

*Leave of Absence**Monday, May 04, 2009***HOUSE OF REPRESENTATIVES***Monday, May 04, 2009*

The House met at 1.30 p.m.

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

Mr. Speaker: Hon. Members, I have received communication from the following Members requesting leave of absence from the sitting of the House: The hon. Winston Peters, Member of Parliament for Mayaro for the period May 04 to May 20; the hon. Nizam Baksh, Member of Parliament for Naparima, from today's sitting of the House; the hon. Fitzgerald Jeffrey, Member of Parliament for La Brea, from today's sitting of the House; hon. Dr. Keith Rowley, Member of Parliament for Diego Martin West, from today's sitting of the House. The leave which these Members seek is granted.

PAPER LAID

The annual audited financial statements of the Vehicle Management Corporation of Trinidad and Tobago Limited (VMCOTT) for the financial year ended September 30, 2007. [*The Minister of Finance (Hon. Karen Nunez-Tesheira)*]

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

ARRANGEMENT OF BUSINESS

Mr. Speaker: Hon. Members, I have two requests from Members; one from the hon. Member for Diego Martin North/East and one from the hon. Member for Siparia, requesting that they make personal statements. Is it the wish of the House to hear these statements?

Assent indicated.

Mr. Speaker: Proceed, hon. Member for Diego Martin North/East. [*Desk thumping*]

PERSONAL EXPLANATIONS**Integrity Commission—Allegations of Non-Declaration**

The Minister of Works and Transport (Hon. Colm Imbert): Mr. Speaker, on Friday May, 01, 2009, the Member of Parliament for Caroni East read out details in this House of what he claimed was a complaint made to the Integrity Commission against me by a subcontractor in or around January 2009 with

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respect to the use of funds raised for the construction of a stadium project in Grenada in 1999. It should be noted that this subcontractor purports to be a local contractor but the company in question is incorporated in the Cayman Islands.

Based on the statements made by the Member, it appears that this subcontractor has told the commission that I drew approximately US \$6 million out of the project funds for my personal use and I did not declare these funds to the Integrity Commission. It should be noted that prior to Friday last, I had no knowledge of this latest complaint made about me to the Integrity Commission. I had not been informed that any such complaint had been made, nor had a copy of the complaint or any particulars been sent to me. This is precisely what the Integrity in Public Life (Amdt.) Bill now before this House seeks to correct.

It is noteworthy that the Member for Caroni East has confirmed that a similar complaint was made by this subcontractor against me in 2007. On that occasion, the commission was not satisfied that the complaint was within the scope of the Integrity in Public Life Act and as a consequence, the matter was discontinued. It should be noted that both the 2007 and 2009 complaints have nothing to do with public funds or public life but rather they involve a commercial dispute over a privately financed construction project in another country dating back to 10 years ago; in fact, more than 10 years ago.

These spurious allegations have reared their ugly head at various times over the last 10 years, but in the past I have chosen to ignore them, since in my view, they are intended to distract me from my work as a Member of Parliament and a Government Minister and they may also be intended to have other influences and other consequences. However, the situation has now become quite ridiculous and the constant repetition of these false charges and the willing participation of the Opposition in this private dispute is becoming tedious.

The allegations are and have always been absurd. A simple examination of the true facts, as opposed to the falsehoods that are being propagated, will demonstrate that the notion that I have somehow spirited away US \$6 million and hidden it in a foreign bank account is preposterous.

In the first place, as I have said before, the issue relates to matters in my private life. However, as a strategy, this subcontractor has sought for the last 10 years to create the impression that this dispute is somehow related to my position as a person in public life.

For the record, the value of the project was US \$23 million and not US \$6 million, as some may be led to assume from the allegations that have been made

in this House. It was executed on a build-own-lease-transfer basis where the company that I was previously associated with, that is the National Stadium Corporation (National Stadium) was ultimately responsible, under a contract with the Government of Grenada, for the successful completion of the project.

National Stadium, as the owner of the project, hired a development company, ICS, to construct the project and ICS engaged a subcontractor, that is, the subcontractor in question, to do part of the construction work. The balance of the construction work for the project was done by National Stadium itself, using other subcontractors and consultants. Payments were certified and made in the usual way on the advice of an engineer and a quantity surveyor.

It is important to note at this stage that in seeking to repeat the allegations made by this subcontractor, the Member for Caroni East has mixed up the corporate identity of the companies involved and my own personal identity. In so doing, he has sought to go behind the veil of incorporation. However, the contracts in question which have resulted in all of these allegations were between companies and not individuals.

During the life of this project in Grenada, ICS exercised its option under its contract with the subcontractor to significantly reduce the amount of work that the subcontractor was required to do. In addition, disputes arose between ICS and the subcontractor over the quality of work done by the subcontractor; payments and the progress being made on the project, among other things.

Eventually, ICS terminated the employment of the subcontractor in 1999. This led to litigation in the courts of Trinidad and in Grenada, and despite the passage of 10 years; the main dispute about the ownership and use of the funds raised for the project is still to be heard by the High Court in Trinidad and Tobago.

After the termination by ICS of the employment of the subcontractor—ICS was the development company—National Stadium, the owner, financed the completion of the project in Grenada at considerable expense. This fact was upheld in a court decision in Grenada.

Returning now to the specific allegations that were made in this House on Friday last, the records of the High Court in Grenada will confirm that the subcontractor's complaint about me could not possibly be true. In fact, in order to demonstrate the true expenditure on the project, as opposed to the fictional version that has found its way into this House, and also now apparently into the records of the Integrity Commission, National Stadium obtained a judgment in its

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favour in Grenada in June 2004, namely Civil Case No. GDAHCV2004/0251 in the sum of EC \$13.45 million (US \$5 million)

This judgment arose from a debt owed by ICS for the money spent by National Stadium to complete the project, including management of all related matters, after the subcontractor was expelled from the site. There was considerable work to be done and the US \$5 million judgment represented the money spent by National Stadium over and above the funds available for the project, including this mysterious \$6 million. Having obtained the judgment, National Stadium subsequently applied to the court in Grenada in 2005 to wind up ICS.

The winding-up petition in Grenada was objected to by the subcontractor who claimed that the judgment debt was fictitious, not unlike what we heard on Friday; in other words that no money of any significance had been spent by National Stadium on the project after the subcontractor was expelled from the site.

It is a matter of record in the court in Grenada that the subcontractor was unsuccessful in his objection and the subcontractor's application to the court to dismiss National Stadium's petition to wind up ICA was refused, because the subcontractor could not prove his allegations. In particular, the court held that the subcontractor's evidence did not raise a bona fide dispute as to the probability of the debt—the money spent—and that the debt on which the winding-up petition was founded was not disputed on substantial grounds. In other words, the court upheld National Stadium's claim with respect to the amount of money that it had spent to complete the project and further, it held that the judgment that National Stadium had obtained against ICS was supported by a valid debt. Judgment was thus rendered in favour of National Stadium in Civil Case No. GDAHCV2005/0216 on January 20, 2006. This 2006 judgment was not appealed by the subcontractor and it therefore now stands as a final determination of the true expenditure on the project.

This Grenada judgment has since been registered in the court in Trinidad and it should be noted that in addition to the additional US \$45 million spent by National Stadium Corporation to complete the project, over and above the funds available for the project, including the so-called missing US \$6 million, a further US \$2.7 million of the funds raised by National Stadium for the project has been frozen in Trinidad and Tobago by a court order since 1999.

In the circumstances, it is impossible, therefore, for me to have diverted US \$6 million of the funds raised for this privately financed project for my personal use, since if I had done so, the project could not have been completed nor would the court in Grenada have accepted that National Stadium spent US \$5 million more than the funds available for the project to complete the project.

Despite these facts, it now appears that I am the subject of yet another ill-conceived complaint made by this subcontractor to the Integrity Commission, three years after it was demonstrated in the court in Grenada that there could not possibly be any missing funds.

1.45 p.m.

Once again, the subcontractor is exploiting the Integrity in Public Life Act to demand that my personal records be searched by the commission to find evidence of the mysterious US \$6 million which, as was just demonstrated, could not possibly exist. Once again, the subcontractor is seeking to confuse the corporate identity of the companies involved with my personal identity.

It is to be noted, that throughout the last 10 years not a shred of evidence has been produced by this subcontractor to confirm the existence of this mysterious US \$6 million allegedly drawn by me for my personal use, nor as the court in Grenada has determined, can any such evidence ever be produced. The allegations, therefore, fly in the face of the facts.

Further, for the second time in two years, if I am to accept the information that has been provided in this House by the Member for Caroni East, the Integrity in Public Life Act is being used by this subcontractor to harass me with unfounded allegations which the commission has already determined do not fall within the ambit of the Act.

On another note, I wish to thank the Member for Caroni East for inadvertently making available to me for the first time, the information that I have been trying to get out of the Integrity Commission since 2007. [*Crosstalk*]

Mr. Speaker: Order!

Hon. C. Imbert: Thank you, Mr. Speaker.

Previously, which is a fact that the Member for Caroni East did not highlight, the commission had steadfastly refused to give me a copy of the 2007 complaint and had resorted to the cover of section 35 of the Act to avoid giving me detailed particulars. As I said before, the latest complaint, I am completely unaware of it, although correspondence has been sent since January 2009.

Mr. Speaker: Read from what I have approved, please.

Hon. C. Imbert: For the first time therefore, thanks to the revelations of the Member for Caroni East, I am of the view that I can now demonstrate that this subcontractor made this ill-conceived complaint to the Integrity Commission

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knowing it to be false, especially since it is a matter of record in the court in Grenada in the court matter GDAHCV2005/0216 in which the subcontractor participated and of which the subcontractor has personal knowledge, that I could not possibly be hiding US \$6 million of the funds raised for the project. In other words, for the first time, based on the intervention of the Member for Caroni East, I have obtained evidence that leads me to conclude that this subcontractor has breached section 32(2) of the Act.

I am left to wonder therefore, what motivated the Member for Caroni East to make the allegations that he did on Friday last, especially since he ought to have known—this is important—that the commission had already addressed an almost identical complaint made by this subcontractor in 2007. In particular, since the Member for Caroni East apparently has access to my confidential records at the Integrity Commission, including documents that I have not seen, the Member for Caroni East ought to have known that in a letter dated February 22, 2008, the Registrar of the Integrity Commission had this to say about the complaint made by this subcontractor in 2007. This is a letter that was written to me.

“I wish to inform you that the Integrity Commission has taken a decision to discontinue the investigation of which you were given notice by letter dated November 12, 2007, on the basis that the Commission is not satisfied that the matters raised in the complaint fall within section 32(1) of the Integrity in Public Life Act, 2000.”

Finally, I wish to point out and I wish to stress that these matters, that is to say, the ownership and use of funds raised for the Grenada Stadium Project are the subject of an unresolved High Court action in Trinidad and Tobago, namely High Court Action No. 3400 of 1999, which is still to be heard and determined.

Thank you.

Committee of Privileges
(Member for Siparia)

Mrs. Kamla Persad-Bissessar (*Siparia*): Mr. Speaker, thank you for the opportunity to make this explanation with respect to statements I made in this honourable House on April 03, 2009, during my contribution to the debate on amendments to the Integrity in Public Life Act. I wish to state as follows:

My concerns in Parliament in that debate reflected the concerns of many in the population. As a parliamentarian, it is my constitutional duty to reflect on and question issues of such national importance on behalf of the population. I am well within

my democratic right to question any institution of this country on the people's behalf, especially when that institution is perceived to be acting against the public interest.

I wish to also point out that at no time in my contribution did I personally criticize the President or cast aspersions on his competence. I was questioning a valid issue which several other public commentators have done before, namely the non-appointment of members of the Integrity Commission. I quoted a written response by the President to one of those commentators to illustrate my point.

I give the assurance that I did not wilfully and deliberately mislead the House. The statements do not amount to a wilful and deliberate misleading of the House, as alleged or at all. My statements were based, as I clearly stated at the time, on the advice from the Opposition Leader. At the time I made the statements I had no reason to believe otherwise and I made same in the genuine belief that they were true. It was at a later date after I made the statements that I discovered that no correspondence had been received or responded to by the Opposition Leader.

In the circumstances, I do apologize.

Thank you.

INTRODUCTION OF BILLS

Mr. Speaker: Hon. Members, the agenda item Introduction of Bills will be deferred to later on in the proceedings.

INTEGRITY IN PUBLIC LIFE (AMDT.) BILL

[Third Day]

Order read for resuming adjourned debate on question. [April 03, 2009]:

That the Bill be now read a second time.

Question again proposed.

The Minister of Tourism (Hon. Joseph Ross): Mr. Speaker, thanks for the opportunity to contribute on this major piece of legislation before the House today. As I commence my contribution, I would like to honestly state as was said by our hon. Attorney General, that perhaps one of the things that we stand for in the Cabinet under the leadership of the hon. Patrick Manning is integrity in public life. The hon. Prime Minister admonishes his Cabinet Ministers at all times to ensure that they adhere to the highest standards of integrity in their affairs.

One of the principles on which the PNM was founded is the principle of morality in public affairs. We cannot deny that there may be breaches from time

to time, but when we look at the performance of those on the other side, when they tasted power for a very short period of time, we cannot help but confront them with all the acts of corruption, misbehaviour and mischief in public life. There is so much evidence before us today, that we cannot help but from time to time to remind them of the importance of integrity in public life.

I will like to take them back a bit to August 13, 2002, to a *Newsday* article. I will take out extracts from it. The article referred to the operations of the Tourism Industrial Development Company (TIDCO). It starts by saying:

“Vishnu Ramlogan, when he was president of...(TIDCO) was paid over \$3 million in salary for a period of two years....

Four vice-presidents working in specific areas under him were paid much lower figures, causing the Auditor General to question the criteria and apparent disparity for fixing salaries paid to executives of TIDCO.—“

The Auditor General queried the salaries that were paid.

“A copy of a letter from the Auditor General to the President of TIDCO dated July 19, 2002 said he could find no procedure by which officers were assessed and examined and that academic qualifications and experience seemed to have no bearing on arriving at compensation packages for officers.”

In other words, they could have decided how they disbursed the funds and disburse it at will.

