

University Students Bill

Tuesday, July 26, 1994

SENATE

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The Senate met at 1.30 p.m.

PRAYERS

[MR. VICE-PRESIDENT *in the Chair*]

UNIVERSITY STUDENTS (GUARANTEE FUND) BILL

Bill to establish a Guarantee Fund for the purpose of facilitating certain loans to university students and for matters incidental thereto, brought from the House of Representatives, [*The Minister of Finance*]; read the first time.

Motion made, That the next stage be taken at the next sitting of the Senate.

Question put and agreed to.

RESCUE MISSION (INC'N) BILL

Bill to provide for the incorporation of the Rescue Mission and matters incidental thereto, brought from the House of Representatives, [*Sen. Rev. D. Teelucksingh*]; read the first time.

PAPERS LAID

1. Report of the Auditor General on the accounts of Investment Recoveries Limited for the year ended March 31, 1992. [*The Minister of Planning and Development [Sen. Dr. The Hon. Lenny Saith]*]
2. The report of the Auditor General on the accounts of the National Maintenance Training and Security Company Limited for the year ended December 31, 1993. [*Sen. Dr. L. Saith*]

CONSTITUTION (AMDT.) BILL

**Special Select Committee Interim Report
Presentation**

The Minister in the Office of the Prime Minister responsible for Public Administration and Public Information (Sen. The Hon. Gordon Draper): Mr. Vice-President, I beg to present the Interim Report of the Special Select Committee of the Senate appointed to consider and report on the Constitution (Amdt.) Bill.

ORDER OF BUSINESS

The Minister of Planning and Development: (Sen. Dr. The Hon. Lenny Saith): Mr. Vice-President, I beg to move that the Senate proceed to deal with Private Bills Nos. 2 and 3, followed by Private Motion No. 3 before we begin debate on Motion No. 1 under "Private Business".

Question put and agreed to.

**SAN FRANCISQUE SPORTS, EDUCATIONAL AND
CULTURAL COUNCIL (INC'N) BILL**

Question put and agreed to, That a Bill to provide for the incorporation of the San Francisque Sports, Educational and Cultural Council and for matters incidental thereto, be now read a second time.

Bill accordingly read a second time.

Bill referred to a special select committee of the Senate chosen by the President as follows:

Mr. Deodath Ojah-Maharaj - Chairman
Mr. Andre Maloney
Mr. Junior Barrack
Rev. Daniel Teelucksingh

**NRITYANJALI THEATRE INSTITUTE FOR INDO-CARIBBEAN
ARTS AND CULTURE (INC'N) BILL**

Question put and agreed to, That a Bill to provide for the incorporation of the Nrityanjali Theatre Institute for Indo-Caribbean Arts and Culture and for matters incidental thereto, be now read a second time.

Bill accordingly read a second time.

Bill committed to a committee of the whole Senate.

Senate in committee.

Clauses 1 and 2 ordered to stand part of the Bill.

Clause 3

Question proposed, That clause 3 stand part of the Bill.

Dr. Chamely: Mr. Chairman, with reference to clause 3(L) at page 6:

"to give support to other charitable organizations with similar aims and objectives which have been approved by the President."

Does this refer to the president of the organization? If it does, it is too much power for the president. Probably it should be done by the council itself.

Mr. Chairman: Senator, I think this refers to the President of the Republic and the charitable organizations that are approved by the President of the Republic with similar aims and objectives, and not the president of the Nrityanjali Institute.

Dr. Chamely: Thank you, Sir.

Clause 3 ordered to stand part of the Bill.

Clauses 4 to 9 ordered to stand part of the Bill.

Preamble ordered to stand part of the Bill.

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

Senate resumed.

Bill reported, without amendment; read the third time and passed.

1.40 p.m.

CONSTITUTION (AMDT.) BILL

Special Select Committee Interim Report

Adoption

The Minister in the Office of the Prime Minister responsible for Public Administration and Public Information (Sen. The Hon. Gordon Draper): Mr. Vice-President, I beg to move that this Senate take note of the Interim Report of the Special Select Committee on the Constitution (Amdt.) Bill, 1994.

You would recall, Sir, that on March 25, 1994 the Senate committee was appointed. The terms of reference then were as follows:

"To consider and report on the Constitution (Amdt.) Bill, 1994, with particular reference to the composition, appointment and powers of the proposed Police Service Commission, including its regulatory powers."

After our first meeting, we sought leave of the Senate to have an amendment made which would have allowed us to look in a broader way at the provisions of that Bill. Accordingly, the broader provisions were, in fact, agreed on when we

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presented our first special report which allowed for the suspension of Standing Order 53 to permit the committee to discuss the merits and principles of the Bill in addition to other details. Since that time, we have held six meetings.

The committee has been assisted in its deliberations by two persons whom we identified as being eminent in the field of law, namely, Prof. Ralph Carnegie, Dean of the Faculty of Law, University of the West Indies, Cave Hill, Barbados, and Sir Ellis Clarke, former President of the Republic of Trinidad and Tobago, who indeed met with the committee, exchanged views and provided some sense of issues impacting on the constitutional amendment being discussed.

Arising out of our proceedings there is now among the committee a general concern about four elements included in the Bill before us. These concerns include:

- (i) concerns about the constitution and composition of the proposed Police Service Commission;
- (ii) provisions for the functioning of the Commission;
- (iii) the relationship between the Commission and the Commissioner;
- (iv) the need for us to look more closely at the issue of accountability to the Parliament.

While we continue to examine the Bill before us we have agreed to ask the Attorney General to prepare draft amendments which would specifically deal with those issues and which, therefore, would also form part of the consultation and deliberations of the committee. The intention, therefore, is to continue the deliberations on the Bill but, at the same time, to deal with the amendments being developed by the Attorney General.

You should note also, Mr. Vice-President, that the committee, in looking at the issue, recognized that the question of the regulations of the Police Service Commission was critical. The majority of the committee thought that the committee could look at the proposed regulations with a view to determining whether some of the proposals would meet with some of the concerns.

You should note, however, that Senators Wade Mark and Capildeo have expressed objection to this course of action since, in their view, under the Constitution the only body charged with making regulations for the Police Service Commission is the Commission itself; therefore, any attempt to draft new regulations, and in the manner suggested, would be illegal. The majority view,

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however, was that while we would not, in essence, be drafting those regulations, it would provide some help to the Commission if we had a sense of what those regulations would look like.

As we present this Interim Report, we are saying to the Senate that we continue our work and it would now largely revolve around looking at the amendments which the Attorney General would present and which we would take alongside the current provisions in the Bill which we have. We would also continue discussions around issues relating to regulations.

Mr. Vice-President, I beg to move.

Seconded by Sen. Wade Mark.

Question proposed.

Question put and agreed to.

Report adopted.

**INTEGRITY LEGISLATION
(JOINT PARLIAMENTARY COMMITTEE)**

Sen. Wade Mark: Mr. Vice-President, I beg to move the following Motion standing in my name:

Whereas present legislation does not currently extend to a host of dishonest and improper acts and conduct as it relates to public officers;

And whereas recent evidence and instances have revealed serious misconduct in public office by a host of public functionaries;

And whereas the present integrity legislation is too weak and does not cover a series of illegal acts and criminal activities;

Be it Resolved that this Senate call on the Attorney General to introduce comprehensive legislation within a period of a year aimed at outlawing or making illegal the following acts:

1. Conflict of interest particularly involving persons who participate in decisions calculated or capable of furthering their private interest.
2. Use of insider information not available to the general public in an effort to seek one's private interest.
3. Unlawful use of influence to further one's private interest.

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4. Unlawful acceptance of benefits in connection with the performance of one's office.
5. Carrying on business incompatible with one's public office.

Be It Further Resolved that this Senate call on the Government to establish, as an interim measure in view of the gravity of the situation, a joint parliamentary committee to monitor these activities whilst appropriate legislation is being prepared for introduction, deliberation and ultimate passage in the national Parliament.

1.50 p.m.

Mr. Vice-President, as you are well aware, this Motion has been on the Order Paper for the last three years. In fact, it started off in the last session of Parliament, so it is a very old Motion, but it deals with extremely serious matters affecting our nation.

This Motion deals with the absence of integrity, lack of accountability, continued criminal acts and illegal conduct by a host of public functionaries in the affairs of our nation; and the urgent need to implement measures to curb and ultimately arrest what has, undoubtedly, become a national scandal, a virtual cancer, and a scourge on the soul of this nation.

The Preamble to our Constitution speaks about the principles and beliefs that should guide this nation and, indeed, which went into the construction of the various sections which, today, comprise our national Constitution. I refer to section (d) of the Preamble, which states:

"Whereas the People of Trinidad and Tobago—
recognize that men and institutions remain free only when freedom is founded upon respect for moral and spiritual values and the rule of law;"

At the opening of the Integrity Symposium at the Central Bank Auditorium, the President of the Republic, His Excellency Noor Hassanali, stated:

"There is today in our society increasing evidence of moral disorder, of misconduct involving dishonesty, violence and disloyalty. Integrity,

His Excellency proceeded to say—

"is now perhaps an endangered virtue."

His Excellency went on to define integrity, as follows:

"The word 'integrity' derives from the Latin word meaning 'to make whole'. Integrity suggests an unimpaired wholeness of human character. The dictionary meaning of the word reflects that there are many aspects of the all-embracing nature of the virtue that is integrity".

The meaning calls to mind such concepts as purity and righteousness. It calls to mind the Biblical injunction which requires man to strive to be perfect, "even as your Father in Heaven is perfect," an injunction which suggests that our Creator expects the individual human being to do his best and not less than his best, in every one of his legitimate endeavours.

Integrity is morality, ethics, honesty, and sincerity; it is a commitment to truth, not to expediency. Integrity is relevant consideration in behaviour of persons in binding relationships, for example, between parent and child; husband and wife; employer and employee; professional and client/patient, and so forth.

The Prime Minister, the hon. Patrick Augustus Emmanuel Manning, [*Interruption*] all right, the Hon. Patrick Manning, is reported to have said in an article in the *Trinidad Guardian* on Saturday, March 6, 1993 headed "Manning: Time for Accountability":

"The country is at a stage now where the time has come to examine accountability and apply increased levels of accountability to the conduct of public affairs....the question of accountability was a commitment the Government has made in its election manifesto. It is just a question of you cannot do everything at the same time.'

The importance of integrity in our country is not recognized only by the President of our Republic; it is also recognized by the Prime Minister. We on this side have repeatedly advanced in our manifesto and public statements the importance of integrity in public affairs and public life.

It is not anything strange to our country, particularly, the ruling party, because the founding father was the person who introduced this issue of morality in public affairs, so his children, who have now inherited this party, must be conscious of this very important principle and practice.

But as I address this issue of integrity in public life and the weakness of our integrity legislation, corruption with its concomitant abuse of public office for personal benefit is threatening to dismember, and ultimately destroy, the very fabric of our nation.

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The Auditor General in a document entitled *Ethics and Integrity in Government and the Office of the Auditor General* dated August, 1993 warned that:

"democracy may be in greater danger from internal collapse than from external enemies."

I want to repeat that: "democracy may be in greater danger from internal collapse than from external enemies."

He goes on:

"Its survival in the long run may depend on its ability to regenerate itself, to prove that accountability and the supremacy of Parliament are not just words mouthed by politicians, but, part of the reality of government."

The Auditor General further stated, on page 6 of that same document that:

"Exemplar conduct on the part of top officials is essential to the maintenance of a healthy ethics environment thereby maintaining the public's faith in democratic governance."

In spite of these warnings and signals of serious deficiencies, there are still many loopholes in our system. The society is still being subjected to words and it is not being provided with real action. Accountability and integrity still remain elusive principles in our society, but we can continue to ignore integrity, morality and accountability in public life and public affairs at our own peril.

The issues of integrity and accountability have been haunting our nation state since Independence. The legitimacy of democratic governments depends on their being perceived as reasonably honest and competent in the delivery of essential services. Accountability has various facets, but the most basic and visible is financial accountability to prevent corruption, fraud, theft and waste.

2.00 p.m.

Corruption in public affairs seems to be as old as the hills, and at times, seems as an almost incurable disease. Since constitutional independence in 1962, our nation has undergone a most far-reaching change in its attitude to corruption, particularly in government. Corruption is endemic and virtually institutionalized in Trinidad and Tobago. Indeed, the people have become so brutalized by corruption that they have now become indifferent to it.

Two administrations—the PNM and the NAR—which occupied political office over the last 39 years, were fully aware of the deficiencies in accountability and integrity within our country's legal and democratic framework. Yet, little was done to address these deficiencies. Today, all three branches of state, whether it is Legislative, Judicial or Executive, have become engrossed in corruption in its many and various forms.

Corruption flourished during the era of the so-called oil boom, as is known. Corrupt officials enriched themselves, even in the presence of the Auditor General reporting to Parliament on an annual basis.

Mr. Vice-President, I do not know if you are aware, but there exists in our country what is called a Code of Ethics for Parliamentarians. This Code of Ethics was promulgated, in fact, published, in the *Trinidad and Tobago Gazette* on September 18, 1990. This code outlines procedures and guidelines to be followed. Many of these guidelines have been flouted, criminally violated by Members of Parliament in their day-to-day responsibilities in public office. I will deal with this as we proceed developing this situation, but there is a code of ethics for parliamentarians including ministers.

Mr. Vice-President, as you are also aware, there is in our country an independent Integrity Commission which was established under sections 138 and 139 of our 1962 Constitution, and which came into being only in 1987. This Act is popularly referred to as Act No. 8 of 1987. The integrity legislation which manifested in the Integrity in Public Life Act of 1987, suffers from a host of fundamental deficiencies. Apart from its incapacity to institute direct criminal proceedings against offenders of public integrity, the net covered by the legislation is obviously too narrow. The weaknesses of the commission triggered a recommendation by the Hyatali Constitution Commission for its complete abolition and replacement by a new and more effective body.

