

*Leave Of Absence**Friday, May 08.2009***HOUSE OF REPRESENTATIVES***Friday, May 08, 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: the hon. Mr. Jack Austin Warner, Member of Parliament for Chaguanas West for the period May 06, to May 20, 2009; the hon. Dr. Amery Browne, Member of Parliament for Diego Martin Central, from today's sitting of the House; the hon. Paula Gopee-Scoon, Member of Parliament for Point Fortin, from today's sitting of the House; the hon. Fitzgerald Jeffrey, Member of Parliament for La Brea, from today's sitting of the House. The leave which these Members seek is granted.

**DEFINITE URGENT MATTER****(LEAVE)**

**Adequate and Continuous Supply of Water to Schools  
(Failure to Provide)**

**Dr. Tim Gopeesingh** (*Caroni East*): Thank you, Mr. Speaker. In accordance with Standing Order 12 of the House of Representatives, I hereby seek your leave to move the adjournment of the House at today's sitting, Friday, May 08, 2009, for the purpose of discussing a definite matter of urgent public importance, namely, the failure of the Ministry of Public Utilities and the Ministry of Education to provide an adequate and continuous supply of water to both primary and secondary schools throughout the country.

The matter is definite as it pertains to the confirmation that several schools, particularly, in Central and South Trinidad and in particular the constituencies of Caroni East and Caroni Central, are without the needed water to ensure proper and acceptable sanitary standards for the school population. The matter is urgent because of the immediate possibility of infection and spread of diseases, namely, hepatitis, cholera and the H1N1 flu virus. The matter is of public importance because thousands of students in the school population are at the moment adversely affected by this acute water shortage problem.

Thank you, Mr. Speaker.

**Mr. Speaker:** Hon. Members, this matter does not qualify under this Standing Order. It would have done so under Standing Order 11.

**Dr. Rafeeq:** Mr. Speaker, I appreciate your ruling and we are guided. A number of issues we have brought up under this particular Standing Order and you have advised us to go under Standing Order 11, which we are doing, but these Motions are not being answered by the Government. I wish that you can intervene on our behalf.

**Mr. Speaker:** Then you must use your authority and your camaraderie with the Leader of Government Business to sort that out.

**Mr. Ramnath:** That is impossible.

**Mr. S. Panday:** Impossibility.

**Mr. Speaker:** Let me just return to the issue raised by the Chief Whip. Again, I think; if you have a word with—[*Interruption*] No, try again. I agree with you, there are several matters filed and really and truly we should try to discuss them—at least two—so, do speak to your colleagues.

**MINISTER OF FINANCE  
(REVOCAION OF APPOINTMENT)**

[Second Day]

*Order read for resuming adjourned debate on question [March 27, 2009]:*

*Be it resolved* that this honourable House express its loss of confidence in Mrs. Karen Nunez-Tesheira as Minister of Finance of Trinidad and Tobago; and call upon the Prime Minister to take steps to have the appointment of the Minister of Finance revoked forthwith.

*Question again proposed.*

**Mr. Speaker:** On the last occasion when this matter was before the House the hon. Minister of Works and Transport spoke for 45 minutes, he has remaining 30 minutes of extra time. I now call upon the Minister of Works and Transport, the Member of Parliament for Diego Martin North/East.

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

[*The Minister of Health walks across to the Leader of Government Business*]

Hello, when the Speaker is on his feet Members must know that you are to be seated, especially visitors!

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

*Question put and agreed to.*

**Hon. C. Imbert:** Thank you, Mr. Speaker. I also want to point out it was remiss of me, the Minister of Health had come to make a statement under Statement by Ministers. I would like to crave the indulgence of the House that the—[*Interruption*] I think we will have the votes—Minister be allowed to make the statement a little—[*Interruption*] he was trying to catch my attention—later in the proceedings?

**Mr. Speaker:** I have to put it to the House. The Minister of Health is with us, he is visiting. He has a statement to make. I crave your indulgence to allow him to make the statement.

*Question put and agreed to.*

#### STATEMENT BY MINISTER

### Infrastructural Development Projects (Health Sector)

**The Minister of Health (Sen. The Hon. Jerry Narace):** Thank you very much, Mr. Speaker, and permit me to thank all hon. Members. I am authorized by Cabinet to make the following statement on the status of the infrastructural projects in the health sector.

**Mr. Ramnath:** No man, circulate them.

**Sen. The Hon. J. Narace:** Following on the work of the Health Sector Reform Programme, the Ministry of Health in 2008 began its implementation of its approved transformational plan, 2009—2013. The main objective of this plan is to move the country towards the health sector vision of 2020, a Nation empowered to live long, healthy, happy and productive lives by creating a modern and world class health sector.

More importantly, I wish to inform you that this Business Plan has far-reaching effects and seeks to bring a level of health sector transformation that will directly impact on the five developmental pillars of Vision 2020, namely, developing innovative people, nurturing a caring society, governing effectively, enabling competitive business and investing in sound infrastructure and environment.

Mr. Speaker, our progress towards the vision for health is measurable. In fact, while Trinidad and Tobago is currently ranked at number 57, I am proud to report

that with our health transformational plan it is projected that our country would be ranked among the top 10 in WHO's list. More particularly, through the transformation of the global health sector, Trinidad and Tobago is projected to rank at number 30 in WHO global rankings by 2010; and reach the top 10 list by the year 2013.

Regarding the fifth pillar, Mr. Speaker, I wish to emphasize that the transformational plan of the Ministry of Health seeks to provide a modern clinical infrastructure that would enable our health care delivery system to respond to current needs and future challenges and/or threats in a more timely and efficient manner.

I am quite pleased to share with you today a significant milestone in support of Government's investment in sound infrastructure and the environment. In fact, our transformational plan directly addresses this pillar by identifying the upgrade of clinical infrastructure and services as one of our nine main strategies to achieve our objectives. Hon. Members may recall that our three strategic objectives are:

- to foster a healthy productive population through preventive care;
- to develop and manage a comprehensive customer based public health system; and
- to create and maintain a First World health care delivery system.

Therefore, our infrastructure development programme is strategically driven and intertwined with both the national developmental pillars of Vision 2020 and the health sector's transformation.

Mr. Speaker, our public health infrastructure is currently based on the primary health care model and built around the core principles of universal access, equity, affordability, availability and quality. Currently, citizens access health care through an integrated network of primary care facilities and hospitals. The primary care network is structured on the principle of providing universal access for the widest scope of health services for all ages of patients and is delivered through primary care centres located at the area of need.

These primary care centres are strategically located throughout the country with the basic range of services being delivered at the outreach and health centres leading to a more comprehensive range of services offered at the enhanced health centre, and finally a 24-hour Accident and Emergency Service, with specialist care at the District Health Facility. The health centre serves a catchment population up to 50,000 whilst the District Health Facility serves up to 150,000. Primary Care Facilities yet to be completed and scheduled to begin in 2009

include: Siparia, Diego Martin, Roxborough, Chaguanas and Mayaro District Health Facilities, as well as the Carenage, Morvant and St. Joseph Health Centres and the upgrade of the Sangre Grande Health Centre to an enhanced health centre.

Mr. Speaker, HDR Architecture Incorporated, an American based health planning firm, conducted a study of hospital based services in Trinidad and Tobago, aimed at assessing future hospital health needs in the country. More importantly, this study used a scientific evidence-based process to allow for greater realignment between the hospital infrastructure development plan and the health needs of our citizens. This was quite evident since the study was based on a number of factors including:

- a) Demography;
- b) Hospital discharge data;
- c) The Epidemiological profile;
- d) Vision 2020;
- e) Industrialization; and
- f) Equitable distribution of hospitals.

Moreover, another objective of our infrastructure development plan is to locate hospitals that are equi-distant to the needs of the population, where our hospitals would be strategically located at all parts of the country such as Port of Spain, San Fernando, Central, Point Fortin and Sangre Grande. Also, the development of our hospital infrastructure would increase the current total acute bed status—mental health beds excluded—by 20 per cent from 1,848 to 2,212.

More importantly, the acute bed capacity per 1,000 population ratio would increase from 1.42 to 1.70.

**1.45 p.m.**

Mr. Speaker, I wish to inform this honourable House that Cabinet granted approval for UDeCott to invite bids from international and local consortia for the design, construct, equip and commission of the following health facilities:

A new 100-bed Point Fortin Hospital—This hospital will provide services in the following main clinical areas, distributed over one to three floors:

Ground Floor:

Accident and Emergency, Radiology, Same-day Surgery, Acute Psychiatry, Blood Bank, Pharmacy, Laboratory, Out Patients Department and Physiotherapy.

1<sup>st</sup> Floor:

Operating Theatres, Surgery Ward, Gynaecology Ward, Orthopaedic and Burns Ward, ENT and Eyes Ward.

2<sup>nd</sup> Floor:

Obstetrics Ward, Operating Theatre, Birthing Suites/Nursery, and Gynaecology Ward, Paediatrics Ward and Medicine Ward.

The old Point Fortin Hospital will be relocated to adjacent buildings and sites, to accommodate construction of the new hospital on the site of the old Point Fortin Hospital.

A new 150-bed Arima Hospital—The Arima Hospital will be adjacent to the Arima District Health Facility and will deliver the following services distributed over one to four floors:

Ground Floor:

Accident and Emergency, Out Patients Department, Radiology, Blood Bank, Pharmacy, Psychiatry, Laboratory and Physiotherapy.

1st Floor:

Operating Theatres, Intensive Care Unit, Surgery Wards, and Orthopaedic and Burns Wards.

2<sup>nd</sup> Floor:

Operating Theatre, Obstetrics Ward, Birthing Suites/Nursery, and Gynaecology Ward.

3<sup>rd</sup> Floor:

Medicine Wards, Eyes and ENT Ward, and Doctors On Call Suites.

A new 150-bed Sangre Grande Hospital with an adjacent enhanced Health Centre. Both will be located adjacent to the existing Health Facility. The Sangre Grande Hospital will deliver the following services to be distributed over one to four floors:

Ground Floor:

Accident and Emergency, Out Patients Department, Pharmacy, Laboratory, Physiotherapy, and Same-day Surgery.

**1<sup>st</sup> Floor:**

Operating Theatres, Intensive Care Unit, Surgery Wards, Orthopaedic and Burns Ward, and ENT and Eyes Ward.

**2<sup>nd</sup> Floor:**

Operating Theatre, Obstetrics Ward, Birthing Suites/Nursery, Paediatrics Ward and Gynaecology Ward.

**3<sup>rd</sup> Floor:**

Doctors On Call Suites and Medicine Wards.

Mr. Speaker, hon. Members, Cabinet has also approved the re-commencement of construction of the National Oncology Centre. The NOC will deliver the following services, distributed over five floors:

**Ground Floor:**

Radiation Treatment Rooms.

**1<sup>st</sup> Floor:**

Radiation Treatment Programme, Outpatient Clinic Services, Same-day Surgical Services, and HDR Brachytherapy and Public Areas.

**2<sup>nd</sup> Floor:**

Station Chemotherapy Suite, Treatment Planning CT Simulation Suite, Pharmacy, Support spaces for Medical Physicists, Radiation Therapists, Dosimetrists, Biomedical Engineers, and Office space for Oncology Staff.

**3<sup>rd</sup> Floor:**

Administration Offices, Meeting Rooms, Teaching Facilities, and common area space for support staff.

**4<sup>th</sup> Floor:**

Penthouse and Mechanical and Electrical Room.

Mr. Speaker, as I previously mentioned, the methodology to be used for the construction of these facilities, will be that of a design, construct, equip and commission. Typically, where the design-build methodology is employed, the developer undertakes the complete design and construction risk under a fixed price, and contract delivery date.

Traditional design/bid/build is a segmented, sequential process, in which the owner first contracts with a design professional to prepare detailed suitable for

construction plans and specifications, then uses the detailed plans and specifications to solicit competitive bids for construction, and finally awards the construction contract to the low bidder.

In contrast to the traditional method, Mr. Speaker, the design/build is where one entity performs both design and construction under a single contract. Design/build has the potential to reduce the overall project cost, because the design/build contractor performing the design has a more thorough understanding of the construction cost of various alternatives, and thus can come up with a design that is less expensive to build. Design/build may also result in earlier completion and occupancy of the project because there is no dead time between completion of design and start of construction. Further, the design/build contractor can begin construction of early phases of the project before design of later phases is 100 per cent complete. The duration of these health sector infrastructure development projects from procurement of the preferred providers to completion, is 24 months each.

Hon. Members, the RFPs are expected to be issued next week to a minimum of six proponents, all of whom will be judged on the basis of:

- Proven experience of the design/build team on similar projects;
- Proven experience of the design/build team in Trinidad & Tobago;
- Proof of ability to obtain insurance and bonding as required;
- Demonstrated capacity to perform; and
- Proven ability to meet international health, safety and environmental standards.

Mr. Speaker, with the construction of the new hospitals, the environment in which health care is delivered will be significantly improved. This will serve to boost staff morale and patient satisfaction. It is envisioned that the modern environment will directly assist the delivery of care as it would be supported by new equipment and information systems, including electronic health records. There will also be interconnectivity between all health institutions, which will allow for citizens to access their medical records from a central databank from any health care facility. Moreover, all facilities will have point of care testing, and will render test results and diagnosis very efficiently and expeditiously.

Mr. Speaker, as I mentioned in the beginning of my contribution, these new modern hospitals are part of the National Hospital Sector Development Plan. They will be linked with the approved primary care units and the modern district health facilities. The presence of these hospitals which will be located in



communities, for example, in Point Fortin and Sangre Grande, will result in an efficient use of the referral systems from the primary to the secondary health care system. Patients will remain within their community and will have access to an expanded range of services which would not have been available previously.

People will no longer have to travel out of their communities to access secondary services. Hospital emergency services will be at each individual's doorstep. The *raison d'être* behind the establishment of these new facilities is in effect to bring modern hospital services nearer to the community. Additionally, this infrastructure development will effectively address the equity issue, as there will be an equitable distribution of facilities across all geographical regions.

The modern facilities will provide the ideal environment for the training of doctors, nurses and other medical related specialties in a modern and learning-conducive environment. Since the new facilities will be accredited, they will also be available to be used as teaching facilities for the universities currently involved in medical training.

The new hospitals will allow for more effective use of tertiary services, such as the National Organ Transplant Unit and other Centres of Excellence that will be established. These facilities will provide the necessary support for these services. An integrated national hospital care plan with the necessary referrals will therefore be established.