“Also queried by the audit was the disclosure that the audit calculation of annual income of some officers did not tally with that indicated on their TD slips for income tax purposes.”

Perhaps they were defrauding the Board of Inland Revenue and by extension the people and the Government of Trinidad and Tobago.

There was no signed contract for the employment of Ramlogan. That is the Auditor General’s Report.

“The President—“ at that time—“did his own performance evaluation...”

Some of the other salient features of the report are:

“There was...no evidence seen that the Board was notified of contracts approved...

In cases where contracts were approved by the President, the tender documents did not indicate when these tenders were opened, or the process was followed.”

These are serious breaches. You are issuing contracts and nobody knows whether the procedures were followed.

“In some instances, it could not be ascertained who awarded these contracts, and with the absence of a register for entering the contracts for which tenders had been invited, there was no means by which the audit could verify the total value of contracts invited or awarded.

This article has more in it. In short it is saying that at that time it was indeed a very scandalous state of affairs that existed at TIDCO. Very scandalous!

2.00 p.m.

It has been brought to our attention—and we must not let these things die because we are dealing with a very important piece of legislation on integrity and these points must be brought up to show the need for integrity in public life. I refer, of course, to the Piarco Airport scandal known to all and sundry.

I go back to another article in the *Newsday*, dated December 05, 2001. It is saying, in summary, that from all the information received and the documents examined, a group of individuals and corporations conspired to control the award of contracts on the airport project. The article concluded that the award of contracts was a fraud on the people of Trinidad and Tobago and an abuse of public funds. The award of contracts on the Piarco Airport was a fraud on the people of Trinidad and Tobago and an abuse of the funds of this country.

I can go on. I want to remind them, coming back to TIDCO and the great road paving scandal that existed just prior to the election at the time—let me go to an article by Bukka Rennie written on August 10, 2002. He said, on road paving in Trinidad and Tobago, at the time:

“...the granting of road paving contracts to friends and party supporters via Tidco brought back to memory a number of things.

But for a Minister to hand out one contract to the tune of \$149 million without proper tendering procedure and without any regard to Public Service regulations and systems and structures of accounting has got to be downright criminal action.”

[*Interruption*] This was never disputed.

In addition, we know that even up to quite recently a number of these contractors were still pleading for payment. There was no signed document; people were given contracts without any formal document. They spent the sum of

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\$149 million just to pave roads to win an election of which we know the result. These were some of the outrageous acts of corruption, mischief and misuse of public funds.

The hon. Member for Princes Town/North—I am sorry he is not here—accused this Government of many things during his contribution. He accused this Government of trying to undermine the Integrity Commission and the integrity legislation. When I listened to him, all I heard was a lot of theatre and a lot of noise. That reminded me of the late Lloyd Best—plenty “robber talk” came from him. [*Interruption*]

Dr. Gopeesingh: You are denigrating Lloyd Best.

Hon. J. Ross: No, Sir. You are not listening. In case you do not understand, if Dr. Best were here listening to him, he would have said that all he was talking was “robber talk”, basically. The hon. Member, in my view—and I am sure in the view of all the Members on this side—was defending a no-case. He was defending nonsense. I listened carefully when he talked about a complaint not being completed until it is signed. He has a case, but that obtains in an ideal situation.

What we are witnessing in Trinidad and Tobago today is not an ideal situation. The Member knows we are not dealing with an ideal situation. We have heard of instances where investigation after investigation was initiated just by word of mouth. You feel to make a complaint to the Integrity Commission against someone and an investigation is started. This is what exists today and this Government intends to change it; this Government intends to improve the legislation to ensure it does not continue like that.

The hon. Member was also claiming that the amendment Bill required a person making a complaint to provide evidence. My question is: So what? If you want to make a complaint against me, you should have evidence otherwise what are we exposing the people of the country to—the politicians, Cabinet Ministers and officials of the government service? A lot of unfounded accusations that are unsubstantiated. You are wasting the time of the Integrity Commission as well, doing these investigations without any information. There is nothing wrong in requiring that someone making a complaint have a certain level of evidence; at least something with which the commission can start.

The hon. Member went on to question my colleague the hon. Minister of Community Development, Culture and Gender Affairs and Member for Port of Spain South about a community centre in Tunapuna that costs \$4.5 million. He presented nothing. Just saying that a community centre costs \$4.5 million and

asking the Minister to explain; explain what? What is he trying to insinuate? What is the point? Did he identify any act of corruption? Could he have pointed in any way to where the Minister was guilty of any wrongdoing? He should be querying the same \$184 million contract that went out to pave roads for which there was not a single document signed; not terrorizing the hon. Minister.

Last on this issue, but by no means the least, there is the so-called Corruption Perception Index. I have heard this over and over in the last year while in Parliament. Reference was made to the Corruption Perception Index, but I honestly believe that this index is being misrepresented in this House. When the Member said that on the index Trinidad and Tobago moved from 31 to 79 over a period of time, the Member never indicated to this House how many countries were on that index when Trinidad and Tobago was ranked 31. There were just about 71 countries. Now it is up to 171 countries. The information is not clearly presented to this House.

Also, you have to bear in mind that the index is just a perception and there are so many things that affect the perception. Newspaper reports affect perception. They can write as many articles as they want in the newspapers and that influence perception. I believe that it is largely because of all the things that happened in their term of office that today we are faced with the question of the perception index. It is largely because of the number of cases being brought up in the United States and the number of their own colleagues before the courts on acts of corruption that the perception is that high. They are responsible; if anybody is responsible, they are responsible for the Corruption Perception Index reaching where it is today.

The Integrity in Public Life (Amdt.) Bill, 2009—I am not a lawyer; I do not now pretend to be one, but my little knowledge tells me that when you establish laws it is not a one-and-done task. It is not there to last for eternity without changes. Conditions change. Some of the things you have already established will not work and there comes a time to review and make adjustments. It happens in all spheres of life. In this case, with respect to the Integrity in Public Life (Amdt.) Bill, it is no different. The time has come when the Act needs to be reviewed.

There were many things probably not working the way they should. There were many conditions, when it was first established, which are different now. Some things we may not have foreseen, we are seeing now. There is always the need to review and amend. This is one of the reasons I believe that this piece of legislation is critical. Many things are happening now that did not happen then. People's attitude now—the attitude of individuals is quite different to when the Bill was first established.

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I should also make the point that the lack of integrity by public officers makes it important for us continuously to review the contents of the law related to integrity, and change is necessary. Lack of integrity costs this country a fortune, as it costs governments all over the world. When you look at the levels of corruption we have seen in the past, these millions of dollars could have been used to help the poor in a better way. We could have built more schools, more hospitals, better roads and we could have improved the condition of life of the people, but because of the lack of integrity, these are some of the results we have to bear.

Mr. Speaker, the amendment Bill also attempts to protect the good name and character of innocent government officials. Some of the issues that the amendment Bill seeks to address is the membership of the commission, materiality of declaration, protecting the good name of declarants, establishing a time frame for prosecution, the value of gifts that must be declared, procedures for making complaints, protection of information and protection of employees of the State. These are some of the critical issues that the Bill seeks to raise.

2.15 p.m.

Mr. Speaker, before I go on, I want to remind them as well of this article in the *Trinidad Guardian*, which was written by Wendy Campbell. I think it was dated November 16, 2003. Hear what the article said; it was:

“The million dollar account allegedly held by a former UNC energy Minister was transferred to an account from an offshore bank in Jersey...”

Dr. Gopeesingh: [*Interruption*] On a point of order.

Hon. Members: What is the point of order?

Dr. Gopeesingh: Gangar’s case is sub judice and he is quoting on the matter at the moment.

Mr. Speaker: If there is a matter in the court involving former Member Gangar, then do not. This sub judice rule is very important. If a matter is before the court stay very clear from it.

Hon. J. Ross: I am guided, but I was referring to this newspaper article and I would stop here. Nevertheless, the point has already been established that everything that government touched, when they were in power, was tainted. It sullied the integrity of public officials.

Mr. Speaker, under section 8 of the Act, it would seem to me that for a member of the Commission to be removed he had to be either mentally ill,

permanently bedridden or paralyzed. Let me read it for you. It speaks about a vacancy in the membership of the Commission occurring:

- on the death;
- resignation;
- revocation of the appointment of a member;
- in the absence of a member from three consecutive meetings; and
- on the expiration of the term of office specified in the member's instrument of appointment.

It went on to show that the only time you can remove a member is when that person is really unable to carry out his function. Even so, the Act says that the President “may”; in other words, he has discretion in the matter. If the President takes a long time to act and the man is mentally ill, what you are doing is keeping back the operations of the Integrity Commission.

This Bill seeks to ensure that the Commission is made up, at all times, of persons of impeccable character who are physically and mentally capable. The amendment empowers the President and compels him to strike off any individual from the Commission if that individual is no longer suitable. That includes—I do not think the Act would require the President to expel someone when he or she became bankrupt. Under the amendment—*[Interruption]*

Mrs. Persad-Bissessar: He should resign.

Hon. J. Ross: He should, but we are not dealing with—the Act does not require him to do so. What we are saying in the amendment is that the President now has the authority and power to terminate his appointment if he becomes bankrupt. That is significant. We would not want to have in our country, bankrupt individuals on a commission like the Integrity Commission. My little knowledge of bankruptcy would tell me that any man who is bankrupt in the early days is actually running or absconding from his creditors. In other words, he did not want to own up and he did not want to meet his obligations. To some extent, some of that may still be true. This is not the calibre of individuals that you would want to have on your Integrity Commission; a bankrupt individual. *[Interruption]* Thank you, Member for Oropouche East.

I want to refer to an article—I do not have the name of it here, but it is on bankruptcy. What it says is that bankruptcy usually involves the removal of special rights, such as the right to sit on a board of directors of some professions

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that form part of the justice system. In other words, once you are bankrupt you have to lose some of the rights that the normal person would have had. In this sense, we must acknowledge the attempt of the Government to amend the Integrity in Public Life Act to ensure that we have a calibre of individuals on the Commission that this country can be proud of.

I want to touch briefly on the question of materiality. One of the major criticisms of the present arrangements for filing the declaration has to do with the pettiness or the insignificant nature of some of the information that one is required to file.

Mr. Speaker, my mind goes back. I have to refer to the Member for Chaguanas West at this time. I remember the days when he had a white Renault, PAC something. [*Interruption*]

Mr. Warner: 1863.

Hon. J. Ross: PC 1863; that was about 40 years ago. I am using this to illustrate my point. He may have paid \$8,000. [*Interruption*]

Mr. Warner: \$6,000.

Hon. J. Ross: I just called a figure. He may have paid \$6,000 for that vehicle. At this point in time it is still possible because we still have PCs around, not police constables. If he had that vehicle today and decided to give it to one of his “scrutning” ex-students or sell it for \$1,000 and I gave him \$1,000, do you know—Assume as well that the vehicle is 40 years old and you do not have a history and cannot remember the details as to how much you paid—he remembered that he paid \$6,000—or how much you spent to repair the vehicle over the years; a whole set of information, if he makes the mistake and indicates that he sold that vehicle for \$1,000 and he declared that on his return, which he should, he would have to answer a number of questions about that vehicle? He may not get clearance until he provides all the answers. I am making that point to say that under the present arrangement we are emphasizing a lot of insignificant matters and immaterial items to the detriment of the real purpose of the Integrity in Public Life Act.

I want to give you another illustration. Even though it may not be entirely relevant to the Integrity in Public Life (Amdt.) Bill, I think it will bring across the point. For those of us here who have been in the public service in 1960s, you may recall that when you entered the public service you were given two things, a towel and a glass. At the end of each year, when the auditors came around, you were

required to present for audit that towel and that glass and if by chance, during the year that glass was broken, you were required to have in your possession the base of that glass to show, so that the auditor would confirm that the glass was in fact broken. This is how ridiculous we can get and this is what this Government is trying to do in making some of the amendments to the Integrity in Public Life (Amdt.) Bill today. We are trying to move away from trivialities and concentrate on material issues.

Corruption is nothing new and it is nothing to be condoned. Corruption is not unique to Trinidad and Tobago. We have a responsibility to ensure that we put all the mechanisms that we can think of in place to prevent it, detect it when it happens and unearth it to deal effectively with it. This, in my view, is what this amendment is all about. The amendment is about preventing, correcting and dealing effectively with corruption and public officials when they act in a manner that can bring the public service into some sort of disrepute.

On this question of materiality, I would also like to quote an article that I read recently in the *New York Law Journal*. I might be encouraged to study law probably. It was written by Richard Zabel and James Benjamin Junior on January 15, 2002. Let me quote from this journal.

“The goal of this enforcement effort is,...to promote ‘transparent, timely and reliable financial statements.’ However, financial statements...need not—and, as a practical matter, cannot—be perfectly accurate down to the last penny...In recognition of this fact, the securities laws do not mandate perfection in financial reporting; rather they require an issuer’s financial statements be accurate in all material respects. Materiality recognizes that some discrepancies are so minor that they have no reporting significance.”

Mr. Speaker, I think, when I look at the amendments, this is one of the things that the amendments will correct; the question of immateriality in the reporting.

2.30 p.m.

Section 11 is amended in such a way that a person in public life will no longer have to hassle himself or herself with income, assets and liabilities under \$10,000. This is a significant improvement. Similarly, the amendment increases the value of gifts that one does not have to report from \$2,000 to \$5,000. In other words, the amendment is now saying, let us as a country, as a government, as a Parliament, consider more material things.

We looked at some of the frivolous complaints that have been made. We would all agree that Trinidad and Tobago is a small society and news tend to

travel at lightning speed, extremely fast. You may recall the incident a few weeks ago with the children in the containers on the port.

Hon. Member: The alleged.

Hon. J. Ross: The alleged. Within an hour the entire country believed that there were really children in a container on the port ready to be shipped out; that people here were trafficking their children, and names started to be called. This is the society in which we live and this is one of the things that the amendment is attempting to deal with—frivolous complaints. My colleague, the hon. Minister, the hon. Member for Diego Martin North/East, spoke extensively on this matter.

Dr. Moonilal: Do not repeat it.

