this Canadian model is about as the debate progresses. The Law Revision Commission stated:

- "that the United Kingdom Registration of Political Parties Act be considered, with respect to the prohibition on broadcasting by a party which is not registered under the Act."

Clearly, the LRC is attempting to take party politics forward and attempting to embrace and meet the challenges of change before us in the political environment.

We do not have to reinvent the wheel. What we must do is tailor the cloth to suit the needs of our society. There are well-established principles which can assist us in that process.

The Carter Center's—after President Jimmy Carter—statement of the Council of Presidents and Prime Ministers of the Americas entitled: “Financing Democracy: Political Parties, Campaigns and Elections” put forward a series of principles that I want to recommend to the Members of this House:

- “That we should foster stronger representative and accountable political parties: In their representation and participation, political parties need adequate access to resources to function effectively and ethically.”

This gathering of Prime Ministers and former Presidents stated:

- “That we must ensure effective electoral competition: Parties and candidates must have a fair chance to campaign for their ideas; access to the media and adequate resources is crucial. Unfair incumbency advantages should be addressed and the use of State resources that are not made available to all candidates in the electoral campaign should be prohibited.
- Promoting political equality and citizen participation: Citizens rich or poor must have equal opportunity to participate in the political process and to support candidates or parties of their choice. Financial contributions are a legitimate form of support. Inequality related to gender, race, ethnicity or marginalized populations should be compensated. The principle of one person, one vote must be preserved.”

That is not applicable to us. That is part of our system.

- “Preserving the integrity of the electoral process through transparency: Voters need to be empowered to choose as autonomous and informed citizens free from pressures, intimidation or seduction through economic benefits, and informed about the resources and support for candidates and parties.
- Enhancing accountability and eliminating corruption: Elected officeholders should represent their constituents as a whole and be free from financial dependence on a few. Donations should not be used to buy access to politicians or civil servants, personal favours or policy favours.
- Strengthening the rule of law and enforcement capacity: There must be assurances of timely justice and an end to impunity in abuse of political financing. The enforcement of political finance laws and regulations requires the existence of independent oversight authorities and an effective system of sanctions to end impunity.”

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We have a clear enunciation of principles that can guide us, as we seek to bring to bear the emergence of the regulations and systems of political financing in Trinidad and Tobago.

The Carter Center further states that there are certain objectives and tools that are required that can be derived from these principles.

- “Invest in the democratic character of parties rather than long or negative campaigns.
- Improve transparency and reduce the influence of money by requiring disclosure of donations and expenditures.
- Promote equity, participation and competition.
- The institutions responsible for enforcement should provide both incentives and sanctions.”

The Carter Centre gathering of former Prime Ministers and former Presidents also indicated that there is a key role for a civil society. Whilst there is a gap in the emergence of the law, in particular in the context of the debate in this Parliament, in 2005, in Trinidad and Tobago, a signature campaign was launched by a civil society grouping, which calls itself the Constitution Reform Forum, and which has made a proposal for campaign finance reform.

It is very interesting because this group, which calls itself the Constitution Reform Forum, made a proposal for campaign finance reform but in the Sir Ellis Clarke draft Constitution, it says nothing of campaign finance legislation. [*Interruption*] Hold On. So too, the principles of fairness Constitution says nothing about campaign finance or the recognition of political parties in the Constitution. I want to suggest to the honourable—[*Interruption*]

Mr. Manning: I thank the Member for Caroni East for giving way. Would the Member not consider that a matter such as legislation to govern the conduct of elections in the country, or campaign financing, is a matter that does not properly find its way in a constitution but is best dealt with by ordinary legislation? That, certainly would be our view.

Mr. G. Singh: It is clear that there are two views on this issue. There is the view, as espoused by the Prime Minister, that it ought to be dealt with by separate legislation, but there is also the view that it is an integral part of the democratic process and as you seek to create the architecture for governance in your country, through the Constitution, then, therefore, you ought to create a role for political

parties within the ambit of that Constitution, in order to enhance and deepen the democratic process.

This civil society grouping has made certain proposals and I want to articulate those proposals put forward by the Constitutional Reform Forum. The proposals call for:

1. Mandatory public registration of all financial contributions to parties above TT \$500—TT \$1,000 within one week of receipt.
2. No receipts to be legally permitted within the two final weeks of an election campaign.
3. Significant contributors of more than TT \$2,500—TT \$5,000 should be excluded from receiving any state-related contract and/or serving in any ministerial or other position that has the power to award contracts.
4. Only local citizens residing aboard should make contributions, but with the same disclosure requirements for nationally based citizens.
5. The State should provide party financing.
6. To avoid abuse, such party funds should be audited independently.
7. The number of votes the party amassed in the previous election should influence the size of state funds.

Those are the seven items that form the proposal of the Constitution Reform Forum. [*Interruption*] I think this was from members at the University. This is a civic organization that, obviously, has an interest and this is what they have put forward.

It is my view that we are at a point when we have to confront certain issues. Michael Pinto-Duschinsky in the Commonwealth Secretariat's article entitled: "Taking Democracy Seriously—Political Financing in the Commonwealth" suggested certain issues that ought to engage the attention of members.

- How can corruption so often associated with political financing be reduced?
- How can the rising cost of political campaigning be checked?
- Is it desirable or possible to reduce the inequalities in financial resources available to rival candidates and parties? Is it possible to limit the advantages of governmental parties over opposition parties?

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- What are the main agents for and against funding of parties and candidates from public funds? What are the main advantages and disadvantages of financial grants to Members of Parliament and to party groups within Parliament?
- Is it desirable or practical to oblige parties and candidates to disclose their finances?
- Is it desirable or possible to control foreign political donations?

Mr. Speaker, it is clear that we can no longer depend on this free-for-all, laissez-faire system which is in place today. Therefore, this motion is an attempt to bring about cross-party support by way of a Special Select Committee of the Parliament for an issue that ought to be placed on the front burner of institutional change as we proceed to the much vaunted 2020 developed nation status.

It is clear that a proper system of financing and principles for financing of political parties is a critical element of governance in the 21st Century. It is part of the new social compact we should engender with the people of Trinidad and Tobago.

I want, for the benefit of my colleagues, to quote what one of our leading intellectuals had to say in the 1960s. This is what CLR James had to say in the mid-1960s in his pioneering work—*Party Politics in the West Indies*.

“...Political leaders in the West Indies discuss everything except serious politics.’

‘The most backward elements in the West Indies today are politicians. They are a dead weight on the West Indian people. The proof is that after 20 years of experience, not one of them, not a single one, has had the intelligence or the courage to tell the people what the real problems are. And that is particularly wicked and vicious because the people know, they are aware that all is not well, that there are realities which all the talk does not touch.’”