In closing, I would like to reiterate that the impact we want to achieve on societal and community outcome, will be realized through a number of integrated measures. Those include:

- Building the capacity of the Ministry of Health to lead the transformation of the health sector;
- Developing and implementing the strategies to transform the health sector;
- Changing the organizational structure of the Ministry of Health to manage strategies and effect processes;
- Strengthening the Regional Health Authorities to be able to provide better access to quality health care, by constantly upgrading their infrastructure and delivery systems;
- Developing the stakeholder networks and building the commitment of stakeholders to the plan; and

- Building on our human resource development so as to ensure sufficient capacity for the whole of the health care system.

Mr. Speaker, this Government recognizes that health is the primary requirement to allow citizens to have an equal opportunity to achieve their life goals, promote productivity, contribute to the overall economic development through reduced sickness and better function, eliminate or significantly reduce the barriers due to disability, improve attention and learning both in school and for the lifetime, and have the highest potential years of productive life. Therefore, we have taken the bold but cautious step in creating the foundation of a modern world class health sector by the implementation of our health transformation plan.

Hon. Members, our rigorous infrastructure development as outlined is a key element in achieving all these outcomes for the citizens of Trinidad and Tobago.

I thank you. [*Desk thumping*]

**MINISTER OF FINANCE**  
**(REVOCATION OF APPOINTMENT)**

**Hon. Colm Imbert:** Thank you, Mr. Speaker. When the Members opposite—  
[*Crosstalk*]

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

**Hon. C. Imbert:**—are finished with their crosstalk—[*Interruption*]

**Mr. Ramnath:** You talking about crosstalk?

**Hon. C. Imbert:** Yes.

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

**Hon. C. Imbert:** Mr. Speaker, they have no behaviour. On the last occasion when I dealt with this matter, I pointed out that the Member of Parliament for Siparia either did not understand, misunderstood, misconstrued or avoided the actual terms of the Integrity in Public Life Act, and I think it bears repeating in order to deal with the fiction that the Member for Siparia has put into this House and has propagated outside of this House. So I shall read again, section 29(1) of the Integrity in Public Life Act. It says and you need to be reminded:

"For the purposes of this Act, a conflict of interest is deemed to arise if a person in public life or any person exercising a public function were to make or participate in the making of a decision in the execution of his office and at the same time knows or ought reasonably to have known, that in making of

the decision, there is an opportunity either directly or indirectly to further his private interests or that of a member of his family or any other person."

Now, let us look at the Motion itself before the House. In the Motion, the Member for Siparia has alleged that the Minister of Finance has conducted herself both within and outside the House, contrary to the tenets of transparency, et cetera, regarding her interest in CL Financial, prior to and subsequent to negotiation between the Government and that company, over Government's intervention in the affairs of the company.

**2.00 p.m.**

It goes on with another whereas and says essentially that because the Minister of Finance has allegedly conducted herself contrary to the tenets of transparency regarding her interest in CL Financial, we should express loss of confidence in the Minister.

Well, that and a green donkey you shall not see. The fact of the matter is that recent events have highlighted the fact that one has to be very, very careful about the manner in which one interprets the Integrity in Public Life Act. The question of integrity is at the core of this Motion by the Member for Siparia who was full of sound and fury, casting all sorts of aspersions and allegations at the Minister of Finance, the Member for D'Abadie/O'Meara, all of which have proven to be false; the question about the withdrawal of the deposit by her sister, the question of authorization, the question of Central Bank's approval and so forth, all have been proven to be false.

Mr. Speaker, I find it very difficult to stand here and listen to allegations about impropriety and integrity from the Members opposite. That is a bitter pill to swallow, Mr. Speaker, a bitter pill. Allegations about breaches of the Integrity in Public Life Act—

**Ms. Kangaloo:** Alleged allegations.

**Hon. C. Imbert:** Well, allegations, and allegations by definition are alleged. Although they have been accused of making "false" lies; which are probably, particularly dangerous forms of lies, the fact of the matter is, it is a bitter pill to swallow when you have to sit and listen to the Members of the UNC talk about integrity and breaches of the Integrity in Public Life Act and aspersions about the character of Members on this side.

Just recently I tuned in to a radio programme and this whole question of conducting one's affairs—if I read from the Motion—with transparency and

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accountability, the whole question of integrity, confidence in the truthfulness of the things that people in public life say, and I heard statements about the Member for Chaguanas West about Members opposite, an allegation that the Member had paid the salaries of Members of the UNC for a period of nine months and had expended \$1.4 million.

**Mr. S. Panday:** “He getting a writ for that one.”

**Hon. C. Imbert:** Mr. Speaker, it is the hypocrisy of which I speak. [*Desk thumping*]

**Mr. B. Panday:** We have no hypocrisy among us.

**Hon. C. Imbert:** The brassfacedness, Mr. Speaker. [*Interruption*] [*Crosstalk*]

**Mr. B. Panday:** Do not cast aspersion when you have money in Grenada, doh do that!

**Hon. C. Imbert:** Mr. Speaker, I seem to have touched a nerve.

**Mr. Speaker:** Hon. Member for Couva North, please.

**Mr. B. Panday:** You will get it back—

**Mr. Speaker:** Hon. Member, order please! Order!

**Mr. B. Panday:** Sorry, sorry. He is not going to do that, Mr. Speaker.

**Mr. Speaker:** You know I like you in the House, so please. [*Interruption*]  
You can speak, and when you are speaking you can address it.

**Mr. B. Panday:** There must be one law for everybody in this House.

**Hon. C. Imbert:** Mr. Speaker, I will be asking you to invoke the Standing Orders in due course if the hon. Members opposite continue to impute improper motives. [*Interruption*]

**Mr. Ramnath:** “Invoke what you want, who de hell you think you are?”

**Mr. Speaker:** No, no, no,

**Mr. Ramnath:** “Who de hell you think you are?”

**Mr. Speaker:** Please!

**Mr. Ramnath:** Invoking Standing Orders.

**Mr. Speaker:** Please, there are procedures in which you can deal with it, but it is not right for you Member for Couva North and Member for Couva South to sit in your seats and behave in the manner in which you are behaving.

**Mr. Ramnath:** You are allowing him to do what he wants. Invoking Standing Orders to do what, to stop people from speaking?

**Mr. Speaker:** If he raises a Standing Order, I will rule on it. I cannot stop him from saying he will invoke Standing Orders.

**Mr. Ramnath:** You did not rule the last time.

**Mr. Speaker:** Do not question me. Do not question the ruling of the Speaker, that is a dangerous ground to go on.

**Mr. Ramnath:** I would just—*[Inaudible]*

**Mr. Speaker:** Well, why do you not?

**Mr. Ramnath:** “Anytime you ready?”

**Mr. Speaker:** I am warning all Members, I intend for this sitting to go smoothly. If any Member misbehaves, he stands the possibility of being put out. I am not making any jokes about that, this is serious business. Continue.

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

**Mr. B. Panday:** Mr. Speaker, Standing Order No. 36(5). He is imputing improper motives to Members of this House.

**Mr. Speaker:** You have raised the Standing Order No. 36(5). The Member said he is quoting the Member for Chaguanas. *[Interruption]* I do not see that as—*[Interruption]* No, no. Order, please! Order!

**Dr. Gopeesingh:** *[Inaudible]*

**Ms. Kangaloo:** You read a whole letter the other day, a whole letter. *[Crosstalk]*

**Mr. Speaker:** Order, please! Please, continue.

**Hon. C. Imbert:** Mr. Speaker, I do not know why they are so jumpy.

**Mr. Speaker:** Move away from that.

**Hon. C. Imbert:** Mr. Speaker, the Member for Couva North keeps imputing improper motives and I am asking you to invoke Standing Order No. 36(5) with respect to the Member for Couva North.

**Mr. Speaker:** Please, what is good for the goose is good for the gander, let us have a civil session. You know, I was very impressed when the Member for Couva North spoke about discipline and going back to the pristine days; that is

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something I spoke about when I first became Speaker, going back to the pristine days. Let us get there. Please, continue.

**Mr. B. Panday:** Thank you, Mr. Speaker.

**Hon. C. Imbert:** Mr. Speaker, I have uttered no lies, I was simply saying that it is difficult for us on this side to listen to allegations and aspersions about the integrity and character of Members on this side. It is difficult for us to listen to that, and this is pertinent and germane to the Motion before the House. The Motion before this House makes a most scandalous and violent attack on the character and integrity of the Member for D'Abadie/O'Meara, that is what this Motion is all about. It is questioning the conduct of the Member, and if one looks at the resolution :

*“Be it resolved that this honourable House express its loss of confidence in Mrs. Karen Nunez-Tesheira...”*

And I have no confidence in hon. Members opposite, and it is hypocrisy for Members opposite to be making these statements when they have their own issues over there.

**Mr. Ramnath:** What issues?

**Mr. B. Panday:** You have yours.

**Mr. Speaker:** I do not know what else Members want me to do?

**Mr. Ramnath:** Shut him up from lying.

**Mr. Speaker:** You cannot sit there and say what you are saying.

**Mr. Ramnath:** But he could say what he wants, right?

**Mr. Speaker:** I never said that.

**Mr. B. Panday:** He makes an unfounded statement and is allowed to get away with it.

**Mr. Speaker:** Listen, you have a whole Front Bench there to speak, address it when you are speaking.

**Hon. C. Imbert:** Thank you, Mr. Speaker. Mr. Speaker, do you know what bothers me? I have not said anything yet. [*Laughter*] [*Desk thumping*] I have cast no aspersions, but the very idea that I called the name of the Member for Chaguanas West, the fact that the Member for Chaguanas West and the Member for Tabaquite are holding—

**Mr. B. Panday:** A pack of lies.

**Hon. C. Imbert:** You heard that, they are calling the Member for Chaguanas West and the Member for Tabaquite liars. They just did that.

**Mr. Speaker:** Proceed, they are not here.

**Hon. C. Imbert:** Okay, when they are here. The fact of the matter is, I have not got to the point of indicating the issues of integrity, and the issues of Integrity in Public Life that have been cast at the doorsteps of the Members of the UNC by one of their own Members.

**Mr. B. Panday:** You have one of your Members too, so what?

**Hon. C. Imbert:** Mr. Speaker, what is their problem? The Member for Chaguanas West said he paid them money and they did not declare it, that is what he said.

**Mr. Ramnath:** When he said that?

**Hon. C. Imbert:** That is what he said at the meeting. [*Interruption*] “Yuh want meh to read it out?” Okay.

Mr. Speaker, I have been invited by the Member for Couva South to read this article.

**Mr. Ramnath:** “Read it man, read it; I running de House.”

**Hon. C. Imbert:** Mr. Speaker, the Member for Couva South has challenged the veracity of what I am saying, so he has invited me to read it and I will read until you stop me.

“Chaguanas West MP Jack Warner says the way in which the United National Congress handled the matter of the appointment of the Integrity Commission has made the party ‘an embarrassment’ in Parliament.

Warner made the statement on Tuesday night at a UNC-Alliance meeting at Mission Road, Freeport.

Warner was critical of claims by Opposition Leader, Basdeo Panday, that a letter containing details of last week’s appointments...had been lost before the party could look at it.

He said the party had missed an opportunity to raise important questions...

He claimed that in one instance, Warner gave the former prime minister £800,000 to pay legal fees during one of his court trials. He also claimed...

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And this is the recently ousted Chief Whip, Ramesh Lawrence Maharaj SC. This is what the Member for Tabaquite is saying.

“Warner gave the former prime minister £800,000 to pay legal fees during one of his court trials. He also claimed that Warner gave Panday TT \$800,000 to save his house, which had been put up for sale by the court, so that Panday could pay damages to former CCN chairman Ken Gordon.”

**Mr. B. Panday:** My house was never put up for sale. I know nothing about that.

**Hon. C. Imbert:** I was asked to read this.

“Maharaj further claimed that during the political impasse of the 2002 general election, where the parties showed 17-17-2 at the polls and then President, Arthur NR Robinson, had to decide on the government, Warner paid the salaries of the 17 UNC MPs until they were installed in office.”

**Mrs. Persad-Bissessar:** “That’s a lie.”

**Hon. C. Imbert:** “They were supposed to pay it back but that hasn’t happened yet...”

I think, Mr. Speaker, my précis or my understanding of what was said was more or less accurate.

**Mr. S. Panday:** He getting a writ for that one.

**Hon. C. Imbert:** Mr. Speaker, it is a bitter pill to swallow when Members opposite cast aspersions on Members on this side and they have a lot to answer for. [*Desk thumping*] They have no right to speak about integrity in this House. They are not qualified, in my view. [*Crosstalk*] I know I have touched a nerve; it is all right. You could say that for the next 100 years it—

**Mr. Speaker:** Please, I will tell you what. I am going to suspend the sitting of this House for five minutes in which time I am inviting Members to cool down and cool their tempers because when I return I am going to invoke the Standing Orders.

The sitting of the House is suspended for five minutes, and we will resume at 2.19 p.m.

**2.14 p.m.:** *Sitting suspended.*

**2.20 p.m.:** *Sitting resumed.*



**Hon. C. Imbert:** Thank you, Mr. Speaker. I think I have made my points. Mr. Speaker, the Opposition Chief Whip has just accused me of telling lies. *[Interruption]* I heard you and I just want to make the point, I have not expressed any opinion; I was invited to read the article by the Member for Couva South. I read it; it is quite scandalous, but that is one of your people who is saying that, not me. It is not a PNM that said that; it is a UNC that said those things.

**Mr. B. Panday:** Rowley was a PNM. Do not forget that one—

**Hon. C. Imbert:** We are here today to talk about matters of integrity and of conflict of interest and if that allegation about a senior UNC Member, Deputy Political Leader, no less, bankrolling Members opposite, paying for their—

**Mr. Speaker:** I do not want you to make any reference to that again.

**Mr. B. Panday:** You are pushing the Speaker now!

**Hon. C. Imbert:** I will not, Mr. Speaker. I will abide by your directions. Maybe I should move on to something else.

**Mr. S. Panday:** You have nothing else to say.

**Hon. C. Imbert:** I mean, another scandal involving that UNC; that is what I meant; perhaps I should do that, but all in the fullness of time. There are others who may be very well prepared to do that.

But coming back to the matter at hand, you know, in Trinidad and Tobago there are persons who parade around this country as men of the highest and most impeccable character, persons beyond reproach, persons who demand that you listen to them and afford them the respect that is due people of complete neutrality, and persons who do not have an axe to grind, and persons who have no bias whatsoever.