Hon. J. Ross: I would not repeat it, but I want to add some of the risks, which we are exposed to under the current Act, and just two I would mention. One, wasting the precious time of the Commission into investigating and initiating investigations that are absolutely not necessary, but have been triggered off because of the malicious and wicked intent of other people. This is one of the risks that we face. There is also the risk of inflicting irreparable damage on an innocent person's character.

When complaints are made to the Commission—as we have seen here today, it was demonstrated here today—almost immediately they are outside in the public domain. Look at what happened; the Member for Caroni East could have actually come into this House and make some statements last week against the hon. Member for Diego Martin North/East and the Member for Diego Martin North/East was not aware that those complaints were ever lodged with the Integrity Commission.

The point is that we face the risk of inflicting so much damage on the character of innocent persons. Mr. Speaker, by the time the Commission finds out that the investigation was not necessary, the damage was already done. The amendment to the Integrity in Public Life Act intends to streamline the procedures for complaints and to correct that kind of discrepancy that now exists.

I want to refer you to one of your own colleagues, Mr. Mervyn Assam, while he was in this Parliament debating the very Integrity in Public Life Bill. Let me see if I can find the documents. It does not matter. What Mr. Assam was saying is that the time had come for the Government to streamline the whole question of the procedures for filing complaints, and that these procedures must be very transparent, they must be very fair, they must be equitable. Those were his arguments. He said it then.

What we are doing is bringing that amendment to this House today, and here you are, your own colleague at the time, requested, argued strongly for amending the Bill to ensure that the procedures were adjusted, and you on the other side are criticizing it, unfortunately. While Part V of the amendment may be considered to be preventive and protective, the amendment to section 18 of the Act may be described as a corrective measure.

What we now seek to do is to increase the opportunity for clearing people's name—I think this was mentioned over and over—by opening up the media now. Rather than just sticking to one—the *Gazette*—it has now opened it up to another recognized daily newspaper, which ever that may be. The point is that the Government intends to increase the opportunities to clear people's name and character.

Mr. Speaker, one of the things that I feel I must talk on too is the question of protection of employees. This new section that has been brought into the Act is very positive and progressive. *[Interruption]* That is the last part. I think it is clause 15, and I will read it for you:

“The Act is amended by inserting after section 42 the following section:

‘42A. An employee of the State, a public authority or any other body shall not be dismissed, suspended, demoted, disciplined, harassed, denied a benefit or otherwise negatively affected because—

- (a) he, acting in good faith and on the basis of a reasonable belief, has—
 - (i) notified the Commission that his employer or any other person has contravened or is about to contravene this Act;”

Mr. Speaker: Hon. Members, the speaking time of the hon. Member for Barataria/San Juan has expired.

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

Question put and agreed to.

Hon. J. Ross: Thank you, my colleagues; thank you, Mr. Speaker. I was just reading section 42A(a)(ii), it says:

“done or stated the intention of doing anything that is required to be done in order to avoid having any person contravene this Act; or

- (iii) refused to do or stated the intention of refusing to do anything that is in contravention of this Act; or

- (b) his employer or any other person believes that he will do something described in paragraph (a).”

Mr. Speaker, I am sure that most Members on the other side would recall the name Sandra Pujadas. You recall, Member for Oropouche East?

Dr. Moonilal: The case.

Hon. J. Ross: The case. Sandra Pujadas, was at one time, I understand, the secretary to the board of Caroni. I do not know whether the individual was a member of UNC or not. What I believe when I read the case is that the lady was committed to honesty and morality of public affairs, and could not stand corruption and mischief in public life.

When Sandra Pujadas saw how Caroni was issuing contracts like mad to board members, she decided to blow the whistle and we know what happened eventually.

Hon. Members: What happened?

Hon. J. Ross: She was fired. The matter was taken up in court, she eventually won her matter. This is what this new clause or this amendment is trying to correct; people being dismissed for standing up for what is right; for standing up against those who have an intention to breach or break the Integrity in Public Life Act.

Therefore, what we, as a Government, are doing today is ensuring that the Integrity in Public Life Act is strengthened. [*Desk thumping*] One of my good friends and a colleague in the internal audit profession, was also fired under the reign—I nearly said the reign of terror—of the United National Congress government. He was fired. And why was he fired? He was fired when it was alleged that he attempted to blow the whistle on the board of Nipdec.

I stand here extremely proud today to be part of a Government, which has reviewed the Integrity in Public Life Act, has identified the areas that need to be addressed and has the will to make such progressive recommendations to this honourable House. At the end of the day what we would leave this country with is a legacy that we can be proud of. We will ensure that public officials act appropriately and they act with morality.

I remember the quotation of Othello from the Attorney General: “He who steals my purse steels trash”, and went on to say at the final line from Shakespeare: “If you thief my good name you leave me poor indeed”. The principle in this whole thing is what the PNM, this Government today, is trying to

protect, the good name of individuals, and this is well enshrined in the amendment to the Act. We have put enough in place to ensure that people's good name and people's good character would be protected.

2.45 p.m.

Mr. Speaker, I remember a quotation from a passage in the scripture and—I must end that way—it is from the Book of Job, Ch. 25 or thereabout, Job has been called the man of much patience but in my view in addition to patience he was a man of integrity because what he said in the end was:

“Till I die, I will not lose my integrity.”

This is what we want to ensure, that all public officials maintain their integrity even after they leave public life.

I thank you.

[*Dr. R. Moonilal and Mr. J. Warner stand*]

Mr. Speaker: I was a bit distracted by the—please no, take your seat please—Leader of the House.

Mr. Imbert: Not intentionally.

Mr. Speaker: Not intentionally he says. [*Laughter*] It is obvious that both the Member for Chaguanas West and the Member for Oropouche East stood at the same time. Now, the rules provide—and for the benefit of Members and for the benefit of what may be a situation in the House, let me quote for you, if I may, the relevant Standing Order 33(1), and the relevant practice in the United Kingdom an outstanding order:

“A Member desiring to speak shall rise in his place and if called upon shall address his observations to the Speaker or Chairman. No Member shall speak unless called by the Speaker or Chairman.

If two or more Members rise at the same time,”—which is what has happened—“the Speaker or Chairman shall call upon the Member who first catches his eye.”

What the Standing Order does not say is what do you do in those circumstances when two Members would have caught your eye at the same time which, in essence, has happened.

Mr. Dumas: Division. [*Laughter*]

Mr. Speaker: The UK practice, if I may read that for you:

“When two or more Members rise to speak, the Speaker has complete discretion over whom to call, though he will generally call alternately backbench Members from either side of the House...Members of the frontbenches are normally given precedence over those on the backbenches. Formerly it was the custom for a Privy Counsellor to be called when he rose.”

Now, if you were to draw an analogy, one can say the Member for Chaguanas West being a deputy political leader would be the ranking Member. [*Crosstalk and desk thumping*] Now, I am called upon to administer some Solomonic decisions here. Now, we have a ranking Member and we also have a Front Bencher. If it is that you can decide between yourselves—the Member for Chaguanas West and the Member for Oropouche East—whether you would prefer the Member for Chaguanas West to give precedence to the Front Bencher, or Member for Oropouche East, whether you would prefer to give the Member for Chaguanas West precedence—if you cannot agree then I will make a decision, so I will give you—make a decision.

Dr. Moonilal: [*Inaudible*]

Mr. Speaker: No, no, I am doing what—[*Crosstalk*] Well, you see the Standing Order says the Speaker can call, now, if the Member for Couva South, wishes to catch my eye, I certainly would hear him.

Listen, I have studied the matter in all the circumstances taking cognizance of the Front Bench and the Back Bench and what is also in the public domain, regrettable as it is, and the Whip, his situation which is really not a situation that the Whip should find himself in, even the Speaker should not find himself in this situation. Nevertheless, taking everything into consideration I call upon the Member for Oropouche West.

Dr. Roodal Moonilal (*Oropouche East*): Thank you very much, Mr. Speaker. [*Crosstalk*]

Mr. Speaker: Now, you see, I did not call you, I called the Member for Oropouche West, [*Laughter*] since the goodly Member is not here, I will call upon you. [*Desk thumping*]

Dr. R. Moonilal: Mr. Speaker, it is the last time I hold up my yellow Constitution to catch your eye, not even the Constitution could help.

Thank you very much and thank you for the delay. The matter before us is a matter of some importance dealing with the Integrity in Public Life (Amdt.) Bill,

2009 and the attempt by the Government of the day to bring amendments pursuant to integrity in public life to undertake measures that would bring about in some cases significant changes to the existing legislation and significant changes to the practice currently observed in terms of filing integrity forms, in terms of making complaints to the Integrity Commission.

This is a debate, of course, and I would like to respond. Before I deal with some of the issues I intend to raise, I would like to respond to a few comments made by the speakers before me, primarily the Member for Diego Martin North/East, the Attorney General and the Member for Barataria/San Juan and let me deal with the last first. In all fairness to my friend from Barataria/San Juan, whom I enjoy listening to, the Member for Barataria/San Juan gave us some history in terms of allegations of corruption and allegations that were brought into the House on the integrity of persons who are not here, who are no longer in public life and matters that take us back over a decade involving Tidco road paving, board appointments and procedures for obtaining performance appraisals and so on.

Mr. Speaker, it is not my wish to enter into that because I myself am not prepared and was not prepared for that. Nothing would have prepared me to hear the Minister talk about 10—15 years ago. I was dealing with some issues of the day. The Member for Barataria/San Juan did point us in a useful direction by indicating that the amendments sought to provide what is commonly called, whistle-blowing protection, to protect persons who raise a red flag on the matter of integrity and so on. I think that was probably the significant issue raised by the Member.

There was another development that took place last Friday and I want to put on record the condemnation by the Opposition United National Congress, over proceedings of last Friday when the Leader of Government Business used the power of that office and the majority of the Government to silence the contribution and to silence the Member for Caroni East. We must condemn that with all our might. That is evidence of a dictatorial and authoritarian mind [*Interruption*] when the Government can use its majority to silence a Member of the Opposition who is speaking on matters of integrity and probity, not of anyone outside the House, but a Member of the House, a Member in public life.

Today, I was appalled that the Member for Diego Martin North/East said he was grateful, he was thankful that the Member for Caroni East raised those issues.

Mr. B. Panday: But he shut him up.

Dr. R. Moonilal: But he shut him up for raising the issues. What kind of thanks is that? How do you give thanks? If that is your way of showing gratitude—[*Interruption*] Mr. Speaker, I am informed by the distinguished colleague from Couva South who has spent sufficient time in this Chamber that over the years when he would have confronted earlier incarnations of the PNM—

Mr. Ramnath: I will speak about that later.

Dr. R. Moonilal:—that when the hon. Kamaluddin Mohammed was Leader of Government Business in those days in the '70s and so on, under, I think, Arnold Thomasos and others that they would not have done that and they did not. They did not use the power of the House of a majority to silence a Member of the Opposition.

Mr. Ramnath: That is true. [*Desk thumping*]

Dr. R. Moonilal: It is the first time in the history of Trinidad and Tobago that a Government has done this, to use its majority to silence a Member who is speaking about the integrity of a Government Minister. [*Crosstalk*]

Mr. Speaker: Order!

Mr. B. Panday: It was the Minister himself who moved the motion.

Dr. R. Moonilal: If that was not bad enough, it was the Minister himself, and there was another fascinating development of that afternoon. The Attorney General spoke minutes before and the Attorney General revealed that the Prime Minister indicated to Ministers of the PNM—now this is the Prime Minister who is absent today, again. The Prime Minister revealed to Cabinet Members that when your integrity is questioned you stand alone. On that day they stood with him and walked out. He did not stand alone, they stood and they walked out.

I remember in my 10 years or so in this House I have never seen anything like it. The Member, this commanding and towering figure from Caroni East, a former opening bowler for the Trinidad and Tobago national team, he came to this House with evidence and was reading the letters. As he read, the Member for Diego Martin North/East began to slink in his seat, he went more and more submerged under the table. As he was going down he was grasping and clasping at the Standing Orders, clawing on to the Standing Orders, seeking comfort and refuge and then he reemerged later brandishing the Standing Orders, he had found an order to shut up the Member for Caroni East. It was an unbelievable experience that the Leader of Government Business would do that. This is testimony to the fact that this Government is a dictatorial government in place and they will do

anything to silence Opposition Members on the matter of corruption and a lack of integrity. [*Desk thumping*]

Mr. Speaker, on that very day there was another development—we are speaking about integrity, and you know I like when I hear my friends opposite speak about integrity, I always look into the sky because at anytime lightning could strike. On Friday, May 01, 2009 there was carded in this House a meeting of a Joint Select Committee of Parliament to investigate, receive reports, enquire into Government ministries, where ministries of Government will come and give their report, take questions and so on, a very important committee of Parliament.

On that day a meeting of the Joint Select Committee was aborted because Government Ministers had to go and stand up by Grand Bazaar, all of them, 25 Members of Cabinet behind the Leader of Government Business to cut a ribbon. To cut a ribbon! It meant that the business of Parliament of the Joint Select Committee was aborted because they had to cut a ribbon. That is what it came to. Now, they could not cut the ribbon earlier in the morning, later in the evening, on a Saturday morning, maybe, Sunday afternoon. They would have aborted a meeting of the Parliament—a committee—and then they come now to say that they are committed to integrity and probity. [*Interruption*]

Then, Mr. Speaker, in the afternoon, having adjourned this House for several weeks because of the Summit of the Americas, they came and adjourned the House at 3.30 p.m.—

Mrs. Persad-Bissessar: Suspend.

Dr. R. Moonilal: They suspended the sitting at 3.30 p.m.—I imagine to hold a Cabinet meeting of which we do not know what was the purpose of that. [*Interruption*] Mr. Speaker, do you know they have a weekly Cabinet meeting we are told about on Thursday and there is a Cabinet Press Conference—I think the Minister of Information is the serial chairman of that event—and they have their regular weekly meeting. You would think that if there is an extraordinary need for a meeting on a Friday during the sitting it would be a matter of grave national importance of which you deserve at least to indicate to the Parliament why you must bring the Parliament to an inconvenience—

Mrs. Persad-Bissessar: To a halt.

Dr. R. Moonilal: To a halt. But they did not even indicate whether they met because they had to pay \$50 extra for a janitor, whether they met to approve an international treaty that they needed to deal with immediately, whether they met because of some matter of finance that could not wait for Monday morning.