After 50 years of the existence of political parties, we can neither run nor hide from this issue. We must confront this reality and move beyond the talk to concrete action. Our history will not absolve or forgive us. Therefore, we must meet the challenge to confront this issue and make the necessary changes.

I thank you.

[*Mr. Imbert rises*]

Dr. Khan: Just now, relax yourself. We have to second the Motion. What is wrong with you?

Miss Gillian Lucky (Pointe-a-Pierre): Mr. Speaker, I rise to second the Motion of the Member for Caroni East and I reserve my right to speak at a later date in the debate.

Question proposed.

The Minister of Works and Transport (Hon. Colm Imbert): Thank you, Mr. Speaker. I was a little previous, for which I apologize. What was interesting about the presentation of the Member for Caroni East was that he was very careful not to throw any mud or to introduce any scandalous issues into the debate. I thank him for that, because if he had gone there, there would have been many examples that could have been made with respect to political investors and things of that nature all of which, in fact, is a phenomenon that emerged in this country in the mid-1990s; the concept of the political investor.

In fact, we had a particular situation after a general election where a winning candidate/political leader, not yet sworn in as Prime Minister thanked three political investors. This is part of the political history of Trinidad and Tobago; the concept of political investors emerged in the mid-1990s. I do not think I need to name the three; everybody knows who they are.

Hon. Members: Who are they?

Hon. C. Imbert: You do not know who Ish, Brian and Steve are? Everybody knows about the three political investors that emerged in the mid-1990s, as thanked by the then leader of the party that were of the opinion, at that time, that they were going to form the government. I was at a forum, I believe, at party headquarters on election night.

Miss Lucky: I was at the Director of Public Prosecutions' office.

Hon. C. Imbert: You were in the DPP's office at the time? I am certainly not talking about the PNM. It was not a PNM political leader who thanked three political investors for putting him into office. The very idea of media-driven campaign financing, which the Member for Caroni East touched on, emerged in this country in the first part of the 1980s, in the 1981 campaign with the Organization for National Reconstruction, which was a new party. It had no base as such and felt that it was appropriate for it to launch itself into the political consciousness by a high-powered, media-driven political campaign. It was the ONR. Before that, of course, there were campaigns, but not at that level of

participation by the media. The political advertising on television, the jerseys that the Member spoke about and the billboards entered the body politic essentially in the 1981 campaign and were brought in by the ONR. The reason is that it needed to make an impact and felt that it would use the media in order to introduce itself to the population.

After that we had again, some media-driven political campaigning in the 2000 general election when a famous political advisor by the name of James Carville came to Trinidad and Tobago to advise a political party on how it should conduct its campaign. Again, that was not the PNM. That was another political party that is not in this House today; that walked out of this House today. That, again, was another phenomenon, where there was a political personality from the United States, well known, in assisting the major political parties in the United States, getting involved in Trinidad and Tobago politics and advising a political party on how it should carry on its media and national campaigning generally.

The fact is, as the Member for Caroni East has pointed out, there are really no laws in Trinidad and Tobago that regulate what is essentially called in the United States, soft money. There are really no laws in Trinidad and Tobago that regulate the acceptance of soft money. The Member for Caroni East gave us a bit of information on what happens around the world. He read some scandals that occurred in various countries, but he barely scratched the surface.

In order that this House may have a meaningful debate on this matter—this is a genuine concern, I want to say that at the outset. This is not something that one would dismiss out of hand as being arrant nonsense. This is a genuine concern and it is something that we need to talk about. Certainly, we need to debate it.

Let me go to my notes on campaign financing in the United States. A lot has been happening in the United States over the last four years or so. In the United States campaign money comes in two forms: hard money and soft money. Those are the terms of art that they use in the United States. Hard money refers to donations made directly to political candidates and these must be declared with the name of the donor, which becomes public knowledge and it is limited by legislation. Soft money is the money that is not made directly to a candidate's campaign. Soft money refers to contributions given to a political party for party-building activities, rather than direct support of candidates in campaigns. This has been a very, very controversial matter in the United States.

Prior to 2002, there was absolutely no regulation whatsoever of soft money. We saw political campaigns in the United States where political parties spent

hundreds of millions of United States dollars. What we do in Trinidad and Tobago is a joke. The Member read some unsupported data from an article or book. It is unsupported. That is speculative data, or data (pronounced “dayta”) depending on whether you are from England or America. What did you say? You said that it is estimated that candidates each spend \$100,000 and parties together spend \$25 million. That is unsupported.

In the United States, because of the fact that this has been a very controversial topic for a very long time, when you look at the money that they spend—There is a provision in the United States where non-political groups, called “527 groups” can spend all sorts of money. What surprised me, when I looked into my notes, was that there were two particular groups that spent money on the 2004 campaign. One is the Swift Boat Veterans for Truth and the other is Moveon.org. From my notes, those two groups among others, spent approximately US \$400 million. These are two groups, not political parties. These are NGOs and the two of them together spent approximately US \$400 million, trying to influence the 2004 presidential election in the United States, criticizing either Sen. Kerry, who was the Democratic candidate or President Bush, who was the Republican candidate. It is believed by some that the Swift Boat Veterans were responsible for sinking the ship of Sen. John Kerry. I guess, as far as they are concerned, they have succeeded in what they intended to do.

Campaign finance has been a hot potato in the United States for years. When you go back into the history of campaign financing in the United States over the period, it is quite amazing. In the 1800s and 1900s, candidates, campaigns and political positions were openly traded in the 1850s and 1870s. I will read, again, from my notes. In the 1850s through the 1870s, a gentleman called Simeon Cameron was responsible for the Pennsylvania idea of applying the wealth of corporations to help maintain the Republican control of the legislature to include regularly purchasing votes and other vehicles of power. This is nothing new. This has been debated in the United States since the 1950s. We are talking about over 150 years.

What I have found very, very interesting is this particular extract:

“A wealthy Ohio industrialist, shipping magnate and political operative, Mark Hanna assessed banks to the amount of 0.25 per cent of their capital. Corporations were assessed in relation to their stake in the prosperity of the country.

He was made chairman of the Republican National Committee after giving \$100,000 out of his pocket towards the 1896 nomination of William McKinley.

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He managed to make McKinley's run the prototype of the modern commercial advertising campaign, the most expensive up to post-World War I.”

When you go into literature you would see that this has been a hot topic for many years. We are talking about 1896. That was the most amount of money spent in a political campaign in the United States, until World War I. [*Interruption*] They do not say how much, but they said that he contributed \$100,000 to the nomination of the then Republican candidate for President and they made him Chairman of the Republican party. He levied 0.25 per cent on banks. He assessed corporations, in terms of the amount of money they had, and levied a fee of 0.25 per cent on all these banks in order to raise campaign financing for the Republican party, seriously. That was in 1896.