In another debate I made the point that there is a former President of the other place who demonstrates what I call, chronic bias in terms of his public utterances. I have not seen a single newspaper article or letter from that gentleman that is not extremely critical of the PNM and the PNM Government and does not contain a number of scandalous and inaccurate allegations. I do not think I have seen a single letter from that particular individual that is not violently attacking the PNM and the PNM Government and making all sorts of scandalous allegations, yet persons like that would want us to listen to them.

One other such person is a gentleman called Mr. Kenneth Lalla. I have said it before and I intend to say it again. Mr. Kenneth Lalla was a member of this House

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and persons who were not there, the father of the Member for St. Augustine, Dr. Bharath, was also a Member at that time. If you go into the records of 1968-1969; 1970-1971, you will see

**Mrs. Persad-Bissessar:** How is that related to the Motion? *[Interruption]*

**Hon. C. Imbert:** When I read the *Hansard* record of Mr. Kenneth Lalla, Opposition Member for Couva in the 1966—1971 period, the gentleman has made the most violent attacks on the PNM, accused literally the PNM of committing murder; decreed that the PNM Government was unfit to run the country; a bunch of dictators! Yet, persons like that will pronounce, with an air of neutrality, on matters of integrity.

I am simply sounding a warning to members of the general public. You need to examine the horns when these individuals speak; you need to go into their history and more often than not, when you look at the newspapers, virtually every one of the persons who routinely attack the PNM every week, has either been a defeated candidate; lost his deposit against the PNM; was leader of a party that failed to gain a single seat against the PNM; was disenfranchised in some way because he wanted to be a member of Parliament for a particular area and was unsuccessful.

When you go into the history of these people who write in the newspapers, every one of them has some axe to grind; every one of them had some problem with the PNM and every one of them has been unsuccessful in elections against the People's National Movement. I am just making that as a general point and as far as I am concerned, they should all be ignored.

But coming back to the matter at hand, the Member for Siparia, in presenting this Motion, made a number of cardinal errors. The Member of Parliament for Siparia demonstrated complete ignorance of basic principles of law. The hon. Member for Siparia did not even understand the purpose, intent and meaning of the relevant sections of the Integrity in Public Life Act. All the Member of Parliament for Siparia is seeking to do is to make a completely unjustified, a vicious, unprovoked attack, against the Member of Parliament for D'Abadie/O'Meara. This is why this Motion will fail.

The fact of the matter is, in order for the Minister of Finance to be guilty of all of these things that the Member for Siparia has accused the hon. Minister of, the Member for Siparia will have to demonstrate that the Minister participated in a decision that furthered the Minister's interest. I do not want to go back and give

another lecture on the interpretation of the Integrity in Public Life Act, but suffice it to say, the Act is very clear.

As I said before, we are a small society and that has been no more evident in the events that have unfolded within the last week. We are a small society. Everybody in this society is connected to someone else in this society, whether as a blood relative, whether through friendship, whether through business associations, whether through professional associations, as the case may be. In a country with 1.3 million people it is obvious that this is going to occur. Therefore, if you tell a Member of the Cabinet that whenever they sit down to deliberate on matters that are before the Cabinet, on any given day—with the permission of the Prime Minister—I will indicate that we may deal with 50 to 100 matters. The Cabinet might deal with somewhere between 50 to 100 matters on every Thursday of the year. So it would mean that during any calendar year, the Cabinet may deliberate on thousands of matters. Thousands of matters come before the Cabinet for a decision and any one of those thousands of matters, whether it is 2,000, 3,000 or 5,000 matters that come before the Cabinet of this country—and it was no different under the UNC. Any one of those 3,000 to 5,000 matters that come before the Cabinet could, in some way, have some connection to a Member of the Cabinet.

I dare say, it is impossible to appoint a Cabinet for the Republic of Trinidad and Tobago without someone—20-odd Members—being connected in some way to one of these 3,000 or 5,000 matters that come before the Cabinet in any calendar year.

Therefore, in framing the Integrity in Public Life Act, one could not use the common law definition of conflict of interest. It could not be that you would tell Members of a Cabinet that if you are remotely connected to something; if you are in any way connected directly or otherwise, that you should not participate in the decision. Because if that occurred, then in every Cabinet meeting under this Government; under the UNC government; under the NAR government and under all Cabinets prior to that, one, two or several Members of Cabinet would have had to excuse themselves.

So that is an impractical, unrealistic and a completely foolish way of looking at this matter. That is why the Integrity in Public Life Act is framed in this way, that:

“...any person exercising a public function were to make or participate in the making of a decision in the execution of his office and at the same time...”

So you have to be, while we are making the decision—

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“knows or ought reasonably to have known,…”

So either you know or it is reasonable to conclude that you should know:

“that in the making of the decision, there is an opportunity either directly or indirectly to further his private interests or that of a member of his family or of any other person.”

Therefore, it is the decision itself that is important. One has to look at the decision that was made; one has to look at the effect of that decision and one has to determine whether a decision made by a Cabinet Minister has improved one’s situation; has furthered one’s interest; has enhanced the situation of a family member or any other person. And if it does not further their interest; if in making the decision the Cabinet Minister does not enjoy any benefit or no member of his family enjoys any benefit, then it is not a breach and it could only be so. This country could not be run otherwise. There are too many connections and interlocking interests in this society.

That is why the Motion of the Member for Siparia is founded on froth or shifting sand. The Motion is entirely ill-conceived and the Member for Siparia has demonstrated an appalling ignorance of the legal principles involved with this matter.

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

**Mr. V. Bharath** (*St. Augustine*): Mr. Speaker, before I begin, I want to state categorically that this matter before the honourable House and against the Minister of Finance is in no way a personal issue for me and I can categorically state that it is certainly not a personal issue for any of us on this side who have discussed this matter before. The matter that we have raised in the public domain over the last few weeks and which has been raised in the media has certainly been to try to bring some level of clarity to the issues surrounding this issue of integrity in public life.

As a matter of fact, perhaps the goodly Minister may want to find out how her very sensitive and personal information may have found its way into the public domain in the first place, because these are issues that we certainly did not raise initially. This was raised in the public domain by the media, and she may want to consider whether, in fact, in the circumstances it was someone on her own side who may have some kind of personal vendetta and may have leaked this information; maybe someone who might be waiting patiently in the wings to grab her ministerial portfolio—who knows?—maybe someone who has past or present

connections with CL Financial. But I will not say anymore about that at this point in time.

Nevertheless, the issues before us; the issue of conflict of interest and the personal and public integrity and accountability, have assumed monumental propositions in the last few days and probably have never been more relevant than they are today in the lives of public officials.

**2.35 p.m.**

I daresay that the body that has been charged with administering, promoting and upholding integrity in public life in Trinidad and Tobago is now in total and absolute shambles and is probably, the final indicator that all the institutions in Trinidad and Tobago have now collapsed totally. Having said that, I want to reiterate quite clearly that the issues under consideration here today, relate to alleged offences which are substantial, significant and on the face of it, appear to be illegal. Whether in fact they are criminal matters is for another court to determine.

Let me start by saying that where there is smoke there is fire. You may remember that the Minister's judgment first came into question during the budget debate of 2009, when the hon. Member for Siparia, Mrs. Kamla Persad-Bissessar highlighted the fact that the Minister had not made certain declarations to the Integrity Commission. The Government's response at that time was to lay on the smokescreen as quickly as possible. In Trinidad and Tobago, you know we have another adage, "what is in the dark does come to light." Of course, the fire is now raging. In the clear light of day the smokescreen has now lifted. That is what the rising sun does; it illuminates the world and removes the darkness. In the clear light of day this is what has been revealed.

The Minister of Finance in this honourable House has made certain statements which subsequently, have been shown beyond the shadow of a doubt to be untrue. I will quote from the *Daily Express* dated Sunday, March 15, 2009. It is under the headline: "Everybody knew CIB was in trouble." It was a statement made by the Minister of Finance.

"When Finance Minister, Karen Nunez-Tesheira made a statement in Parliament on Developments in Clico...she made no disclosure about her investments of any kind-whether shares or deposits-in CL Financial or any of its subsidiaries...

Persad-Bissessar was the MP who raised the question of whether Nunez-Tesheira withdrew money from any company in the CL Financial group using 'privileged information'.

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In her windup Nunez-Tesheira...said...

‘On December 31, 2008, I withdrew an account which had matured on December 31, 2008.’ Since then, Express investigations have discovered that Nunez-Tesheira had (not one), but two accounts with CIB, which matured (not on December 31) but was due to mature in April and August 2009 respectively. And she applied on December 30 to break these two deposits.”

In an article just above that one is the headline—more questions over Tesheira’s cash-out. It says:

“Bank transaction documents related to the Minister’s two controversial CIB deposits, which were published exclusively in Thursday’s Express, show Minister Nunez-Tesheira making a written request to CIB under the heading, ‘Fixed Deposit Break Request’, for an early cash-out of the two deposits, despite a penalty which cost her a substantial loss of interest payments.

Instead of the 6.50 per cent interest contract rate agreed to...”

She would have gotten that on the fixed deposit, but she was only able to get three and a half per cent as a penalty.

It is quite clear that the Minister having said that the accounts had matured, made a specific request on typed paper asking for a fixed deposit break request.

The following day, Wednesday, March 11, under the big headline Karen broke fixed deposits on the *Daily Express*, the article states:

“Nunez-Tesheira said in Parliament on February 2 that she made the withdrawals from a CIB account that had already matured by December 31, 2008, as she wound up debate on the Central Bank (Amendment) Bill...

‘On December 31, I withdrew an account which had matured on December 31, 2008. You go and check it because when you were making... I wanted to ensure that I was accurate...’”

She was speaking to the Member of Parliament for Siparia.

“...I wanted to ensure that I was accurate on the information, and I called to get all the information that I had on every withdrawal I made in relation to those two institutions.

CIB documents show that Nunez-Tesheira sent a fixed deposit break request form to the CIB manager, Fixed Deposit Department, at #1 Rust Street, St. Clair,...’Please be advised that I/we wish to break the captioned deposit.’”

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Those were the words of the Minister of Finance.

“The form asks: Please state a brief reason for breaking your deposit.”

It goes further.

“A handwritten explanation for breaking the deposit follows, stating, ‘To purchase property. Funds needed...’”

One more article on the same newspaper, ‘Accounts were rolled over’.

“As such, Nunez-Tesheira said she did not realise and was not informed by anyone at CIB that she was, in fact, breaking the accounts.”

This is after writing directly to the CIB Manager, Fixed Deposit Department, specifically, asking for the accounts to be broken and for the break clause to be initiated. She said that she did not realize and was not informed by anyone at CIB that she was in fact breaking the account. When she was questioned further, she said,

““As far as I am concerned, I am saying to you and that would be the end of it, I did not consider...I was asked to roll it over, if that is what the document says, that is what the document says, what difference does it make? I do not know?””

This is the Minister of Finance who is in charge of billions of dollars in the Treasury. She has complete control of how the taxpayers’ money in Trinidad and Tobago is spent. She said, I do not know; what difference does it make? She had no idea she is saying what a roll-over or a break clause was.

Moreover, in the conduct of her functions as a government minister, the Minister would have undertaken duties and functions which would have required a certain level of neutrality and objectivity and freedom from bias certainly to be in a position to retain the confidence of the Minister with the public and also retain the confidence in the transactions in which she was involved.

Subsequent information in the public domain has revealed that the Minister actually had a vested interest outside of the fixed deposit that she had. She had a personal benefit. She had substantial financial benefit tied to the very entity that she was committing this country; tied to the very entity that she was committing the resources of the Treasury to.

Look at this headline: Karen’s conflict. Finance Minister owns CL Financial shares while leading bailout... Nunez-Tesheira owns CL Financial stock.

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“Finance Minister Karen Nunez-Tesheira has presided over the billion-dollar bail-out of the CL Financial group, even as she herself has owned shares in the conglomerate, Guardian investigations have revealed. The revelations raised questions about whether Nunez-Tesheira has a serious conflict of interest, why she has not disclosed her ownership of the CL Financial shares before and even why” indeed, they were not put in a blind trust and were kept in her own name.”

The *Trinidad Guardian* of March 10, Karen’s \$11 million secret, along the same line basically stating that Finance Minister Karen Nunez-Tesheira’s 10,410 CL Financial shares were worth \$11.7 million at the end of 2007, the last time the audited value of the company was assessed. Tesheira would have received a dividend cheque of \$31,230 by owning the 10,410 shares in the group.

When the accusations were made in Parliament the Minister of Finance got up and denied them but indicated that she would address the debate more fully when she wrapped up. In her wrapping up speech which began about 11.30 p.m., Tesheira clarified issues surrounding the withdrawal of her deposits, but did not mention that she held shares in CL Financial.

Furthermore, the Minister’s public utterances over the last couple months have been riddled with inaccuracies and inconsistencies. The very fact that the Minister has chosen not to adequately address these pressing issues have raised in this House an unacceptable insult, not just to this honourable House, but also her ministerial office, the Government and the people of Trinidad and Tobago. The arrogance displayed by her colleagues and the Government who have banded together to prop her up dismissively, flippantly and unjustifiably, as my colleague here says, trying to fob off these allegations against the Minister is nothing more than a thinly veiled attempt to portray this as nothing more than a storm in a tea cup. Look at this picture! Look at the headline: “Look at the big picture”. Look at these three faces; three glum faces. The Member for Diego Martin North/East, Sen. The hon. Hazel Manning, and Conrad Enill. Look at the big picture!

**Mr. Manning:** Be careful what you say about Hazel Manning.

**Mr. V. Bharath:** I am saying the hon. Hazel Manning, still nevertheless looking glum. I hope she is not looking glum because of you, Prime Minister.  
[Laughter]

Look at this picture! On a very appropriate day, this headline, “Look at the big picture.” It was on Friday, March 13, black Friday. Look at them all; looking as though the sky is about to fall.



I am sorry that the Member for Diego Martin North/East has left. In his defence of the Minister which concluded today, he skirted the issue completely. He talked about everything from Chinese walls to trying to give lectures in law. He talked about the differences between common law and stature law; the golden rule; the literal rule and the mischief rule. He talked about everything else apart from the issues of conflict of interest, public accountability and. He talked about green donkeys and everything that skirted the issue, but did not in any way address the issue we are here to talk about.