The work of the Integrity Commission, with its many shortcomings, has been openly frustrated, undermined and sometimes overtly sabotaged, by the Central Government of this country. Since its inception in 1987, the Integrity Commission has submitted six reports on its activities to this national Parliament pursuant to section 10 of the Integrity in Public Life Act, and, without exception, the common theme, the common thread, running throughout these reports is the same—lack of provision of adequate resources and its consequent impact on the efficiency and workings of the commission.

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The commission, as I said, has submitted six reports to this Parliament since 1988, up to 1993, which I have in my possession. What is found in these reports is appeals being made by a hapless, helpless, almost defenceless commission, to the Central Government of this country to provide it with more adequate staff and with permanent accommodation, rather than to rent or be housed at the Hall of Justice. They have been calling for the computerization of the operations from the 1993 report. I have observed some effort has been made to commence computerization of the operations, but that is after incessant and repeated attempts by this commission to get its work going.

The Integrity Commission has been submitting recommendations to upgrade and enhance the existing integrity legislation without success. In the First Report of the Integrity Commission in 1988—at that time the NAR was in power—proposed on page 22 of that Report, a series of recommendations which should be incorporated in integrity legislation. It recommended that the following areas be looked at:

- "(a) Conflict of Interest.
 - (b) Insider information—
 - (c) Influence—the use of office to influence a decision.
 - (d) The acceptance of Gifts.
 - (e) Carrying on of business.
- (2) ... a Public Disclosure statement to be compiled either from the material supplied by the Member to Parliament or from material presented to Parliament by the Commission that was drawn from the Member's declaration."

All these and many more recommendations have in fact been advanced, Sir. That was in 1988.

The PNM failed to establish this commission even though it is enshrined in the 1962 Constitution. It was not until 1987, after all the years of corruption, waste and extravagance, that that commission was established. Even though that commission was established in 1987, numerous recommendations have been made but those recommendations have fallen on virtually deaf ears.

In its First Report to Parliament on its activities, as I said, it made a number of recommendations which were elaborated upon in subsequent reports. From 1988

to 1993, the Integrity Commission kept repeating the same recommendations; it made some additions and modifications, but, in essence, when one looks at these reports, the commission wanted to tighten and strengthen integrity legislation, to strengthen ethics in our country, to deal with the misconduct, the illegal activities that continue to flourish in this country, and deny the people of this country justice and fairplay, to the point that one of these days we may have to call on Mr. Mouttet to have a demonstration against high prices in this country.

When one looks at what is taking place in this country, one sees that these developments are costing the country lives. We will develop that as we proceed. Corruption is a very serious matter in this country. We must get to the root of this crime wave and hysteria that are taking place. Corruption is one of the areas that we have to address.

I wish to refer to the 1990 report of the Integrity Commission. In this report, the Integrity Commission recommended on page 16, the following:

"Quite apart from the obvious instances of Fraud and allied criminal offences (which should engage the attention of the normal law enforcement agencies) there lies a wide field of dishonest and improper conduct ..."

this is the Integrity Commission speaking here.—

"which does not now attract any sanctions of the law at all; and it is in this latter area that we consider that the main thrust of integrity legislation should lie."

2.10 p.m.

"Basically, this area may be defined as being that field of endeavour in the conduct of public affairs, where a person may find himself in a position where his personal interests can be said to conflict with the duties of his office.

Our recommendation, therefore, is that comprehensive legislation should declare illegal the following acts:

Conflict of Interest.

Where a person makes or participates in the making of a decision capable of or calculated to further his or her private interest or any oblique motive;

Insider Information:

Where a person uses information gained in the execution of his office, not available to the general public, to further or seek his or her private interest, or that of a third party;

Influence

Where a person with a view to furthering his or her private interest uses his or her office to influence a decision by a third party.

Acceptance of Benefits

Where a person accepts any fee, gift or personal benefits (except as authorized by law) that is connected directly or indirectly with the performance of his or her office;

Carrying on Business

Where a person engages in employment or business that is incompatible with his or her public office;

Disqualification of Former Government Ministers
and Employees

After relinquishing office, a person should be disqualified from acting on behalf of members of the public in their dealings with the government for a period of say two years where such dealing involves such information and expertise gained while in public office."

These are recommendations that were made since 1988 and repeated in 1990, 1991, 1992 and 1993.

The Government talks about integrity and public accountability. The Members would refer to their manifesto and say what they are committed to. It is words; they are not being translated into action. If, for example, this recommendation was put into effect—disqualification of former government ministers and employees from taking up office in the private sector, for two years, where that involved information and expertise gained while in public office—the former Minister of Trade, Industry and Tourism would not have been employed by Royal Castle. He has used insider—I will come to that later.

The point I am making is that these are matters that are costing our country millions and billions of dollars. They are responsible for part of the crime wave in

this country, that lunatics like Mouttet, would come and tell the country that the Opposition is responsible for that when he knows that it runs deeper than that. But they are running the Government; they will not run this Opposition.

I do not want to get involved in that exercise. This is a very serious matter. I feel very moved and hurt when it comes to the matter of integrity and accountability in public life. That is costing, not only our country, but also many developing countries much money today. Let us take for example, the question of conflict of interests; if we had on our statute legislation outlawing conflict of interests as outlined by the Integrity Commission since 1988, the recent award of a contract to Holland and Knight would not have taken place.

I want to make it abundantly clear that when I speak in this Parliament, I am not trying to cast any aspersions on a person's character. I am dealing with the public welfare and interest here. I am not dealing with people's personal affairs. Let God and the Church judge that. I am not dealing with that. I am dealing with the public's money and accountability in this Parliament whenever I speak. We are very concerned about these matters. I remember reading an article some time ago in the newspapers dealing with accountability in our country. In the *Sunday Express* of June 26, the big headline was:

"Mottley 'Romance' Seen as no Factor in US deal."

I am not dealing with that. I made it very clear I am not on romance here. Romance is for bedrooms. Let other people deal with that. I am dealing with public interest and public accountability. I am dealing with the public's money. That is the point I am on, nothing else.

This is a clear case. Listen to what the Code of Ethics for parliamentarians and ministers says:

"When a Parliamentarian possesses, directly or indirectly, an interest which conflicts or might reasonably be thought to conflict with his public duty or improperly to influence his conduct in the discharge of his responsibilities in respect of some matter with which he is concerned, he should disclose that interest..."

This is the code of ethics. There is a situation in our country where a contract was awarded to a company called Neil and Company to lobby on behalf of our country in Washington, costing our taxpayers US \$400,000; and one year later, this contract was handed over to another company called Holland and Knight. And, up

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to the present time, as parliamentarians and as a Parliament we do not know what is the cost of this new contract. What is even more amazing is that the first time that contract was negotiated, the Minister of Finance alone negotiated it. The second contract, from the information in this newspaper:

"Daly said he and Assevero sat down with Mottley and three other Ministers—Planning Minister Lenny Saith, Energy Minister Barry Barnes and former Trade Minister Brian Kuei Tung—to negotiate the September contract on behalf of Holland and Knight."

We ask the question in the public interest: How can you sit and negotiate the awarding of a contract to a particular firm when the person with whom you are negotiating is involved romantically with you? We are saying that there is a conflict of interests, and we are not dealing with the man's personal life. This is not the issue here. We are dealing with the people's money. We should like to know from the Government side what it has cost this country to make this switch.

2.20 p.m.

Mr. Vice-President: Sen. Wade Mark, you are one of the longest serving Members of this Senate, so you are familiar with the Standing Orders. Standing Order 35(5) states:

"No Senator shall impute improper motives to any Member of either Chamber."

The line that you are on, if you have something specific and conclusive, please say so. I would really wish that you do not continue with this innuendo. Please be guided.

Sen. W. Mark: I made it very clear that I am not dealing with personal business or interest. I would like to pose some questions to the Government side. We would like them to answer.

We would like the Government side to tell us what is the actual cost of this new contract involving Holland and Knight. Why did the Cabinet of this country not do like Jamaica and split the contract between Holland and Knight, and Neill and Company? What rewards or benefits were reaped in the end? The UNC views this situation as a clear conflict of interests, and calls on the Government to launch a public enquiry into the award of this contract to the firm of Holland and Knight, and any other related impropriety that may have taken place including the

relationships. We would like the Government to take heed of that. We shall not say anything on this matter any more today. We leave that for another platform.

We have to deal with the question of conflict of interests very seriously. Recently there was an issue in the *Gazette* where the Government was able to waive taxes on interest amounting to about \$37 million that was borrowed by this big hotelier in Tobago. From the information that we have gathered, we would like to find out if the Ministry of Industry and Trade is the agency responsible for issuing licences to approved hotels. Our information is that no licences were ever issued by the Ministry of Industry and Trade for the construction of the Grafton Beach Hotel in Tobago.

Yet, the Minister and the Ministry of Finance went ahead and issued an Order, at least, exempting this particular hotelier from paying taxes on interest. This is another area that we feel has a conflict and we need to examine these things. What is the relationship between the Minister of Finance and that hotelier? We understand that he was the best man at the wedding. We need to find out what is going on. These are serious matters.

Many contracts have been awarded to a number of firms belonging to Government members. That represents a conflict of interests as well. If there was a law in this country that dealt with conflict of interests, many Ministers would either have been jailed or they would not have been involved in what they are involved in today.

We understand that recently the IDB awarded a US \$40 million contract and the firm of Trintoplan was able to get that contract. We also understand that there are many other contracts that they have received. I would not go into the details. I have no problem with Trintoplan getting work. I am saying that there is a conflict of interests and we have to address those issues in the interest of the population.

Sen. Dr. Saith: Mr. Vice-President, just to make the record clear, could the Senator indicate what conflict of interests, he is talking about?

Sen. W. Mark: Mr. Vice-President, I really do not want to go into the details of this, but if the Minister wants me to do that I can.

I am saying essentially that there is a situation where the Minister of Planning and Development [*Interruption*] We know what goes on in Trinidad and Tobago. Someone resigns from a company; it does not mean to say that the person who has resigned does not wield influence. That is a living truth; we know that. The

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fact of the matter is that we cannot run away from the reality that the Minister of Planning and Development was the former Chairman and Managing Director of the firm. He is now the Government Minister in charge of Planning and Development. It so happens, coincidentally, that in this period, this particular firm is getting endless contracts. We feel that represents a conflict of interests.

Sen. Dr. Saith: Mr. Vice-President, on a point of order. Would the hon. Senator indicate what conflict of interests he is talking about?

Sen. W. Mark: If I can go back to the definition—I want to stick to the Bill—I want to tell him what is said about that question of conflict of interests. What it really means. In the Integrity Commission Report, 1990, page 16 states:

"Where a person makes or participates in the making of a decision capable of or calculated to further his or her private interest or for any oblique motive."

I am saying that this question of conflict of interests has a wider interpretation as well. This is what the commission put forward but there is certainly a wider interpretation of it.

Sen. Dr. Saith: Mr. Vice-President, on a point of order. Using the Integrity Commission's definition and the Senator's wider definition, would he indicate to this Senate what conflict of interests he is talking about? Or withdraw the statement.

Sen. W. Mark: You have cacao in the sun; that is why you are carrying on.

Mr. Vice-President: Sen. Wade Mark, you have made a statement which is in the records. On a point of order you have been asked to be specific as to what conflict of interests you are talking about, or else withdraw the statement. Would you please either say what conflict of interests you are talking about or else withdraw the statement.

Sen. W. Mark: Mr. Vice-President, I do not want to keep back this debate. If the Minister feels offended with this remark on conflict of interests which I know exists and which I would deal with politically out there, I would withdraw the statement.

Sen. Dr. Saith: Mr. Vice-President on a point of order. That cannot be considered a withdrawal of the statement. If the hon. Senator has evidence of a conflict of interests, let him present it. If he does not have it, let him withdraw the statement.

Sen. W. Mark: He asked me to withdraw and I withdraw. What does he want again? Does he want blood? I said what I had to say. Is Sen. Dr. Saith dominating this Parliament? The President asked me to withdraw the statement. I did it! Mr. Vice-President, you have guided me and he is not in charge of this Senate.

Sen. Dr. Saith: Mr. Vice-President, I am requesting that the statement be withdrawn. There is no point in moving a Motion on Integrity when by his behaviour he does not even have the moral authority to move the Motion. He must withdraw the statement.

Mr. Vice-President: Sen. Wade Mark, a while ago when I drew your attention to Standing Order 35(5) it was precisely for us not to get into difficulties like these. If you have something specific, you state it. If you do not, then you withdraw it. I am asking you to withdraw the statements about conflict of interests between Trintoplan and the Minister of Planning and Development.

2.30 p.m.

Sen. W. Mark: I have done that already, Sir. I have withdrawn the statement; the record will show that. If you send for *Hansard*, you will see that I have withdrawn the statement, Sir, based on your advice. I am saying that this matter will be dealt with otherwise. I am not dealing with that again. I bow to your ruling on this matter.

All I am saying is that the reason people are uneasy is that there seems to be more cacao—[*Interruption*]

Let me indicate very clearly that insofar as conflict of interests is concerned, there are many instances of it in this country, and I would not detail those instances in a very comprehensive way. I can tell you that the Pegasus scandal at Piarco was one instance of conflict of interests and the award of a contract at Port Authority was another.

There is the question of influence peddling. We do not like to deal with the truth and people must wake up to this reality. Private debts are being addressed at the expense of public rights. Private accumulations of money are being made at the expense of the public rights, and I am here to defend public rights. I am not here to defend or hide anybody's wrongdoings: I am here to expose them and let the public deal with them. If I cannot deal with them in Parliament, then I will deal with them outside Parliament—publicly. I am not casting aspersions on anybody's character. I am dealing with the truth.