There were many, many attempts after this 1896 election for reform in the United States. The first piece of legislation in the United States was the Tillman Act of 1907, which prohibited corporations and nationally chartered banks from making direct financial contributions to federal candidates. However, I have seen this in other pieces of literature out of Europe, weak enforcement mechanisms made the Act entirely unenforceable. That is something I am also picking up in the literature from around the world.

The first contribution limits were enacted in the Corrupt Practices Act of 1925 and an amendment to the Hatch Act of 1939 set an annual ceiling of US \$3 million for a party's political campaign expenditures and US \$5,000 for individual campaign contributions. Then there was the Smith Connolly Act of 1943 which extended the corporate ban to trade unions. Trade unions were and have always been involved in American politics. Eventually in the 1940s trade unions were banned from making contributions directly towards political campaigns. All of this, as I indicated before, was virtually unenforceable. The comment is that much of this legislation was full of loopholes and went totally unenforced.

Congress started to move on this in the 1970s. In 1971, Congress passed a comprehensive overhaul of campaign finance regulations with the Federal Election Campaign Act and the Revenue Act. This was wide-ranging legislation, attempting to consolidate previous reforms and enacting a variety of new measures, including the first steps towards public financing of presidential campaigns. Again, enforcement remained a challenge.

There was the Watergate scandal. This resulted in amendments to the Federal Election Campaign Act, including newer, stricter and more comprehensive contributions and expenditure limits, full public financing for presidential and general election

campaigns and for the first time, an independent agency, the Federal Elections Commission, to enforce campaign finance rules.

The new law, the 1971 law, was challenged, resulting in a landmark Supreme Court decision, *Buckley v. Valeo*. The decision upheld contribution limits, disclosure requirements and voluntary public financing, while striking out most of the limits on expenditure.

The first effort of the body politic in the United States, at reform, was the Bipartisan Campaign Reform Act of 2002. As a result of the 1996 campaign finance scandal in the United States, which involved illegal donations to the Democratic Party from overseas sources—this is shades of what has happened in Jamaica—there was the scandal over illegal donations to the Democratic Party from overseas sources and later the collapse of ENRON, which is a major contributor to politicians at all levels. This all led to the Bipartisan Campaign Reform Act of 2002.

If the presenter of the motion is interested, that is also known as the McCain Feingold Bill. It was sponsored by John McCain, a well-known political figure in the United States; at one time a potential nominee as a presidential candidate—he is a Republican—and Russ Feingold, who is a Democrat. It was a Bi-partisan Act.

I really thank the Member for not throwing mud and causing this debate to descend into the hog pen. The Bi-partisan Campaign Reform Act of 2002 became effective on November 06, 2002 and the new legal limits became effective on January 01, 2003.

The major provisions of the legislation are as follows:

- Wholesale prohibition on soft money contributions and expenditure to national political parties, but it allows unlimited—

Even the Americans are not willing to get to the point that these armchair theoreticians from UWI—the ones who said if it is over \$2,500 they must not get contracts. In the Unites States, they prohibited soft money contributions to parties, but they did not prohibit donations made for non-campaign purposes, but which could be used to influence federal elections.

- They prohibited federal candidates and office holders from accepting or spending soft money.
- There is a ban on nonpartisan issue ads.

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That is something in the United States where they use the television medium extensively to promote their candidates and their manifestos.

- There is a ban on nonpartisan issue ads funded by soft money from corporations and trade unions in the 60 days prior to a general election, or 30 days prior to a primary election.
- Disclosure of sources of finance for electioneering communications in excess of US \$10,000 per year.
- A political party spending money in a general election campaign must choose between making coordinated expenditures on behalf of its candidates or independent expenditure on behalf of its candidates, but not both.

Either they promote them as group, or they promote them individually, but they cannot do both. That is one of the provisions of the McCain Feingold Bill.

The hard money legal limits were raised from US \$1,000 for individual contributions per candidate per election, to US \$2,000. The limit for contributions to parties, per contribution, was increased from US \$20,000 to US \$25,000. For local politics, it was US \$5,000 to US \$10,000.

- Fund raising on federal property is prohibited.

Those are the key provisions of the McCain Feingold Bill. That is where the United States is at this point.

Mr. Singh: The prohibition of fund-raising on federal property is as a result of former President Bill Clinton's inviting people to overnight in the Blue Room or whatever room in the White House and paying a certain sum of money.

Hon. C. Imbert: Mr. Speaker, while I thank the Member for his intervention, I am not an expert, nor do I have any knowledge of Bill Clinton's inviting anybody to his private room, whether it is blue, yellow or red. I prefer not to go there because of the sensitivity and sensationalism associated with Mr. Clinton.

Even though the United States passed the Bi-partisan Campaign Reform Act of 2002, it was not universally popular in the United States. Criticism remains and among the most common criticisms are the unintended consequences, the propagation of extremely complicated disclosure instructions and discouraging of political giving. There is much disagreement in the United States with respect to the Bi-partisan Campaign Reform Act of 2002 and the constraints that it seeks to place on campaign financing. Critics claim that it violates their first amendment rights; that they have a right to contribute if they want to.

The criticism rages in the United States as to whether there should be stronger legislation and tighter controls, or whether the Bi-partisan Campaign Reform Act of 2002 is a discouragement to persons who want to support political parties; persons who may have genuine intention—they are not drug traffickers or money launderers; they simply wish to support a political party and they also are not looking for contracts.

The motion before the House speaks to financing of political parties. I gathered from the contribution of the Member for Caroni East that he was focusing mainly on campaign financing. [*Interruption*] I am just saying what I gathered. There is a much broader issue—I am not saying that you may not have had this intention—and it is not simply campaign financing. It is political financing. You have to make a distinction between campaign financing and political financing. Campaign financing would be associated with an election campaign; electioneering. Political financing would be associated with the day-to-day expenditure of a political party, its work in the field and so on. Therefore, the broader issue that this House must consider is political financing and not limit itself merely to campaign financing.

The Member gave us some information on what is happening all over the world but I think we need a more expansive view on what is the situation in other parts of the world.

One of the articles that I came across that I think would be very, very instructive for this Parliament is an article by Janice Iskins, Daniel Smelof and Martin Waleki. The first one is from the Vidsem University College, the second from the Central European University and the third contributor is from Oxford University. They published a paper in 2002 and I think this is required reading for anybody who wants to look at the issue of campaign financing and political financing. It is entitled: “Campaign Finance in Central and Eastern Europe—Lessons Learned and Challenges Ahead.”