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This is the contempt with which they treat the House and the nation, and I would give one final example of this. It is in this very House that the Leader of Government Business moved a motion to extend the speaking time of the Prime Minister, indefinitely. In fact, he could have been speaking all now. [*Laughter*] The Leader of Government Business moved a motion to extend the speaking time of the Prime Minister, indefinitely. Do you know what the Prime Minister was doing that day? Raising issues of corruption against the Member for Diego Martin West. That is what he did that day—[*Interruption*]

Mrs. Persad-Bissessar: No, he said he was spying.

Dr. R. Moonilal:—and to indicate that he was spying on other Members.

Mr. Imbert: Mr. Speaker, Standing Order 36(5), the Member is imputing improper motives against the Prime Minister. [*Interruption*]

Mr. Speaker: Order! Order, please! Order! Order!

Mr. Imbert: [*Inaudible*]

Mr. Speaker: No, I am not ruling in your favour, but I think the Member would want to give way just for two minutes. I think you need the House perhaps to explain something.

Dr. R. Moonilal: No.

Mr. Speaker: No, you are not giving way? Oh, I thought you would.

Dr. R. Moonilal: Mr. Speaker, [*Desk thumping*] they extended the time of the Prime Minister and on Friday last, they adjourned the House and shut up the Member for Caroni East when he was also raising matters dealing with corruption, integrity, transparency. That is the double standard. That is the hypocrisy of the Government. You know it is a classic case of "do so doh like so" because you know—I will have to move on quickly to this Bill because I am seeing that green book brandishing in his hands. Let me move, Mr. Speaker, on to a couple matters here.

Mr. Speaker, the first objection I wanted to—[*Interruption*] Mr. Speaker, are you requesting that I should give way to him?

Mr. Speaker: I think it is important.

Dr. R. Moonilal: Fine.

Mr. Imbert: Thank you, Mr. Speaker. I would be as quick as I can. On Friday, I did inform the Chief Whip that we were going to have an unscheduled Cabinet meeting, and as a consequence, we would be seeking an adjournment of the House at 3.30 p.m. Therefore, it is incorrect to say that the Opposition was not given prior knowledge of the situation.

Hon. Members: No, no, no.

Mrs. Persad-Bissessar: That is not the point.

Dr. R. Moonilal: Mr. Speaker, now you understand why I do not easily give way to such foolishness. The issue is not whether you indicated to us that you were having a special Cabinet meeting, what did you meet to discuss that was so important that you could not wait till Monday morning? *[Interruption]* It was not a regular meeting of the Cabinet. What demanded that you caused us such great inconvenience? You cannot tell us. That could have been somebody working in a ministry who lost a computer and you had to approve a Cabinet decision to give them money for the computer or something.

We are not asking that they give us details of the Cabinet meeting, but just tell us what was the purpose, what was the subject. I raised that for—you see, when you start hearing about secret Cabinet meetings, that is how dictatorships run throughout the world, where they have Cabinet meetings Sunday mornings, Sunday nights, Saturday night and they cannot tell you the subject, what was the need—*[Interruption]*

Mrs. Persad-Bissessar: What was the urgency?

Dr. R. Moonilal:—and particularly when you inconvenience me. In all fairness you do not inconvenience me Thursday morning, but you inconvenience me on Friday when I come to the House. The Parliament represents the people. That was gross disrespect and contempt for the House and for the population. I say no more on that. *[Desk thumping]*

Mr. Speaker, I want to move on, the Integrity in Public Life. Now, while Members on this side have expressed the view that it is unfair, it is unreasonable and it goes against the grain of transparency and probity to oppress by way of charging or "fining" persons for making complaints—and on that issue we have heard from the Member for Siparia and the Member for Princes Town North. I want to raise a next issue related to that. I am submitting at the beginning, that it is part of the DNA of the PNM and I blame my friends opposite. Many of us joined the party last week and so on, so it is clearly not you I am talking about. But in the

PNM there is a DNA, and if you deconstruct that DNA, you will see that they are not prone to matters of integrity to promoting integrity in public life or promotion rights and I will make the reference in a minute.

Dr. Gopeesingh: It is dominant gene.

Dr. R. Moonilal: It is a dominant gene day. The doctor and professor of medicine has indicated it is a dominant gene where they suppress rights. You see in this matter, what they have done by virtue of this amendment which we cannot support, is that if you have information and you want to make a complaint about a member in public life, a Minister of Government and so on. Let us say hypothetically, that you know they are collecting money from a contractor, you have the information, you may have a little piece of paper, maybe a receipt or information on a bank account. I am just using this as a hypothetical example, and they are collecting certain moneys from contractors for work, so the contractor gets a job and part of that is when the contractor gets paid, you give the Minister a certain amount of money—a kickback.

So if someone finds out this and that person may have a little bank slip to show, hypothetically the Bank of Baroda for example—I just called that name because it comes to my mind—and you make a complaint to the Integrity Commission, you now have to do an affidavit and swear to that affidavit—*[Interruption]*

Mrs. Persad-Bissessar: Probative evidence.

Dr. R. Moonilal: Bring in probative evidence which many people do not even understand what is that and you have to go through a legal process to bring your complaint. And implicit in that, it is that sense of oppression that you could be prosecuted for making the complaint, and that will serve as a significant bar to prevent innocent people; to prevent those persons who are by themselves very conscious and civic minded. You are oppressing them for bringing complaints to the Integrity Commission—that is what you are doing—by calling upon them to go through a legal process.

Mr. Speaker, in a construction company, the driver of the backhoe truck is not an attorney-at-law, that is somebody who probably has never sworn to an affidavit before in his life. Do not even know what it is and you have to send this man to a Commissioner of Affidavits to do an affidavit, to make oath and say as follows, “I am a truck driver.” That is a public document. I understand that one in Grenada was established in the aftermath of a contract there. You are forcing innocent civic minded citizens to take the position that I will not make a complaint now. That is what they are doing by that process. You see it is in their dominant gene.

Mr. Speaker, a couple years ago—I just want to draw the attention of the House—they came to Parliament, and as you will recall in 2000, the United National Congress, the Government of the UNC, passed the Equal Opportunity Act, 2000 which is now the law of Trinidad and Tobago. The UNC passed this in the year 2000, but do you know that they had never implemented the Equal Opportunity Act? They said it was unlawful, they could not support it and so on, but in April 2007, they came with an Equal Opportunity Bill to replace the Equal Opportunity Act. It was an important day and I will remind you. That was the day the Leader of the Opposition was denied entry to the Chamber and Opposition Members all but one, stayed out of the Chamber. One came in the Chamber and one debated that Bill. It was the then Member for Oropouche as the constituency was called then. [*Desk thumping*]

Mr. Speaker, on that day instructed by the party, I spoke on the matter of the Equal Opportunity Bill, 2007, but you know what is extremely revealing? The Equal Opportunity Bill, 2007 had one change from the Equal Opportunity Act, 2000. Do you know what is the one change? Section 31. Section 31 in the Bill says that if you made a complaint that was vexatious, frivolous, trivial, you would be fined \$500,000 and six months in jail. That was the only difference. We looked clause by clause between the 2000 Bill and the 2007 Bill. What they were doing in the equal opportunity matter, was to bring a clause to say that, "if you make a complaint and it is vexatious, frivolous, jail and \$500,000 fine."

Now, innocent workers, low wage, low skilled workers perceived that they are discriminated at the place of work on the basis of sex, race, disability, whatever, and you are telling them, if we investigate and these matters are frivolous—well, they may not even know what that means—that they could be fined a half million dollars. What are you doing? You are preventing innocent citizens from ascertaining their rights that are guaranteed under the Constitution, and you are indirectly undermining the Constitution of Trinidad and Tobago. The Government, they sought to do that in 2007. Thankfully by November, I believe it was 2007 before the election sometime October/November, the Privy Council ruled on the equal opportunity matter and that the Equal Opportunity Act, the Privy Council said it was good law and should be implemented.

To this day, I have confirmed a couple days ago, the Equal Opportunity Commission and Chairman and so on, have received complaints, but they have not investigated one because they do not have staff, equipment and infrastructure. Not one, so forget frivolous, I mean not one they have investigated! That is their commitment to equality of opportunity and on the matter of integrity which is

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before the House today. Now, when you bring a Bill or an amendment to a Bill, a government will genuinely come and indicate to the House and to the country, "We bring this measure because we have had a problem. There is some mischief that we would like to cure. There is something wrong with the parent Act and I would like to cure that, we have amendments."

Now, I would like to ask the Government and whoever is piloting—who piloted this Bill? The Attorney General.

Mr. Ramnath: No, the Member for Pointe-a-Pierre. The brilliant Member.

Dr. R. Moonilal: Oh yes—Member for Pointe-a-Pierre, do you have in your possession any complaint from the Integrity Commission which must be public—it cannot be private and confidential—where they are telling you that they would like this amended because they have been receiving vexatious, frivolous and trivial complaints.

Hon. Members: Flooded.

Dr. R. Moonilal: They have been flooded with complaints and so on. Who called for this amendment? Who is calling for it?

Mr. Ramnath: Trevor Farrell.

Dr. R. Moonilal: And more than that, this is the problem in Trinidad and Tobago, you should be promoting people to complain, not reducing the complaints. You should be promoting that culture of freedom, of ascertaining rights. Nine persons made a complaint at the Integrity Commission. They passed law, look we have to cut down this. This is frivolous and trivial. That is the Equal Opportunity Report, nine complaints.

The Member for Baratavia/San Juan speaking earlier said that people will make frivolous complaint, but nobody making complaint full stop, far less frivolous one. But you know this is to intimidate citizens to prevent them from complaining. This is the objective.

Mr. Imbert: False or true.

Dr. R. Moonilal: You have no complaint, so what are you talking about false or true yet. You do not even know. [*Desk thumping*] There are none, so what are you talking about false. None, and who complained about this? Did the Integrity Commission indicate to the Government and the relevant ministry that they are in receipt of complaints? They are flooded by complaints and they do not have staff and equipment, could you pass this law and save us all of this work. Did they

indicate this to you? Who complained about the level of gift? "How many gift it is," the amount of money, the value of gifts? Who complained about that? Who is getting all these gifts that they are complaining about? Somebody collecting gifts and find that the bar here is too low. They have to declare their gifts and they want you to increase the value of gifts so that they do not have to declare. Who is receiving the gift? What gift? They had one Gift and they throw him out. They had one Gift and they fired him.

3.15 p.m.

I want to get to the next issue. The Member for Barataria raised the issue, and I just want to touch on it. The amendment to section 42(A) is at 15 in the amended Bill, where you provide some protection for individuals, for citizens who raise complaints, so that they would not be dismissed, suspended, demoted, disciplined, harassed, and so on. If acting in good faith they notified the Commission that the employer or any other person contravenes the Act.

“done or stated the intention of doing anything that is required...”

So while, on the one hand, you are seeking to protect an employee of the State and, on the other hand, you are telling that employee, "Go by de Commissioner office and swear to an affidavit, and full out all de forms and make sure you send them in with supporting evidence." Where do you get evidence from?

The Prime Minister of this country made a statement a couple years ago; I do not know if you remember. He said, "We know that there was some bombings in Port of Spain; we know who is Mr. Big." So we asked, "So why do you not hold Mr. Big"? Lock him up." He said, "We have information, but we do not have evidence." He should have sworn to an affidavit too.

The Prime Minister said that in the House. He said, "All these gang leaders, we know them; we know what they up to; we have the information." So why yuh doh arrest dem? "Well, we doh have evidence." But you want an ordinary citizen, an innocent civic-minded citizen, to do what you cannot do: find evidence. You want somebody from Kanhai Road, Barrackpore, to find evidence. You have a complaint, go and find evidence.

Mrs. Persad-Bissessar: Probative evidence.

Dr. R. Moonilal: Probative evidence—but first you have to explain to them what that means, before you get to that. [*Laughter*]

Mr. Speaker, the Prime Minister of Trinidad and Tobago could not convert information to evidence, but he wants the ordinary citizens, without the might of

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State power and office, to convert information to evidence; that is what they are demanding. That is the hypocrisy that I am pointing out. "Dey could turn how much dey want; dey could make how much monkey face dey want, it does not change dat." [Laughter] [Crosstalk] It does not change that fundamental point; they cannot deny that fact. If their Government cannot find evidence, how would ordinary citizens formulate evidence and come before you?

There is no authority that could help a citizen. There are, in other parts of the world, institutions where you go, where the institutions investigate on your behalf. You make a complaint. In Trinidad and Tobago we have something here. Notwithstanding whether it is successful or not, we have the Office of the Ombudsman, where you complain about nuisance, negligence, whatever. That office actually investigates; it does not tell you, "Bring the evidence; bring the picture; bring an affidavit," the Office of the Ombudsman.

If you look at the Environmental Management Authority (EMA)—you make a complaint about noise; a neighbour opens some disco and is disturbing you while you are sleeping. When you report, the EMA would send an investigator to investigate and make a report, and they would deal with the matter. The citizen is not asked, "When you submitting the complaint, send in the decibel level". "Why do you not send in a CD with the music they play?" "Why do you not do a video?" Do a DVD and send it in, so we would know what time they are playing the music and who going there?" This goes against the grain of everything we do in promoting freedom.

I think the Member for Princes Town North raised the point on the last day, that this is how the system of criminal justice is established, with a virtual complainant who complains to the police, who investigates. "Dey doh tell de person who complains, 'Well, I was just assaulted, bring de evidence.'" [Crosstalk]

Mr. Bharath: "Bring de man who assault you."

Dr. R. Moonilal: This is a serious point; it goes against the tenet of natural justice.

The State has a role to protect citizens. The State has a role, through public policy, to ensure integrity, transparency and probity. There is a publication of the Commonwealth Parliamentary Association, *Curbing Corruption*. I was looking through that book, and it speaks about the role of Parliament, subcommittees of Parliament and government, to collect information, investigate, create evidence and take it to tribunals, so you can prosecute.

This is a problem the Government has. There is a newspaper article that deals with the OSHA, Occupational Safety and Health Authority, where they are indicating that they have obstacles in the way of prosecuting employers who violate OSHA. So they themselves cannot find evidence; and they ask citizens to bring evidence; that is the hypocrisy. That is the issue we raise.