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I would like to say in terms of this matter of influence peddling, insider information has it—"town" has it—that many people became millionaires overnight, as a result of the floating of the dollar. *[Interruption]* It has been rumoured that many people became rich overnight because they had access to information that they were not supposed to have had access to. That is something which we have to address because some people are getting rich overnight and some are involved in criminal activities, and we say hang them, while the real criminals are wearing three-piece suits and carrying briefcases, walking all over the place and playing decent.

Mr. Vice-President: The Senator's speaking time has expired.

Motion made, That the Senator's speaking time be extended by 15 minutes. *[Sen. S. Capildeo]*

Question put and agreed to.

Sen W. Mark: Mr. Vice-President, these are some concrete matters which I wanted to bring to your attention so that we can understand that when we are talking about the particular areas that the Integrity Commission spoke about, we can take concrete action rapidly to address them. If we do not do so, we will be in very, very serious trouble. We see where, over and over, public officials are using their positions to take advantage of the population, and we have to address this situation.

Rumour has it—it was in the newspapers—that 700 acres of land was acquired in Matura by a big hotelier. This same hotelier is supposed to have a good relationship with a high government official, and this same hotelier, I understand, is eyeing the possibility of linking with a chain of hotels, representatives of which will be coming here very shortly to engage in construction. So there is the possibility of speculative activity and people making a killing because they have insider information.

I will not repeat these things because you will rule me out of order, Sir, so I will deal with these another time. We are faced with these serious realities and I will have to move a Motion to deal with the corruption of Government Ministers in this country, because I cannot deal with it under ordinary business. I will deal with it properly.

The PNM Government has done nothing about improving and strengthening integrity legislation. The Integrity Commission staged a very important symposium on the theme, "Whither Integrity Legislation?" at the Central Bank from September 1 to 3, 1993 and has submitted further recommendations as

reflected on pages 9 and 10 of the commission's 1993 report. In spite of these various efforts on the part of the Integrity Commission, and not to mention the relentless drive on the part of the Opposition to ensure integrity, transparency and accountability in the affairs of state, integrity in public life continues to be viewed as a mere empty slogan.

We need positive action and effective enforcement to give life to the concept of integrity and accountability, if honesty, decency, ethics and morality are to be returned to public life. Today, crooked and dishonest men and women fill the corridors of a number of institutions in our country. Corruption has virtually perverted our society at all levels.

The Human Development Report of 1993 talked about the establishment of something called "Honesty International" so that we can have greater transparency of information and publicity. As you know, Sir, corruption flourishes only in secrecy and we have to have publicity and disclosure so that we will know that when someone comes into office with a limited number of assets and leaves office five years later, he cannot leave with much more. We should actually scrutinize all his movements.

But in Trinidad and Tobago, a man becomes a Minister in 1991—he came in half broke—and when he leaves office he leaves as a multi-billionaire. We have to jail these people. We have to investigate them because that is what is causing a lot of disaffection in our country. When one steals from the public purse, one denies children the right to eat, to go to school and be educated. These are matters with which we have to deal. The tentacles of corruption reach stealthily into the public and private sectors.

Sen. Draper: On a point of order, Mr. Vice-President. Am I understanding the Senator to say that a Minister came into this Government and left a millionaire? Does he have any facts about that? Can he repeat what he said?

Sen W. Mark: I said that there are people floating into office and maybe floating out of office millionaires. I never said any Minister is involved in that. You know when the UNC takes power we will know, because we will establish an economic crimes commission to investigate any Minister who has become rich overnight. Then you can retain Ramesh. So, I am not accusing any Minister right now. I will accuse them when I have concrete evidence. We will put them in jail

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for a long time and then we will abolish the Privy Council because we want to lose them forever in jail.

The tentacles of corruption reach stealthily into the private sector and are manifested in the following examples:

Those who misrepresent their income and property to avoid taxes at the expense of the state.

Sen. Daly: On a point of clarification. Is it the policy of the Senator's party to abolish the Privy Council, if they attain office?

Sen W. Mark: We have no intention of abolishing the Privy Council. We will have to take that to the masses in a referendum. The people will decide on that, not we.

Sen. Dr. Saith: The people will decide on Miss Bhaggan, too.

Sen. W. Mark: Do not worry about Miss Bhaggan; we will win with or without her. *[Interruption]*

I will give some examples both high and low *[Interruption]*

Mr. Vice-President: Can we have some order, please!

Sen. W. Mark: Thanks for your rescue, Sir.

Corruption, as I said, pervades the society. It does not take place only in high office; at the lower level there is corruption also. There are those who misrepresent their income and property to avoid taxes at the expense of the state—the so-called tax evaders—and we have many of them in Trinidad and Tobago. They are crooks, bandits and criminals and they are corrupt.

2.40 p.m

Those who practice bribery for profit or lucrative appointments are absolutely corrupt. Those who seem to give protection for the commission of crime, are indeed corrupt. Those merchants, I am talking about people like—anyway I will deal with that in another way because Mr. Vice-President might rule me out of order. Those merchants—Mr. Mouttet is not here, but I want him to hear this—who tamper with the weights and prices of the goods they sell to the consumers are corrupt, and we must organize a demonstration and invite the Chamber of Commerce to lead that demonstration against high prices in this country.

Those incompetent employers who blame their mistakes on workers, we say they are totally corrupt. Those who alter invoices through under-invoicing and

over-invoicing tactics resulting in the illegal flight of capital in the tens of billions of dollars over the last 15 years, are totally corrupt and should be jailed. Those who steal state property are corrupt. Those who receive salaries in excess of authorization are corrupt. Those who engage in bribery, patronage and nepotism are corrupt. Those who protect smugglers and drug traffickers—and there are many of them in Trinidad and Tobago—are corrupt. Those who use their public office to promote their private and personal interests, are totally and absolutely corrupt.

These manifestations of corruption occur in our society on a regular and virtually routine basis and the consequences of that, Sir, as you know, are enormous—severe economic damage to our country; disastrous results from poor administration; weakening of the democratic process; loss of moral values; the growth of corruption; negative effects on the youth; confusion, marginalization, demoralization, and increase in crime— *[Interruption]*

We say that corruption is spreading at an alarming rate and should be fought directly in both the private and public sectors, because there is corruption in the private sector as there is in the public sector. For one to have a corrupter, there must be a corruptee! Somebody has to offer a bribe for one to receive a bribe, and that is what takes place.

Corruption lies at the root of our poor integrity and lack of accountability. It is our view that all officials elected or otherwise, who control and administer the public purse should be made by law to make public declarations, and not just to the Integrity Commission, but declarations which would be accessible to the public at a small fee. We want to know how much money these people had when they came in to public office; when they leave, we want to know how much they are leaving with! Therefore, the public must have access to the files of these people. There is a thin line between one's privacy and the question of one's public responsibility. It is an honour to serve the public. It is an honour to take up public office and one must make sacrifices. One of those sacrifices must mean public disclosure of all your assets. No one should leave a public office as a millionaire overnight. Jail for them!

The lack of transparency and accountability in government operations and transactions is a major contributory factor to fraud and corruption. The Nucor and Enron deals and all the other corrupt deals with Amoco—you know about these things; I do not need to mention them. Therefore, we have to struggle against the

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misappropriation of Government resources by public and private officials which could otherwise be spent on the welfare and the development of our communities and which could really encourage and conduce to a more reasonable atmosphere in this country.

Without a doubt the United National Congress, the alternative government, in spite of all the attacks that are being made on it by the media—in particular the *Guardian* and the *Express* this morning—indecent, obscenity, and outrage. But that is something we will deal with at another level. In spite of all their conspiracies and attacks to kill and bury the UNC, we shall prevail and it will form the next government in 1996.

The United National Congress have been in the forefront of the battle for meaningful and urgent radical reform of our parliamentary system. We have been calling for fundamental reform to deal with greater accountability by the Government. We have called for a Freedom of Information Act, which exists in the United States, but the Government does not want to have one here so that we can access all the necessary information. We have consistently called for the establishment of a system of parliamentary committees to monitor the Government's policies and actions. That was recommended by the Wooding Commission in 1974.

The absence of strong institutions as the bedrock of our democracy threatens the very fabric of our society, particularly in an atmosphere of fundamental market reform policies which are currently sweeping our nation. Strong institutions which are beyond the grasp or reach of politicians—I want to repeat this—strong institutions which are beyond the grasp or reach of politicians are urgently required if we are to avoid the tragedy that has visited countries like Venezuela where the President is in jail and another is expected to be jailed. In Brazil they have removed the President from power because of his corrupt practices. In Italy a whole government was thrown out and a new system introduced because of the corruption among government officials.

It is now absolutely clear that Parliament lacks the ability to control the public purse. Severe weaknesses exist at all levels in this Parliament, particularly, Sir, when one talks about the Public Accounts (Enterprises) Committee and the Public Accounts Committee.

Comprehensive integrity legislation would undoubtedly address the issue of fraud and corruption in the private sector as well. As I said before, if there were

no corrupters in the private sector, there would be no corruptees in the public sector.

Mr. Vice-President: The speaking time of the Senator has expired.

Sen. W. Mark: Thank you very much, Sir.

Seconded by Sen. Capildeo

Question proposed.

The Minister in the Office of the Prime Minister responsible for Public Administration and Public Information: (Sen. The Hon. Gordon Draper): Mr. Vice-President, as we listened to the debate unfold this afternoon, perhaps one was struck by the dilemma and the paradox that we face in dealing with an issue of this nature. Sen. Wade Mark talked to us about what is integrity. He gave us many definitions, many of them hinged on issues relating to honesty, wholeness and to soundness. We heard a presentation built on innuendo, rumour and "ole talk": nothing to do with soundness, honesty or wholeness.

The presentation also very clearly hinged on elements related to the Integrity Commission and some of the deficiencies in that commission. While I accept that there is need to strengthen that commission, I wish to argue that as important as that commission is, our discussion of integrity must also focus on the issue of leadership in our society; must focus on what we need to do to develop a culture of integrity in our society. That comes not only from law; it comes as well by how we as individuals behave.; it perhaps, more importantly, comes out of how leaders in our society behave, the signals they send to our society; the statements they make in public, their behaviour generally.

2.50 p.m.

Therefore, as I come to treat with Sen. Wade Mark, I would wish to open our discussions so that we can take in some of these other elements which impact on the issue of integrity. But perhaps, the place for me to start, quite naturally, is with our own statements on matters relating to integrity.

I have perused the UNC document and I really have not found a statement. The PNM 1991 Manifesto on page 45, speaks very clearly about integrity. It says:

"The PNM reaffirms its commitment to integrity in public life and to this end proposes a review of the integrity legislation to strengthen the Integrity Commission and to empower it to better discharge its functions."

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What has been happening in this regard? *[Interruption]* If you sit, you would listen and you would hear, hopefully.

Sen. Wade Mark himself alluded to an Integrity Symposium held in 1993. In fact, he himself was a presenter at that symposium which in our view, marked an important coming-together of varying groups, interested persons in our society to focus on the issue of integrity. The Senator is one who always advocates the importance of involving the people, of consultation, of meetings, and I am holding in my hand the report of that symposium.

It is interesting, that when we look at the report and see the issues discussed—it in fact, went through a wide range of issues: it talks about legislation; morality in public affairs; accountability; enforcing legislation; integrity in business, and the role of the media. In short, that symposium brought together a meaningful dialogue and discussion, a range of issues and brought to bear in an organized and ordered way, analysis of what was needed to strengthen integrity legislation, and strengthen integrity generally in our society.

Sen. Wade Mark points to the fact that the Integrity Commission has, indeed, been presenting to us here in Parliament a number of reports over the years pointing to some of these things which needed to have been done. It was, in a sense, this symposium which allowed that commission itself, with the support of the Government, to galvanize public opinion, to galvanize some sensitivity around the issues, and therefore, on the basis of consultation, to be able to go forward with proposals for change.

It is on that basis, that the commission itself has now addressed its mind, formally, to the Prime Minister in a letter of April, 1994, setting out, arising out of that symposium, some of the discussions and submissions they themselves have made over the years into a concrete set of proposals to deal with strengthening integrity legislation in Trinidad and Tobago.

A number of issues which Sen. Wade Mark raised in the small parts of his presentation which were lucid, coherent and relevant were, in fact, also raised by the Integrity Commission itself. Among other things, they point to the need for us, to look at those persons who fall within the existing integrity legislation and made proposals for widening that net. They, too, talked about the need to develop, as wide as possible in varying places in the public service, varying codes of ethics.

The commission also talked about strengthening the commission itself and some of the work they need, not only the computerization which Sen. Wade Mark said

has already been introduced into the commission, but other elements of strengthening the work of the commission. They, too, made some proposals with regard to public disclosure, and to some of the deficiencies in terms of insider-trading, influence peddling, acceptance of gifts, engaging in other employment inconsistent with public office.

All these things are currently before the Government as firm proposals from the Integrity Commission.

So that when Sen. Wade Mark makes the point as though the Government has simply disregarded the submissions the Integrity Commission has made over the years, that is just not true. We are in fact, mindful of the need to address those deficiencies, and we clearly stated that in 1991 in our Manifesto. There is a clear recognition that we need to review legislation, and strengthen the institutions in our society which deal with integrity and accountability in public life.

While I may wish to return to this later in my contribution, let me, perhaps pause and take note of what are some of these institutions in our society which deal with issues relating to integrity and accountability. Let us therefore put our discussion in that kind of national context. It is not that there are no institutions in our society which exist to deal with elements of accountability and integrity; the Integrity Commission itself is one, perhaps we will return to that.

Let us recognize that within this Parliament itself the Public Accounts Committee and the Public Accounts (Enterprises) Committee, both provide not only the Parliament but the country as a whole, an opportunity to review the activities of Government and state enterprises. And both of those committees, as you know, are chaired by Members of the Opposition.