It was a study of the experiences in 17 post-communist countries including Albania, Belarus, Bulgaria, Croatia, et cetera. What they looked at was the situation in terms of political financing and controls in political financing. In these countries—quite unlike Trinidad and Tobago, Caribbean countries and the British Commonwealth—there is a system of free radio advertisements and free television broadcasting for candidates and parties. They are given free airtime by the state in these countries. There is an actual study of the 17 Eastern and Central European countries. These are some of the data:

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- free television broadcasting for candidates and parties;

All 17 countries that are part of the study do this.

- subsidies in kind;
- grants to party groups in the legislature;
- free postage for election literature;
- free use of public buildings for election campaigns;

Ninety-four per cent of these countries do that.

- disclosure regulations;
- the requirement to submit for scrutiny your spending and to publish financial accounts;

Eighty-eight per cent of them have legislation dealing with that.

The next one is particularly interesting:

- complete or partial bans against foreign donations.

Eighty-two per cent of the countries either ban outright or have a partial ban on foreign donations. This is particularly relevant to the Jamaica situation—there are many countries in the world—because it is fresh in our minds. There are matters that I do not want to go into, that are before the courts, which talk about foreign corporations which had an involvement in political financing in Trinidad and Tobago. That is before the United States courts. That is the only clue I will give to what I am talking about. I do not want to get into that.

In the Jamaican situation it seems that they have an open policy of accepting and even encouraging donations from foreign sources. I am advised that they ask for it. In the Jamaican politics, foreign financing is quite normal, but in Central and Eastern Europe there is a ban on it.

- direct public funding of parties and candidates by the State;

Seventy-six per cent of the 17 countries surveyed practise that.

- spending limits on parties and candidates, 59 per cent;
- contribution limits, 47 per cent; and
- bans on paid political advertising, 18 per cent.

There are actually countries that ban paid political advertising.

The conclusion of the authors of these papers was that—this is a study of post-communist Europe—as these countries began their transition to democracy approximately 10 to 15 years ago they enacted national constitutions and introduced the right to vote, which they never had before—they began to reform the process of political financing. In the conclusion of this paper, in these post-communist countries political money is subject to greater regulation than in the established democracies.

There is criticism, from what I was reading, in terms of what was happening in North America in the 1800s and 1900s. Enforcement is the main weakness. Whereas on paper, they have all these rules and regulations, there is very little enforcement. It is summed up in the paper that in these post-communist countries there are too many rules and too little enforcement.

You could go through the whole process of campaign finance reform and political finance reform, but if you do not have the ability to enforce it, it is nonsense. This is what this paper, that examined campaign financing in Central and Eastern Europe concluded.

3.30 p.m.

Mr. Speaker, another paper that is required reading, if only for some of the humorous quotations that I will read out in due course, since we have to add some life to this very dry debate that we are about—I noticed that during the contribution of the Member for Caroni East, several Members on this side were fast asleep. I also noticed that during my contribution, Mr. Valley was closing his eyes. In order to add some life to this very dry topic—it is dry because of the manner in which the Member for Caroni East presented the matter. I mean, he could have been outrageous and scandalous and so forth, and then the debate might have been quite lively, but because he chose to go down a sort of a structured route looking at things such as the first principles and so forth, I am afraid that I have to follow suit.

Mr. Speaker, I want to read out for you a paper published by the International Foundation for Election Systems, Washington D.C. The paper was sponsored by US Aid and it is called *Financing Politics: A Global View* by Michael Pinto De Chinsky, 2005. I think you mentioned his name. What I found intriguing is some little anecdotes. There is a particular heading: Spending money on banned purposes such as vote buying. Mr. Speaker, I want to quote directly:

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This campaigning method has a long history. Vivid depictions may be found in the novels of 19th Century British Prime Minister Benjamin Disraeli. To date this seems to occur most frequently in relatively poor countries, although it is not unknown in some large US cities as well. Candidates are expected to treat ordinary voters to gifts of various kinds including food and especially free drinks.

This is where we get to the humorous thing.

The concept of trying to buy votes by giving voters free drinks was described in colonial British North America as swilling the planters with bongo.

I mean, when you read this thing, it is really quite amusing. There are allegations of significant vote buying in countries such as Cambodia, Malaysia, Taiwan, Cameroon, Kenya, Uganda, Zimbabwe, Antigua and Barbuda— I am simply reading out what is here. I am not casting any aspersions—Costa Rica, Mexico, Suriname and even Samoa.

I will go again to give some of the commentaries. Treating—that is what they call vote buying—is common in Uganda, according to the author of this article, where it involves the provision of soap, sugar, salt and alcohol.

In Bangladesh the bribes start with tea, cigarettes, lunch, galvanize sheeting and then cash, in that order. [*Laughter*]

In Suriname it is alleged that in 1996 one of the political parties was still following the traditional practice of handing out salt fish and rum. Right there in Suriname in 1996. That is just 10 years ago.

Mr. Speaker, this is another amusing anecdote. In a constituency near Livin in the Ukraine, one parliamentary candidate took the politics of electoral pork to a little extreme by spending the equivalent of US \$100,000 handing out piglets to attract the votes of farmers. [*Laughter*]

In Thailand it is cash that changes hands. They do not give them piglets in Thailand. According to the article, in this country there are at least two rounds of vote buying. The first round is called carpeting, which means giving a small amount of money in order to introduce yourself to the voters. In the last round, voters are given a higher sum, depending on the degree of competition among candidates in the constituency. Mr. Speaker, this is the humorous part. It usually takes place on the night before the election which is known as the “dog barking night”, because villages are visited by so many vote buyers that their dogs bark the whole night. [*Laughter*] When you read these things, clearly, this is a worldwide issue.

Mr. Speaker, let us go through a sampling—well, the Member did talk about financed campaigns, and there are quite a few here in Brazil, Croatia, Ecuador, Germany, India, Italy, Japan, Papua New Guinea, South Korea, Spain and the United Kingdom. The Formula One Affair that the Member referred to involves accusations that the newly elected Blair government had changed its policy and begun allowing tobacco advertising during Grand Prix Auto Racing in order to assist the commercial interest of a donor who had contributed £150 million.

This is an allegation that the Labour Government which had won the election had changed its stand and policy on tobacco advertising to allow tobacco advertising to further the commercial interest of a particular donor who had allegedly given them £150 million. There are many other scandals all over the world. There is no need to repeat all of them. The fact is that this is a very serious issue.

Mr. Speaker, another paper which I would say is required reading, by Dr. Walecki, is: *Ensuring Equal Rights in the Elections Process*. It is a White Paper by the IFES. It talks about the right of persons to free and fair elections, and the question of equitable and open competition for votes between political parties without government harassment or restrictions.