**Mr. Manning:** I like your tie.

**Mr. V. Bharath:** Thank you. We could swap later. Once again, we see the hand of the Prime Minister in glossing over the corruption and abuse of office, when he commented that he saw nothing wrong about the matter. We must remember that he did the same in the billion-dollar scandal regarding CEPEP which was exposed by the Auditor General. He did it when he defended UDeCott and the Calder Hart issues despite the mismanagement of hundreds of millions of dollars.

**Mr. Manning:** I did it with when I discovered dog rice.

**Mr. V. Bharath:** He did it when he realized that UDeCott was bypassing all the tender regulations. Now, it is the turn of Karen Nunez-Tesheira. The evidence against the Minister suggesting that she has acted in an inappropriate manner is a clear conflict of interest was first raised several weeks ago in the public domain. This has had nothing but the effect of undermining public confidence in the Minister and public calls for her resignation or dismissal from the society at large.

Unfortunately, the Prime Minister has attempted to portray at every turn, critics of the Minister as being agents of the Opposition. Here is a small sample of public denouncements of the Minister.

### **2.50 p.m.**

Here is a small sample of public denouncements of the Minister. Professor Selwyn Ryan. [*Interruption and crosstalk*] I thought this might touch a little nerve—in his Sunday column says:

“Miss Tesheira has been caught, and in my view, she ought to walk. Either that or the Prime Minister should invite her to do so. Not to walk the talk is to behave like an ethical wajang, fishnet stockings and all.

One wonders whether Ms. Tesheira levelled with the PM and whether he reshuffled his Cabinet knowing that Ms. Tesheira was toxic. If he knew, and did not consider what she did was unacceptable, then the Lord help us.”

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Mr. Reginald Dumas, the highly respected and regarded former head of the public service—“yuh know him?”—in the *Daily Express* of March 12, 2009 said that he was dismayed when he read media reports that Nunez-Tesheira had not disclosed her interest in CL Financial.

“In my mind, she should do the honourable thing and step aside,... This has an impact, not only nationally, because...a lot of people would not be able to repose confidence in the financial system, but also internationally.”

Respected journalist, Andy Johnson, said:

“Nothing about what is happening here is an invention of anybody but the finance Minister. As lovable as she is in the public at large, it is entirely on the basis of her own words and actions that she has created this credibility gap that now hounds her. She had to be brought screaming and kicking to the admission that she had withdrawn money from Clico Investment Bank before its collapse. She said nothing then about having shares in CL. Worse yet, she told the Parliament that she had withdrawn the deposits before they had matured.”

Victor Hart, Chairman of the Trinidad and Tobago Transparency Institute (TTTI) had this to say on March 12, 2009, in the *Guardian*:

“TTTI is of the view that the minister may have left herself no options but to resign over this conflict of interest issue.”

Finally, the one that I am sure they would like, the *Newsday* editorial of March 15, 2009.

“The problem with finance Minister, Karen Nunez-Tesheira is not that she had shares in CL Financial or investments in Clico, the problem, and it is a big problem, is that she is not just anyone, she is the Minister of Finance.

Now, it is entirely possible that Miss Nunez-Tesheira’s failure to declare her interest is the result of carelessness, rather than because of any nefarious motives, but even if this is so, it does not alter the fact that the issue is of political creditability. This would be important for the holder of such a key portfolio at any juncture.

*[Disturbance in public gallery]*

**Mr. Speaker:** Order, please! Remove that person from the House! Remove that lady from the House! Remove that stranger from the House!

**Mr. V. Bharath:** Thank you, Mr. Speaker. It is unfortunate—

**Mr. Speaker:** No.

**Mr. V. Bharath:**—that many of our citizens have unfortunately been reduced to that in this country. Nevertheless, you all are not out there. There are people like that out there, whom I see everyday, people who are suffering. It is unfortunate.

Nevertheless, this would be important for the holder of such a key portfolio at any juncture, but it is mandatory at this time of global financial crisis. This latest revelation is, therefore, only the culmination of a pattern. Since a fundamental aspect of economic recovery is restoring confidence in the financial sector, the country cannot afford to have a finance Minister who is now widely mistrusted. From that perspective alone, Ms. Nunez-Tesheira has no choice but to resign or she should be fired.”

Mr. Speaker, that is the editorial of the *Newsday* of March 15. This is just a small sample of the uncompromising demands for the resignation of the Minister of Finance. None of these people, none of them, by any stretch of the imagination, can be considered to be part of an Opposition smear campaign. Instead of fully airing and addressing the issue, the Government’s demonstrated position has been, was, always will be and is to do nothing. Sweep it under the carpet to let time pass, people would forget about it.

In the past few weeks, the Minister has continued along her merry way, finding time to, of course, make several foreign trips in the interim, but not time to tell the country the truth about the issues confronting us. That is what has happened. As far as they are concerned, this is PNM country and they can do as they please.

Imagine a Government Minister, in whom the country has expressed a lack of confidence, who has been challenged openly as having engaged in what is considered by many to be insider trading, is being allowed by the Prime Minister to continue to conduct business, not just on a national basis, but internationally on behalf of this country. What confidence can organizations like the IMF have in a representative of Trinidad and Tobago who is under a cloud like this? What confidence can the investors looking on at Trinidad and Tobago have of this country, when it is perceived that the Minister is in some way tainted because of the judgment and decisions? What confidence can those people whom we are attempting to woo to be tenants in the International Financial Centre have in this country? We must remember that this is the same Prime Minister who fired a Cabinet Minister because he allegedly shouted at somebody. Here we have allegations

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of major financial misconduct and the Prime Minister could only offer the concerned citizenry this:

“I wish to reaffirm the confidence in the Minister I had when she was first appointed and until such time that something happens that causes me to want to change that, the status quo remains.”

The population of Trinidad and Tobago must just accept that. God has revealed himself. The Prime Minister has spoken. That is simply not good enough.

I do not care and this country does not care what the Prime Minister thinks of the hon. Minister privately. That is not even an issue in contention, at least not here. He could love her or he could hate her. That is a matter for him, not a matter for us here. What the country wants and what the country deserves and has been waiting for several weeks, week after week, to hear is the truth. We need to get a response to these allegations of misconduct in public office, nothing more, nothing less than the truth not, not some glorified PR stunt.

The Prime Minister and his billion-dollar PR machine have attempted to shield the Minister from the public, in the hope that this matter would die and go away. The irony is, of course, that the more they attempt to hide the reported misdeeds of the Minister, the more information seems to come to the fore and the deeper it highlights the disgusting abuse of office in Trinidad and Tobago. I want to repeat that these are not minor allegations. They are not frivolous allegations. Whilst they are playing their PR games and whilst they save their own skins, their own investments and their own money, they abandon the poor cane farmers, the poor doubles vendors, the poor market vendors and the others who invested their life savings in the Hindu Credit Union. These are poor people. The PNM has never cared about poor people in this country.

The Minister of Finance, when she referred to the auditor’s assessments when explaining why the Government refused to get involved in the issue to protect depositors of HCU, on the very same day, talked about that and why they could not get involved. It was ironic that the Central Bank Governor was bemoaning in an article in the *Express* of February 14, 2009, under the headline:

“Clico’s \$10 billion hole, much worse than we thought”

The Governor is quoted as saying:

“We have made much progress in clarifying the present financial position of Clico, which unfortunately appears to be much worse than we envisaged.”

That was February 14, 2009. That was two weeks after this Government, via the Minister of Finance, had gotten involved in the CL Group. For 14 days, after January 30, 2009, on the signing of that agreement, this Minister of Finance had not a single clue what the true financial status and viability of the CL Financial Group was and its constituent companies. She certainly knew about her own finances, because she protected those.

That highlights another issue. We are not talking here about any ordinary man or any ordinary woman in the street who may not have an understanding of the fineries and the vagaries of law. We are talking about a Minister who is a lawyer, who is the author of two law books, who was a lecturer at Hugh Wooding Law School and who wrote on ethics in the legal profession. If anyone in that Cabinet, in the Government, in this Parliament or in Trinidad and Tobago should understand the repercussions of her actions, it is this Minister of Finance.

Does the Minister not understand the law? Does she not understand what insider trading is? Does she not understand the implications of misleading this Parliament and the nation by extension, about the true nature of the transactions in which she was involved? Every indication is that this Minister knew exactly what she was doing when she broke her fixed deposit, but she claimed otherwise. There was no mistake there. This was intentional. The mistake, sadly for her, is that she got caught. That was the mistake. The irony, of course, is that I do not believe this Minister is alone or even the worst of the culprits in this Government, when it comes to abusing their office. I am certain that it is only a matter of time before other Members are exposed; who are equally culpable or more culpable than this Minister of Finance.

This issue is now doing irreparable damage and now harm to this nation. Already, under this PNM Government, this country has developed a reputation for corruption; a reputation that lies squarely at the feet of this Government.

I know we have spoken before about the Corruption Perception Index in this honourable House, but I think it is worth revisiting. The Transparency International Organization provides a Corruption Perception Index annually, which has consistently gotten worse under this PNM regime. In 2001, the Corruption Perception Index placed Trinidad and Tobago No. 31, which meant effectively that there were 30 other countries that were less corrupt than Trinidad and Tobago. By 2002, the PNM now in office, the rank suddenly went to No. 33. Within one year, which was 2004, we leapt 10 places to No. 43; from 31 to 43 in the space of three years. By 2005, when corruption became endemic in Trinidad and Tobago under this Government, the slide escalated and Trinidad and Tobago was rated and had fallen to No. 59. By 2008, last year, the index for this country was a miserable

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No. 83. This country, thanks to the PNM for the last seven years, has slid 50 places as far as the Corruption Perception Index is concerned. Now, of course, with the UDeCott revelations, the Tarouba Stadium, the Scarborough Hospital, the Performing Arts Centre, the Water Front Project and the current indiscretions of the Minister of Finance, I am sure we would be looking towards the 100 mark very shortly.

That is what the Summit visitors who came for the Summit of the Americas would have been told and briefed about this Government. The Prime Minister of this country has spent close to \$1 billion on the Summit of the Americas, regardless of how he tries to portray that it is only \$350 million as he said recently. It is close to \$1 billion that he has spent on the Summit of the Americas to try to present some kind of a made-up face to the world, to impress the President of the United States and others, but he could not hide the decay in integrity in Trinidad and Tobago, nor the deteriorating social, infrastructural and financial problems this country is suffering. Millions of dollars spent on the best food, the best drinks and the best wine that money could buy while 250,000 people, according to your own surveys, live on the edge of starvation, poverty, destitution and homelessness. The irony of it all is that the 34 heads who came here several weeks ago would already have been briefed on the current state of Trinidad and Tobago under Prime Minister Manning: corruption, corruption, corruption.

**3.05 p.m.**

And, through it all, the Prime Minister continues to have faith in the Minister of Finance but, of course, we should not be surprised. After all, this is the same Prime Minister who has shown immeasurable confidence and faith in the Minister of National Security who has presided over the worst crime spree and crime wave this country has ever seen or is probably ever likely to see, unless he stays in office much longer.

Likewise, the Prime Minister has repeatedly and publicly embraced and expressed his confidence in Mr. Calder Hart, even though the Uff Commission of Enquiry has thrown up revelations of massive corruption and mismanagement at UDeCott and the mishandling of billions of our dollars.

Do not forget, this is the same Prime Minister who invited gang leaders, murderers, rapists and drug dealers to breakfast with him and, subsequently, elevated them to the status of community leaders, doling out taxpayers' money to the tune of hundreds of millions of dollars willy-nilly. This is the same Prime Minister who cannot find time to visit the victims of these same thugs, murderers and thieves. This is the same Prime Minister who cannot find the money to ensure that the victims of crimes are properly compensated.

Mr. Speaker, it is clear to me, as it must be clear to you, that there are certain persons in this country who are effectively untouchables. By all indications, these people operate above the law. They are the chosen ones—the ones who could do no wrong—and even if they did, the Prime Minister, by veto and PR, will simply allow or make the misconduct to disappear in a puff of smoke. Calder Hart is an untouchable; Martin Joseph is an untouchable; the energy czar is an untouchable; the education czar is an untouchable and now it is clear that Karen Nunez-Tesheira is also an untouchable.

As an aside, it is clear that Karen's luck is not Keith's luck. The Prime Minister has continually affirmed his confidence in the lady Minister whilst he conducts and continues to conduct a witch-hunt against his former Minister of Housing and Minister of Trade and Industry.

The Member for Diego Martin West has been cleared by two independent investigations into the Cleaver Heights issue, and yet this country paid a forensic scientist to the tune of \$31,000 a day to continue to investigate the former Minister. The Prime Minister continues to hold on to the Minister of Finance—of course, not literally—in spite of continued calls from the society for her resignation.

As fate would have it, despite the deliberate attempts by the Government to shield the Minister of Finance from the public eye, immediately preceding the Summit of the Americas, recent events have served to bring the matter back to the fore.

So, we have a situation where on May 03, 2009 there was a headline “CL executives point fingers at Duprey”. This article was written by an award winning journalist, Camini Maharaj, in the *Express* which added some further fuel to the fire. The article included names of two Government Ministers who were referred to, according to the article as “Duprey-made CL fortune winners, now sitting on the other side of the fence...” The article says:

“Trade and Industry Minister Mariano Browne, a former president and chief executive officer of the Bridgetown-based, CLICO-owned Caribbean Commercial Bank...”

The second person was, of course, Karen Nunez-Tesheira. I am going to quote from the article and it says:

“The Finance Minister was the sole beneficiary of her late husband's estate. CLICO insiders told the *Sunday Express* that the company wrote off the

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mortgage on Nunez-Tesheira's Champs Fleurs property and gave her the black Mercedes-Benz provided for her husband's use, among other things."

**Mrs. Nunez-Tesheira:** On a point of order, Standing Order 36(5).

**Mr. Speaker:** You only have to identify the Standing Order. Standing Order 36(5) deals with improper motives.

**Mrs. Nunez-Tesheira:** Mr. Speaker, the Member—

**Mr. Speaker:** I am listening to the debate. I think the Member is quoting from an article in the press. Please, proceed. [*Desk thumping*]

**Mr. V. Bharath:** Thank you, Mr. Speaker.

**Mr. Speaker:** Let me draw a distinction. This is not an ordinary debate. This is basically a substantive Motion, virtually questioning the conduct of a Minister. It is not an ordinary debate. So, it is a debate on a substantive Motion pursuant to very much 36(10). So, one has to be very careful.