Sen. Hosein: On a point of clarification. Mr. Vice-President, I wonder if the Minister would agree that those committees have been crying for greater transparency and accountability, that they virtually have no teeth, and that the Government has not done anything about that over the years.

Sen. The Hon. G. Draper: Mr. Vice-President, I indicated fairly early that we accept that there is need for strengthening a number of institutions.

Firstly, we need to recognize what these institutions are, and we are not denying that there are areas where deficiencies exist and where strengthening of those institutions is necessary. So that the comment made by Sen. Hosein is not one that is outside the pale of what I am saying. But we need to recognize that there are these institutions already established, enshrined in our own

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parliamentary procedures which provide a mechanism within which public departments, state enterprises, and so forth, could, in fact, be held accountable. And indeed, the leadership of those committees rests in the hands of Members of the Opposition.

But there are others. Sen. Wade Mark alluded to one other. He alluded to the work of the Auditor General's Department, which, indeed, forms an important institution within which the issue of accountability is treated in our society.

3.00 p.m.

There is, of course, the work done by the Ombudsman. In short, I am saying, that there already exists in our society a range of institutions which deal with elements of integrity and elements of accountability. The Government in its commitment to looking at deficiencies in the operation of services throughout our public service is, in fact, treating with strengthening each of these institutions. It includes strengthening of the Auditor General's Department and it includes, as I alluded to a while ago, recognizing—and coming out of the Integrity Commission itself—that there is need for us to look at the law and the organization and functioning of that commission. It is not that the Government is unmindful of these things; the Government clearly recognizes them.

Sen. Wade Mark at the end of his Motion believes that the way to all salvation is through the development of joint parliamentary committees. It would be interesting for us to catalogue the number of joint parliamentary committees that Sen. Wade Mark would wish this Parliament to put in place. It seems to me that for every deficiency, for every issue, for every thought, for every rumour, the solution, as far as Sen. Wade Mark is concerned, is a joint parliamentary committee.

Sen. Barrack: Most of the rumours are financial!

Sen. The Hon. G. Draper: Clearly, while we on the Government side accept the need to look at the possibility of introducing new and more parliamentary committees, we need to prioritize. The Government, as you may be aware, has indeed been engaging the Opposition in discussions over the last few months around the issue of joint parliamentary committees, attempting to establish some priorities and, as well, to establish what these joint parliamentary committees would, in fact, do. If we are going to move to joint parliamentary committees, then clearly we need to move to committees which would be effective and efficient. The Government, in accepting the need to address this issue, has begun

discussions with the Opposition on this matter. Sen. Wade Mark did not allude to that, but I think we need to underscore that, because it also marks Government's commitment to searching for other mechanisms to deal with these issues of integrity and accountability, but all of that notwithstanding those committees already in place and functioning.

I want to turn for a while to the leadership issue to which I referred. I would argue that if we are to talk about developing a society which is conscious about what integrity is and what accountability is, if we are to develop a society which truly recognizes the rule of law, which behaves in a manner that is whole and honest, then it really falls on our leaders to determine how their own behaviour may be establishing patterns and certain cultures in our society. I would argue that, certainly, all of us in this august Chamber are leaders. Therefore, the things we say and do are important in determining the culture and nature of the society in which we operate. When, therefore, I read today's *Trinidad Guardian* and I see the editorial is interestingly headed: "Two more jokers", and it says among other things:

"Indeed a close reading of what the UNC leader, Basdeo Panday, and his human rights sidekick, Ramesh Lawrence Maharaj, told their audience about their plans to tame ..."

Sen. Hosein: On a point of order, Mr. Vice-President. I fail to see where this argument is leading. It does not appear that it qualifies under any of the provisions of this Motion.

Mr. Vice-President: Point of order is overruled.

Sen. The Hon. G. Draper: Thank you very much, Mr. Vice-President. Apart from the fact that Sen. Wade Mark himself referred to it, I would also try to help Sen. Hosein. I started by making the point that we cannot talk about integrity unless we talk about leadership in our society, and I am talking about two leaders coming out on the pages of the *Trinidad Guardian*. I resume where I started:

"Indeed a close reading of what the UNC leader, Basdeo Panday, and his human rights sidekick, Ramesh Lawrence Maharaj, told their audience about their plans to tame Trinidad and Tobago newspapers, they could only have been playing for laughs."

Said the chief of the mysterious Human Rights Bureau which has a single officer, the one who heads it, and no known members, 'the UNC will ask the court to revoke the licence to operate of certain newspapers.' "

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These are leaders in our society. We are talking about integrity; we are talking about developing a certain culture in our society and we have a situation where those who have put themselves up for leadership would talk about closing down newspapers and closing down media in a willy-nilly kind of way, and then some of their friends would come here and pretend to be concerned about the Constitution.

Sen. Barrack: Your leader burned that in Woodford Square.

Sen. Hosein: On a point of order, Mr. Vice-President, I think the hon. Minister is misleading the Senate. He is saying that this matter has been done willy-nilly, that certain people want to close down newspapers. I have read that article, as well, and there is nothing in it to that effect. It does not say that at all!

Mr. Vice-President: Continue, Sen. Draper.

Sen. The Hon. G. Draper: Thank you, Mr. Vice-President. May I continue reading from that editorial. It says:

"Here is a self-proclaimed human rights activist who is proposing, even before he gets the power he so dearly hopes to win, action which is totally opposed to the ideas and ideals he says he stands for. Only a comedian of the highest class could be so paradoxically outrageous."

Mr. Vice-President, the point I am making is that to come here and talk about integrity [*Interruption*]

Mr. Vice-President: Sen. Wade Mark, you had an opportunity to make a contribution for one hour, most of which was undisturbed. I am directing that you conduct yourself in a manner befitting the Leader of the Opposition in this Senate and allow the Senator to make his contribution.

Sen. The Hon. G. Draper: Mr. Vice-President, I am on the point of linking leadership with integrity and I would stay with that because I am arguing that we cannot talk about integrity unless we talk about the development of a culture of integrity and the role of leaders in developing it.

Sen. Hosein: Mr. Vice-President, on a point of clarification. Will the Minister then tell us if he would use the same yardstick in assessing the Attorney General's role with drug lords in Mayaro with his campaign?

Hon. Senator: Hypocrisy! Yes, talk about that!

Sen. W. Mark: Let us hear what you have to say about that!

Sen. The Hon. G. Draper: Mr. Vice-President, as far as I am aware, I am delivering my speech and I would continue to do so. *[Interruption]* I am sure he can.

I am making the point that we cannot come here and talk about integrity without recognizing how leaders influence the culture of integrity. That is my point! Senators opposite may wish to deny their leadership roles, but they are leaders.

Hon. Senator: Tell us about your leader and the car he sold to Dole. Tell us about that!

Mr. Vice-President: May I draw the attention of the Senate to Standing Order 39 (b) and (c):

"A Senator present in the Senate during a debate—

(b) shall maintain silence while another Senator is speaking, and shall not interrupt, except in accordance with these Standing Orders; and

(c) shall otherwise conduct himself in a fit and proper manner."

I do not like the way the debate is going this afternoon. Continue, Sen. Draper.

3.10 p.m.

Sen. The Hon. G. Draper: Thank you very much, Mr. Vice-President. It seems, in fact, very interesting that some who would always want to come here and shout to the rooftops find it difficult to sit and listen and understand how their own behaviour impacts on others in the society. And because there are some other principles which link very easily with what we are saying—principles which this Government and this party live by, which would include the fact that, for instance, our notion of leadership at this level in the Senate would preclude us from having persons here who have been rejected by the electorate. But that is a notion, a principle of leadership and a culture which we have accepted.

Sen. Barrack: What is the relevance of that statement?

Sen. The Hon. G. Draper: I am talking about leadership, Sen. Barrack.

Sen. Barrack: On a point of order, please. I see no place in this Motion for any reference to the way in which leaders conduct themselves outside these five points.

Mr. Vice-President: What is your point of order?

Sen. Barrack: My point of order is, Sir, that the hon. Minister is referring to what, to him, is the conduct of the leadership of the Opposition, when there is no place in this debate for that kind of reference, particularly where conflict of interests involves—

Mr. Vice-President: What is your point of order, Sen. Barrack?

Sen. Barrack: My point of order, Sir, is that the Minister is irrelevant.

Mr. Vice-President: Point of order is overruled. Continue, Sen. Draper.

Sen. The Hon. G. Draper: Thank you, kindly, Mr. Vice-President.

I will return to that, but let me move on to talk a bit about some of the other institutions which we need to recognize as important in terms of strengthening institutions in our society, treating with the issue of integrity. Because Sen. Wade Mark spoke about a number of other issues—he alluded to, for instance, tax evasion and tampering with weights and measures. In other words, he listed some other areas where he felt we needed to focus in terms of integrity in our society.

I wish to look at some of the institutions which are involved in these matters and what the Government is doing to strengthen them. His concern with tax evasion, clearly, is one which speaks to a need for us to address the operations, streamlining and functioning of the Inland Revenue Department itself—an issue that we, as a Government, have been addressing. One addresses that issue by putting in place different systems, including computerized systems, which would allow us to more accurately and effectively monitor things related to taxpayers. That computerization has been going on at Inland Revenue.

It speaks also to the need for us to strengthen the audit function of the Inland Revenue Department which, again, talks about audit systems, but also talks in terms of people and putting in more resources to be able to deal with those audit systems. Because, if one accepts the concern that he raises about tax evasion, then these are the mechanisms that we need to deal with it.

Over the last two years this Government, as part of its ongoing reform activity has, in fact, been dealing with those issues in the context of the Inland Revenue Department, and will continue to deal with those issues to strengthen the administration of tax in Trinidad and Tobago.

Sen. Wade Mark speaks about the issue of tampering with weights and measures. Indeed, one of the core programmes currently underway, coming out of the newly established Ministry of Consumer Affairs has, indeed, been a programme where we have been working out there in the fields, dealing specifically with the issue of weights and measures, and ensuring that the scales, and so forth, are in accordance with existing legislation. So that for two—not very many—of the specific issues that he raised, we can very clearly point to activity on the part of the Government to deal with those issues. But there are some others. He did not, specifically, speak about Customs, although I think he alluded to over-invoicing and under-invoicing as part of what he was saying. But, again, one of the areas of our own reform and institutional strengthening work in the Government has been in the Customs and Excise Department.

I have here the report of a team of customs officers, which is a draft code of conduct for the Customs Department. So when the good Senator says that nothing is happening, I can provide him here with concrete evidence of the development of a code of conduct for one institution in the Government, which is central to some of his concerns about integrity. I will not go through all the details of it, but when one looks at this, among other areas covered under the broad area of "unacceptable conduct," the code of conduct speaks to issues relating to dishonesty, misuse of authority, general legislative violations; it speaks about discrimination, sexual harassment and coercion.

It also talks about safeguarding official information, and the safety of that information; conflict of interests, gambling, outside employment; and acceptance of gifts. When one looks at this and goes through a discussion with the customs officers who have been centrally involved in developing it, one sees that they have been able to look at codes of conduct from a number of societies. They have looked at our own society and out of that they have now developed a code which, in their view, is appropriate for Trinidad and Tobago.

Sen. Capildeo: On a point of clarification. Is that code now in force—today?

Sen. The Hon. G. Draper: The code today, July 1994, is not in force. The code has been developed—

You see, on the one hand you and your colleague like to talk about the importance of discussion and consultation, and when it begins to happen you do not appreciate it.

Sen. Capildeo: I just enquired.

Sen. The Hon. G. Draper: I am just explaining to you where we are, and I am sure you would like to have that information. It would help, I think, so that next time you would know what you are saying.

What we have here is a code of conduct developed by a team of customs officers—this is in draft form—before it can be adopted.

Sen. Capildeo: So the report is a draft report?

Sen. The Hon. G. Draper: Before it can be adopted and used, it has to be subjected to discussion among the wider membership in that department, and I am sure you understand that and, certainly, Sen. Wade Mark understands the importance of consultation and things like that. That is precisely what is being preached in getting this matter in place at Customs. Accept it. [*Interruption*]

The point I am making, however, is that far from sitting back and doing nothing and saying nothing, we have, in fact, advanced to the point where we now have a code of conduct which can be subject to wider acceptance by the Customs and Excise Division.

Sen. W. Mark: On a point of clarification. Would the Minister be kind enough as to indicate to the Parliament what the Government is doing about runaway prices? Because I did mention prices and weights and measures. We know that prices are going out of control. What is the Government doing to help in that regard?

Sen. The Hon. G. Draper: Mr. Vice-President, I am not sure that I can respond to a wild statement like "prices are going out of control."

Sen. W. Mark: Basic goods and services. I am dealing with chicken—a basic thing like chicken. What is the Government doing about chicken prices?

Sen. The Hon. G. Draper: Perhaps at another time in another forum we can deal with his concerns, and those rumours.

Sen. W. Mark: Rumours? That is a fact!

Sen. The Hon. G. Draper: Mr. Vice-President, just let me go back to where I was so that we keep this matter focused. I am saying that we have dealt with issues relating to Inland Revenue; that we have dealt with matters relating to strengthening Customs Department; and a code of conduct is but one of the mechanisms which we have introduced to strengthen the Customs and Excise Division. Because, again, to deal with some of the issues—

Sen. Hosein: On a point of clarification.

Sen. The Hon. G. Draper: Is this time going to be deducted from my contribution?

Mr. Vice-President: Is this a point of order?

Sen. Hosein: Clarification. The Minister has given way, Sir. I want the Minister to indicate to us whether there will be a legal aspect to this code of conduct. Is it something where people will say, you cannot do this, you should not do that?

Sen. W. Mark: Is it moral persuasion or legal sanctions in force?

Sen. The Hon. G. Draper: Mr. Vice-President, as part of its introduction, it will have to be built into the Public Service Regulations which become part of the Customs and Excise Division.