It goes into the concept of a level playing field, in terms of access to political resources such as political money, equal opportunities in terms of advertising and so forth. It concludes—I am merely reading this out. I am not giving you my opinion at this point in time—that if the resources are too unequally distributed among competitors, or if the opposition is devoid of access to resources, then the right to political equality and the rights to equality and participation are violated. That is the conclusion of Dr. Walecki in this paper. That is his view, that you have to have reforms that would level the playing field and give everybody an equal chance in terms of campaigning.

Mr. Speaker, going back to post-communist countries, financial resources are not the only problem. In post-communist countries, those who have control over political life like the media, the security apparatus, the administration and the law enforcement agencies can marginalize persons who may have sufficient resources for effective political competition.

So, even in these Central European countries where there are wealthy persons who might want to contest an election, there have been instances where the ruling parties, the governments, have used the state's apparatus to inhibit or suppress the campaigns of these individuals. These resources are subjected to special treatment,

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depending on which party you belong to—state corporations and organizations funded by the state’s budget.

Again, there is an inference that different groups get special treatment depending on which party they belong to. Favoured parties receive undocumented and free services from state corporations; the use of state facilities; and arrange meetings with various workers groups and so forth. There is quite a bit of research going into this matter.

Another paper which I will advise for anybody who wants to make a meaningful contribution—of course, you can do your own research, but I am simply telling you what my research has uncovered. “Avoiding Pitfalls in Political Finance” by Jeffrey Carlson. He looked at political financing going way back to the United States of America issues in the 1850s; he looked at the evolution of campaign finance reform and the evolution of attempts to regulate political financing; and he looked at the pitfalls that you can encounter as you try to introduce legislation regulating political contributions. He gave some examples of political pitfalls or potential pitfalls in political finance initiatives, for example, if you have inappropriate reform; if you have an imperfect or inappropriate environment to enable the reforms to work; and if there is no political support for the reforms.

One of the things that we need to understand is that it is not just up to us. This question of limiting political financing and campaign contributions and so forth is not up to us. The public has to be in support of the concept of the regulation of campaign contributions and political financing. If you have ill-conceived reforms without public support, they are doomed to failure. That is one of the pitfalls that you need to avoid in political finance initiatives.

Bad timing: Trying to support a specific reform in an imperfect environment, again, can fail without public support.

Disconnect: Failure to involve key players in the process at each step of the way can lead to solutions that the players have no capacity to implement. That is why these suggestions proposed by this constitution reform group or whatever they are called—what did they say? They said that the candidate should be limited to \$500; no contributions two weeks before election; if you contribute more than \$2,500 you are excluded from state contracts and ministerial positions; and that the State should provide funding and so forth and funding should be proportional to the votes received.

Mr. Speaker: Hon. Members, the speaking time of the distinguished Member for Diego Martin East has expired.

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

Question put and agreed to.

Hon. C. Imbert: Mr. Speaker, thank you and I thank hon. Members for extending my time. These proposals from this particular group from the University of the West Indies are preposterous. Did you not say UWI? I do not want to cast aspersions on individuals, but they are persons from UWI. These proposals are preposterous. For example, if a person or a corporation gives in excess of \$2,500 to a political party or a candidate for his or her campaign, they should be excluded from State contracts and ministerial positions. That will disqualify every single contributor, every single candidate and every single political party in the world. I mean, it is absurd. Where did they get these ideas from? Why are they not doing this kind of research that I have brought into this Parliament here today? Where did they get this nonsense from? If people want to make statements, they have to do their homework. I know it is a free country, but they have to do their homework.

Let us go back now to potential pitfalls in political finance initiatives. The last pitfall that I just read out which is “disconnect”, I could not use a better word to describe these proposals coming from this group. They are disconnected from reality; they are disconnected. Nonsense! Could you see something like that happening in the United States of America, as I said, where two NGO groups spent over US \$400 million on ads? That is all they did. They went on the television and said that they did not agree with Kerry because his record of military service is not what he says it is. I am summarizing what they essentially said. They said he doctored his records and so forth. I think President Bush faced a similar challenge that his records were doctored and so forth. They spent US \$400 million on that in the United States of America and that is just some groups.

Let me go to the mother of this Parliament, the United Kingdom Parliament. I have a report of the Electoral Commission of the United Kingdom which gives details of the spending and campaign contributions of every single candidate in the 2005 United Kingdom parliamentary general election. In the United Kingdom, they do not spend the kind of money that is spent in North America. At least, they do not admit to it. It is not as regulated in the United Kingdom as it is elsewhere but, even so, the Electoral Commission in the United Kingdom reported that political parties—this is a direct quote from their report on the 2005 campaign.

“Political parties spent over £42 million in the United Kingdom for the 2005 election.”

That is almost TT \$500 million. That is what was spent and reported to the Electoral Commission in the United Kingdom, and it was all legal. There is a commentary on page 5 which says that all parties spent within their spending limits. So, they spent almost \$500 million—at least, political parties and candidates reported that they spent almost TT \$500 million on political campaigning.

Mr. Speaker, the point is that in the United Kingdom, the mother of this Parliament, political parties were allowed to spend \$500 million. Again, this is why these ideas of \$500 and \$1,000 are a complete disconnect from reality.

The report goes into some detail. Most of the money was spent by the Labour Party and the Conservative Party. Together they spent almost 80 per cent of the £42 million. If you look at the breakdown of expenditure for the Conservatives, 2 per cent of their campaign spending was on broadcast; 46 per cent on advertising. This clearly illustrates the influence of American style campaigning on the UK parliamentary system. Mr. Speaker, that is 46 per cent of that £42 million or \$500 million. So, you are talking of almost \$250 million that was spent on advertising. The advertising companies in England must love them; they must love them. They probably cannot wait for an election campaign, if they are going to be spending over \$200 million on advertising. Mr. Speaker, 25 per cent of the £42 million which is £10 million was spent on unsolicited material to electors. Again, the publishers and printers must love them—all the handouts that they would drop in your mail boxes in the UK—TT \$50 million was spent on that in the 2005 campaign.

Mr. Speaker, look at this! This is very curious. Only 1 per cent of the money was spent on their party policy document or their manifesto. That is to show the importance in terms of campaign financing that the UK parties place on their manifesto. Then there are other categories like market research and canvassing—7 per cent was spent on canvassing. That would be equivalent to TT \$35 million that was spent on canvassing; 5 per cent was spent on transport. I guess that is paying for taxis, buses and so forth; and 6 per cent on rallies and other events. That is the breakdown of spending for the Conservative Party.

Mr. Speaker, the Labour Party was a little different. They spent 3 per cent on broadcast; 29 per cent on advertising; 15 per cent on unsolicited material to electors, but where their numbers are big was on transport. Obviously, they knew what they were doing. The Labour Party spent less money on advertising and

more money on getting the voters to the voting stations. They spent 12 per cent on transport and 16 per cent on political rallies. They also spent 12 per cent on management. That is 12 per cent of the £42 million—£5 million or \$50 million—on political managers in the United Kingdom. Millions of dollars were spent on transport and rallies and so forth. They obviously thought that it was more important to get their voters to the polls to rally them and to manage their campaigns.