The other matter of concern, to make a general point, is that we have a crisis on our hands as it deals with integrity. I read in the newspaper where, I believe it was the Attorney General, who said that they have a problem finding persons to serve on integrity boards and so on. Was it the Attorney General?

Hon. Annisette-George: I was quoting the President.

Dr. R. Moonilal: You were quoting the President and saying that he had a problem? But you do not have a problem?

It is not that we have a problem finding persons of integrity to serve on boards. They have a problem finding PNM persons to put on boards. [*Desk thumping*] That is the problem they have. They have a problem finding qualified PNM people with integrity. It is getting smaller and smaller, that gene pool.

Dr. Gopeesingh: It was never there.

Dr. R. Moonilal: It was never there. [*Laughter*]

That is the problem in this society; we have men and women of stature; we have men and women who are trained and qualified, they have the experience to serve. I do not want to bring the names of these persons into the Parliament, but there are persons in this country; they write in the newspapers. There are former permanent secretaries, or the former head of the public service, Mr. Dumas. There are persons who were formerly Independent Senators, and so on. You have retired judges; the former President of the Industrial Court; persons who you can put on these boards. Then you complain that you cannot find persons. "Is who yuh looking for you cannot find; not that you cannot find people."

When you put people, we now have this debacle, this crisis on our hands, where a gentleman took an oath at 9 o'clock and then sent a letter of resignation at 12 o'clock.

Hon. Annisette-George: [*Inaudible*] [*Crosstalk*]

Mrs. Persad-Bissessar: He is a UNC! "Yuh see; yuh see. You should withdraw that statement; it is totally false. [*Crosstalk*]

Mr. Speaker: Order, please!

Mr. Ramnath: Is it because he is an Indian?

Mr. Speaker: Order, please!

Just be careful of the road you are going down. I do not want you to bring the President into this debate. There is a manner in which you can do that.

Dr. R. Moonilal: On the contrary, I may not be bringing the President into disrepute; I may be bringing Mr. Hosein into disrepute. I am not with the President. Mr. Hosein stated, "I was misled by the President." This was what he said. I am not speaking as to the truth of the contents of his letter; I am bringing here the fact that it was said and it is in the public domain.

"I was misled by the President."

In writing the President a letter dated May 01 at 12.20 p.m.— [*Interruption*]

I do not want to read the entire letter, of course, but he was contacted—

Mr. Imbert: Mr. Speaker, a point of order; Standing Order 36(10), the Member is questioning the conduct of the President. He is in breach of Standing Order 36(10). [*Crosstalk*]

Mr. Speaker: No, no, no; you have got to be careful. I do not think he is questioning the conduct of the President. I warned you earlier on to be careful, because I am listening to you.

Dr. R. Moonilal: I am sure you will stop me.

Mr. Speaker: I will; you can bet your life on that.

Dr. R. Moonilal: Mr. Speaker, there are few things in life I am sure about, and I am sure you will stop me if I bring the President into disrepute in this House. Let me continue.

Mr. Hosein said—Mr. Speaker, I am not saying that I believe what Mr. Hosein said; I am saying that he was contacted by the President. He accepted the appointment on the Integrity Commission; the President indicated to him that he would be appointing him to serve on the Integrity Commission in the capacity of deputy chairman.

Mr. Hosein goes on to say—I want to be very clear:

"I thereupon respectively enquired (a) who was the Chairman and who were the other members..."

He was told by the President. He then indicated that he would be willing to serve and the President mentioned that the position was subject to confirmation.

Mr. B. Panday: By whom?

Dr. R. Moonilal: "and further that the swearing in ceremony would take place on May 01." [*Crosstalk*]

It is an open question, because I am really questioning this letter of Mr. Zainool Hosein. Who confirming what? The President appoints the integrity commissioners; it is subject to confirmation of no one. It is done after consultation with the Prime Minister and the Leader of the Opposition. [*Crosstalk*] Did the Leader of the Opposition object? [*Crosstalk*]

Mr. Speaker: No, no, please. One Member is on his legs, and he is entitled to speak. Members who are close to you are not entitled to speak. When you impute that somebody on this side might have been consulted, that is wrong; you cannot do that.

Mr. Imbert: Mr. Speaker, Standing Order 36(10); I want to read it very carefully:

"Any reference to the conduct of any such person..."—this includes the President; any reference to the conduct of the President—"shall be out of order."

That is 36(10).

Mr. Ramnath: Sit down!

Mr. Speaker: Hon. Member for Couva South. Order, please. I am told that you are carded to speak and I want to hear you speak, but you cannot speak if I put you out the House.

Mr. Ramnath: I do not mind that either.

Mr. Speaker: I know that. The hon. Member for Oropouche West is reading a letter; do not express any opinion about it at all. What he has done is read a letter; that is perfectly in order.

Dr. R. Moonilal: Permit me to continue.

Mr. Hosein goes on in his letter to indicate:

"Having not heard further by Thursday, I called and spoke to Your Excellency. You mentioned that your secretary had tried to contact me but was not successful in doing so, that the position was confirmed and I should attend for swearing in on Friday the first of May 2009 with guests..." [*Desk thumping*]

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This was on Thursday; Mr. Hosein said in his letter that this position was confirmed.

“I attended with wife (Jacqueline) and to my total surprise and embarrassment at the swearing in ceremony, another person was sworn in as deputy chairman. I felt clearly misled and was then minded to get up and leave. However, in order to avoid embarrassing...I reluctantly took the oath of office.”

Mr. Ramnath: Calder Hart boy!

Dr. R. Moonilal: I am not questioning the President, but I am questioning Mr. Zainool Hosein. I can question him, can I not? *[Laughter]* Could I question him? How could he write this, when the President cannot? *[Laughter and Desk thumping]* The President does not have to confirm with anyone. The President does not have to confirm with the Prime Minister. It is not like the Prime Minister would call the President or indicate to the President. *[Interruption]* *[Mr. Manning rises]*

No, I am not giving way; not this time. *[Laughter]* *[Crosstalk]*

Mr. Speaker: No, no, please. Order! Order!

Dr. R. Moonilal: It is not that the Prime Minister could call the President's Office. It is not that the Prime Minister could indicate to a minister to communicate with the Office of the President. It is not that the Prime Minister can object to the appointment of the Deputy Chairman, Mr. Zainool Hosein. It is not that the Prime Minister can confirm or not confirm, "disconfirm", a member of the Integrity Commission board, so how could Mr. Hosein be writing this, that the President told him this, subject to confirmation?

3.30 p.m.

Mr. B. Panday: By whom?

Dr. R. Moonilal: If I could see Mr. Hosein now I would ask him; confirmed by whom?

Dr. Gopeesingh: A visible hand.

Hon. Member: Ask the President.

Dr. R. Moonilal: I would not want to ask the President anything because I cannot bring the President into this debate, into disrepute of the House; it is against the Standing Order which I read so carefully.

Mr. Speaker, the problem I have with this letter is how could Mr. Hosein write that on Thursday the President indicated to him that he is appointed subject to

confirmation. On Friday morning he puts on his jacket and tie and he and his wife go to President's House and as he reaches there, he hears it is unconfirmed. How could Mr. Hosein be writing this? Because as we all know, he does not have to confirm, he appoints. He does not have to confirm with anybody.

So what happened between Thursday and Friday? I am questioning Mr. Hosein on this. What happened between Thursday and Friday that there was an intervention? Mr. Speaker, this brings into question Mr. Hosein's letter, and let me relate it back to the Bill because I think my friend is getting carried away.

Mr. Manning: Would you give way?

[Dr. Moonilal sits]

Dr. R. Moonilal: No, I thought you were interrupting me, Mr. Speaker.

Mr. Speaker: Just to tell you again to be very careful.

Dr. R. Moonilal: Mr. Speaker, so far I am on track you would admit.

Mr. Speaker, do not let it be said that I brought the President into disrepute in the House. But it goes to the point of the composition of the Integrity Commission's Board. That is the issue I want to get to.

There is also another issue raised and I think it is the Member for Siparia who has raised another issue today and that has to do with the appointment of another Member. Although the other Member about whom I am talking is not the President of the Republic, I mean no disrespect to Mr. Jeffrey Mc Farlane. I do not know him, so I can have nothing bad to say about him.

Mr. Speaker, that gentleman is the Executive Director of the National Insurance Board (NIB) who sits on the Board of the NIB. He is also a board member of several other state entities including Home Mortgage Bank, Nipdec, and more and the Integrity in Public Life Act states clearly that you cannot be a member of the public in the public life yourself and serving on state enterprises like that where the Government has the majority.

Dr. Gopeesingh: You cannot be a public official.

Dr. R. Moonilal: Mr. Speaker, apart from the legality of it, and on that ground it is clear, look at the practical problem. This is a gentleman who sits on the board and his colleagues, including his superiors on that board, he then leaves one building and goes to the next building at which he must adjudicate on matters pertaining to them that may involve criminal conduct against his boss, against his colleagues, against persons who have to approve his performance management.

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[*Desk thumping*] The board approves performance management of Presidents, CEOs, Executive Directors and so forth, so the group of people who must approve his performance he is expected in a next building to oversee or supervise their integrity forms and their compliance with integrity legislation. That cannot work.

Mr. Speaker, the conflict of interest is clear, the apparent bias is clear and I want to tell the Government that Mr. Mc Farlane, the gentleman that he is, you cannot expose him to this. You are doing a disservice to Mr. Mc Farlane to put him on this board and the President—

Mr. Speaker: You have to be careful because the Government does not put anybody on boards. You yourself have just said that it is the President who appoints.

Dr. R. Moonilal: Mr. Speaker, let me say that Mr. Mc Farlane, looking at the situation that he clearly must be exposed to now, should really do the honourable thing and resign from the Integrity Commission.

Hon. Member: Why?

Miss Panday: Because it is illegal.

Dr. R. Moonilal: Bearing in mind his commitments, his job, his directorship and the law which is clear, Mr. Mc Farlane should do the honourable thing and do not continue.

Dr. Gopeesingh: I hope he has done it by this morning.

Dr. R. Moonilal: Mr. Speaker, I still believe there are persons out there with integrity and decency who can look at a situation and assess themselves, see what is happening and do the honourable thing. I do not think the Government, on the other hand, will do the honourable thing because I do not think it has the track record and the moral authority to act on this matter.

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

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

Question put and agreed to.

Dr. R. Moonilal: Thank you very much, Mr. Speaker. Mr. Speaker, given the level of courtesy I have received from this Government, would the Prime Minister care now to make his intervention?

Mr. Manning: Mr. Speaker, I thank the distinguished Member for Oropouche. The imputation in his contribution was very clear to me and, therefore, I need to put on the record that in accordance with the Constitution, I meet with the President on a Wednesday morning to discuss matters of state which I did on Wednesday last and I have not had any conversation with him since then, prior to this matter coming into the public domain. I spoke with him after that.

Mr. B. Panday: “So yuh ain't ha' no phone?”

Dr. Gopeesingh: “Or he cyar do it through somebody else?”

Dr. R. Moonilal: Thank you, Mr. Speaker. I do not wish to comment too much on that because we have this problem with the Government where the Minister of Finance was acting in an individual capacity in one matter with information as to her own business. The Member for Diego Martin North/East, his company is not him, he is not his company and it is a one-man company. I take the Prime Minister's word that he meets the President on Wednesday and it is unlikely that he would have seen him before Friday.

Mrs. Persad-Bissessar: He has not denied anything; he has just said he meets him on Wednesdays.

Dr. R. Moonilal: Mr. Speaker, I was getting to the point of the problem the Government has because of its own integrity and moral authority on this matter. You see public officers today in Trinidad and Tobago understand well that they can break the law and the Government will do nothing when they do so. So if they act without a care for integrity, transparency and decency, they believe the Government will support them. That is the issue.

Dr. Gopeesingh: But Jerry Narace said that. Jerry said we will protect our own.

Dr. R. Moonilal: Mr. Speaker, I want to bring this to the attention of the House and it deals with integrity. There is a constitutional amendment part of the Constitution 66D which says:

“A Body listed at (A) to (D) ...shall submit to the President before 1st July, in each year a report on the exercise of its functions and powers in the previous year, describing the procedures followed and any criterion adopted...”

The long and short is that 66D of the Constitution provides for ministries of Government to submit a report every year on their activities.

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In last week's newspaper of April 29, 2009 ministries were knocked for not submitting reports. In the article it stated that it has come to light that ministries of Government—the Ministry of Finance is the first. Every year by July 1st it must submit to the President a report of its ministry and the Ministry of Finance's last report was in 2003; the Ministry of Foreign Affairs—or should I write to Mr. Obama—no reports; the Ministry of Community Development, Culture and Gender Affairs, no reports; the Ministry of Education's last report was 2003; the Ministry of Trade and Industry's last report was in 2004; the Ministry of Social Development's last report was in 2004; the Ministry of Science, Technology and Tertiary Education, reports for 2006 are completed but not submitted; the Ministry of Public Utilities' last report was in 2004.

Mr. Speaker, ministries and departments of Government are violating the Constitution of the Republic of Trinidad and Tobago. And some of them had the arrogance to indicate they were busy. What are they busy doing?

The Ministry of Finance now has about three permanent secretaries; during the time of the UNC I think there was one. It has three Ministers. The same time we spent running to Clico to bail out “we” money, we could have spent that time writing the report for Parliament.

There are so many questions to the Ministry of Foreign Affairs about the missions abroad and what they are doing, the moneys paid into these missions. A Mission was established in South Africa and we never heard about it again in life.

Mr. Speaker, how could we hear that there is no report from the Ministry of Foreign Affairs? “Nada”, to use a term you like now. At the summit you were trying your Spanish. You promised the Bolivian President soup and he is still looking for the bowl of soup you promised him.

Mr. Speaker, how do you explain the flagrant violation of the Constitution of the Republic of Trinidad and Tobago by ministries of Government? There is no explanation. In a decent, developed country heads would roll, persons would be out of work, but under the PNM it goes.