I was on to the wider issue of strengthening Customs, because if Sen. Wade Mark is as concerned as he is with under-invoicing and over-invoicing and matters like that, then part of the issue that we also have to be concerned with is the more general strengthening of the Customs Department, and that has formed a central part of the Ministry of Finance's own activities relating to institutional strengthening and reform.

Sen. Barrack: On a point of clarification. Would the Minister state whether that strengthening of the Customs Department has anything to do with conditionalities by lending agencies? *[Interruptions]*

Sen. The Hon. G. Draper: Mr. Vice-President, we will deal with that at another time. But the strengthening to which I am referring speaks to developing new organizational structures; to the introduction of computerization; to the introduction, at Customs, of internal affairs units which are geared specifically to dealing with matters relating to fraud within Customs. In other words, as part of the institutional strengthening of Customs itself, there are mechanisms being put in there to deal with some of the integrity concerns raised by Sen. Wade Mark.

I go to another of the departments which are central to this issue of accountability and integrity, and I refer to the Auditor General's Department. In fact, if Sen. Wade Mark goes back to some of his notes from the Integrity Symposium, he would see that some of the discussions there dealt with issues of accountability and financial accountability and the Auditor General made the very telling point that, if we are to talk about accountability, really, we need to talk not only about financial integrity, which is critical, but also about issues relating to value for money, efficiency and effectiveness issues, and matters like that.

In short, as we talk about the work and the operations of the Auditor General's Department as part of our discourse on integrity and accountability, we need to understand that their own strengthening needs to point, as well, to broadening of their mandate and to having them look at a number of issues outside the narrow financial issue. That has been put in place. Again, in its early stages we have seen the Auditor General's Department begin to develop approaches which allow it to treat with more than just financial issues, but to go much broader than that; and that, too, is an element of integrity and accountability and, I think, one to which Sen. Wade Mark was alluding.

But there are other institutions, and if we are to talk about issues relating to the law, then part of our concern here ought to be with issues relating to judicial reform as well. If we strengthen some of the laws then, in the context of ensuring integrity in our society, we need to ensure that we have access to the courts, and that speedy resolution of issues in the court system needs to be dealt with. Therefore, one of the other elements that must come in, as part of this discussion about integrity, must be enforcement.

In this context, again without going into details, which we have done at other times, we can point to the fact that part of our own development in the area has led us to look at the implementation of reform measures in the judicial system. In other words, strengthening the capacity of another critical arm of our state to deal with life in Trinidad and Tobago. We need to recognize that to talk about integrity and accountability we need as well to focus on this broader area.

In a sense, when we talk about accountability, what we are really talking about is an obligation to answer for a responsibility that has been conferred; and while we establish and strengthen institutions to ensure that that obligation is carried out—I return to a point I made earlier—part of that comes back to the individual recognition of that obligation.

Part of the development of that individual obligation must also cause us to look at how we develop people in our society. Because to talk about that culture of integrity, to talk about a society in which integrity and accountability are held up and, in fact, seen as virtues and principles by which we live, we have to talk about how we develop people in our society.

That, therefore, brings us face to face with issues relating to education and what kinds of values we put into people in our education system.

Sen. Barrack: What a pragmatist!

Sen. The Hon. G. Draper: And part of our own movement to reform in the society has, in fact, caused us to focus very squarely on the issue of education reform. This reform has caused us to look at, among other things, curriculum design, teacher training, and how we develop people who would work in that education system. Therefore, we need to see the work which is proceeding as part of our education reform as one of the planks on which our Government is going forward to ensure integrity and accountability in public life.

As you know, Sir, some time ago we introduced here a task force report on education which report has itself been subject to discussion, dialogue, and debate across the national community. The Ministry of Education has now been able to cull from that, recommendations and views which will allow it to come forward with a well-developed approach to education reform. So that the importance of developing and designing new curriculum as part of developing an individual, conscious of integrity, has been seen as a critical part of our own development.

But, when we listen to much of what Sen. Wade Mark said, the innuendo and the rumour, it really points us to another danger; and that is that while we know that we need to strengthen institutions, and we are doing it, as a people we also need to be conscious of how innuendo and rumour can damage life, and damage a society. Therefore, if we are to talk about integrity and about legislation—I think that was the central theme of Sen. Wade Mark's presentation—then we need to accept that we have to be able to bring to those institutions facts and issues which can stand scrutiny and which, therefore, can take place within that rule of law and the courts of the land.

Unfortunately, what we have had here today, as we have had on so many other occasions, are wild statements—

Sen. W. Mark: Not wild statements.

Sen. The Hon. G. Draper: Mr. Vice-President, innuendo.

Sen. W. Mark: Mr. Vice-President, on a point of order. I think that the hon. Minister is misleading the House. I did not engage in wild statements, I have facts to prove what I am saying, but it is just that you would not allow me, Sir, in terms of proceeding on these matters. I have a lot of information and things here on this Government. So I do not want him to say that I am engaging in wild statements. I have facts and evidence on this corrupt regime.

Sen. The Hon. G. Draper: Mr. Vice-President, as far as I am aware, the hon. Senator was invited to lay his facts on the table here this afternoon, and I will

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infer that his inability to do that is really a reflection of his lack of facts; and therefore I make the point that we cannot come here and pretend to be committed to integrity, if we are not in possession of valid facts and evidence which can stand scrutiny in those very institutions we say we want to strengthen. As a society we have to understand what that is doing in undermining our values, our culture, and our people.

As leaders, we must be committed to desisting from that kind of behaviour.

3.30 p.m.

Sen. W. Mark: Mr. Vice-President, if the Minister is accusing me of undermining integrity and all these things, misleading the Parliament and making wild statements, could he bring the facts to the Parliament? Could he tell us, for instance, the issue of lobbying involving, this matter of a contract between Neil and Company and Holland and Knight?

Mr. Vice-President: Are you making a speech?

Sen. W. Mark: We want to hear the facts on those things because we are not getting the information; and we want the facts. He has them. Tell us the corruption that is taking place on that matter.

Mr. Vice-President: Continue, Minister Draper.

Sen The Hon. G. Draper: Thank you, Mr. Vice-President.

The point I am making is that we exist, unfortunately, in a society where many of us feel that the way in which we are lifted up in the society is by standing on the heads of others, by shooting others down—

Sen. W. Mark: That is what the PNM is doing!

Sen. The Hon. G. Draper: —without the basis of fact and evidence. I am making the point—

Sen. Capildeo: Permit me. In the light of what the Minister has just said, would he give the undertaking to this Senate that the Government will pass a Freedom of Information Act to prevent any innuendoes from coming forward?

Sen. W. Mark: And he is the Minister of Information.

Sen. The Hon. G. Draper: Mr. Vice-President, there is really no relation with what I am saying.

Sen. Barrack: Judge and jury.

Sen. The Hon. G. Draper: On the one hand, I am saying that as people, as individuals recognizing our roles, we need to accept that we cannot be waving in public places, issues which have no basis in fact and masquerading those as facts.

Sen. W. Mark: Well, give us the facts!

Sen. The Hon. G. Draper: I am saying leaders must desist from doing that.

May I return, in a sense, to a place where I started. I started by accepting, as, in fact, Sen. Wade Mark alluded, that there are some deficiencies that we need to correct. I say that the Government has demonstrated, in terms of its statement to the population in 1991, a commitment to review those. I am saying that the commitment which we lent to the Integrity Commission in its symposium demonstrates that. I am saying that we now have before us concrete proposals which came out of that to which I alluded earlier, which will point us in the direction of strengthening those areas and the Government is committed to reviewing these, and is moving towards plugging those loopholes, strengthening laws and strengthening the institutions.

I am making the further point, however, that to talk about integrity, we need as well to focus on our individual behaviour, and on how we influence other people around us. We need to focus on what we do to shape cultures and, therefore, it is imperative that people here who occupy positions of trust and leadership understand the magnitude of that challenge.

Sen. W. Mark: You should be speaking to yourself, Saith and Manning.

Sen. The Hon. G. Draper: I am saying more than this. I am saying that as we look over the last two and a half years, we see a consistent drive by this Government to deal with strengthening those institutions which impact on issues relating to integrity and accountability. I have enumerated them. The Auditor General's Department, Customs, the Judiciary—

Sen. Capildeo: The Judiciary!

Sen. The Hon. G. Draper: —the public service itself. In short, we have demonstrated commitment to moving to strengthen those institutions. I think the one thing that is left for us in here to do now is to take stock of ourselves and our behaviour, to take stock of our leadership roles and to truly provide—

Sen. Hosein: A point of clarification, Mr. Vice-President. I wonder if the Minister could tell us whether he believes that the behaviour of the hon. Minister of Finance is one of leadership. Tell us!

Mr. Vice-President: The speaking time of the hon. Senator has expired.

Motion made, That the hon. Senator's speaking time be extended by 15 minutes. [*Hon. C. Robinson-Regis*]

Question put and agreed to.

Sen. W. Mark: We have no problem with that. We want answers.

Sen. Hosein: Let us hear!

Sen. The Hon. G. Draper: Mr. Vice-President, be assured that I will take just a few seconds and I thank you for giving me the time.

I end by making the point that those of us who sit in this Chamber need to accept that we are leaders, that our behaviour and our statements will impact on the culture and the culture of integrity in our society. I trust that we will all be guided accordingly.

I thank you, Mr. Vice-President.

Sen. W. Mark: We are waiting to hear about Mottley!

Mr. Vice-President: Please! Please, Sen. Wade Mark. Sen. Chamely.

Sen. Dr. Edmund Chamely: Mr. Vice-President, the Motion before this august Chamber can be divided into two halves, a preamble and a resolution. I want to make a few remarks about the preamble first and then comment on the resolution.

In the preamble I find that the Motion is written in very strong language as is customary of Sen. Wade Mark, and I felt that if I were a public officer or functionary, I would object most strenuously to the implied castigation in that preamble. Just to quote from the first, second and third recitals:

"—host of dishonest and improper acts—
—serious misconduct in public office by a host of public functionaries;
—series of illegal acts and criminal activities:"

I would suggest that we change the preamble, if we had to have a preamble, and have something like:

"In order to discourage improper and dishonest acts and to improve integrity among public officers or functionaries, the Senate requests the Attorney General to introduce—"

And continue what he had there to introduce.

That would bring me to the second half of this Motion which is a resolution calling for the introduction of comprehensive legislation against certain acts. We have listened to the discourse of both gentlemen and both of them were in agreement that there are issues of integrity and accountability. Sen. Draper, in fact, went at length to explain to us what the Government is doing about these issues, but the resolution is asking for comprehensive legislation on these issues.

The question I should like to ask is: Do we in fact have comprehensive legislation? And if not, why not?

Mr. Vice-President: Very short and lucid maiden contribution, Sen. Chamely. I wish to congratulate you.

Sen. Rev. Daniel Teelucksingh: Mr. Vice-President, I would like to congratulate Sen. Dr. Chamely on his very concise maiden contribution. I wish him well as he continues with us.

Sir, I congratulate Sen. Wade Mark on that very timely reminder in his Motion of the urgency for us to actively promote integrity in public affairs. Not only in public life do we need these concerns, but also in private life. That is very important for us in Trinidad and Tobago. Not only for public servants, but also for the total population. We need to emphasize that.

I think it is very good that as we approach the end of a parliamentary year and also as we are around mid-term of this whole parliamentary exercise—if we go on to five years—it is very good that we echo in this Senate some of these very significant and important concerns and issues implied in the concept of integrity—the question of moral excellence; the question of moral uprightness; of honesty and truth, of soundness and wholeness in thinking, in acting, in living and in relationship with others; in living and working in the context of decency, self-respect and goodness. I think we really have to be leaders in the Parliament. In fact, we should have been discussing this long before now. I hope we have been practising it.

3.40 p.m.

These qualities and virtues are to be nurtured in every citizen. Sen. Wade Mark is challenging specifically the leadership in the community; that is the scope of his Motion. As public functionaries, he is advising us to be aware of integrity in the performance of our duties. This is a good place to begin. We have to begin with ourselves, but in all humility, it is important and I am aware of this for while listening to the contributions of the other Senators, I keep saying to myself, "He

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who is without sin cast the first stone." Still, I believe we all must strive for the highest, although we recognize our weaknesses, for we are all tarnished.

Plato in his *Republic* suggested that people within the state can be socially just if they follow leaders who know the truth. Plato is advising that the state can be socially just when its leaders come to grasp forms of that which is good, and that which is true, and when there is moral and spiritual soundness in leadership. This is a laudable objective and we must inspire our leaders to a life based on truthfulness and integrity. Integrity is absolutely essential for persons in public office because they are decision-makers. We are policy-makers, we are representatives of the people. We are entrusted with authority and responsibility and, therefore, in a sense, we are accountable to the people.

I thank God that the world community continues, in spite of all our flaws and errors, in pursuing efforts to preserve the moral order. There is hope for mankind. There is a definite demand for integrity in public office. I want to cite a few examples. Sen. Wade Mark mentioned a few. We are not judging anyone but merely, as a reminder that there are concerns for integrity very much alive outside Trinidad and Tobago.

Sir, you will remember one of the most promising reformers of this decade in Japan, the former Prime Minister, Hosakawa; he admitted to financial improprieties and he was forced to resign. Reference was made to our neighbour, Venezuela, where the former President, Andres Peres is now in prison facing corruption charges.

Sir, we all know about England. Within recent months John Major's government suffered indignities due to scandals relating to the adulterous behaviour of certain Ministers of Government. These ministers resigned—it was the only decent option—and most of them resigned even without the party requesting them to do so. This is important for all of us to bear in mind. I do not believe that we should wait for legislation and committees. I believe conscience must be at work, and that is very important.