When I add up these numbers here, I came up with almost 40 per cent of the money spent by the Labour Party was on those three items, whereas in the case of the Conservative Party it was only barely 16 per cent. Of course, we saw the results. I cannot say that is why the Labour Party was successful in the 2005 general election. It just shows you the difference in approach in the United Kingdom.

Mr. Speaker, this is very interesting. I do not think that we do this in Trinidad and Tobago. I do not think that in Trinidad and Tobago we have this kind of report coming out from the Elections and Boundaries Commission. I am not sure if they are required to do so. There is no such reporting in Trinidad and Tobago. This is a report on every single candidate, what they spent and what they spent it on. These are realistic figures. As I said, £42 million; nearly £20 million or \$240 million was spent by the Conservative Party on campaigns, all within the confines of the law in the United Kingdom.

One of the first things that I want to indicate that I do not support is the idea of \$500, \$1,000 and \$2,500 limit to corporations, and if they give you more than \$3,000 then they would not be eligible for state contracts and ministerial positions. In fact, that has to be a breach of their constitutional rights. That is the big argument in the United States of America; the whole question of the first amendment to their Constitution; your rights as a citizen; your rights to support a political party of your choice.

Mr. Speaker, in my opinion, we can discuss mechanisms because we can go all around the world and look at what they do. As I said, I gave you some examples here.

I have another paper on Political Finance Regulations in Guatemala: A Comparative Survey by Dr. Casus Zamora. He describes what is happening in many other Central American and South American countries. Interestingly, Mr. Speaker, in Guatemala, there is no control over foreign donations and it makes the point that the absence in Guatemala of any control over foreign donations, a very common

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form of regulation amongst democracies merits comment as in other countries such as Nicaragua and El Salvador.

Available evidence suggests that donations collected from abroad, typically amongst businessmen based in Florida are an important source of income for, at least, some of the Guatemalan parties, and it is a disincentive in Guatemala. This was the conclusion of this paper: Donations collected from abroad typically come from Miami Florida to finance political parties in Guatemala are a disincentive to the regulation of foreign political contributions in Guatemala.

The paper goes on to say that this lack of regulation has had crucial implications for electoral irregularity and integrity in Guatemala. The conclusion of Dr. Casus Zamora is that there should be regulations on foreign donations. Again, the only opinion I have expressed so far is that I find the proposals from this constitutional reform group to be completely unrealistic. In terms of the regulation of campaign financing, political financing and restrictions on foreign donations, I am not expressing an opinion at this point in time. We can go all over the world.

There was a seminar held in the Republic of Indonesia on July 11, 2000. Again this will make interesting reading. The title of the seminar was: Controlling the Illegal Influence of Money Politics and Regulating Political Finance. This was a seminar in the Republic of Indonesia held on July 11, 2000 at the Mandarin Oriental Hotel, Jakarta.

There are a number of papers, and I am just going to read out some of them: the Keynote Address, Problems in Enforcing Controls on Money Politics; Controlling the Illegal Influence of Money Politics; the Role of Political Parties in Discouraging Money Politics and Facilitating Legal Means of Political Financing; the Regulation of Political Contributions; Problems in Auditing and Reporting Political Finance; Disclosure of Political Finance; the Role of the News Media in Controlling Money Politics, and so forth. This is a very comprehensive paper. In fact, there are over 200 pages that would give you the proceedings of this conference where, in this part of the former Commonwealth, they went into some great detail, again, sponsored by the International Foundation for Election Systems. This is a very important source for research on this matter which is based in Washington DC. As I said, the IFES sponsored this seminar in Jakarta.

Mr. Speaker, let me go back now to the United States of America. Let us take a close look at some of the issues in American politics. I think what we need to spend some time thinking about is what is hard money and what is soft money,

what really should be allowed, what should not be allowed and who should be allowed to spend money on political campaigns and who should not.

ADJOURNMENT

The Minister of Trade and Industry and Minister in the Ministry of Finance (Hon. Kenneth Valley): Mr. Speaker, I beg to move that this House do now adjourn to Wednesday, November 01, 2006 at 9.00 a.m. I think Members have been circularized that because of the requirement to pass the sunset legislation by November 01, 2006, we are meeting on Wednesday at 9.00 a.m. to get it through on that day.

Mr. Speaker: Before I put the question on the Motion for the Adjournment, there is a matter to be raised on the adjournment. I now call on the hon. Member for Caroni East.

Occupational Safety and Health Act (Government's Failure to Enforce)

Mr. Ganga Singh (Caroni East): Thank you very much, Mr. Speaker. It gives me no pleasure to raise this motion on: the failure of the Government to enforce the Occupational Safety and Health Act, 2004 with respect to the collapsed scaffolding incident at the Customs and Excise building project in which 20 persons were injured.

Mr. Speaker, if one were to examine the newspaper reports of July 13, 2006—I will turn first to the *Newsday* at page 3:

“Scaffolding comes tumbling down—at least 20 escape death More than 20 men miraculously escaped instant death yesterday morning when steel scaffolding, over 100 feet above ground on which they were working, came crashing down...over a wide area of a construction site. The time was 10.15 a.m.

The men were working on the site of the new Customs and Excise Building on Wrightson Road close to Richmond Street, installing glass.

According to one eyewitness, the scaffolding just seemed to tear apart from the tenth storey of the building under construction and came crashing down in an incident that is yet to be fully explained.

Newsday was told by one source that the scaffolding started to wobble and that a foreman was able to jump and hold on to the top of a floor and pull himself up. Workers on the bottom levels reportedly fell.”

Mr. Speaker, the article goes on to say:

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“Quickly on the scene was Minister of Labour Danny Montano who said the contractors would be held responsible.

‘If there has been any breach of the Occupational Health and Safety Act (OSHA) they will definitely be held accountable,’ he said.

‘The OSHA is in force and Government is very concerned. The scaffolding was constructed in January.’”

The *Express* of Thursday, July 13, 2006 states: “Construction site tragedy 20 injured as scaffolding falls 8 storeys”.

The *Express* of Friday, July 14, 2006 states:

“Injured worker loses leg

Simmonds’s left leg was crushed in the accident.

Around 7.30 p.m. on Wednesday a decision was made to amputate his injured leg.

Simmonds complained yesterday evening: ‘I gettin’ pain round meh body. I can’t swallow. It is just hurting me all over.’”

Mr. Speaker, what was the Government’s response? Although the OSHA was passed in 2004 and amended in 2006 it was this calamity, this collapse of the scaffolding, that forced the Government to take action to appoint the Occupational Safety and Health Authority.