My friend, the Member for Barataria/San Juan, went to the library, dust out some report talking about Vishnu Ramlogan, Tidco and so on wasting money. Mr. Speaker, on Friday, May 01, 2009, there is a full-page coloured advertisement in the newspaper and I am told it cost \$16,000. The advertisement is about a letter by the Ministry of Local Government to the Ministry of Agriculture, Land and Marine Resources telling them they did a good job for the Fifth Summit of the Americas. [*Laughter*]

When I saw this, I started looking under the paper, on the next side, upside down to see if there was something else in it. The Ministry of Local Government says thank you to the Ministry of Agriculture, Land and Marine Resources, the Ministry of Works and Transport—you could have done that last Friday in one minute, but \$16,000 of taxpayers' money?

This is how they spent the money and on matters of integrity, this country has a long, hard road. I want to make the commitment that the next government of the United National Congress will reverse this amendment when the next government of the UNC takes office.

3.45 p.m.

The Prime Minister is hopeful, but you have to understand his problem. When the UNC entered office in 1995, he told his supporters: “In six months they out.” When six months passed, he said: “One year they out.” Then he continued and continued.

Mr. Manning: And guess what happened? They were out.

Dr. R. Moonilal: The same thing would happen to you. [*Crosstalk*] You know, as the Prime Minister is fond of saying, all bad things come to an end. Just as the recession will end, your administration will also end. [*Desk thumping*] [*Crosstalk*] We were looking for leadership on this economic crisis and the Prime Minister says do not worry, the recession will end one day; it is a blip.

I want to return to this issue of integrity in public life and to indicate that I heard the Attorney General on the last occasion—and she made an interesting point. I think the Attorney General was quoting from a newspaper article of Prof. Julian Kenny. There is some truth to the belief that you cannot legislate on everything. The Attorney General was saying you cannot legislate for integrity, but by the same token you cannot legislate for good manners, for training, for decency. Then you cannot legislate for anything. But there is a duty on the Government to ensure that by law and by public policy you protect the State and citizens. So you cannot cop out, to use that term, by saying that you cannot legislate for integrity; you cannot legislate for manners and so on. There is a role for public policy and law to protect the State and to protect citizens. That is the role of the Government.

The PNM Government—and I took note of the Attorney General on the last occasion. She was quoting the Prime Minister as saying that the Prime Minister indicated to his Cabinet colleagues that if their integrity is questioned, they stand

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alone. I want to say that in the history of the People's National Movement, you will have to really search hard with a magnifying glass to find out when and where they ever passed legislation for integrity.

Mrs. Persad-Bissessar: They never did.

Dr. R. Moonilal: They were in office for about 80 per cent of the time of the post-independence period. It was left to the NAR administration in 1987 to bring to the House and to pass legislation to give effect to the Constitution, to promote integrity in public life. It was left to the National Alliance for Reconstruction. The administration of Mr. Chambers, I think that was the first administration that you were privileged to serve as a Cabinet minister. Unless I am mistaken, Dr. Williams saw no special quality to appoint you to the Cabinet. I am not saying he was correct, "eh"—[*Laughter*]

Mr. Manning: Mr. Speaker, just for the benefit of the record and not the benefit of the hon. Member opposite, I was first appointed to act as a Minister in 1977 and received a permanent appointment to the Cabinet in April 1978. Dr. Williams died in March 1981.

Dr. R. Moonilal: You killed him! [*Laughter*] He died mere weeks after your appointment. [*Crosstalk*] All right, I want to leave the matter right there. In mortal fear, I leave the matter there.

Mr. Manning: I will make my services available to "Ramjack".

Dr. R. Moonilal: Mr. Speaker, coming back to this issue of integrity, they have in the amendment another provision to provide the parameters under which the President can remove a member of the commission and I think the Member for Barataria/San Juan spoke about bankruptcy. He spoke about that a lot. But there are other issues as well, including misconduct, criminal offences, and so on.

Again, where is that coming from? Who recommended that? What is the basis for that? Is it that the President or the Government—we cannot talk too much about the President—felt that previously there were members of the board who breached some of these rules, who were bankrupt, who miscondacted themselves in office, who were the subject of criminal charges, and so on? Where did it come from? Where? Because the Government is using that as a ruse to get to the real issue, which is to prevent citizens from approaching the Integrity Commission in the first place, because we had no complaint, unless I missed it. What complaint did you have before with the commissioners that you wanted to get rid of them; that you needed a mechanism to get rid of them?

Mr. Imbert: You do not read the newspapers?

Dr. R. Moonilal: I read newspapers a lot. In fact, there is an article about you not declaring \$6 million in the newspapers. So I do read. I do not know whether it is true or not because I know you have a difficulty with that.

But where did this amendment come from and what is the purpose? The Government has to indicate to this House—and the Minister—which organization, which members of the commission, what authority wrote, documented their complaints that led to this amendment, that you will also have the need to put in the legislation this issue, because it was never an issue; and of course to deal with the contradiction of providing whistle-blowing legislation while simultaneously putting obstacles in the way of citizens.

I listened to the speeches opposite and if you listened to the Member for Baratara/San Juan—you know, I do not want to deal too much with the Member for Baratara/San Juan, but you would feel that there is this pious, sanctimonious element on the part of the Government that they stand for integrity and probity and the Government will never allow wrongdoings to be permitted. This is a Government that is steeped in corruption! There is a matter before the Prime Minister now—stand up and say no—involving corruption at the airport in the paving of the south car park for the concluded Summit of the Americas. There is a matter that has come to his attention in writing concerning the paving of the car park at Piarco, over corruption involving the Ministry of Works and Transport, that was sent to the office of the Prime Minister. It is now the subject of investigation. Before you deny, I can give you more particulars—

Mr. Manning: I have seen no such letter.

Mr. Speaker: If he is not giving way, you have to take your seat.

Dr. R. Moonilal: I was never giving way. He likes standing up and talking. There is a matter involving corruption at the airport in which the contractor that came in third with the bid got the contract; was successful and the first two did not. The Minister of Works and Transport is knowledgeable on this; he knows of the ongoing investigation and in due course the Minister of Works and Transport will indicate. But it is very instructive that the Prime Minister indicates to this House that he does not know of it, when a letter has been sent to his office in his name. Justice Zainool sent it on Friday morning before he was sworn in.

That matter is a live, fresh issue of corruption in the aftermath of the Summit of the Americas. To this day, when you hear Members on the other side speak,

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they cannot give you a figure that the Summit cost. The Prime Minister will give you one figure, but that will exclude expenses at Ministries of Government; special purpose companies; other departments—matters involving the expenditure of the Summit of the Americas. We do not know whether it is \$1.2 billion or \$364 million. They cannot explain. In those matters there are issues involving companies, state enterprises, public officers, that go to the issue of integrity in public life that they cannot to this day indicate to the nation how much money they spent.

The other question which we do not want to engage in is whether it was worth it or not. That is an issue that we will debate another time. But the money, at a time when this country faces some financial difficulties and this Government is under an obligation to indicate how much they spent and to consider whether or not they should postpone the upcoming Commonwealth Heads of Government meeting in Trinidad and Tobago, because you do not have the money. [*Desk thumping*] You may have made that commitment when you had money.

I really need to respond to the Member for Barataria/San Juan. Like you, Mr. Speaker, I listened attentively to him and I took my notes. I want to indicate to him—because I think he introduced the very well-known scientist Bukka Rennie.

Mr. B. Panday: Who is he?

Dr. R. Moonilal: He is a political scientist—not to be mistaken with the Member for Tobago East. I want to indicate to the Member for Barataria/San Juan—because he was busy dealing with the UNC administration—when this oil boom came and this oil boom left us, what does Trinidad and Tobago have to show? What, really? During the first oil boom, in some fairness to the administrations of Dr. Williams and Mr. Chambers, there was a Mount Hope Hospital; the Twin Towers, the Hall of Justice and there was the Solomon Hochoy Highway to San Fernando. That was the first oil boom.

The second oil boom came and left us a few months ago. Do you know what we have to show? The National Hotel of Trinidad and Tobago called the Hyatt.

Dr. Gopeesingh: Three point four billion dollars.

Dr. R. Moonilal: What else is there? The San Fernando Hospital was built since 1954. Do you know today with a second oil boom the people of south Trinidad cannot get a new General Hospital in San Fernando? Boom come, boom gone!

Dr. Gopeesingh: They cannot even get a bed!

Dr. R. Moonilal: They built the hotel; they built a car park in town and it is the national car park of Trinidad and Tobago. That is what they used the money for, to put up some tall buildings and at the end of the day you do not have water, a hospital; you have no project that will redound to the benefit of the people. The Prime Minister said on another occasion that the people of Trinidad and Tobago should be proud; they own a hotel. So we should bring the people from Penal and tell them: "Go in the Hyatt; it is yours."

That is their approach, when they spent billions of dollars from an oil boom and they have nothing to show in terms of long-term development. Do you know what they are doing? They are up to some trickster work. Every year the Central Bank will hold the Eric Williams Memorial Lecture. This is normally held in the auditorium of the Central Bank. You know, this year they have to hold it at the Hyatt because they have to transfer money between Central Bank to the Hyatt so the Hyatt could look like they are making money. They are making from the same Government where they would have hosted this function at the Central Bank, free of charge, and that is a stone's throw away. This is how they conduct their business. So the people of Trinidad and Tobago, oil boom come, gone; you have the hotel; you have the car park; you do not have beds in the hospitals; you do not have water to drink.

I am coming back to this issue by the Member for Barataria/San Juan. They conduct business with great care; with value for money and investment and development of people. That is what he was saying. He was trying to convince us that the Government's expenditure policy would redound to the benefit of the people of Trinidad and Tobago, while the people of Trinidad and Tobago continue to suffer. I had no intention of raising this matter specifically, but he provoked me into raising this issue of the expenditure policy. What do they have to show; a murder rate of what; how many people were murdered so far?

Mr. B. Panday: One hundred and eighty.

Dr. R. Moonilal: About 180 at the last check, and counting. What will happen in this country now when we do not have the money? You are seeing a crisis of unemployment where persons will lose their jobs in the private sector, in retail trade, in distribution, in hotels, restaurants, and so on. That has started. It will affect the small man, the small trader, micro business, taxi drivers. It will affect them all. That is where this country is going, down the precipice.

4.00 p.m.

When you think that we should be protecting the public purse by strong integrity legislation and men and women of impeccable character beyond

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reproach who would be appointed to these commissions to serve, where the nation could say that they trust the men and women there, we get this from the Government. An attempt to smother complaints by ordinary citizens to make the system more cumbersome and unworkable. We have the crisis of the resignation of Mr. Hosein and the appointment of Mr. Mc Farlane.

All I will say is that this does not redound to the benefit of Trinidad and Tobago. This will create a further crisis with the Integrity Commission that is already involved in so much controversy before. There is a saying that you start off on the wrong foot. They start off on the wrong foot. It would get worse if measures are not put in place to deal with this. I do not know what would happen. It is a matter that is in the court of the President whom we will not like to bring into this debate.

Thank you. [*Desk thumping*]

The Minister of Labour and Small and Micro Enterprise Development (Hon. Rennie Dumas): Mr. Speaker, I thank you for the opportunity to join in this debate. Joining the debate could have given us greater pleasure if the contribution precedent to mine was of a better quality and better focused, if it discussed matters relevant to this debate. Unfortunately, I cannot control the flights of imagination of the Member for Oropouche East. [*Interruption*] My imagination is large as I am and large enough to cover all the interests of the world. [*Desk thumping*]

The Member for Oropouche East—I do not want to confuse him with Oropouche West—started dismally by trying to mislead the House and the population as to exactly what happened at the end of the last debate. Maybe, it would be useful to start by correcting that first. The fact is that as you will remember—I know that you are quite careful with what happens before you and the *Hansard* is quite clear about what happens—the Standing Order that was invoked for putting a stop to the behaviour that was so inappropriate coming from the Member for Caroni East was Standing Order 43(2). It is only invoked after Standing Order 43(1) which states: “If a Member persists in irrelevance or tedious repetition”, as the Member was engaged in on the last day—

Mr. Ramnath: Who determines that? Does the Speaker determine that? You are an intelligent man.

Hon. R. Dumas: That was correctly invoked by any Member as the statement of the Standing Order. Having persisted and the Speaker having identified that that was the behaviour, Standing Order 43(2) was appropriately invoked and dealt with.

Mr. S. Panday: You are compromising the Speaker.

Hon. R. Dumas: Princes Town North, I have always suggested that when I am ready to go to the bar, I would consider you, but you have just lost that position.

Mr. Speaker, you made a reference and suggested to the Member that if he was willing to give an undertaking, then, that undertaking might have been supported but he refused. In that context the Member for Caroni East was rightly stopped from his continuance.

We have a situation in which today, the debate is about integrity. By definition, it is about moral uprightness, honesty, wholeness and soundness in the way that the public affairs are conducted. It suggests that we must bring to this matter, a certain intellect, a certain facility of reasoning, knowledge and thinking. Pardon me, Mr. Speaker. I hope that I am not wandering into inappropriate parliamentary language if I say that it was totally missing from the contributions we had. If we take what the Member for Caroni East and the Member for Oropouche East indulge in, then certainly, we would have significant problems.

When we speak about putting together the question of the Integrity Commission, we are suggesting that members of this commission should be persons who can support the moral uprightness and wholeness that we want. Maybe, I am forced to say that unfortunately, Parliament makes the laws and parliamentarians are all flawed vessels. Unfortunately, or properly, we have the responsibility for making the law. In making the law, I think this Government should be commended for having examined the workings of the commission and the ways in which the public interest might not have been served by the workings of the commission previously, these amendments are being proposed. Rather than come to commendation we then understand that we have some significant problems on the other side of commending anything that comes from this side. We can understand why.

Despite the discussion of law being driven by public policy, the Member for Oropouche East read the book, but he cannot live there. Let us take the simplest matter first. Who is Bukka Rennie? Member for Oropouche East, a historian of labour in this country, a gentleman who taught labour legislation must know who is Bukka Rennie. Bukka Rennie wrote the foremost book on industrial relations history in Trinidad and Tobago. Maybe, we have to question what you have been teaching. Bukka Rennie is an individual who helped to defeat the UNC. You do not remember? That is why you do not want to remember him. In the days when

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the trade union was in battle with the PNM—[*Interruption*] You bring him. I am trying to defend his reputation as we defend the reputation of all teachers who have contributed in the history of education in this country.