In the United States, President Clinton carries with him two burdens, two unfinished enquiries, the infamous Whitewater affair involving his, and his wife's, financial ties in a minor property deal; and, also, there is the charge of one Paula Jones that President Clinton when he was Governor of Arkansas was morally improper at a Little Rock Hotel.

Sen. Capildeo: And we cannot get even one enquiry going here.

Sen. Rev. D. Teelucksingh: What seems to be most important as far as learning from these other people is concerned—and I am mentioning some of these great countries not because of their money and investment here, but because I believe we have to learn from them about other things concerning their way of life; not only their money and how much investment we can get from them.

In 1991 the US population required some comfort that the Supreme Court nominee Clarence Thomas was not guilty of sexual harassment as Anita Hill testified in her accusation against him, one who was about to be elevated to such a very high office. We must remember that. I know some of you must be asking what a hypocrite he is, but I need to mention that even the Church and the society expect integrity of its priests. So the likes of Jimmy Swaggart and Jim Baker, in betraying people's trust and ignoring the demand for moral excellence, suffered the indignity of imprisonment and disgrace, and this is very important. The question today is: What about us in Trinidad and Tobago?

I am glad that Sen. Wade Mark made some local national references. I hope the national television will put his entire speech for public viewing. Oh yes, and he would be judged by that too! That is important. The entire speech should be on television, of course, not the antics and other things.

I agree with Sen. Draper in condemning some of those. What about us in Trinidad and Tobago? Are we striving after an honourable and decent way of life as far as serving in public office is concerned? Do we have the decency to withdraw when we betray people's trust? That is very important. When we disgrace ourselves and fail our people, we have to judge ourselves and not wait to be judged, and not wait for Wade Mark's government to charge us.

The most devastating evil overcoming our society, and many societies of the world, the root cause of much of our social evils, is greed. We have to address that. It is one of the evils sweeping this land; almost everybody in the society, both the rich and the poor. This has been responsible for the downfall of so many public servants.

I really want to support the main tenet of the Senator's Motion. It is an excellent Motion. I believe that we certainly need more comprehensive legislation to insist on integrity, at least, possibly, as a deterrent. We need to detect very early forms of corruption and not wait until a government goes out of office. Sometimes it is too late. We have to find ways and means of detecting corruption very early and dealing with it.

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I would like to suggest, and it is not late, if we continue the life of this Parliament—we have at least more than two years—that we have a refresher course in ethics for the present Parliament, both Houses. It would do us good. I want to suggest, too, that ethics be taught in all the high schools of Trinidad and Tobago. I know the hon. Minister, Sen. Gordon Draper, made reference to reforms in education, and he is quite correct. I strongly suggest that in so doing that ethics be placed on the curriculum of high schools and colleges. Further, along the same line, that ethics be made a compulsory subject for all the faculties of the University of the West Indies; the doctors, dentists, social scientists and the engineers.

Sen. Draper: Lawyers.

Sen. Rev. D. Teelucksingh: This institution is providing for us so much leadership, and I believe it is absolutely essential that ethics be made a compulsory subject for every faculty.

Mr. Vice-President, I thank you.

3.50 p.m.

Sen. Prof. Kenneth Ramchand: May I speak, Mr. Vice-President? I think I got a yellow card last time, so I just wanted to be careful. *[Laughter]*

Mr. Vice-President: We have the blue book, not the yellow card.

Sen. Prof. K. Ramchand: Sir, I have much to say on the Motion before us on the question of integrity. I should have liked more time to reflect and to come out with a statement of principle, and an exploration of some of the philosophical issues, as a way of not getting involved in the ugly and distressing specifics of the current economic and political situation.

As Sen. Draper indicated, integrity is a large subject. I fear that if we try to cover it all, we would lose focus. I congratulate Sen. Wade Mark on his passion and his sincerity. I share his concerns about conflict of interests; the use of insider information; and the carrying on of business incompatible with one's public office. I also feel the need, like him, for an examination of the difference between the resources of a person before or at the point when he takes up public office, and at the time when he demits. I think these are very real problems in our society, and some of the ugly rumours that are circulating relate to that. We just do not have enough information to bell those cats, but I think those cats are prowling.

I do not know where this Motion would lead; whether we would ever enter any kind of national debate or arrive at a consensus on this kind of problem and come up with legislation to deal with it. In this unprepared speech, all I say is I heartily endorse Sen. Wade Mark's case.

I cannot resist, on the other hand, agreeing with Sen. Draper that the effect of our leaders on the spirit of the community is crucial. I should like to say, maybe, a few intemperate words on this subject. I believe that the behaviour of our leaders, from the destruction of Federation, right through to the sell-out of independence, and even now, in the period of recolonization, has been marked by irresponsibility, thoughtlessness and greed.

It has deprived our people of their democracy and the power that ought to have come to them with the granting of universal adult suffrage. Universal adult suffrage in our countries is meaningless. Our people have been reduced to being the Powerless People, in the words of Dr. C. Y. Thomas, the title of a famous book which all politicians should read. Their rights have been taken away from them; have been captured, corralled and used in the interest of their own survival at the top by a club of survivors.

This behaviour at the top—this is why I am glad that Sen. Draper brought it up—the behaviour of our leaders has turned all our young people off politics and politicians, off any kind of notion of civic responsibility, and it has deprived them of a sense of community. They do not know what they belong to; they do not want to belong to what they see around them. It is a jungle. That is part of the reason for the kinds of crimes and violence that we have in the society.

I should just like to cite the kinds of things I am thinking about, and I would stay away from home. I cite the way in which Mr. Forbes Burnham conducted an illegal regime, for year after year, and not a single other Caribbean Prime Minister said, "We do not want you at Caricom." I cite the murder of Walter Rodney, and not a single leader said, "Mr. Burnham, you are a pariah."

I cite the wide publicity and acceptance given to Mr. Burnham's speech at a Caricom meeting when he looked around and saw that some of the people who were there on the previous occasion were not there then because they were voted out of office. He said, "I see that some of our friends are absent as a result of the vagaries of the democratic process." They all laughed. The intention of these people is to get rid of the vagaries of the democratic process. They want to be there all the time.

Recently, there was a Motion in the House in Barbados. The Prime Minister, Mr. Sandiford, lost, as it were, a vote of no confidence. He turned around and inflicted an election on the poor people of Barbados. This was not a vote of no confidence in the party or Government; it was a vote of no confidence in him. All he had to do was to step down, but he did not.

Mr. Vice-President: Sen. Prof. Ramchand, I want to direct your attention to Standing Order 35(9), which states that the conduct of officers administering governments and territories in the West Indies should not be raised in debate. Please be guided.

Sen. Prof. K. Ramchand: Thank you, Mr. Vice-President.

If a Prime Minister of one of our countries faces a vote of no confidence in himself, if that happens, then, it would be very immoral of him to impose an election on his people and to behave as if it was a vote of no confidence against his government that was lost.

If a number of Prime Ministers were to get together and write a letter in our name to the President of another country, who is now in jail awaiting charges saying that they were sorry and they sympathized with him, and they thought that he was really innocent, and then come and tell us, that they were just writing to a friend, I would say that these hypothetical leaders belonging to a club, interested in their own survival, were cynical men who were destroying the belief of the young people of our society.

4.00 p.m.

I can go on, but I just wanted to make the two main points that I agree with Sen. Draper that the quality of our leadership matters terribly, and I agree with Sen. Wade Mark that we do need very urgently a discussion of and legislation on those three matters I have pinpointed.

I thank you.

Sen. Jaigobin Nanga: Mr. Vice-President, I was very reluctant to even speak in this Chamber because all I will have to do is sit for the next two years and on the final day of my parting reply to my friends on the Opposition Benches. *[Interruption]* You are enemy country so you have no friends.

I have been involved in politics since 1956, and I have now come to the Senate to pay for some sin I might have committed, probably during 1986 to 1991. *[Interruption]* You and Sen. Hosein, too.

Sen W. Mark: Mr. Vice-President, I understand that this is the Senator's maiden speech and I hope that he would not be controversial so that we would not have to interrupt him.

Sen. J. Nanga: In politics I welcome any forces. I am always controversial. Today we shall see some controversy.

Mr. Vice-President: Senators, this is Sen. Nanga's maiden speech. The tradition is that he be allowed to make it without interruption. Please continue Sen. Nanga.

Sen. J. Nanga: I do not mind, Sir.

I see concern on some of their faces because we know what will happen to four of them; we do not know what we will do with the other two. For fear that they will not hear me in this Senate, I want to respond here and there.

I am a Hindu by faith but I remember a verse I believe is in the New Testament of the Bible:

Beware of the Scribes and Pharisees who like to stand up on roof tops that they may be heard by men.

The Rev. Senator will correct me if I am wrong. Probably they were talking about somebody on the other side when they said that.

We have to be careful, as parents, teachers and leaders. If we are talking about morality and discipline, then the people to whom we speak must see us as pillars of morality and integrity. We must not preach one thing in one place and do something else elsewhere.

I would like to quote from the *Express* of July 18 where the Member of Parliament for Chaguanas said that she knew that after she had blocked the Bill, she had done something wrong. She went on to say, in an article in the *Express* of Sunday, July 17, that Sen. Wade Mark has been one of her main persecutors. So, when we come to the Parliament and talk about integrity and honesty, we must stand up with that behind our backs.

I want to go back to the article on page 4 of the *Express* of Monday, July 18:

"Bhaggan concluded: I am a member of the UNC. We have to fight to clean up the UNC and get rid of the dark forces which have taken over our party. I know my life is in danger."

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I do not know who is Scribe and who is Pharisee, but I know if I tell my son or my students how they should behave, I would surely practise that. I will not read all the clippings *[Interruption]* because Mr. Jewan from St. Helena, Caroni East, will read the rest. They do not know that he is the candidate.

It is interesting that this Motion has come at this time. Probably, as in 1985/1986, some people felt that they were going to be in power—and you have heard it said that they want to clean up their stables. It is no surprise that decent people in this country do not desire to get into politics, because some people come here week after week and all they try to do is destroy good people's name.

We on this side accept the Motion, except for one or two words—and we will ask Sen. Draper to clean up the wording for them on that side. We have absolutely no problem with it because if this type of legislation existed in 1987 when a certain Government Minister wrote a letter trying to get a contract for his friend for a deep water harbour, that would not have happened.

Sen. W. Mark: You were a member of the government at that time.

Sen. J. Nanga: No, I was outside.

Sen W. Mark: You were a member of the NAR.

Sen. J. Nanga: So, too, was your leader.

As I said, if we had had legislation like what the goodly Senator is now bringing, probably someone would not be around today. It is no wonder that the then Prime Minister on his journey to America to discuss energy and oil, took along his then Minister of Energy and had him waiting outside the hotel room. *[Interruption]* He is a political infant. He does not know who was the Minister then.

If there was integrity in Parliament and Government, they would have accounted in 1986 and up to 1994 for where they got their campaign funds. It is not only dishonesty in government, the public service or the police service; or calling teachers lazy, because that is all we do.

4.10 p.m

If there was legislation then, in 1991 the campaign funds of \$94,000 for a certain candidate would have been accounted for. If there was legislation for morality and discipline then, we would have had an account of the campaign funds in Laventille West. I see one of the Senators bowing and laughing.

Sen. Capildeo: Do you want us to account to you for our campaign?

Sen. J. Nanga: Not to me, to the public. We are talking about public accountability, and when we talk about public accountability, we want it all through, through the Parliament and through the people outside there. *[Interruption]*

Recently they spoke about morality in public affairs, and we have heard unconfirmed reports about Members of Parliament, whoever they may be, harassing reporters, and they harass them not only in their cars, but also in Parliament—*[Interruption]*

Mr. Vice-President: Sen. Nanga, this is your maiden speech but I want to direct you to the Standing Order which says:

"No Senator shall impute improper motives to any Member of either Chamber."

Please be guided.

Sen. J. Nanga: Mr. Vice-President, if we are talking about integrity, we are talking about all these dishonest acts. My focus is not about integrity, only about misappropriation of funds, but my main thrust is integrity and morality in public affairs, not only related to Government, but related also to our own lives; morality in the home, in the school and in the church. It is not right for us whether it be in the Senate, whether it be outside on a platform, to try to destroy the integrity of persons.

I do not want to get into any other controversy but what I want to say is that all these allegations which have been made week after week in the Senate—and I am now being guided that it is my maiden speech so probably in other speeches we shall get down to business. I am concerned about integrity as it begins in the home, in the school, in the church and in the nation at large.

Sen. W. Mark: You are now talking.

Sen. J. Nanja: You will hear me in Caroni East.

I am saying that integrity and honesty must begin in the home. We must not teach our children one thing at home and practise something else. We must not teach one thing in school and practise something else; so too, in the church and I am happy to hear Sen. Rev. Teelucksingh make reference to Jimmy Swaggart and others. How many Jimmy Swaggarts do we have in the church, in the home and in politics? When we come to the Parliament and we want to appear as leaders, we

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must behave like leaders; we must behave in the manner we want others to emulate, and not cover up our own sins to the detriment of others.

I cannot profess that we are all good citizens in politics, in teaching and in the church. Even in politics we may have corrupt people, but if we are corrupt in any way, then we must always be the last to speak. I will not speak on some matters because I feel in my own heart and soul that I am not best suited to speak on those matters. I will not talk about frog-hopping because I know more frog-hoppers than I. *[Interruption]*

Mr. Vice-President, I end by saying, that whether it be in the Senate or elsewhere, we cannot pretend that we are all good; that whether it is corruption, crime or bacchanal we will all have to work together to bring some decency, some order to the Senate, to the Parliament, to Trinidad and Tobago. It is a pity that some of us who, over the years have spoken so harshly about others, we ourselves have not been reformed.

I close by saying, he that is without sin cast the first stone.