In the newspaper of Friday, July 14, 2006 it states: “Cabinet approves OSH Authority” by Driselle Ramjohn and I quote:

“In the wake of the collapse of approximately eight storeys of scaffolding, which injured 20 workers in Port of Spain on Wednesday, Cabinet yesterday approved the membership of the Occupational Safety and Health (OSH) Authority.”

Mr. Speaker, hon. Minister Danny Montano, in giving an interview by telephone with this newspaper on Friday, July 14, 2006 stated:

“He added that even though the Authority is being finalized, the ‘Act is in full legal force’ and with respect to prosecution for offences, ‘no one is in jeopardy as the Act allows up to two years for prosecution’.”

I want the Minister to explain this statute of limitation of two years, because it is my understanding, really, in accordance with section 93 of the Act that it is really six months. I want you to clarify that for me.

Mr. Speaker, the *Newsday* of Tuesday, July 18, 2006 at page 14 states:

“Aftermath of scaffolding accident: No construction work yet

“Contacted late yesterday afternoon, Montano said it was still too early to say what caused last week’s accident.

He said labour ministry inspectors, Works and Transport Ministry engineers and foreign specialists brought in by Udecott were working feverishly on the case and looking at the accident from a plethora of angles.

The minister however reiterated that if anyone is found to be responsible for that incident, they would not escape unscathed.

‘No one is going to get away,’ Montano said.”

Mr. Speaker, so that the Minister of Labour, Small and Micro Enterprise Development, Sen. The Hon. Danny Montano, has given the assurance in the newspapers also on July 21, 2006 that any person or persons determined to be responsible for the accident would be dealt with.

Mr. Speaker, we all have an interest in the enforcement of the OSHA, because we have an appreciation of the role and function of health and safety legislation in this country, starting from 1937 with the Moyne Commission to 2004 when the Act was passed, and then subsequently amended in February of this year. This is 76 years of struggle of workers for proper health and safety regulation. The key issue for us then is: Is there the political will in the context of this accident to enforce this Act? [*Desk thumping*]

Mr. Speaker, no one will escape unscathed. I like that. The Minister speaks like the Terminator. The Minister, in that vein, changed his position somewhat in the *Guardian* newspaper of August 15, 2006 on page 9:

“Scaffolding report still out

Top Government officials, including Minister of Labour...Danny Montano, are still in the dark as to the cause of the Customs and Excise construction site accident which injured 20 workers.”

So, at least, a month has passed and they are still in the dark.

“When contacted by the *Guardian* yesterday, Montano said he would be the last official in a chain of command...”

He start to back-back like crab.

“to receive the report from the Factory Inspectorate, which is investigating the matter on behalf of the State.

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He said he would receive the report only after the chief factory inspector and the ministry's permanent secretary signed off on it."

Mr. Speaker, these are internal matters.

"Montano said he was unaware of any information pertaining to the investigation, and questioned why the incident was so significant, compared to other industrial accidents."

So, here is the Minister questioning why this incident was so significant compared to other industrial accidents.

"...(Natic) president, Robert Giuseppe said he found it strange that one month had passed and information was still not forthcoming as to the cause of the accident.

He accused Montano of being 'insensitive' and of 'acting in a way that we are accustomed to.'

Giuseppe added that he found it suspicious that workers reportedly highlighted concerns over 'their unsafe environment,' but nothing concrete had yet surfaced from the investigation.

"The offenders are quite comfortable and nothing is going on...He (Montano) wants it to die a natural death, but let us see if justice prevails,"

Mr. Speaker, so that is it. The Minister began to back-pedal in that sense, because he is saying now that there is a chain of command, hold on. Before, no one will escape unscathed, but now he is in a chain of command.

Mr. Speaker, what is the nature and content of this report that the Minister is ensuring does not come before this House? The report, which I found in my mail box and which is a photocopy of the preliminary draft scaffolding collapse evaluation of the Customs and Excise building by Geneva dated July 21, 2006, addresses the four following elements: Noted observation of the situation, presumed collapse or cause of collapse, related issues and recommendations.

Mr. Speaker, I do not know about the internal affairs of the hon. Minister but, certainly, since July 21, 2006, a report on an accident in which 21 workers were injured, and which he was seeking initially with such urgency to deal with, is clearly within the realm of his ministry or Government.

The report goes on to state the quantity of tiles appeared insufficient. Many of the scaffolding connection pieces showed brittle failure modes, cracks in wells or in materials themselves; vertical poles showed very ductile behaviour; the bottom

of the post of the scaffolding frames did not appear to have been resting on base plates and wood sill. The quantity and general arrangement of the diagonal bracing were inadequate. Possible causes: And, of course, in their recommendations another issue. The scaffolding which appears to be erected by inexperienced and/or incompetent personnel, makes it difficult to comprehend that someone would allow the scaffold as erected to be used.

Secondly, why did the erector not follow the sketch? Thirdly, that they accessed the work levels by clamping the nose on the vertical numbers, a very dangerous procedure. They went on to point out various points in which there was a clear breach of section 6 of the Occupational Safety and Health Act.

Mr. Speaker, section 6 of the Act points to even where there is not a set standard for a specific hazard, employers are responsible for complying with the Act. It is a general duty clause. This general duty clause in section 6 states that each employer must furnish a place of employment which is free from hazards that are causing or likely to cause death or serious physical harm to his employees. So, why are you not dealing with this matter?

Section 86 provides for the imposition of a fine of \$100,000 where there is a breach in which a worker is physically injured or death results.

This is the first major incident under the Act in the public domain. It is by your action you will determine the value system as to whether or not this Act will be used to protect the safety and welfare of workers throughout this country; but by your inaction you are demonstrating a certain approach; an anti-worker approach.

Mr. Speaker, time does not permit me, but I want the Minister to clarify what is the current position, having regard to the recommendations of this preliminary draft. It is my understanding that the preliminary draft is no different from the final.

Secondly, the Minister must demonstrate, unequivocally, an approach and clarify where it is in the process today.

Thirdly, section 93 of the OSHA states very clearly that you have a statute of limitation of six months. Where did the Minister get this period of two years? I am going to quote section 93:

“A complaint for an offence under this Act shall be made within six months of the date on which the alleged commission of the offence came to the knowledge of an inspector.”

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[MR. SINGH]

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Mr. Speaker, it is clear. We want a clear position from the Government on this matter. It is a matter too important to be left to die a natural death, in the words of trade unionist, Robert Giuseppi.

Mr. Speaker, I thank you.

The Minister of Labour, Small and Micro Enterprise Development (Sen. The Hon. Danny Montano): Thank you very much, Mr. Speaker. Before I really get into this matter, the issue that the hon. Member for Caroni East has raised is the failure of the Government to enforce the Occupational Safety and Health Act with respect to the scaffolding incident at the Government campus on Richmond Street.