**Mr. V. Bharath:** Mr. Speaker, thank you. Let me just reread that. It says:

"The Finance Minister was the sole beneficiary of her late husband's estate. CLICO insiders told the *Sunday Express* that the company wrote off the mortgage on Nunez-Tesheira's Champs Fleurs property and gave her the black Mercedes-Benz provided for her husband's use, among other things."

Mr. Speaker, for once, the normally lethargic Minister was quick to respond. She said in an article on Monday, May 04, 2009, the following day, there was a headline, "Karen: Husband's company did me no favours" and it says:

"Finance Minister Karen Nunez-Tesheira has categorically denied the assertion that the CL Financial conglomerate wrote off the mortgage on her Champs Fleurs property following the death of her husband..."

Minister, I am going to clear that up for you. It continues:

"Nunez-Tesheira said the property was insured as 'tenants in common' and on Russell's death the insurance discharged his liability as it was obligated to do under the terms of the policy.

'The company, in meeting its normal legal obligation, did me no favours,' she stressed.

Nunez-Tesheira said the company left her with the Mercedes which her husband used in the performance of his duties, a four-year old Mitsubishi



Lancer (which Tesheira obtained from the company for the Under-17 football team that he managed) and the company paid for her husband's funeral expenses."

Mr. Speaker, suddenly, the Minister of Finance, who only a few weeks ago did not understand the terms maturity, break clause and rollover, suddenly knew the meaning of these more complex terms of "tenants in common" and so forth used by insurance companies. [*Laughter*]

Mr. Speaker, the issue of the cars being left for her seems a bit odd. However, the Minister was not too forthright in her justification of why these gifts were given to her by CL Financial, but that is not really the point. You see, I take my cue from the comment "Husband's company did me no favours", because it would appear from all intent and purposes that the Minister still has not understood clearly the gravity or the weight of the evidence of her alleged misconduct.

**Dr. Moonilal:** That is true.

**Mr. V. Bharath:** I would not even comment on the sudden transformation of CL Financial from being an international powerhouse insurance organization involved in methanol plants, supermarkets and real estate all over the world, suddenly being transformed into my husband's company. I would not even discuss that even though it does raise some eyebrows as to the sudden levels of familiarity. What it does is that it proves a history of dealing, of receiving substantial benefits including two motor vehicles; one of which is a Mercedes Benz from the same company she rushed into to bail out only a few weeks ago. [*Desk thumping*]

The question is not whether your husband's company did you any favours, but the issue is—according to the information before us and which is in the public domain that is now being revealed in this honourable House—that it appears that it is the Minister who compromised her position in her dealings with CL Financial. [*Desk thumping*] The Minister of Finance did herself a favour, not her husband's company. They did not do her a favour, but she did herself a favour. It was the Minister who managed to withdraw funds belonging to her and her family immediately before the company collapsed.

You did yourself a favour. The Minister of Finance used her public office for private gains. [*Desk thumping*] That is what this is about.

**Dr. Moonilal:** You bail out mummy's money.

**Mr. V. Bharath:** Mr. Speaker, the unprofessional conduct continues. Three weeks ago, the true extent of the bail out started to reveal itself although it got somewhat lost in the clutter of the summit. I wonder how many citizens realized that this Government has committed taxpayers' money to the tune of \$315 million to CL companies in the Caribbean. You see, it was caught up in the Summit of the Americas so it may have slipped many of us. There is a headline: "Karen: US\$50m bailout crucial". This was in the *Express* dated Thursday, April 23, 2009 and it says:

"A US\$50m rescue of CL Financial subsidiaries British American and CLICO in the Organization of Eastern Caribbean States (OECS) countries was necessary, given the impact of the failure of these companies on territories which are major markets for local manufacturers, Finance Minister Karen Nunez-Tesheira says."

Mr. Speaker, we are sending \$315 million that belong to the taxpayers of Trinidad and Tobago to Caricom islands to bail out a company that has established in these markets when we ourselves in Trinidad and Tobago are being told that we must tighten our belts.

Mr. Speaker, we continue to fritter away hundreds of millions of dollars that continue to be in the hands and control of the Minister of Finance. We continue to fritter away the legacy of our children to countries and to people when we should be looking after home first. This follows on after \$1 billion has already been injected into the local financial system to prop-up the depositors, pension fund holders and the medical plan holders of Clico. We are also informed of the promise of a further \$5 billion that is going to be pumped into the system to assist the CL Financial group.

In other words, having already admitted that the assets of CL Financial are insufficient to cover its liabilities, because the assets are highly leveraged and encumbered, we continue to spend more money without knowing the full extent of how much money we are going to be pouring into this black hole.

We have now injected \$6,315 million into this black hole. It appears to me to be extremely poor management practice that we are looking at—bailing out an organization of the size of Clico when we did not do any adequate background scientific work to ascertain exactly how much this Government is committing on behalf of the taxpayers of Trinidad and Tobago. That raises suspicions, and when tied to the revelations of the even more suspicious conduct of the Minister, as line Minister, and as personal beneficiary in a substantial financial transaction, immediately before the takeover which was orchestrated and managed by a team headed by her, the whole issue reeks of corruption.

**3.20 p.m.**

**Mr. Speaker:** Hon. Members, the speaking time of the hon. Member for St. Augustine has expired.

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

*Question put and agreed to.*

**Mr. V. Bharath:** Thank you, Mr. Speaker; thank you to my hon. colleagues. It gets worse, despite the cloud of misconduct in public office allegations made against the Minister, tantamount, as we have said to insider trading, I read earlier this week in the *Express* of May 06, headline:

"Duprey, Karen in talks again

Govt closer to greater control of CL Financial:

The Government moved one step closer to its demand yesterday for a greater say in the management control of the financial-distressed conglomerate, CL Financial, following private talks between the group's executive chairman Lawrence Duprey and Finance Minister Karen Nunez-Tesheira."

Mr. Speaker, where else in the world can a Government Minister spit on the face of the population like this and walk away freely? Where else? These are not petty allegations that have levied against the Minister of Finance. In fact, the Director of Public Prosecutions—as you may know, Mr. Speaker, as expressed in this House by the hon. Member for Siparia—has expressed a view that there is sufficient evidence to warrant an investigation into this matter and we cannot simply just walk away from it and pretend that nothing has happened and that nothing is wrong. We are witnessing the commitment of billions of dollars by a government that was forced only recently through its own financial recklessness to cut the annual budget, to cut valuable and necessary resources in Trinidad and Tobago.

We are seeing the commitment of billions of dollars to CL Financial under this Minister's guidance. Hospitals, schools, health care centres, local governments, have all found their allocations drastically and, dramatically cut in the last couple of months, in a bid to reduce Government's expenditure in anticipation of massive falls in Government revenues. Suddenly, without any proper assessment we now see a reversal of that policy, as far as the Government is concerned.

It appears to be spend, spend, spend. They are back on their spending spree even without being able to tell this country what the final cost to the taxpayers

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will be. That has always been the issue on this side. We were asked previously in this House to vote on the bail out, which we had no clue what the value of it was. [*Desk thumping*] We are seeing it here today; that was always the issue that we had. We had no idea how much this Government was committing this country to and neither did they, and they still do not.

Mr. Speaker, this is no different from the corruption riddled Tarouba Stadium, Scarborough Hospital, the Performing Arts Centre and the Waterfront Project, PNM sponsored and supervised billion-dollar drains on the public purse. It would appear from all the facts that the Minister of Finance simply does not understand the difference between right and wrong, and this being so, continues to compound the wrong, ably abetted by the Prime Minister. We are, of course, all aware that he does not know the difference between right and wrong, which is why he continues to support the corruption and abuse of office that swirls around the offices of Calder Hart. That is why he is supporting murderers and not the victims—

**Mr. Speaker:** I think, hon. Member, you have made in the last statement there, which I think it is a little out of order. So, be careful.

**Mr. V. Bharath:** I apologize, Mr. Speaker, if I have caused any offence to either the House or to the Prime Minister—that is why he has interfered in the public service on so many occasions; Marlene Coudray, Marlene Ramjohn, Davant Maharaj, and so many others who the Prime Minister has taken the time to personally persecute for his own purposes.

I propose to write on this matter to the Commonwealth Parliamentary Association, seeking their guidance on this matter. I intend to write to every international agency and every international body to which this country belongs, in protest of the misconduct of this Government, of the Prime Minister and of the Minister of Finance in particular. It shows absolute contempt for the laws of this land. The fact that this matter has been allowed to fester and to rest for as long as it has without being addressed by the arms of the law reveals the sorry state of the administration of justice in Trinidad and Tobago. [*Desk thumping*]

This is a Government that has spearheaded an assault of a kind never seen before in this country against a sitting chief justice of Trinidad and Tobago, based on the instigations, the allegations, and the accusations of a chief magistrate. Having had the conspiracy fall flat on its face, the Chief Magistrate now continues as though nothing has happened. Having destroyed the name and the character of the highest judicial officer of the land; having been ably aided and abetted once

again in the process by the same Prime Minister, the Chief Magistrate has not been charged with perjury, wasting police time, or any of a myriad of charges, which could have been laid against him.

**Mr. Speaker:** You are sailing close to running afoul of 36(10), which talks about persons engaged in the administration of justice. The Chief Magistrate is such a person.

**Mr. V. Bharath:** Thank you, Mr. Speaker, I am guided by you. Again, it seems that the Prime Minister today, even before his specially concocted and proposed constitution becomes law or as he intends it to become law, he is already a law unto himself, and it appears very frighteningly, the very law itself, it seems that the Prime Minister has full control of the administration of justice, and I say this with no malevolence to the Chief Justice, nor to any magistrate or any judge in Trinidad and Tobago. The evidence is that when the Prime Minister wants a matter to be shelved it seems to be effectively shelved at his whim.

The Minister of Finance continues to interfere in the CL Financial situation and the dealings of CL Financial with total disregard for the substantial allegations being made against her. You may recall that a former witness in a bribery investigation and bribery scandal involving several PNM Government Ministers, in which a current Member of Government is actually allegedly fingered, revealed in sworn statement that has never, ever been disproved, but the PNM takes care of its own. [*Desk thumping*] They have ways of making things go away.

Mr. Speaker, as Trinidad and Tobago continued to be robbed of its resources through corruption and mismanagement under this Government; as the Government continues to turn a blind eye to this massive corruption in the state sector, our international reputation is in tatters. Our resources continue to be depleted to feather the nests of others, whilst our people suffer for the most basic of amenities.

The Integrity in Public Life Act states—and there was no misconstruing it by the hon. Member for Siparia as the Member for Diego Martin North/East wished us to believe—

"conflict of interest is deemed to arise if a person in public life or any person exercising a public function were to make or participate in the making of a decision in the execution of his office and at the same time knows or ought reasonably to have known, that in the making of the decision, there is an opportunity either directly or indirectly to further his private interests or that of a member of his family or of any other person."

The actions of the Minister of Finance have served only to bring this nation into further disrepute and must not be accepted. We must insist, as a people, that

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we will not sanction misbehaviour in public office, abuse of state funds and disrespecting the Parliament and the people of Trinidad and Tobago. We must demand more.

Mr. Speaker, it is my view that the Minister has not only misled this honourable House, but the country, in that the statements that she has made have turned out to be inaccurate; she knew that they were inaccurate, or at least she should have known that they were inaccurate, and these statements are deliberately calculated to mislead the House.

In the last few days three very prominent members of society: Justice Zainool Hosein, Mr. Jeffery McFarlane and yesterday, the chairman of the Integrity Commission, Father Henry Charles, all saw it fit to place country before self. Their conscience has dictated that their positions were untenable. They knew that what mattered was not only the letter and the rule of law, but also the spirit of the law, and by their actions, they have demonstrated a level of maturity and integrity that is a lesson for us all.

The Minister of Finance must take a cue from these gentlemen in order that she maintains—[*Desk thumping*—the outstanding professional reputation she has worked so hard to build over so many years in her previous career. I therefore call on the Minister of Finance to withdraw from the CL Financial negotiations forthwith. [*Desk thumping*]

Further, I call on the Minister of Finance to resign immediately in keeping with the basic standards and tenets governing the office, which she holds. [*Desk thumping*] It is not too late to do the right thing. You have brought shame and disrepute to this honourable House, not merely on the basis of the allegations made against you, but by your stubborn refusal to acknowledge their severity and to take the requisite action. As an attorney, you have brought shame and disrepute to the law you once taught.

I want to make it abundantly clear that I support this Motion brought before this honourable House by the hon. Member for Siparia, Mrs. Kamla Persad-Bissessar, and I call upon the Prime Minister to revoke the appointment of the Minister of Finance with immediate effect.

I thank you very much.

**The Minister of Education (Hon. Esther Le Gendre):** Mr. Speaker, I rise on behalf of the Members on this side, to contribute to the debate, which was in progress when the House adjourned on March 27.

I am not about to rehash all of the arguments in rebuttal of all the allegations made against the Member for D'Abadie/O'Meara, they have been more than

adequately dealt with by the hon. Member for Diego Martin North/East. After the fire and brimstone brought down by Opposition Members and their allies, a more measured assessment is taking place in the public domain at this time.

One of the questions we have to ask and one of the questions that the people out there are asking is: What is all of this about? What is the real agenda of the Members on the opposite side in continuing to rehash and regurgitate this argument over and over. It is as though the Members on the other side do not understand the purpose of a debate. I think it is reasonable that when your point is rebutted, reasonable debaters withdraw the points, they press on and they try to raise something afresh.

The public is not stupid. Just in today's newspaper, under the banner:

"Integrity, Anyone?"

Reginald Dumas"

I think he offers an interesting perspective. He said:

“‘If the leaders of reform’ - and our government is always going on about reforming this, that and the other – ‘are not seen as having integrity themselves, the entire anti-corruption effort can derail and the public commitment to reform falter.’”

My question is, is this the real agenda of the Members on the opposite side to stir up feelings of a lack of integrity among Government Members and everybody who puts themselves up for public office. Is this the real agenda of the Opposition?

**3.35 p.m.**

Mr. Speaker, the Member for Siparia, in the Motion suggests that the Minister of Finance has conducted herself both within and outside the House contrary to the tenets of transparency and accountability. Who out there understands clearly these tenets of transparency and accountability, because I have a funny feeling they are making it up as they go along.

**Mrs. Persad-Bissessar:** You can say anything.

**Hon. E. Le Gendre:** Well, that is why I am the Minister of Education and you are no longer that. [*Desk thumping and laughter*] A source book says—[*Interruption*]

Mr. Speaker, it is pure harassment of the Member for D'Abadie/O'Meara and no amount of lipstick on a pit bull will change that. It is pure harassment!