Sen. Dr. Eric St. Cyr: Mr. Vice-President, I want to make a few brief comments mainly to record the very serious nature of the subject matter of this Motion before us. Our Constitution declares that we are a nation under God, and I think that gives me liberty to speak about those things pertaining to living in a nation which professes to be under God.

The first thing I should like to say is that if we do sincerely concede that we are a nation under God, then all our laws must line up with the laws of God, and our behaviour, similarly, difficult as that may be; we may never, any one of us, attain perfection but it is the goal to which we should all aspire.

There are very simple laws which we have to go by: do not lie, do not steal, do not kill, do not commit adultery, do not covet—these are universal laws, common laws almost in that realm as incontrovertible as the laws of gravity, which, even a sovereign Parliament such as this would not be foolish enough as to attempt to legislate contrary to those.

4.20 p.m.

The main question I want to pose is: Can we, as the Motion calls for, legislate morality? I want to answer in two ways. I want to say we cannot, because morality ultimately derives from the behaviour of persons whose hearts recognize right from wrong and who have the guts to choose to do right and to stay away from doing wrong, as difficult as those choices most often are. Having said that,

however, if we do not have laws which, when the offence is committed, there is not a standard by which a judgement could be held, then many of us would pretend that there was no calling to book for what we have done. I am fully in support of putting on the law books the strictest laws consistent with the common laws of Almighty God, and trying my best to live within them.

The Motion makes some accusations and perhaps we should ask to what extent we know the preamble is true. By and large, I believe that there is much substance, much truth, in the preamble. I also know and believe that there is a great deal to be added to what is in the preamble here.

We have tried with integrity legislation in the past. The difficulties with such integrity legislation is that you have to police it, and you have ultimately to bring the offenders to book. And invariably the offenders at our level who are our friends, would only be brought to book if we ourselves are willing, should we cross the line also, to be brought to book. So that it has to start with each one being willing, ultimately, to say, "Yes I did it so you can take me in" before one could have the moral authority to go after a colleague, someone we know who is offending.

I believe that until we ourselves, as leaders, win within ourselves that most difficult human fight, the fight to stay within the straight and narrow way, even though we had the best legislation on the books, it would be difficult to enforce and without enforcing, there would be weakness throughout the system.

Having said that, I want to congratulate Sen. Wade. Mark for bringing this Motion before the Senate. I personally believe that this nation has to take hold of itself and give itself a great big shake up or else things will continue to slide downhill. I am not calling that on the nation, but I am simply saying that if a curse comes, then there is a cause behind it.

I believe that we are right now at the point where things have gone already quite far, but we are not beyond redemption. I think that as a Senate we should all begin by making a vow privately—I would not ask for a public vow—a vow here and now that we could turn this nation around and give what Sen. Draper has been calling on us here to do, to give some quality leadership in everything that we do. If we cannot start with ourselves then I do not think we should bother to attempt to do it for the rest of the nation.

I thank you, Mr. Vice-President.

BUSINESS OF THE SENATE

The Minister of Planning and Development (Sen. Dr. The Hon. Lenny Saith): Mr. Vice-President, I beg to move that the debate on this Motion be adjourned and continued at the next sitting of Private Member's Day.

Question put and agreed to.

ADJOURNMENT

The Minister of Planning and Development (Sen. Dr. The Hon. Lenny Saith): Mr. Vice-President, I beg to move that the Senate do now adjourn to Tuesday, August 02, 1994, at 1.30 p.m.

Mr. Vice-President: Hon. Members, before putting the question for the adjournment, two Senators have obtained leave to raise matters on the Motion for the Adjournment of the Senate which we will take at the resumption.

The sitting of the Senate is now suspended and we shall resume at 5.00 p.m.

4.28 p.m.: *Sitting suspended.*

5.00 p.m.: *Sitting resumed.*

Mr. Vice-President: Hon. Senators, Sen. Merritt and Sen. Muntaz Hosein have raised Motions on the Adjournment. Sen. Hosein has raised two of them so I would permit him to proceed on the Motion which reads as follows:

"The present position on the question of the constitutional rights of the individual and certain practices which are enforced in schools."

The procedure that we follow is that the mover of the Motion has 15 minutes to present the Motion and the Minister responds in 15 minutes.

Constitutional Rights in Schools

Sen. Muntaz Hosein: Mr. Vice-President, my Motion seeks to enquire of the hon. Minister of Education, the present position on the question of the constitutional rights of the individual and certain practices which are enforced in schools.

Let me begin by quoting Clarence S. Darrow:

"You can only protect your liberties in this world by protecting the other man's freedom. You can only be free if I am free."

In order to appreciate the rights of the individual we must examine the supreme law in Trinidad and Tobago, the Constitution. Let me quote Chap. 1, section 4 which says:

"It is hereby recognised and declared that in Trinidad and Tobago there have existed and shall continue to exist, without discrimination by reason of race, origin, colour, religion or sex, the following fundamental human rights and freedoms, namely—"

I shall read only those that are relevant to this Motion:

- "(b) the right of the individual to equality before the law and the protection of the law;
- (d) the right of the individual to equality of treatment from any public authority in the exercise of any functions;
- (f) the right of a parent or guardian to provide a school of his own choice for the education of his child or ward;
- (h) freedom of conscience and religious belief and observance."

It continues in section 5 which says:

- "(1) Except as is otherwise expressly provided in this Chapter and in section 54, no law may abrogate, abridge or infringe or authorise the abrogation, abridgement or infringement of any of the rights and freedoms hereinbefore recognised and declared."

Sir, let us now examine the Education Act and see if it is consistent with our Constitution. The Education Act, Chap. 7 says:

"Prohibits discrimination at public schools on account of religious persuasion, race, social status or language."

No problem with the Act! As we can see, it is consistent with the Constitution. There is one Convention which we must also examine; the very respected United Nations Convention on the Rights of the Child which most countries are signatories to, and are proud of it. I quote from that document:

"Convention on the Rights of the Child adopted by the United Nations General Assembly on November 20, 1989."

I now turn to Article 14 which says:

- "(1) States Parties shall respect the right of the child to freedom of thought, conscience and religion.
- (2) States Parties shall respect the rights and duties of the parents and, when applicable, legal guardians, to provide direction to the child in the exercise of his or her right in a manner consistent with the evolving capacities of the child.
- (3) Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health or morals, or the fundamental rights and freedoms of others."

Mr. Vice-President, as you can see, Article 14 of the Convention reinforces our Constitution and Education Act, and even goes further to say that the only limitations are to protect public safety, order, health or morals or the fundamental rights and freedoms of others; only by law can this be done.

May I quote Samuel J. Erwin Jr. who said:

"Law is not self-executing unfortunately, at times its execution rests in the hands of those who are faithless to it. And even when its enforcement is committed to those who revere it, law merely deters some human beings from offending, and punishes other human beings for offending. This does not make men good. This task can be performed only by ethics or religion or morality."

The problem with the constitutional rights of the individual and school rules and the practices today is that Muslim children are being denied their right to attend certain schools on account of their religious duty to wear the Hijab, a modest covering of their bodies worn under the school uniform. I stress "under" because there was a report in the newspaper which stated "over". I want to make it absolutely clear that it is under.

It was way back in 1976 that the first casualty of this unequal system manifested itself, when a student of St. George's College, Barataria was prevented from attending that institution to study for her 'A' level examinations. That student had to drop out and Trinidad and Tobago had its first casualty of discrimination of Muslim students. Today, I am pleased to inform the Senate that no such practice exists at St. George's College.

But the practice continued at other schools. I raised the matter on September 15, 1992 in this Senate and was told that the matter would be referred to the

Minister responsible. One year later and no action by the Minister, I again raised the matter in this august Chamber. On October 26, 1993, I brought it to the attention of the Minister of Education via a Motion on the Adjournment. The Minister then promised prompt action. He told the Senate on that occasion that he had consulted with the Attorney General's Department but he wanted to take the matter to a committee for consensus. It must be noted, Mr. Vice-President, that the Minister did not tell us the outcome of his discussions with the Attorney General's Office. Perhaps, he will tell us today.

5.10 p.m.

I am advised that the Minister did not get consensus from his committee and gave the matter to the IRO for consensus. Again, he did not get consensus from the IRO. Mr. Vice-President, you will understand the difficulty in trying to get consensus on religious matters by a group of different religious leaders. It is near impossible.

Now, I am advised that the matter is to go before Cabinet for its determination, but his ministry writes the Principal of the Arima Senior Comprehensive School. I have a letter dated July 4, 1994:

"The Principal,
Arima Senior Comprehensive School,
Arima Old Road,
Arima.

Dear Sir,

Please be advised that the Ministry takes no objection to Muslim Girls wearing their headgear. We recommend that good sense and good taste be allowed to prevail."

One wonders what is meant in this letter by "good sense and good taste be allowed to prevail"; perhaps the Minister will tell us.

There is a dichotomy here: while the Minister is pursuing his efforts and going to Cabinet, a letter goes out to one of the schools, not to all the schools. So one wants to know what is the present position of the Government regarding all schools and whether it will be a policy—a very confusing scenario indeed, if ever there was one.

While all this was happening, the Minister did not even have the common courtesy to keep me up to date on this important matter, especially since I raised it in this Senate on two previous occasions. But I am becoming used to the discourtesy of Members of the Government side.

I am advised that an argument put forward by detractors is that if we give in to the Muslims, then other religious bodies would ask for similar concessions. But, if we examine the schools where Islamic dress is allowed, we would find that there have been no such requests from other religions. Let me say categorically that should there be similar legitimate requests from other religious bodies, there should be no barrier because this country belongs to all of us. I would be the first to champion the cause of any other religion which has a legitimate case.

I am also advised that another argument against this request is that the hijab or modest dress of the Muslim which is worn underneath the school uniform with a head covering—this Senate is quite aware of the mode of dress, and to those who are not let me say that there are some children in the gallery who are in that dress right now—the detractors say the hijab is a tradition.

I am advised that the Minister is in possession of a letter sent to him by the Muslim Co-ordinating Council, which represents all the bodies of Muslims in Trinidad and Tobago, verifying the Q'uranic command of hijab for Muslim women and girls after the age of puberty. This letter is signed by the nine leading Islamic jurists in Trinidad and Tobago.

Another objection comes from my good friend, the Archbishop Anthony Pantin. I want to quote what the good Archbishop has said from the *Trinidad Guardian* of Saturday, July 23, 1994:

"When pupils or their parents choose a particular school, they automatically accept all the conditions for entry into that school, among which is the wearing of the school uniform."

I could not agree with him more because nobody is saying they are not going to wear the uniform; the uniform is going to be worn, but over the hijab. We have to understand—and the good Archbishop must understand—that there cannot be rules which are inconsistent with the Education Act and also inconsistent with the Constitution of the country. If there are such rules that are *ultra vires* the Constitution, they must go!

Mr. Vice-President: Sen. Hosein, I just want to draw to your attention that you have about two minutes more.

Sen. M. Hosein: Thank you, Mr. Vice-President. While it is not a rule for 15 minutes, I am almost done and even if I am not finished, I know you will be very kind in allowing me a few more minutes.

Sen. Draper: You have two minutes.

Sen. Barrack: You are very exacting today.

Sen. M. Hosein: Let me quote from the *Guardian* of May 5, 1994, a speech by the hon. Prime Minister Patrick Manning at a meeting at Curepe. In part, he said:

"Trinidad and Tobago does not belong to any particular people or race, but is a country for all of us."

I could not agree with him more. The report continues:

"The Prime Minister also told the gathering that his administration had plans to review existing laws 'which had been written to recognise only the religion of the colonial masters'. Noting that the religious practices of the Africans and Indians had been suppressed during slavery and indentureship, he said that a change in such legislation was necessary to ensure that Trinidad and Tobago was 'truly a country where every creed and race finds an equal place'."

Notwithstanding the statements by the hon. Prime Minister, there is another statement that I want to quote in the same newspaper of Saturday, July 23, 1994. I think it is very instructive. This one was made by Pundit Ramcharan Gosine, a Government Senator:

"In this country we have freedom of worship and people should be allowed to wear the dress that is in keeping with their religious beliefs, so long as it upholds the ethics, morality and norms of the society. As far as I am concerned, the hijab conforms to these conditions."

Mr. Vice-President, the position today is that a Muslim girl was refused admission to Holy Name Convent, Port of Spain; another was refused admission to St. Joseph's Convent, St. Joseph and yet another was refused admission to St. Stephen's College, Princes Town. All these children passed for their first choice. Members of the Senate will understand the trauma suffered by children and their parents as a result of the Common Entrance Examination, and when one passes, if

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one wishes to obey God and dress modestly, one is confronted with discrimination.

I respectfully submit to the other side that this is not a matter for consensus, this is a matter in which the Minister must be guided by our supreme law, the Constitution, and the Education Act, which both prohibit discrimination on religious grounds.

Further, common moral principles suggest that the Minister should be very happy that there are people in Trinidad and Tobago who are adhering to religious principles and dressing modestly. Given the state of the nation, we should all be going back to our religious practices and moral persuasions. We can all observe the decay of the nation in every aspect of national life. We should not be giving God-fearing people a hard time and allowing lawlessness to run rampant in the country.

The questions are: Do Muslims have an equal place in Trinidad and Tobago? Do Muslims have equal protection under the Constitution of Trinidad and Tobago? Do Muslims have equal rights under the Education Act? Do Muslims have equal consideration under this Government? Enough is enough! Enough talk! Too much time has been wasted. Too much agony for the Muslim population. The Minister must show strength and do his duty now.

In conclusion, Sir, let me quote Lyndon B. Johnson—

"There is no greater wrong in our democracy than violent, wilful disregard of law."

I thank you, Sir.

The Minister of Education (Hon. Augustus Ramreakersingh): Mr. Vice-President, before responding directly to the Motion as it is phrased here, I want to back up a bit to set the record straight. After the initial request was made, it was not that nothing was done, as I pointed out in October, 1993, but consultation was going on with members of the Attorney General's Department, in particular the Solicitor General's Department, and we were going along what was essentially a legal line.