Mr. Abdul-Hamid: They have a history of disrespect for teachers.

Hon. R. Dumas: Again, we have another instance where jealousy reigns. He would have loved to have done the work that Bukka Rennie did. I will leave the Member for Oropouche East to do the research and help you, Member for Couva South.

Let us come back to the misstatements of the Member for Caroni East. You like to give exams but if you do not do the work you cannot correct them. The Member for Caroni East sought to discuss the question of rules and requirements. Unfortunately, he did it in a way and raised the issue of integrity and repetition. Unfortunately, when the question of the responsibility, role and duty of the President is put in the amendment, somehow, that is deemed by the other side as not a matter for debate and should not have arisen. Yet, this afternoon, we have the debate seeming to drift into discussions of the President's performance in his role in the law that is there.

In trying to understand what the Member for Caroni East was saying, you look at a certain misstatement that he made. Sometimes the slip betrays the underlying nature of the person and the intent of the speaker. I remember that in seeking to speak to the question of anonymous reports, the Member for Caroni East slipped into suggesting unanimous people and reports. In that debate it reminded me that maybe, groups of people get together to make some of these reports. Therefore, it may not be innocence as the Member for Oropouche East sought to outline. Many of these anonymous reports may be the result of mal-intent, constructed conspiracy. There have been such allegations. We on this side are arguing that allegations that are made and not supported in the long run have a cost to the individuals who become the subject of such allegations. I suggest that there is a difference between a report that becomes evidence; that is investigated; that leads to deprivation of position and job and one that allows an individual to be robbed of his good name.

We have a public that is so quick to be sure. I think the Member for Fyzabad will remember this incident. The joke was this. The Member for Fyzabad will remember that when I became a minister a report was circulated—I am not sure whether it was with his hand or with his assistance. He could tell us. There was a report that in the Ministry of Local Government they found a crocus bag with money. You remember that?

Mr. Sharma: It was both in the print and electronic media during the term of office. It was a large sum of money; I think \$1 million was found in a bag in the office which you used for some other purposes.

Hon. R. Dumas: The point that I am making is that they went up and down the country saying that. They reported that to the Integrity Commission. The mistake they made was that the cultural slur that was put on this Minister was relevant to the fact that he was a Tobagonian. He was out of the Agricultural Society of Trinidad and Tobago, he was so stupid that he would have \$1 million in a bag and the bag would be a crocus bag in the ministry in Port of Spain. I am bringing the point to show how they go about constructing their mal-intent. Wickedness!

They can construct these things in their conspiracy to bring loss to the individual; loss to the constituency the person represents; loss to the Government and certainly, to public welfare. The perpetrator of such an act, when there is no legislation as we are putting in place, that requires the complainant or reporter or maligner to meet certain standards, that perpetrator walks free after making his mischief. That is if you can find who is the mischief maker. The mal-intent is served and too many times, things happen that it may be preferable, not to have happen.

4.15 p.m.

One of the other things that came out, Mr. Speaker, is that it is quite clear, from the conversation we have had, that the records of the commission are quite suspect, quite leaky and can put you in trouble even if the commission does not seek to maladminister its affairs. Records of the commission appear; you say there are no complaints, but oftentimes information is there.

When we were growing up, and “bad Johns” used knives and cutlasses rather than guns, there was a conversation about a knife or a razor rubbed with garlic. By the time you know that you got cut, your belly is on the ground. That is what these perpetrators do. That is why every public officer requires protection, even if the protection is only in making sure that the information that comes to the table is relevant and can be supported.

Quite a number of people, including the Member for Oropouche East, depend on their imagination for their facts. Just as we had the conversation about “free” and he is advocating free, an unrestrained licence for the Member for Caroni East to malign the Member for Diego Martin North/East—that is what he wanted; free and unrestrained licence to malign, ridicule and smear the good name of the citizen.

He, of course, continues. The Member for Oropouche East again comes to the table. He says that Cabinet went to cut a ribbon. I have been a student of public affairs in Trinidad and Tobago from quite a young age—quite a long time. If it is one project that has demonstrated the capacity of Trinidad and Tobago, either the lack of capacity over the last 40 years or the present capacity, efficiency, the present reach, the present good work of this Government, it is that interchange.

Pardon me, Mr. Speaker, if we celebrate good work for the benefit of the people of Trinidad and Tobago! I do not now make any apology, Cabrera or the Member for Oropouche East. That is what we were doing; we were celebrating the handiwork of the people of Trinidad and Tobago, bringing relief in public service to the people of Trinidad and Tobago, to more than half the country. According to the records, more than half the population passes there every day. That is what they do not want. The problem is that when this Government delivers benefits to the people of Trinidad and Tobago, it makes their ambition further from their reach, and they want to condemn the Government.

Mr. Speaker, I heard the Opposition speak about how the Government uses its authority. As an example again, the Member for Oropouche East goes to the question of us holding a Cabinet meeting. I do not want to say jealousy reigns. I would not say deprivation leads to problems of thought. I would just say that when there is a matter that is urgent, and if you were to find out that it was not treated with, this Government would be maligned.

I come to what I consider the gravest misuse of the House by the Opposition. These same people who want to tell the Government how to use authority, want to demonstrate use of the rules of Parliament. I saw the biggest misuse of the Parliament by the Member for Caroni East.

Dr. Gopeesingh: By me, boy?

Hon. R. Dumas: I would love for it not to be you, but they told me you were the most inexperienced Member on that side, so they gave you that dirty job to do.

Mr. Speaker, we have people talking about duty, but there is a convention that you do not sell your parliamentary seat to private holders for profit. There should be nothing that suggests that such a matter has come to the table. What has been demonstrated the last day and today is clear evidence that the matter being pursued by the Member for Caroni East was a private dispute that he was bringing to the table and seeming to stand on one side of that dispute prosecuting the matter on behalf of an individual. He was even boasting—I do not know if he knew what he was saying—that the man whom he was representing did not have

to fear anybody because he had enough money to buy everybody. I do not know if he realized that he was pointing at himself.

Dr. Gopeesingh: The Member is misleading the House. He misquoted me.

Hon. R. Dumas: Mr. Speaker, you see when you go “pelting lash”—I hear the Member for Oropouche boasting that the Member for Caroni East was a fast bowler who used to open the fast bowling. I have no problem, but you cannot bowl outside of the 22. You call that a wide. You cannot shorten the pitch and bowl on 21. There are rules for that—a no ball. That is an open season on the no ball.

Here comes the point. We came into this Parliament with an argument by some prominent older parliamentarians, whom I respect, that this Opposition will be putting this group of young parliamentarians under so much pressure they would “mash up” the Government in quick time; we will not last 12 months. I am here today and I am seeing that a fraud was perpetrated against the people of Trinidad and Tobago. After hearing the Member for Caroni East the other day, at first I thought we had UNC. You know they have problems; they are talking about PNM's DNA. UNC's DNA is no unity; no collective use in government action.

We have a situation today in which we have UNC, Ramjack G and now we have UNC Ramjack G and NHIC sitting in the Parliament. We have three sections in that Parliament, from the evaluation I have made. [*Interruption*] I know you are trying your best to pull him back because you are afraid to go down. [*Interruption*] I would not want to discuss that with you, Sir.

Mr. Speaker, the Member for Oropouche East got up and said that they disavow anything to do with 10 years ago. This UNC team had nothing to do with the Government of the UNC. In other words, whatever was going on, that is Mr. Panday and “dem” business. They are old enough to handle that. Mr. Basdeo Panday, the Member for Cumuto/Manzanilla, the Member for Siparia, the Member for Caroni Central, the Member for Couva South; that is “dem” business.

Dr. Moonilal: The Member for Couva South was not there.

Hon. R. Dumas: He was not there, but our young people in the UNC—this whole team—does not want to hear anything that happened seven and 10 years ago under the UNC.

Mrs. Persad-Bissessar: Who said that?

Hon. R. Dumas: The Member for Oropouche East. You were not listening? He suggested that all “yuh” corruption is all “yuh” business. This new UNC has no

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part with the corruption perpetrated under the leadership of Couva North from the past. That was not what he meant? I thought that was what he meant. Oftentimes, we hear exactly what they say, they then say that is exactly what they did not mean. I just want to be clear that what he said is exactly what he meant. Maybe he was not hearing himself. You can get the *Hansard*. He said that this time they want to hear nothing about 10 years ago. A decade has gone; we take no responsibility for that, but you in the PNM must take responsibility for 43 years of governance. I said yes. The PNM today will take responsibility for the governance of Trinidad and Tobago over all 43 years of PNM governance. [*Desk thumping*]

When you speak about our DNA, understand that we have scientists who can examine yours too and that of the Member for Caroni East. Many of them know not their political DNA. If they knew their political DNA, they would know that when they come to boast about their relationship with the National Alliance for Reconstruction (NAR), they are in fact talking about PNM DNA. They cannot escape that. Think about it. Ask the Member for Couva North. Ask him where did he go when he wanted to form the NAR and with whom did he have the conversation. They then went on to say that they were severing themselves. They then accused them of not changing and still being PNM. Go back! [*Interruption*] I know you do not take me seriously; that is why you will not learn.

The Member for Oropouche East then began to speak about the intimidation history of the PNM. I thought that memory was an aid to education and to change of behaviour. I see the Member for Chaguanas West, well steeped in education theory as he is, understands that very clearly. There is an intimidation history in the UNC. I remember the threats about those who will not attack my Government and remain unscathed.

Mr. B. Panday: No one will attack my government falsely.

Hon. R. Dumas: If the statement had in fact included the word “falsely”, then the Opposition would have had no problem in agreeing with this amendment.

Mr. Speaker: On that note, the House is suspended for tea.

4.30 p.m.: *Sitting suspended.*

5.00 p.m.: *Sitting resumed.*

Hon. R. Dumas: Thank you, Mr. Speaker. I was responding to some of what was being said, particularly by the Member for Oropouche East; one of the last speakers on that side. I was demonstrating in this discussion, that the intimidation history of the UNC should be made a matter of record. I think we saw earlier that

they have the facility to forget and remake the face of this organization as they seek to pervade a deception on the population.

Mr. Speaker, I point you to the fact that it was the UNC in the administration of the Member of Couva North who threatened individuals who attacked his government. I think there was no discrimination between attacks. They were mild, serious or made by so-called innocent people as the Member for Oropouche East said. It was said: “You will not remain unscathed.” I can understand that a set of individuals who can issue such a threat or statement would have difficulty discriminating between intimidation and doing the right thing. Of course, later in the discussion we sought to again amend history to suggest that we are saying those who did so wrongfully.

I will be remiss to my history if I did not also mention the question of teachers being criminalized by that government. It was the teachers who were treating with their matters in industrial relations who were described by the then head of government as criminals. If we doubt that—I heard the Member for Oropouche East say: “We brought legislation.” It was on the very issue of intimidation that if we had any doubt that there was any change in the perspective that we could expect from the UNC, we saw a few weeks ago two UNC gangs facing off each other in the Rienzi Complex. That was it. There were violent scuffles, accusations of damage and injury to people and a situation in which the country was seeing one group trying to come into an office and another closing them out. Certainly that was a full demonstration of gangs. [*Interruption*]

Mr. Abdul-Hamid: The Member for Princes Town North fractured a girl’s hand.

Hon. R. Dumas: That is correct?

Hon. Members: Yes.

Hon. R. Dumas: After we heard accusations that one gang had brought Muslimeen and other things to the party.

Mr. Speaker, I want to suggest that the other side has no moral authority to discuss this Bill. I here close my discussion.

The Minister of Science, Technology and Tertiary Education (Hon. Christine Kangaloo): Thank you very much, Mr. Speaker. In winding up the debate, I wish to thank all Members for their contribution and to say that much has been said about the intent of the Government in bringing the legislation to the Parliament. In fact, if one were to believe the Opposition, one would think that we

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have introduced the legislation to stymie the operations of the Integrity Commission. But, as I have indicated in piloting this Bill, the legislation is seeking to streamline the operations of the Integrity Commission to ensure even-handedness and fair play on the part of those who invoke the mechanisms of public accountability and, of course, to prevent the Commission from being burdened by busybodies, who would seek to distract the Commission from its core responsibilities. A mechanism has been introduced that would allow for the procedure that is put in place if one has to make a complaint. A mechanism has been introduced that will allow those against whom complaints have been made to be able to know the nature of the complaints made and to be able to properly prepare to answer those claims.

The legislation is in no way stymieing the Integrity Commission in its operations. We on this side see the legislation as a necessary step in ensuring that the Integrity Commission meets its mandate and in ensuring that its operations are such that fair play and even-handedness will be part of the operations of the Integrity Commission.

Mr. Speaker, I beg to move.

Question put and agreed to.

Bill accordingly read a second time.

Bill committed to a committee of the whole House.

House in committee.

Clauses 1 to 12 ordered to stand part of the Bill.

Mr. S. Panday: Mr. Chairman, sorry.

Mr. Chairman: Which clause are you interested in?

Mr. S. Panday: I apologize; it is the clause on the vacancy, where the President may remove. That is clause 4.

Members: We have passed that.

Mr. Chairman: No, we would revisit it.

Clauses 13 to 17 ordered to stand of part of the Bill.

Clause 4 recommitted.

Question again proposed, That clause 4 stand part of the Bill.

Mr. S. Panday: In clause 4(2)(f), it speaks about the President terminating the appointment of a member of the Commission where the member is absent from three or four meetings without the approval under subsection (1)(b). Subsection (1)(b) is a subsection in the parent Act and that speaks about the same thing; if you are absent from three consecutive meetings without approval, your seat is deemed to be vacant. Under subsection (1)(b) the law deems the seat to be vacant and under clause 4(2)(f), it makes an active action. I do not know if the Government would look at it when it goes to the other place; the duplicity in the legislation which creates some ambiguity?

Mr. Imbert: We have time, so we can revisit that in a little while. We would look at it.

Mr. S. Panday: Look at 4(1)(b), as opposed to 4(2)(f). It speaks about a vacancy occurring.