**Hon. Member:** “Oooh.”

**Hon. E. Le Gendre:** A source book on transparency and accountability—*[Interruption]* That person pales in comparison, “eh”—suggests that a conflict of interest arises when a person is influenced by personal considerations when doing his or her job. I am not making this up. You asked for the tenets of transparency and accountability and Hon. Dumas, whom I was happy to quote before, suggested what they are. “Decisions might be made for the wrong reasons, but there are also perceived conflicts of interest which even when the right decisions are being made can be as damaging to the reputation of an organization and erode public trust as an actual conflict of interest.” We are at the mercy of interpretations and clever manipulators on the other side because they make up, they twist and they redefine and when they get a response they turn it around.

The Member for Siparia got up in this House and said, I have just been advised as we speak that for people who are presently cashing cheques at the Treasury, the Treasury has run out of cash. Mr. Speaker, do you remember that statement? *[Interruption]* Where is the integrity? It comes back to the same agenda. What is the real agenda of the Members on the opposite side? Because to stand there passing on unchecked information unverified information, is just to cause panic and mistrust. Then the Treasury should have fallen already. It stands to reason, hon. Member, the Treasury should have fallen already. *[Interruption]* The Treasury should have gone bust already according to your allegations.

**Mr. Abdul-Hamid:** Let us hear what she did with common entrance results.

**Hon. E. Le Gendre:** Well, we do not even want to go there, I have to check the video in “meh” office and the bar—*[Inaudible]* *[Crosstalk]*

The Noland Committee on standards in public life suggests that holders of public office—according to this principle—have a duty to declare any private interest relating to their public duties.

**Hon. Member:** What is the issue?

**Hon. E. Le Gendre:** So, what is the issue? It is declared and declared to whom? The Member for D'Abadie/O'Meara, is on record as having made due declarations to an Integrity Commission and the purpose of that declaration is so that should there be any activity in her public life that is not consistent with the declarations made there, they can be duly investigated.

So, we do not really need people to suggest to this honourable House that a letter was sent to the DPP requesting that a criminal investigation be launched into



the activities of certain persons and then presenting to a very gullible media that somehow the Acting Director of Public Prosecutions agrees with the Member for Siparia. The fact is, if you present a letter to an organization that is authorized to do something about it, I think the common courtesy is that one acknowledges such a letter and then you go through the motion, albeit unnecessary, of investigating the matter, but it does not mean that the fact of having made that allegation, that the allegation is correct. I think the DPP is entirely within her rights and must look at any information presented to her.

The Members on the opposite side continuously dance that grey area—you know the best lie always has a grain of truth in it.

**Mr. Manning:** That is how the Devil operates.

**Hon. E. Le Gendre:** Yes, a little truth and a great deal of the other stuff. *[Interruption]* So, the question is always—as Hon. Dumas raised—“could there be any present and/or future personal benefits that could cast doubt on my objectivity, that is the objectivity of the person in public life who is making a decision. Have there been such benefits in the past if I participate in examination or decision-making, would I be worried if my colleagues and the public became aware of my association or connection?”

Mr. Speaker, on previous occasions the Member for D'Abadie/O'Meara has been at pains to point out that at no point in any of her actions could it be reasonably proven that the decisions made were decisions in her own interest. The first accusation made against the Member for D'Abadie/O'Meara suggested that she had knowledge of certain information at the time that she acted in her own financial affairs. When that appeared not to be sticking, attempts were made to manipulate the timeline, because you see it was very important to prove that long before December 31, the Member for D'Abadie/O'Meara had some information that was available to her in her public capacity and so an attempt was made to fix some new timeline, sometime back in April 2008, but the records will show that also was a red herring, or a red grouper as the Member for Siparia likes to say.

It was such a red grouper that the so-called timeline of April 21, 2008, there was nothing sinister in that timeline; it was a situation in which all insurance companies were called by the Central Bank regarding the prescribed statutory fund asset allocation. So, there goes one aspect of the claims and allegations made by the Member for Siparia. It is a matter of record that in the decisions taken by the Member for D'Abadie/O'Meara—

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- the first decision taken on behalf of the Cabinet was the decision to guarantee all third-party depositors of the CIB;

The Member had nothing to gain from this decision.

- the second decision taken was executed on behalf of the Cabinet to guarantee all third-party depositors of Clico and British American;

Again the Member for D'Abadie/O'Meara had nothing to gain from this decision; and

- the third decision taken on behalf of the Cabinet was to pilot two Bills, The Central Bank (Amdt.) Bill and the Insurance (Amdt.) Bill of 2009.

Again, the Member for D'Abadie/O'Meara had nothing to gain from piloting these two Bills. As a result of these amendments the Central Bank now has the power to take control of insurance companies where in accordance with section 44(D)(1) of the Central Bank Act.

Mr. Speaker, returning to the source book, because this issue raised by the Member for Siparia and the tenets of transparency and accountability, I want to continue to refer to what the experts say about this. What they say is:

“Hand in hand with the issue of conflict of interest walks the issue of ethics.”

This is what the source book says in part about it:

“Unless political leaders demonstrate high standards they have no moral authority upon which to draw when they wish to reprimand others.”

I notice it is thinning out on that side of the room and perhaps in the future there will even be less people as we begin to apply this particular tenet, which is:

“Unless political leaders demonstrate high standards they have no moral authority upon which to draw when they wish to reprimand others.”

Mr. Speaker, perhaps now is a good time to ask, where was the goodly Member for Siparia when all was falling around her ears in that party? Where was the Member for Siparia when according—I recognize the arrival of the Member for Tabaquite, just in good time, because the Member should know that he was the unwitting provider of much excitement a while ago in the House because the claims of the Member for Tabaquite relating to certain payments made to the Members of the other side apparently touched a raw nerve. Member for Tabaquite, they said you are a liar. It is in *Hansard*, they said you are a liar.

**Mr. Maharaj SC:** They said that before.

**Hon. E. Le Gendre:** But I want to know, where was the Member for Siparia when her leader was saying stuff like this. “He indicated that if his Ministers had any information about alleged corruption or complaints, they should go to the parliamentary committee set up to investigate the ministries, Ministers and public officials. These are what the parliamentary committees are set up to do, not to discuss the business of Parliament, but to investigate the ministries.”

Back in August 2001 speaking with the *Trinidad Guardian*, the Member for Couva North was asked if he saw the various statements about corruption from his Ministers as a sign of a probable rift in the UNC administration; he said, “No, it is a lot of stupidity and forgetting that these committees had been set up and so on.” Addressing the UNC-A assembly at the SWWTU Hall in Port of Spain, Mr. B. Panday said, “He would not sweep corruption under the carpet nor would he go on a witch-hunt.” He called for those who had evidence to bring it, do not resign.

There is a big difference between the way in which the PNM deals with allegations of corruption and the way in which those on the other side might choose to deal with that. On this side—there is nothing across there that could distract me—*[Interruption]* When corruption is alleged, what our leader has done in the past is to allow the law to take its course or to keep in step with the public requirements established in commissions of enquiry into the allegations made.

### 3.50 p.m.

And William Lucie-Smith, speaking on May 06, 2009 said:

"A new Integrity Commission has been appointed amidst some rather strange happenings and at the stage we cannot tell if these are missteps or (if they) disguise some strategic mischief."

Mr. Speaker, there is a trend here. In looking at today's article by Mr. Reginald Dumas, I raise the question: what is the agenda of the Members on the other side? And again, yesterday, the same paper in its commentary and analysis is raising the question, "We cannot tell if what is happening around us are missteps or if they disguise some strategic mischief."

Mr. Lucie-Smith goes on to say:

"The second extraordinary event"—around the setting up of these Commissions—“was Kamla Persad-Bissessar’s threat of action to force the President to expedite appointment. This came before it had been revealed in the press that the President had written to the Leader of the Opposition for suggestions as to who might be appropriate appointees. Whether Mr. Panday responded to that we don’t know.

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However, following Mrs. Persad-Bissessar's extraordinary assault, the President was forced to reveal that he had written to Mr. Panday since April 09, 2009 listing the proposed appointees and asking whether he had any objections. We are now asked to believe that neither Mr. Panday nor Mrs. Persad-Bissessar knew of this letter which was mislaid in the Office of the Leader of the Opposition.

It is hard to believe that a hand-delivered letter from the President could be inadvertently overlooked in the Leader of the Opposition's office and that Mrs. Persad-Bissessar proceeded without even a phone call to the President. Is it possible that they always intended not to reply and corner the President into expediting the appointment without their blessing so that they could later deny any responsibility for the appointment? It is a case of the UNC being grotesquely incompetent or mischievously devious. You take your choice."

Mr. Speaker, I know which one I choose, but I invite the rest of the House to make their own choice on this.

Mr. Speaker, what is emerging here is a conspiracy of gamesmanship, where the Members on the opposite side, either through their reluctance to act or their acting at the wrong time, do so so that they can sit back and attack every institution and every attempt to rebuild our institutions. What is the reason? To get into public office? "That ain't going to happen any time soon." The public is not fooled. After all of that, here is what the people of this country are saying in the *Express* opinion:

"Kamla's political stock has degenerated to an all-time low. She is seen as a proxy for Panday. This tirade against the President was her way of 'scoring cheap points'..." [*Interruption*]

**Mr. B. Panday:** It gone up since then.

**Hon. E. Le Gendre:** "Apology not accepted." Public opinion.

"How many times will Mr. Panday make a fool out of you Kamla? By the time you wake up, you'll be as well off as Rip Van Winkle." [*Interruption*]

**Mr. Manning:** Who wrote the article?

**Hon. E. Le Gendre:** Just people. Ordinary people talking. And they say again:

"How many times, Kamla? How many times? Haven't you realized by now that you are being used to do what the Opposition Leader would not? Speaking of integrity, where is yours? You continue to follow the leader who is also under question without question. Why Kamla? Why? No woman no cry!"

Mr. Speaker, the strategy of the Members on the other side in relation to the hon. Member of Parliament for D'Abadie/O'Meara, is simply "pile the mud on thick, some of it must stick". Whether it is "Ramjack win" or UNC lose, is the same old soca song, "Mash it up, mash it up". [*Laughter*]

They keep talking on the other side about integrity, all the Members, but here is the UNC's approach to integrity. On September 28, 2001, just when the world was about to collapse around their ears, the Minister of Community Development, Manohar Ramsaran, was questioning the Attorney General's expenditure on his offices. He said:

"He took \$25 million of taxpayers' money to refurbish Cabildo Chambers..."  
[*Interruption*]

**Mr. Manning:** Who was the Attorney General?

**Hon. E. Le Gendre:** I do not know. "It is clear that this man only cares about himself."

Can we believe that?

"Moonilal called Maharaj, the area's incumbent and outgoing MP, saying he was now betraying the person whose backs he rode into political office."

Mr. Speaker, the article goes on to say:

"He accused Maharaj of trying to blackmail junior Labour Minister Dr. Roodal Moonilal, by claiming he had breached his contract of employment in the Office of the Prime Minister,"—and so I say look at the UNC's approach to integrity—"Assuming something had gone wrong and that Roody had misinterpreted his contract, why didn't he (Maharaj) call him and tell him? They (Maharaj) had the note and put it a file to blackmail people."

Now, this is how they deal with matters of integrity on that side. If somebody does something wrong, do not take it to the same parliamentary committees as we were advised a while ago, just call the "fella" aside and tell him, "Doh do that nah." "Geh dem back the money. Behave yourself." And that is what they call integrity.

Mr. Speaker, the Member for St. Augustine got up a while ago and had the temerity to suggest that the actions on the part of the Minister of Finance, would somehow affect the issue of international trust in Trinidad and Tobago. I want to

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read into the records what Mary King, a noted economist was saying on November 27, 2002:

"The construction of Trinidad and Tobago's Piarco Airport terminal building was riddled with corruption allegations from the start. The controversy over an appropriate response to the charges essentially led to the collapse of the government. Investigations into the Trinidad and Tobago's \$1.6 billion (US \$262 million) development project became a priority only after a new government had been installed."

So, all while this was brewing, the Member for Siparia was a Member of the government. She was sitting in this House. What was she doing at that time? What was she doing to assist the very innocent-faced Member for Tabaquite?

"Corruption charges derailed the project to develop the 13-acre site after the first contract was awarded in March 1997, yet the government of former Prime Minister, Basdeo Panday took no action."

This is what the UNC does when faced with corruption. You come out here in 2009 and you accuse everybody of corruption, but when it was flailing all around your head and money passing left, right and centre, what were you doing? There was only one knight in shining armour across there, one person trying to hold up the whole thing. [*Desk thumping*] Nobody else was doing a thing. They were waiting for 2009 to talk.

"After several years of pressure from civil society organizations, the Attorney General launched an inquiry. Investigator Robert Lindquist uncovered evidence of a conspiracy to corrupt the contract selection process for the unjust enrichment of the 'players' and of defrauding the various state agencies of considerable sums. The probe's initial results indicated that the tendering system was corrupt, money had been diverted into unauthorized accounts and public funds were abused."

Mr. Speaker, do the Members on that side have any basis on which they could talk about corruption? What is their record? What do they have to show? How have they dealt with corruption? Other than the one single voice crying in the wilderness on that side, what have you done? You, Member for Cumuto/Manzanilla, the Member for Naparima, the Member for Caroni Central, the Member for Caroni East, the Member for Fyzabad—let me excuse the Member for Oropouche West who was not here, and therefore, I am sure would have done something differently, but what did everybody else do? Nothing! Nada! Zip! Zilch!

"Panday kept the investigator's interim report secret for one year"—that is how the UNC deals with corruption—"while calling on the critics of corruption to 'produce the evidence'. In protest, the Attorney General and two Cabinet colleagues called for the Prime Minister to set up a commission of enquiry to pursue the matter further. When that failed, the Cabinet Ministers refused to vote on a number of important budget-related Bills before Parliament.

Their actions brought about the collapse of that Government in October 2001..."

Mr. Speaker, those matters are still before the court today, but we brought this up so that you can see how the Members on the other side deal with corruption as opposed to how the Members on this side deal with the same issues.

The Members on the other side, all who have spoken before, have come on the Clico issue as if the Clico issue was a 2009 matter or even 2008. Again, I do not know what we will do without the Member for Tabaquite.