Mr. Speaker, let me assure you that there has been no failure on the part of the Government or anybody else with respect to this accident to act as is required under OSHA. [*Desk thumping*] There has been no failure on the part of anyone to do anything that is required in this matter. Let me assure you of that.

Mr. Speaker, much of what was said was said, because of the lack of understanding as to what the Act does and how it works. The Member for Caroni East seemed to have the basics, but he did not have a complete understanding as to how the Act works.

In the first instance, the Act defines who is covered by the Act. It defines workers, industrial establishments and employers and it says these are the people who are covered.

It goes on to set out certain specific duties of care with respect to employers to their employees. It does not set standards. The OSHA does not of itself set any standards for anything. It provides for a duty of care. It also sets out certain obligations, on the part of both employers and employees; it provides a legal framework for the protection of employees; it provides the inspectors under the agency with powers to investigate and to inspect industrial establishments; it also provides for the investigation and the prosecution, if necessary, of matters by the agency; and it also provides for the regulation and the establishment of standards by the Occupational Safety and Health Authority. That is what the Act does.

Mr. Speaker, the Occupational Safety and Health Act in section 98(2) provides that notwithstanding the repeal of the Factories Ordinance, the Employment of Women Act and the Gas Cylinders Act, any regulation, order or instrument made under the Factories Ordinance shall continue to be in force and be deemed to have been issued under the Occupational Safety and Health Act.

Mr. Speaker, the regulations that were made under the Factories Ordinance that continue under the OHS Act are the Factories Order prescribed forms, the Distillery Safety Regulations, the Boiler Regulations, Safety Provisions for Safety in the case of Air Pressure Containers, 1949, the Factories Cleaning of Machinery in Motion, Woodworking Machinery, Factories Electricity Regulations, the Factories Welfare Regulations, Electric Accumulator Order, the Factories Orders and the Certificate of Appointment of Factory Inspector Regulations.

In addition to these regulations, there are certain specific standards that the Bureau of Standards has been working on since last year. The following standards are, in fact, completed: contractor safety, risk assessment, workplace design and personnel protective equipment. Other standards being developed are workplace design, working at heights, occupational safety and health management systems, mobile equipment and hazardous material.

Mr. Speaker, the Occupational Safety and Health Authority was formally commissioned on October 13, 2006. Between February 17 and October 13, 2006 there has been no vacuum, in the sense that everything that could have been done was being done to get there. There is no deficiency in the operations of the law, because during that period, the authority had not been established. Let me repeat, there is no deficiency in the law and in the workings of the law because of that. The authority is the organization that is empowered to establish and promulgate standards, but it does not design the standards. Standards are presently being developed by the Bureau of Standards.

In addition to that, the authority has been in touch with the Technical Standards and Safety Authority of Ontario, Canada. Last week, they had a meeting in my office and they are setting up a relationship so that we can piggyback on some of the standards that they already have, and they are going to develop a working relationship. So, the specific standards that we need to have in place can be accelerated, because the Bureau of Standards will take many years before all of the standards that we need could be completed.

With respect to the agency, for the time being, the inspectors under the Factory Inspectorate are functioning as if they were inspectors under the Occupational Safety and Health agency. Again, there is no deficiency in terms of how the law is working. The original Factory Inspectorate had only nine inspectors, and earlier this year I got Cabinet's approval for the hiring of 38 new factory inspectors. As we speak, 13 new inspectors have actually joined us. So we have 22 inspectors on the ground. The other inspectors have been offered jobs and they have accepted and they will be coming on stream over the next few weeks.

OSH Act

[SEN. THE HON. D. MONTANO]

Friday, October 27, 2006

With respect to the executive director of the agency—this is the linchpin that we need for the agency—the executive director was sought by international search and, at this time, it has been narrowed down to five persons who have been selected for interviews. Those interviews are to take place on November 28 and 29, 2006 and, happily, one of them is a Trinidadian who has been living in New York for a number of years.

Mr. Speaker, it is important to understand that there has been no vacuum in the operation of the OSHA. Very shortly, after the Act was proclaimed in February, on my instructions, the Factory Inspectorate visited every Government construction site to determine that all of the operations appeared to be in compliance with OSHA. They came back and reported to me, a couple months later and there were no implicit breaches of the Act that could have been identified at that time.

Mr. Speaker, because of the level of concern with compliance with the Act, again, on my instructions and, in fact, in my own handwriting, I wrote to every company that over the previous years had two or more accidents and asked them what they were doing in order to bring themselves into full compliance with the OSHA, and their responses were passed on to the Factory Inspectorate and reviewed. Those companies that had serious accidents were actually investigated directly by the Factory Inspectorate, recommendations were made and, to the best of our information, they were complied with.

In this case, the accident that has brought us here today, was investigated by Mr. Jeffery Millington, one of our brighter young experienced inspectors. Mr. Millington has a BSc in Chemistry and he has been working for the Inspectorate since 2002, and since then he has attended some 12 training sessions.

Mr. Speaker, as we speak, the final report is being compiled. There were several reports on this matter. One was done by Geneva which is one of the contractors working on the site for UdeCott, and another one was done by Turner Alfer and, apparently, there is a report by the Ministry of Works and Transport which we have not yet received and then there is our own report.

The Member for Caroni East unhappily and unfortunately referred to a draft report dated July 21, 2006 which I am familiar with. Mr. Speaker, notwithstanding the fact that we have not publicized what we have been doing specifically in terms of investigating this accident, we took a decision several weeks ago that we could not and should not publish any reports or any information from the reports because it was premature. We were advised by our own in-house attorneys that we could prejudice the cases that may arise as a result of this.

In addition to my legal advisor/counsel, she sought the opinion of the Director of Public Prosecutions in the matter and he concurred with her, and advised us not to say anything at all. Now, we fully appreciate the interest that the public has in this matter, we certainly do but, at the same point, we have to at all times consider the rights of the workers who have been injured here. The fact of the matter is that they may want to make certain claims against their employers, and we would be reckless in the extreme just for the sake of cheap political points to try to trump ourselves up to say what we are doing, what we are investigating and what we have found. Mr. Speaker, no! We do not do business that way in the Ministry of Labour, Small and Micro Enterprise Development.

Mr. Speaker, it is very simple. Our behaviour and our actions are governed very simply. It is written: For every one who exalts himself will be humbled and whoever humbles himself will be exalted. [*Desk thumping*]

Hon. Member: Amen.

Sen. The Hon. D. Montano: Mr. Speaker, that is in Luke 14. I have nothing more to say on this matter.

Thank you very much.

Question put and agreed to.

House adjourned accordingly.

Adjourned at 4.28 p.m.