Mr. Chairman: Let me explain for the benefit of the Member for Princes Town North. We are going to stand down the House for five minutes to take into consideration the point that you have raised.

Mr. S. Panday: I am deeply grateful to you.

Ms. Kangaloo: Mr. Chairman, we have not concluded deliberations on this, so we will report.

House resumed.

Mr. Speaker: Hon. Members, the committee stage of this Bill is suspended for five minutes for the consideration of clause 4. We will resume in five minutes.

5.13 p.m.: *Sitting suspended.*

5.22 p.m.: *Sitting Resumed.*

Mr. Speaker: The House will now resume into Committee.

Committee resumed.

Mr. S. Panday: Madam Attorney General, probably we could delete (1)(b). If we delete (1)(b) the amendment would take care of it then.

Mrs. Annette-George: We want to suggest we delete (2)(f) and then renumber (g), (f) and—

Mr. S. Panday: Okay. Thank you.

Ms. Kangaloo: Mr. Chairman, with respect to clause 4(2) we are suggesting that (f) be deleted, and that the clauses be renumbered accordingly.

Question proposed.

Question put and agreed to

Clause 4, as amended, ordered to stand part of the Bill.

Mr. S. Panday: Mr. Chairman, the hon. Minister had indicated that clause 2 be renumbered accordingly. Do we have to specify it or that takes place automatically?

Mr. Chairman: No, no.

Question put and agreed to, That the Bill be reported to the House.

House resumed.

Bill reported, with amendment.

Question put, That the Bill be now read the third time.

The House divided: Ayes 23 Noes 11

AYES

Imbert, Hon. C.

Manning, Hon. P.

Nunez-Tesheira, Hon. K.

Gopee-Scoon, Hon. P.

Kangaloo, Hon. C.

Abdul-Hamid, Hon. M.

Dumas, Hon. R.

Ross, Hon. J.

Taylor, Hon. P.

Swaratsingh, Hon. K.

Parsanlal, Hon. N.

Beckles, Miss P.

Mc Donald, Hon. M.

Hunt, Hon. G.
Le Gendre, Hon. E.
Browne, Hon. Dr. A.
Callender, Hon. S.
Cox, Hon. D.
Hospedales, Hon. A.
Hypolite, N.
Regrello, R.
Roberts, A.
Sinanan Ojah-Maharaj, Mrs. I.
NOES
Rafeeq, Dr. H.
Panday, B.
Moonilal, Dr. R.
Gopeesingh, Dr. T.
Bharath, V.
Panday, S.
Panday, Miss M.
Sharma, C.
Partap, H.
Maharaj SC, R.L.
Warner, J.

Question agreed to.

Bill accordingly read the third time and passed.

PROCEEDS OF CRIME (AMDT.) BILL

An Act to amend the Proceeds of Crime Act, Chap. 11:27 [*The Attorney General*]; read the first time.

**FINANCIAL INTELLIGENCE UNIT
OF TRINIDAD AND TOBAGO BILL**

An Act to establish the Financial Intelligence Unit of Trinidad and Tobago, for the implementation of the anti-money laundering policies of the Financial Action Task Force [*The Minister of Finance*]; read the first time.

ADJOURNMENT

The Minister of Works and Transport (Hon. Colm Imbert): Mr. Speaker, I beg to move that this House do now adjourn to Friday, May 08, 2009, which reluctantly will be Private Members' Day. Perhaps the Opposition can tell me what they would be doing on that day.

Dr. Rafeeq: Thank you very much, Mr. Speaker. Based on the advice of our parliamentary caucus, we will be dealing with Motion No. 1 under Private Business on the Order Paper.

Mr. Speaker: Hon. Members, before I put the Motion for the Adjournment, there is a matter to be raised by the hon. Member for Tabaquite: the need for Government to reconsider its policy in calculating the amount of money payable to old age pensioners. The hon. Member for Tabaquite.

**Old Age Pensioners
(Amount of Moneys Payable)**

Mr. Ramesh Lawrence Maharaj SC (Tabaquite): Mr. Speaker, in moving this Motion on the Adjournment, the need for Government to reconsider its policy in calculating the amount of money payable to old age pensioners— [*Members moving about*] Perhaps, I should give some of my colleagues who want to leave a chance to leave.

Mr. Speaker, as a result of representations made to me by my constituents, and also by other sections of the community, I have filed this Motion for Government to indicate whether it is prepared to reconsider its policy in calculating the amount of money payable to old age pensioners.

The record of this honourable House would reveal that Government made a policy decision to convert the entitlement of old age pension to a grant and to link it with the moneys pensioners get from the National Insurance Board, in respect of their contributions they have made over the period of time under that Act. It is in this context, as a result of linking that entitlement to old age pension to the benefits under the Act, there was a reduction in what pensioners were entitled to. I think I would be correct in saying that reduction is in the vicinity of \$1,000.

I know that Government has indicated its position in this House, and in the budget debate it indicated what its position is, notwithstanding requests from the Opposition to reconsider its policy. I want to make an appeal to the Government today that old age pensioners are suffering, not only because of the increased price of food and the essentials, which they need in order for them to survive, but they believe that they are being treated unequal and they are being oppressed.

I think that older governments had this policy; I do not think it is a policy in cast that it cannot be changed, and I would like to make an appeal today on behalf of all the old age pensioners in Trinidad and Tobago, to the Government, for the Government to indicate whether it is going to reconsider its policy, so that all old age pensioners would be able to get their entitlements, which they were entitled to before the policy was changed.

Mr. Speaker, I know that this is not an issue like what we were talking about earlier on in this honourable House, but I think it is one of those bread and butter issues, which affects the daily lives of people, which has a direct impact on their lives. Although integrity and corruption are important, I think that the Government should concentrate more on issues like these in these hard times.

I am not saying that they should not concentrate on the promotion of honest governance and good governance, but I think that they should concentrate more on issues like these. Perhaps, no corruption and promotion of integrity could give the Government extra money in order to increase these entitlements, but this, like health and other issues which affect people in their daily lives, should be looked at by this Government in reconsidering their policy, so that the people would get more money and more entitlement in order to be able to weather the hard or the economic storms in Trinidad and Tobago at this time.

Thank you very much, Mr. Speaker.

The Minister of Finance (Hon. Karen Nunez-Tesheira): Thank you, Mr. Speaker. In responding to the Motion brought by the hon. Member for Tabaquite, the Motion spoke about asking Government to reconsider its policy in calculating the amount of moneys payable to old age pensioners. Well, I would like to respond to the first part, the policy.

What is the policy that informs the decision? We do not call them old age pensioners, the correct term of art, I talk about them as senior citizens and it is a grant. Before I go to that specific aspect of the matter, I wish to deal with the policy. What is the policy informing the decision? The policy is the Vision 2020, and that is for Trinidad and Tobago to become a developed country by the year 2020.

Old Age Pensioners
[HON. K. NUNEZ-TESTEIRA]

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There are five pillars of that 2020 vision, and of those five pillars, the pillar that is relevant and most applicable to the policy that informs the Senior Citizens Grant is the second pillar: Nurturing a Caring Society.

5.35 p.m.

Mr. Speaker, when we look at the considerations in determining what is a caring society, nurturing a caring society, I would like to quote somewhat from the Vision 2020 document and it said in its introduction:

“Our citizens have become a caring society.”

That is one in which all citizens, particularly the most vulnerable, are loved and cared for and treated with dignity and respect. It must be a society in which all basic needs of the people are met. On the point of senior citizens the document speaks to children and the elderly will be protected, comforted and highly valued. It speaks of Government will introduce measures to assist the elderly to live healthy, productive and useful lives. So, the policy informing the Senior Citizens Grant is the Vision 2020, nurturing a caring society.

The Member for Tabaquite, in his contribution spoke about old age pension. In fact, they called the Motion—they spoke about old age pension, and I know the Member for Tabaquite is well aware that there has been a change in name. The change in name is not a mere form but is one, I would want to say, that goes beyond form, it goes to the substance. It is not only with regard to the old age aspect but also to the question of a pension.

So, to address the first aspect, old age—I think we all recognize that we might use the words politically correct, but it is far more dignified to speak to persons who are in their senior years—perhaps the Member for Tabaquite has not reached those senior years as yet, but certainly we do not want to speak of ourselves as old age, it is so much more dignified to speak of them as senior citizens because that is what they are, citizens who have worked and given their lives for Trinidad and Tobago.

I do not only want to speak to the issue of the senior citizens aspect but it is the issue of the grant. The change in the legislation was actually made in 2007 by Finance Bill, No. 7 of 2007, section 11 in particular, where the change in name was made. Why the change in name? I spoke to the issue of the senior citizen aspect, but there is another aspect, and the other aspect speaks to the issue of the grant. The Member for Tabaquite has made a number of great points about the issue of pension. Now, I know that pension may have many meanings but the one that is most common, and I think we accept it, is when one speaks of a pension

one speaks of it in terms of having earned a pension. They speak of it as someone who has worked during their lifetime and at the end of their working lives— in fact, there is a definition in the Oxford Dictionary of Economics which says, “A regular income paid by former employers to people who have retired from work.”

So, that is the term, the way in which the word “pension” is used. This is not a pension! There is the National Insurance Scheme and that is a pension to which you contribute and which the Government has raised the benefit from \$1,000 to \$2,000, that is a pension to which you contribute. This is not a pension. This is a grant and when we talk about a grant we are talking about something that someone does not have to earn. It is not something earned, it is something that is given and it has always been the case and that is why the change in the name to more accurately represent what it is in fact.

I have heard it said that the reason for the change—and the mischief—in name from pension to grant is because the Government could take it away at a whim and fancy. That is to make light of what happens in this honourable and august Chamber, because this august Chamber is about making laws, making legislation and I know we are all in this country respecters of the rule of law.

So, Mr. Speaker, the issue of a grant and the language of a grant is to capture the fact that it is not a pension, a person may have never worked in their life, it is simply made on the basis of a need and age. A person who has reached the age of 65 as a general rule, no longer earning an income and therefore may need, what we will call, supplementary support. It is supplementary income support for those who are in need. And to say that it can be taken away at a whim and fancy is to say that legislation in this country's statute is not honoured by this august Chamber. It is to say that the citizens of this country do not honour the legislation which is now changed from the name Old Age Pension Act to Senior Citizens Act.

It is not a grant that can be taken away from the people of Trinidad and Tobago, and in fact, the history and tradition of this Government, this People's National Movement led Government, has been that of a Government that cares. In fact, one of our bywords which I quote often is that “we continue to deliver because we continue to care”. In fact, when we made the adjustment to our budget at the end of 2008, one of the commitments that this Government made was that it was not making any adjustment in the social sector programmes. We could not expand it but we certainly would not contract it, because that is the commitment this Government has to the social sector, to the people, the most vulnerable in our society; nurturing a caring society. We do not talk the talk, we walk the talk.

Old Age Pensioners
[HON. K. NUNEZ-TESSHEIRA]

Monday, May 04, 2009

When our Government talks—and we have proof, what is the proof? The proof is not only in the pension, because I made the point, it is supplementary income support and when I say supplementary income support, persons who have earned an income during their life, if they do not qualify for that income support then they will not be the recipients, but for those who qualify the Government has said, this Government has raised the ceiling to qualify from \$2,500 to \$2,800. So, if you are earning less than \$2,800, you qualify. In the last budget we increased the Senior Citizens Grant from \$1,650 to \$1,950. I made the point that this is supplementary income support and I also made the point that this is a Government that walks the talk. This is a Government that gives support, real tangible support to its citizens, its young and its old. Why do I say that? With the elderly, if I went back to the budget, not only do we give the senior citizens a free bus pass but we also give them a free pass on the ferry to go to Tobago.

That is not all—CDAP—many persons as a general rule have health issues as they get older, whether it is arthritis, heart problems, I see the Member for Caroni Central is nodding his head at me. [*Interruption*] You can relate to that—the elderly are more vulnerable, so they will have issues of diabetes, arthritis, heart problems and on the CDAP programme this Government gives all of that medication free to the citizens of Trinidad and Tobago. So, when we say supplementary support, I want to make the point that in calculating and determining how much you qualify for in a Senior Citizens Grant, maximum being \$1,950, this Government does not take into account non-cash benefits. So, many of those senior citizens who receive CDAP's free medication and the free bus passes, they also qualify for the smart card—how much is it, \$400?—Sorry, Mr. Speaker, but they qualify for support in terms of a food card—so to speak—all of those non-cash benefits are not taken into account in determining the supplementary income support that this Government gives to the senior citizens.

Mr. Speaker, I just want to say that really the Member for Tabaquite was brief on the matter, so I do not want to belabour the point on this. All I need to say is that this Senior Citizen Grant cannot be seen in isolation, it must be seen in the context of the other income, non-cash benefits support that this Government gives and it must take into account the other income in terms of national insurance, because I am seeing NIB featuring again in the newspapers. But I remind this honourable House when this debate came up on the issue of the contribution level, I have some of the statistics here and they show that when we compare Venezuela, Mexico, Saudi Arabia and Trinidad and Tobago, when we compare ourselves with those countries, by way of example, Venezuela, the contribution

rate is 6.7 per cent but the monthly pension is US \$138; Mexico, the contribution rate is 8.65 per cent but the monthly pension is US \$150; Trinidad and Tobago, the rate of contribution is 10.5 per cent but the monthly pension is US \$371.

This Government continues to give support to the elderly, to the vulnerable, because it is part of this Government's policy to support those in need, to support the needy and the vulnerable in our society. The Government remains committed to nurturing a caring society, it continues to give that support, as I said, with the ferry pass, bus transport, food support and in response to the Motion brought by the Member for Tabaquite, I think that this Government has done an excellent job in terms of meeting what they call the human development index.

Because if you want to call yourself a developed nation, one of the requirement is that you must provide a social safety net and in our adjustments, whether it is the budgetary adjustments we have made since September 2008, this Government continues to show its commitment to the social safety net and continues in this context, in the Motion that was brought by the Member for Tabaquite, to show its support for the elderly, the senior citizens in our society.

As I end my contribution, I end with the bywords of this Government, the PNM administration; this Government continues to deliver because this Government continues to care.

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

Question put and agreed to.

House adjourned accordingly.

Adjourned at 5.46 p.m.