"Maharaj, in 2001 as AG, had made a statement based on report from the Finance Ministry that Clico was regarded as legally insolvent, and that the Government and the Central Bank should take steps to give them a time frame for it to be brought in line to be legally solvent. But his request was met with stern opposition, even from within the ranks of the United National Congress, of which he was a member."

A lone voice in the wilderness of the year 2000, crying out that Clico was insolvent, what did you do? Nada! Zip! Zilch!

"Even the Central Bank, which was headed by Winston Dookeran at the time, had criticized him. He said 'I was attacked from all sources; the UNC government, the then Finance Minister, I was attacked by the Central Bank'. Following Maharaj's public disclosure, Clico embarked on a PR exercise daily on television to reject any notion that they were legally insolvent.

If the Central Bank and the then Governor had taken the advice and made Clico legally solvent by putting certain restriction—on the businesses they did—under the Financial Regulations Act, this situation could have been avoided..."

Now, this is not the hon. Member for Tabaquite speaking today. The man must be a prophet. This was published in the *Trinidad Guardian* on February 02, 2009. This situation could have been avoided he was saying, nor would it have reached the enormity that it did today. This is my paraphrasing. These are not the exact words of the Member for Tabaquite.

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**4.05 p.m.**

So, Mr. Speaker, Clico festered under the watchful eyes of the Members on the other side and I wonder why. Could it be because of a special relationship between Clico and the Members on the other side? I have no idea.

In the *Trinidad Guardian* of March 25, 2006, Mr. Indarjit Seuraj said:

“A cheque for 119,183 pounds sterling, the equivalent of TT \$1.3 million, was a scholarship grant given to the Pandays by CL Financial chairman, Lawrence Duprey for the education expenses of two of their daughters studying in London.

The disclosure came out in open court as the defence attorney for former prime minister Basdeo Panday, Allan Newman, QC, led evidence from the UNC chairman yesterday.”

Mr. Speaker, what is this thing with Clico? Ria Taitt writing in the *Newsday* on January 31, 2002 reports:

“CLICO Investment Bank made close to TT \$1 million profit on a sale to Government of a property which now houses the High Commission in Canada. The company bought the commercial property at No 200 First Avenue, Ottawa, Canada, for Can \$1.3 million and sold it to government in a period of ten months for Can \$1.5 million, making Can \$200,000 in the process.”

Mr. Speaker, there was a Cabinet Note supporting this sale.

“According to the Cabinet note, Scotiabank had originally offered 100 per cent financing for the project by way of a non-revolving loan facility and Cabinet had agreed to accept this proposal on September 29, 1999. But it later, on August 09, 2000, rescinded the decision and agreed instead to accept the offer of a lease facility from CLICO Investment Bank (CIB). CIB bought the building in October 2000.”

Mr. Speaker, what is it with Clico and the UNC? *[Interruption]* Somebody is child’s godfather, oh, I see. This is a small country and people have relationships.

I ask again, what is the response of some of the Members on the other side whenever the issue of corruption or integrity rears its head? What is it about their action that qualifies them to speak in this House today to the people of Trinidad and Tobago?

Mr. Speaker, April 25, 2006 in the *Trinidad Guardian*:

“Although a somber day for some, others celebrated when Basdeo Panday, the former Prime Minister, and Opposition leader of Trinidad and Tobago was



found guilty yesterday on all three counts of failing to declare a London Bank account to the Integrity Commission...”

**Dr. Gopeesingh:** Mr. Speaker, Standing Order No. 36(2), the matter is still before the court.

**Mr. Speaker:** No, but I think you will probably want to get closer to the Motion before us, so move on please.

**Hon. E. Le Gendre:** Mr. Speaker, I am making the same point that the Members on the other side have raised and opened the question of integrity as to who has integrity and who can perform in public life. They have made allegations and my single argument today, having heard them, is what qualifies them to speak. That is the point. [*Desk thumping*]

Mr. Speaker, on March 26, 1997, the former Minister of Works and Transport, Sen. The Hon. Sadiq Baksh then was saying:

“After noting that there was no evidence of corruption of any kind with respect to the airport development project, and in keeping with Government’s commitment to transparency and objectivity...”

If ever two words have been abused by the Members on that side are these two words.

“...and, more specifically, the statement made by the Joint Consultative Committee that it stands ready to assist Government in achieving, without interruption, its objectives for the construction programme...”

Members on the other side speak well about transparency, integrity, et cetera.

Mr. Speaker, we come back to a number of points made by the hon. Member for St. Augustine who has suggested that statements were made in this House which were later proven untrue. As far as I am concerned, all the statements made with respect to allegations about the Member for D’Abadie/O’Meara have all been found to be baseless when the facts are brought forward.

Mr. Speaker, the Member for St. Augustine went on to say that these are not minor allegations made and we agree, because when the Members on the other side proceed to mount an attack and harass the Member for D’Abadie/O’Meara, all right-thinking people have to sit up and take watch and wonder who will be next.

We sit here week after week and see all these potshots being taken at people’s character and integrity while the Members on the other side hide behind the skirts

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of parliamentary privilege. It is people like those on the other side who make it difficult for people to come forward and consider serving in public life.

Mr. Speaker, on more than one occasion when one hears what passes for commentary in the House, I have had cause to wonder whether I am in the right place, whether this is what public service means, but unfortunately there are people who would not even go that far, they look at the current debate going around and say: “Good men and good women, yuh see dat, not me, look how dey treat that one.”

Look how they hounded out a good man from the chairmanship of the integrity commission before he retired on certain grounds. Hounded out! Even before the other members are there, one particular member on the other side of the “mash it up”, “mash it up” refrain is now asking for everybody to go; all members of the Integrity Commission, all who have just been sworn in. “Start over, fire the President, fire this one, mash it up.” That is the way they are going.

Mr. Speaker, these allegations are not minor, they go to the heart of the discourse between Members on that side and those on this side. The allegations that we have heard have all, in my view, been adequately addressed. One particular allegation is that the Minister of Finance used insider trading information for her own benefit. The Minister has consistently denied this and described the meaning of insider trading and information. It was clear that at no time did she have in her possession information that was not available to anyone else at the time, although the Members on the other side have tried to make a heap of the matter about the significance of December 31.

Mr. Speaker, I wonder what I would have done if I were in that same situation because I am one of those persons who clean up on December 31. I do not know if anybody else in the House does that, I do not make resolutions, but somehow around December 31, I give myself by January 05 to do all the things that I have been trying to do for the last year that I have forgotten, or was too busy to do. I try to do my personal spring cleaning so I do not know that there is any significance to the Member’s action on December 31, but certainly the definition of insider information as provided for in section 25 suggests:

“A person to whom this Part applies shall not use information that is gained in the execution of his office and which is not available to the general public to further or seek to further his private interests.”

Mr. Speaker, the Opposition has—

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

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

*Question put and agreed to.*

**Hon. E. Le Gendre:** Mr. Speaker, a critical component of the definition of insider information is that the information must have been gained in the execution of one's office and I am sorry to have to repeat what has been said before because as they say in local parlance "like stick break in their ears." They are just not getting it. They need to get whether this information was gained in the execution of one's office, and if that cannot be proven, then the argument must be withdrawn. In this case, the relevant office was the Minister of Finance and if it cannot be proven that information about the state of CIB was part of the Minister's information in the execution of her office—if that cannot be proven—then it must be withdrawn.

Mr. Speaker, the Member for St. Augustine made a point earlier—sarcastically I imagine—saying that some 14 days after the Clico matter came into the public domain, he suggested that the Minister of Finance did not have a clue about Clico's financial status.

If the Member for St. Augustine believes that, then surely he cannot believe that on December 31 she was acting in full knowledge of the status of Clico and its subsidiaries. So it is either he believes that or he believes something else, and if he believes what he said before, and he also believes what he said after, then Mr. Speaker, I respectfully suggest that he is speaking with a forked tongue which is not unusual for the Members on that side.

**4.20 p.m.**

Mr. Speaker, the other point made by the Members on the other side was that somehow Clico wrote off the mortgage of the Member for D'Abadie/O'Meara and made special concessions that were out of the ordinary. I am sorry that everything was done in the power of the Member for St. Augustine to not have to face the truth when the Member for D'Abadie/O'Meara attempted to bring this point forward. It is a matter of record and we are willing to supply it for the information of *Hansard* that the Member for D'Abadie/O'Meara, on the unfortunate demise of her spouse, made all her own mortgage payments and that is a matter of record and the statements can be made to the House in support of

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that. As for the other items which the Member received, these are part of the normal practice of the organization and, as such, the Member received no special treatment, as she claimed before.

The Member for St. Augustine also made the claim that in withdrawing her own funds, somehow the Member for D'Abadie/O'Meara used public office for private gain. I have a little problem following that one but I would leave that to enquiring minds to decide whether in withdrawing one's own funds from the bank in accordance with the proper procedure offered by forms in that bank, that somehow this is using public office for private gain.

What has been happening here is that the mud is piling on. All of these accusations, one will pile it on; the other one will ignore all the arguments presented; the other one will pile it on. Because at the end of the day, the idea is to make some of it stick to so damage the reputation of the Member for D'Abadie/O'Meara, so paralyze her that somehow it might redound to their own gain, if not now, at some time in the future and this, at the end of the day, is the real agenda of the Members on the other side, in bringing forward a motion repeatedly, despite the overwhelming evidence to the contrary that has been brought before this House by both the Member for D'Abadie/O'Meara and the Member for Diego Martin North/East.

The Member for St. Augustine suggested that Government has spent close to \$1 billion on the Summit. The Prime Minister of Trinidad and Tobago is on record indicating precisely the cost of—I should say the expenditure incurred on the Summit. I do not know what else to say about this. There has been a suggestion by the Member for Siparia again, that this was in order to present some kind of make-up face. If this is to present a make-up face, I certainly enjoy the clean streets going down Port of Spain; I enjoyed the clean streets going east along the highway; I enjoyed the new look. [*Desk thumping*]

Do you know what it is? It is something called envy. They cannot stand to see Port of Spain look so good; they cannot stand to see this Government look so good; they cannot stand the Waterfront; it hurts. They cannot stand the overpass. You must try it one night; go up and have a look. Do not park on the side of the road because the police will put you off. But take a ride; look at progress.

Mr. Speaker, the point has been made by more than one visitor to this country, both people who have lived here and by people who have not lived here. They seem to think that we are a dysfunctional society; that in the countries that they come from they accept a general difference between political views, and that is

acceptable: you think one way; I think one way. But somewhere in the middle there is a body of information, a set of values that all share. There is a particular area in which we all pull towards something and that something that we all pull towards generally is a vision. We pull together on items of national development; we pull together on issues of our values, our morals, our ethics, our integrity. But it is as though in this place we do not pull together on anything. The funny thing about it, though, is that there are areas where the Members on the other side agree with the Members on this side on the issues, but it does not come out in this House. Somehow when we get into this House we must always present a face to the country that we hate each other; that we do not agree on anything.

This is what keeps the country unbalanced; this is what keeps the tribes separated, this mock sometimes, antagonism; the constant carping. Do you know what we can achieve if just for one second, we accepted where we needed to go in this country and how we were getting there and agree to disagree on other things? But let us agree on matters of national importance.

With relation to the Summit, we have been able to achieve legacy issues. We have spoken about that before, that the actual expenditure on the Summit which had to do with the hosting of our guests, was, in fact, a minor part of funds spent. The rest of it remains with this country. At the end of the day, money spent on vehicles for the transport of our guests remain to replenish, refurbish and upgrade the fleet of vehicles used by our public service; money spent to upgrade our major highways, the benefits of that remain with us; money spent to upgrade our security service, at the end of the day remains with us.

But what remains with us in the tremendous knowledge and opportunity for enhancing skills that managing an event of this magnitude provided for the citizens of Trinidad and Tobago who support the public service: our medical facilities; our police; other security services; our fire services; the Airports Authority, which did an outstanding job in landing and setting off all of the private aircraft, a feat, while we continued to maintain our commercial obligations which were at no point compromised in the middle of all of this. It was a feat and we really ought to congratulate the people of Trinidad and Tobago in this respect. [*Desk thumping*]

So as we are approaching teatime, I want to say to the Members on the other side that every single argument you have put forward, as far as I am concerned, has been refuted, but what will still need to be debated here and in the court of public opinion is: what is your real agenda and where do you think you are going with that, and whether you are likely to succeed with that or not? The answer on this side, if I am to go by the term "Ramjack win, UNC lost", I think that is the

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only place that you are going, confined to the dustbin of history without the support of the people on your own side.

I thank you. [*Desk thumping*]

**Mr. Speaker:** I am sure you would like some tea. Hon. Members, the sitting of the House is suspended for tea and we will resume at 5.00 p.m.

**4.30 p.m.:** *Sitting suspended.*

**5.00 p.m.:** *Sitting resumed.*

[MADAM DEPUTY SPEAKER *in the Chair*]

**Madam Deputy Speaker:** The Member for Fyzabad. [*Desk thumping*]

**Mr. Chandresh Sharma (Fyzabad):** Thank you, Madam Deputy Speaker—

#### ADJOURNMENT

**The Minister of Works and Transport (Hon. Colm Imbert):** Madam Deputy Speaker, I beg to move that this House now adjourn to Friday—I cannot let you talk—May 15, 2009 at 1.30 p.m. On that day we will be doing the Proceeds of Crime (Amdt.) Bill which was introduced in this House about a week or so ago. I am not seeing it on the Order Paper, but it was introduced on Monday so it will qualify for Friday.

**Madam Deputy Speaker:** Hon. Members, before I put the question, there are nine Motions on the Adjournment. Is there an agreement? Hon. Member, could you indicate?

**Hon. C. Imbert:** The Attorney General is present and we can do Motions Nos. 7 and 8.

**Mr. Sharma:** Madam Deputy Speaker, just permit me some clarification. Have I started to speak for the next time?

**Madam Deputy Speaker:** Yes. I had recognized you.

**Mr. Sharma:** Thank you very much.

**Madam Deputy Speaker:** So that there is an agreement for both seven and eight and both seven and eight are the Hon. Member for Tabaquite, so can I now call on the hon. Member for Tabaquite?

**Dangerous Dogs Act**  
(Need for Implementation of)

**Mr. Ramesh Lawrence Maharaj SC** (*Tabaquite*): Much obliged, Madam Deputy Speaker. The Motion is the need for Government to indicate whether it intends to implement the Dangerous Dogs Act, No. 32 of 2000 and if so, when. In 2000 this Parliament enacted the Dangerous Dogs Act. Under that Act, the policy in that Act was to prohibit the breeding of dangerous dogs and to prevent the importation of embryo and other matters which would cause dangerous dogs to be bred. It was also the policy in the Act to impose an obligation on persons who owned dangerous dogs at the time to take out the insurance in respect of the dog and to keep the premises in such a way that the dogs would be properly confined and to impose heavy penalties for those who broke the law.

The intention of the Act, therefore, was to deal in a certain way to regulate dangerous dogs which were in existence at the time in Trinidad and Tobago, but the ultimate policy was to ban and have completely eradicated, dangerous dogs. The dangerous dogs were defined in the Schedule to the Act. That was legislation which needed a special majority and what happened was that the original Bill did not initially meet the approval of the then Opposition, and during the debate the Bill was amended in order to accommodate the support of the then Opposition.

**5.05 p.m.**

In the proceedings which took place at that time it was felt there should be a striking of balance and there should not be a complete ban because of the existing dogs. In that context, a policy was formulated for the existing dangerous dogs and then, you could have had the ultimate ban.

I read from *Hansard*, May 08, 2000, in which I, as attorney general piloted the Bill and articulated the view of the then Opposition. I read a newspaper article in relation to this. The Member for Laventille East/Morvant talked about a newspaper article which stated:

“PNM may not back pit bull ban.

The Opposition PNM may not support government legislation to ban pit bulls according to PNM chairman, Linda Baboolal...the PNM was in favour of controlling the animal through licences.”

The legislation was fashioned in that way in order not to have a total ban, but control it with the granting of licences subject to certain conditions being met. The Bill was supported by both Houses of Parliament, assented to and proclaimed since 2000. Since then it has not been implemented. The question which arises is

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that in the interval many persons in Trinidad and Tobago have been injured and some have died, as a result of attacks from these dangerous dogs. There has been no other policy articulated by the Government or any other measure

It was accepted during the debate and is accepted that the Act contains draconian measures to deal with dangerous dogs and that is why it needed a special majority. There is no dispute that the Act is inconsistent with provisions of the Constitution and a specified majority was needed. I filed this Motion in order for the Government to indicate what plans if any, it has for dangerous dogs. Is it going to implement the Act? If so, what is the time frame? If it is not going to implement the Act, the Government should indicate the policy it would use for the future.

When we look at some of the cases which occurred since the Dangerous Dogs Act was passed, we would see that quite recently, Nathalia Jones was attacked by a dangerous dog. This was a child from Marabella. She is now permanently disfigured by the bites to her face. She was scared for her life. I think that this child is living in the constituency of the hon. Member for Pointe-a-Pierre. As a matter of fact, there are cases from 1995 to 2000, where my research has shown five persons were killed by dangerous dogs and at least 14 were mauled in pit bull attacks in this country. Since then, there have been several high profile pit bull attacks including one on August 26, 2001, when Stephen Ramsahai aged 39 was viciously attacked. On November 23, 2002, Christian Williams, a nine-year-old school boy was mauled by three pit pulls. On February 22, 2006, a pit bull was shot by police along Ramnanan Drive, La Romaine after mauling two persons.

On today's newspaper I read that in St. Madeleine an eight-year-old girl on her way to a village parlour was attacked and bitten by a dog. It took three persons to get the dog off Aalayah Huggins. The dog jumped on her left arm and refused to release her. One sees that this is a serious problem. It involves the safety of individuals in Trinidad and Tobago. Under the existing law there is very little redress for persons who are bitten by dogs having regard to the antiquated laws.

If I remember correctly, the Bill was passed in 1913 or 1918 and was amended in 1994. If a dog bites someone, you have to prove that the dog has bitten someone before. Under this Act, a statutory offence was created and it would have been easier for victims to get redress. It is not a matter I want to spend much time on, but to try to get for the country, the policy of the Government.

Thank you.

**The Attorney General (Sen. The Hon. Bridgid Annisette-George):**  
Madam Deputy Speaker, with respect to the case of the little girl—I believe that



she is three years old—who was recently mauled by one of the dangerous dogs, we on this side feel extremely sympathetic to those circumstances. I had a conversation yesterday with the hon. Member for Pointe-a-Pierre and she indicated that she had gone to visit the child with the serious injury that was sustained. While she may have been attacked by a dangerous dog and the Dangerous Dogs Act is law, the hon. Member for Tabaquite knows the difficulties in implementing this piece of legislation.

This legislation when passed in 2000 was passed with a proclamation clause and piloted then, at a time when the hon. Member for Tabaquite was the attorney general. He is correct. It was passed at a time when there were several maulings by pit bulls. I will dare say that it was almost a knee-jerk reaction to a circumstance that had taken place. The hon. Member indicated that from 1995 to 2000, five persons were killed and specified the number of maulings. In recent times, attacks by dangerous dogs—the Act prescribes three types of dogs as dangerous dogs: the pit bull, the Japanese Tosa and one other, but the name escapes me. In recent times, attacks by these prescribed dogs have not been frequent as they may have been in the years 1995 to 2000.

The difficulty in implementing is the administrative costs that are associated with the implementation, an issue of weighing that against an unknown population of dangerous dogs as prescribed under the Act. Our latest information is that there are no more than 2,000 dogs and they may not be evenly distributed throughout Trinidad and Tobago. There is some need to rationalize the dog population that comprises dangerous dogs, to see how best one can implement the responsibilities that are placed on the local government bodies and rationalize these costs.

Prior to the Dangerous Dogs Act, there was the Dogs Act which took into account offences where people were injured by dogs. As the Member for Tabaquite indicated, one had to establish that there was some biting. In the cases we have seen since 1995 and now, as the little girl, that would have been established easily under the Dogs Act.

I assure this honourable House that we on this side have taken cognizance of the maulings. A sub committee has been set up comprising technical officers and permanent secretaries. This committee is currently engaged in reviewing the Act and seeing how best this Act can be implemented in the context of the cost. The committee is expected to report within the next two to three weeks and from them, decisions would be taken with respect to how far and how best the responsibilities that local government bodies have been vested with under this legislation would be discharged.

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In the recent cases of maulings, most of them have been cases where the owners have been injured by their dogs, their pets. In circumstances like those, the Dangerous Dogs Act would not have assisted. There are few cases in recent times where innocent bystanders have been injured. Steps are being taken to see how best, weighing the population of dogs against the reduced number of incidents of maulings and the cost attendant with respect to implementation, we can be balanced to bring this piece of legislation into force and into life. We on this side recognize the importance of implementing legislation as has been seen since 2007 to now.

We have given a commitment to implement the Equal Opportunity Commission and Tribunal. That has been ongoing. We have given an undertaking to implement the Children's Authority and one would have seen that as recently as last week, that board was installed. Here again, I give the undertaking having regard to the attendant cost and the balance, that steps would be taken to implement this piece of legislation as is required.

Thank you.

**Summit of The Americas  
(Government's Curtailment of Fundamental Rights)**

**Mr. Ramesh Lawrence Maharaj SC** (*Tabaquite*): Madam Deputy Speaker, the Motion is the need for Government to inform this honourable House of the reasons if any, for its decision to curtail the fundamental rights and freedoms of citizens, during the period of the recently held Fifth Summit of the Americas, namely the right to freedom of movement, thought and expression, including the right to express political views and freedom of association and assembly, all of which are enshrined in sections 4 and 5 of the Constitution.

**5.20 p.m.**

On the date of the Summit, minutes before noon, representatives and members of the Oilfield Workers' Trade Union, Federation of Independent Trade Unions and Non-governmental Organisations (FITUN), Communication Workers Union and foreign representatives of social movements circled at the roundabout of the Brian Lara Promenade with flags, banners and placards. Riot police were on standby at the western side of the roundabout, while soldiers and other officers positioned themselves throughout the square and kept a watchful eye on the swelling crowd of spectators and groups. The President of FITUN, Mr. David Abdullah, said that they decided to have a peaceful activity for social justice, for which permission was denied by the Commissioner of Police. They were at the Cipriani statue.

The trade unions wanted to make a statement that they have a constitutional right to freedom of expression. They had a right to express themselves in a way by a peaceful protest. It was never the intention of the demonstrators to go into the yellow or red zones. That was conveyed by them to the Commissioner of Police. The unionists understood that at any time should they or anyone in this country give up that right then every single citizen in this country would be in mortal danger. The majority of the group proceeded east of the square. That triggered a tsunami of heavily armed police and other law enforcement officials converged, preventing people from moving freely. A member of FITUN who tried to get out of the fracas, because he feared for his life, was assaulted by officers and threatened to stay where he was. Meanwhile officers of the Guard and Emergency Branch squared off with a coalition group who, like the trade unionist, were just exercising their constitutional right, freedom of assembly. The Government must know that it was more than the trade union movement who wanted to show that they had rights.

Later, nearby there were drummers at the stadium. They were beating their drums in order to show the culture of Trinidad and Tobago and also to show their protest. They were surrounded in order to prevent the occurrence. There was an interference with the microphone and there was a reconnection of the microphone, but there were police officers around, riot police, which created an atmosphere of fear. As a matter of fact, that is the kind of atmosphere and sight you would see in dictatorships. I do not deny that the State has a right to regulate movement and meetings; that is well known. The question which arises is that if you had to regulate traffic, you had to make traffic regulations in a certain way.

I want to put on record that Independent Senator Dana Seetahal SC, in a public statement and in an article, pointed out that, in her opinion, these occurrences were unconstitutional. The Law Association yesterday put out a statement saying that what occurred with these restrictions was unlawful. I think the time has come for this Government to justify. We are giving the Government an opportunity to say why it considered that it had to do all of this, just to hold the Summit of the Americas. Is it that it is an indication that for the Commonwealth Heads of Government Conference, the country would be closed down for a week and that there would be no activity?

As a matter of fact, at a protest during the Summit, opposite the Tarouba Stadium, there was a meeting and the people were harassed. There were armed police officers outside the entrance of the ground. There were wreckers and police officers with real guns; not guns to fire anything else but bullets: SLRs. These guns were throughout Port of Spain.

As a matter of fact, persons could not get into their own homes. I have lawyer friend who is living in Cascade. He could not get to his home. He had to go back to his office and wait until night to get back to his home. There was the situation where people were denied the enjoyment of their property, freedom of movement and freedom of speech, all in the name that the Government has a right to regulate. If they have a right to regulate, then they must say if this regulation was necessary to have a Summit.

Thank you very much.

**The Attorney General (Sen. The Hon. Bridgid Annisette-George):** Thank you, Madam Deputy Speaker. The security of the State is of utmost importance to the integrity and well-being of a nation and to individual citizens whose rights and freedoms are protected by the security of the State. Two principles of constitutional law arise from state security. The first concerns the extent to which arrangements secure some balance between the competing needs of state security and the protection of individuals' entitlement to the enjoyment of his fundamental rights and privileges as enshrined in the Constitution of the Republic of Trinidad and Tobago.

The second issue relates to the manner and the extent to which the Government is held accountable for powers exercised in the name of state security, either through supervision of the courts or through the democratic process. The Commissioner of Police has a discretion, under section 109 of the Summary Offences Act, Chap. 11:02, of the Laws of the Republic of Trinidad and Tobago, to grant or refuse permission to hold a public meeting. The Commissioner, having regard to the time in which the proposed public meetings were to be held and having regard to all the circumstances when an application was made to him in writing, determined that it was not in the public interest to have public marches.

In the case of *Collymore v Attorney General* (1967), the then Chief Justice Wooding stated:

“Freedom to associate confers neither right nor licence for a course of conduct or for the commission of acts which, in the view of Parliament is inimical for the peace, order and good government of the country.”

Parliament in its wisdom gave the discretion of such a determination to the Commissioner of Police under the Summary Offences Act and the Commissioner, in exercising such a discretion, in the circumstances, in our view, acted reasonably and took into account relevant and pertinent considerations. One of those considerations

must have been whether the Trinidad and Tobago Police Service, in granting any application at the time of the Summit, could have guaranteed the safety of the protestors, the safety of the international delegations who were present and the safety of the citizens of Trinidad and Tobago.

In fact, from the contribution of the hon. Member for Tabaquite, when he spoke about the silent peaceful protest in Port of Spain by the union member, he said that the police were present overlooking. I would have thought that in the interest of peace, good order and the security of citizens and property and having regard to the protest that naturally follow previous Summits, that this would have been considered a reasonable act in the interest of the people of Trinidad and Tobago.

As regards the freedom of movement, again it is to be noted that the right to freedom of movement is not absolute and it too may be limited in the interest of public order, which term includes any measure for the prevention of disorder or the prevention of a crime. The Government of Trinidad and Tobago and in particular the Trinidad and Tobago Police Service Commission has a responsibility to protect citizens from harm, to keep order and to prevent crime. The security operation, that is to say the use of the red, blue and yellow security zones, was necessary to ensure the protection of citizens, the safety for the delegations visiting the Summit, as well as people living and working close by.

The Hon. Member spoke about people being denied access to their homes. I am sure the national community would remember that people were invited to apply for certain passes where they lived within the red zone or where they had businesses within the zone. In fact, with respect to the communities for Oropune, we would have seen several occasions—they were aired on television and carried in the newspapers—where there were consultations with the police service and residents, getting them to assist and cooperate in all the measures which were considered necessary for their security and for the security of the delegations. In fact I remember in Oropune a gentleman being interviewed and he said: “Well look, in the interest of national interest, I would stay home. I have things at home to do.” There were consultations with residents in Cascade. [*Interruption*]

**Mr. Hunt:** And St. Ann's.

**Sen. The Hon. B. Annisette-George:** I am reminded by the hon. Member for Port of Spain North/St. Ann's West. He must know. Those would have been his constituents. He was there. I think there was a sense of national pride that the people of Trinidad and Tobago felt in being able to stage a peaceful, secure and

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successful Summit. For us to be highlighted on the world stage, that alone caused our people to voluntarily assist and cooperate with all the necessary security arrangements that were attended to.

As far as the rights, the freedom of movement and freedom of association are concerned, they are not absolute rights and any sort of restriction in the words of the hon. Member for Tabaquite, were done within the law and were justified, having regard to the wider security issues and the wider security threats concerned with the Summit. I know of no case of restrictions of the enjoyment of one's property. Arrangements were made for persons to access their homes. They were still allowed movement to exercise that right. They were still allowed to exercise the enjoyment of their property, though within certain conditions, but those rights were not at all prohibited.

Thank you.

*Question put and agreed to.*

*House adjourned accordingly.*

*Adjourned at 5.34 p.m.*