5.20 p.m.

By the time Sen. Hosein was given permission to introduce his Motion on October 26, 1993 we had come to the conclusion that, rather than take a purely legalistic approach, we should seek to have all the parties involved discuss the

matter to see if we could arrive at consensus, or some *modus operandi*, and I gave that assurance. In fact, immediately after Sen. Hosein's Motion, a committee was set up, as I had promised, under the Director of Schools Supervision. It included members of the various religious bodies or boards, members of the Parent-Teacher Association, members of government schools and assisted schools. They met, and towards the end of January 1994, submitted a report to me. By and large, there was not total agreement so we cannot say that the consensus I had hoped for was achieved. However, that consensus was still the desired objective.

I established contact with the Inter-Religious Organization to see if it could have assisted. By the end of April 1994 it was clear to me that consensus would not be achieved. Since that time the arguments put forward during the committee's deliberations, and all points of view have been considered very carefully by the Ministry of Education.

The present position—and I relate directly to the Motion—is that the Minister of Education, having taken all the views into consideration, put forward certain recommendations in a Note to Cabinet. I hope that the Note will be taken this week, perhaps, next week for the latest. I do not have control over Cabinet's agenda, and I can assure you that as soon as Cabinet has deliberated on the matter, the Ministry of Education will inform the country of the ruling.

Thank you, Mr. Vice-President.

Crime Escalation

Mr. Vice-President: Sen. Merritt, we will take your Motion, on the Escalation of Crime in the country. You have 15 minutes to present your Motion and the Minister will have 15 minutes to respond.

Sen. Carol Merritt: Mr. Vice-President, I must thank you for recognizing the urgency of this matter in light of the unprecedented increase in lawlessness in our country.

The statistics speak for themselves. Already for 1994 the murder count is 96 which is just 12 fewer than the total figure for 1993 and 13 fewer than the total figure for 1992. There have been 275 woundings, 128 rapes, 3,837 break-ins; 2,475 robberies and the list goes on.

We are experiencing an average of 18 murders per month. The entire country is gripped with fear and a sense of insecurity. No one is safe in his or her home. In fact, it appears that it is much safer to be out of our homes and be on the streets rather than be engaged in our burglar-proofed homes where the murderers can still enter and kill us with impunity.

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The situation is really alarming and outrageous. The citizens of Trinidad and Tobago are living in virtual fear for their lives on a daily basis, while the criminal element in our midst continues to rampage through the society. The Government continues to look for scapegoats for its own ineptitude and incompetence. The Opposition has been everybody's bashing-board; the Police Commissioner and the Police Service Commission have also been bashing-boards for everyone. Recent additions to this list are members of the legal fraternity and even the "ex-Minister" of National Security is getting his share of the blows.

For the past 2 1/2 years numerous groups and citizens, especially the Opposition, have been attempting unsuccessfully to awaken the Government to the escalating crime rate, but the Government did not seek to introduce any major proposals or policies to deal with the frightening situation, to give the population the feeling that they work, play and live in a secure environment. The Government has been making promises since 1992 to deal with the crime rate. When the National Security Council was founded and chaired by the hon. Prime Minister, he stated that the security of the nation was in his capable hands. I wonder if these capable hands were handcuffed behind the Prime Minister's back while the criminals ran away with our two beautiful islands. Apparently, some person or persons have removed the handcuffs because he has suddenly found \$5 million to purchase for the police service the much needed vehicles and helicopters to patrol and assist in the combating of crime. I also understand that there is only one helicopter that is in use. The other one is languishing somewhere awaiting parts to repair it.

The Government continues to spread the propaganda that the Opposition is obstructing it in its fight against crime. Let us look for example at the Constitution (Amdt.) Bill. If the population were privy to the clauses of this Bill they would understand how carelessly this Bill was drafted. A Bill that would be interfering with our Constitution—and furthermore, the Government does not need to infringe on our constitutional rights to enable the protective services to effectively institute measures to combat the crime scourge which will alleviate the fear, suffering and trauma of our population.

I have said it before and will say it again today: Give the police service the resources to enable it to function effectively, give it vehicles, modern arms and ammunition, modern communication equipment; introduce new methods; do away with the old laborious methods of booking and making entries at the various police stations throughout the country; and, most of all, boost the morale of members of both the police service and the defence force by providing them with

proper accommodation, meals and also by sending the various batches or battalions on courses to upgrade their crime detection techniques.

It is important for our military arm to feel good about themselves or to have self-esteem, to enable them to provide a better service to the public. *The Scotland Yard Report* made several recommendations and comments on the police service. Why is the Government rejecting these recommendations?

Allow me to give some examples to find out from this Government why it has not sought to implement any of the recommendations from the *Scotland Yard Report*? In the Report it is recommended that a review of the criminal law relating to offences should be upgraded, the system for exhibiting and retaining evidence, especially drugs should be modernized. As regards police discipline, recommendation is that there should be a thorough review of the process, as it is being abused to constrain honest officers.

On the attitude of police officers, it was pointed out that the officers need to believe and behave as if their job was to provide a service for the public and that being a policeman was a full-time professional career. More time should be spent by officers on patrol and not sitting in police stations. The report also stated that the problems with obtaining files and their disappearance raised the need for an effective management system for dealing with files, reports and correspondence.

5.30 p.m.

In the report there is also the recommendation that a special unit be set up to investigate allegations of crime by police officers. The unit should have power to inspect at random. The whole area of crime reporting, crime files and the supervision of crime investigation requires review. This is just a synopsis of the recommendations of Scotland Yard. Yet, the Government did not seek to implement or to even adhere to any of those recommendations. Money was spent to bring the Scotland Yard investigators here and now the report is just languishing somewhere.

The Minister of National Security has to set as a priority objective the role of confronting and controlling organized crime across the board. There should not be any race, colour or class barriers where crime and criminals are concerned. No criminal should be an untouchable. What has become of the investigation into the whereabouts of a certain escaped prisoner who has been on the loose for the past two years? At present no arrests have been made for some of the heinous crimes that took place recently.

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Some of the crimes are: The murder of Canadians at Blanchisseuse. The young mother whose hands were tied behind her back and was shot and stabbed several times at Laventille. The young mother who was gunned down on the outside of the fence of Neal and Massy at Morvant. The young doctor who was viciously gunned down as she was getting into her car to go home to her five-year old daughter. Not one arrest has been made. The relatives of the two young women who were viciously slaughtered at West Moorings have, at least, seen an arrest made of the two suspects for those murders.

It is clear that this Government is a reactive and not an active Government. It responds to issues that affect the population only when something major happens, such as its response when one high profile person was murdered, for example, Mr. Michael Hercules. I think a committee was set up at that point but I do not know what has become of it. At present, with the murders in West Moorings, the Prime Minister is now making all sorts of promises again in the media. I hope that this is not another nine days' wonder.

Bringing more legislation and clearing up the backlog of cases in court would not act as a deterrent to the spiralling crime rate. It would not halt the brutal rapes, slaughter and robbery of our citizens, especially our women. It would not halt the contract killings and Mafia-style executions which have become hallmarks of our society. It would not stop the drug lords who are treated as respectable citizens and who sit in their ivory towers and call the shots on the streets from Arima to Chaguaramas, or from Caroni to Cedros.

We can sit here from now until 2052 and pass legislation after legislation, but if the Government does not put modern systems and mechanisms in place in each police station to curb the crime scourge effectively, we would be only spinning top in mud. I want to tell the Minister responsible for National Security—I do not know who is going to respond because I know that there is an ex-Minister of National Security who is a junior now and the Prime Minister has assumed the position of Minister of National Security.

We on this side want a plan on the ground for the reduction of the carnage of our innocent citizens on a day-to-day basis.

Mr. Vice-President: You have two more minutes. I am just following the guidelines.

Sen. C. Merritt: Thank you, Sir.

The crime rate is too outrageous for a small society like ours. The nature of the crimes that are being committed is telling me that the individuals who commit

those crimes do not value human life. I have to refer to my main concern that I raised on Sen. Mahabir-Wyatt's motion on crime. I said then and I would state here again that the value system has shifted. Children in all strata of the society are not taught to value or love their fellowmen, regardless of their societal status, mental or physical inadequacy. Regardless of their race, love and proper values have to be instilled in our children.

We also have to address the social dimensions in crime which are poverty, unemployment, dysfunctional homes, domestic violence, abused and rejected children. Some children are even rejected while they are still within their mothers' wombs. The emotional trauma that these mothers experience is passed on to their infants from even then, so stressful children are being born; children who have repressive anger within them. Something has to be done about these unscrupulous male members of our society who abandon women while they are even pregnant with their offspring. I have been saying since 1992 that the social ills have to be addressed.

In conclusion, let me say that the need is urgent for the Government to put policies, programmes and strategies in place to reduce the crime rate and to alleviate the tension and apprehension being experienced by our decent citizens. The total breakdown in the administration of justice and the legal system has to be definitely addressed. The public at large is calling for action on the crime situation, not "ole talk" and promises again. The Government has to act decisively.

I am advising the relatives who have assumed the guardianship of those children who have lost their parents in the past two and a half years, to seek professional advice and care for those traumatized children; adult counselling for the widowers and widows of those brutally murdered. They should seek to get the healing process on the way instead of letting hate, anger and resentment get them further into trouble by laying threats on the various scapegoats.

It is also a criminal act to threaten the lives of professionals who might have to defend the very criminal element that affects us. Please refrain from these practices. We are only falling to the same level as these nefarious characters.

Thank you.

The Minister in the Office of the Prime Minister responsible for Public Administration and Public Information (Sen. The Hon. Gordon Draper): Mr. Vice-President, let me thank Sen. Merritt for appreciating that the issue of crime is not only a critical national one, but also one that has to be dealt with on

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several fronts simultaneously. That is precisely what this Government has been advocating for the last two and a half years.

Essentially, we have recognized that to treat with the issue of crime, we need to deal with administrative matters within the police service; not only the provision of resources, but also the management of the resources within that service. We need to deal with accommodation, legislation and mobilization of the community. Our approach to dealing with crime has therefore proceeded along all these paths simultaneously.

Sen. Merritt looked at the Scotland Yard recommendations; we could also note that there have been others. The O'Dowd Committee made recommendations. Some of the recommendations that she highlighted include the review of the disciplinary procedures; police attitudes and the need for more effective management. How do we get that?

In our view we get that through, on the one hand, putting into the police service improved management systems, and on the other hand, reviewing all those mechanisms which impact on the management of the police service. That includes the Police Service Commission. In terms of putting in systems in the police service, flowing from those recommendations from both Scotland Yard and the O'Dowd Committee, over the last two years we have introduced into the police service new civilian managers, thereby ensuring that the police service would have not only skilled police officers, but also skilled managers to manage those resources.

We identified the need for four such managers, two of whom are already in place; a fleet manager to manage that critical resource of vehicles in the police service and a human resource manager to manage the other critical resource, the human resource in the police service.

More than that, as Sen. Merritt alluded, there was the recognition that we needed more police officers for patrols on the streets. What have we done? We have embarked on a task of civilianization which has now allowed us to free about 98 Second Division police officers from desk work to work out on the streets. That is a recommendation which came out of the O'Dowd Report, accepted and implemented by this Government as part of dealing with administrative arrangements in the police service.

Within the police service and more broadly, within the Ministry of National Security, we have also put in new structures and systems to deal with some of the crimes affecting us. Within the police service we have developed and put in place

an organized crime and narcotics unit with people who are now being trained specifically to deal with that issue. We have established an office for strategic services which deals specifically with drug related issues in the society.

5.40 p.m.

We have provided management and other training for police officers. In short, in recognizing, as Sen. Merritt does, that there were recommendations pointing to the need to restructure the police service to deal with different elements of management, we have moved to implement along those lines.

More than this, she herself has also alluded to the importance of better record keeping, of providing improved technology for the police in terms of record keeping. What have we done? We have installed a new computer system in the police service, an installation which is proceeding along three phases, the first of which is already completed in terms of hardware and software, which will deal with criminal records, personal records, fleet management and manpower scheduling. The other two phases would include looking at the traffic ticket system, the court support system, the arrest system, incident reporting, the fingerprinting system, wanted persons and computer aided dispatch. Again there has been acceptance and implementation of technology and systems which would improve the management of the police service.

While it is fashionable to point merely to the need to introduce more resources, we also take the view that those resources we have must also be managed more effectively and efficiently. Indeed, the Prime Minister in his recent broadcast indicated that Government will provide funding for increased resources and equipment in the police service.

This is being done particularly in respect of vehicles, so that the fleet manager has been concentrating on the issue of managing the police vehicles, and again the Prime Minister, in his broadcast last week, indicated that having reviewed that system we are now convinced that the existing approaches to the maintenance of vehicles in the police service are inappropriate and, therefore, new systems will have to be put in place. Again, a recognition that while putting in resources is important, the management of those resources is also critical, and we have moved to deal with that.

In talking about issues relating to discipline and attitudes, we need to recognize that this takes us into looking at the management within the police service itself and therefore the importance, not only of putting management in

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there, but also of ensuring that there is clarity in terms of understanding who has responsibility for discipline.

More importantly, all the systems which impact on managing these people and maintaining discipline must also be addressed. Hence, part of our legislative agenda has seen us bring here legislation dealing with the Constitution and, in particular, the Police Service Commission. Ultimately, it is that body, in terms of its relationship with the police service, which will treat with issues relating to discipline and human resource management in the police service. But that has just been one of the legislative items on our agenda.

We have introduced as well a Dangerous Drugs Bill which would have increased the power of the state to seize assets of persons convicted of drug trafficking. We have introduced a Preliminary Inquiry Bill, aimed at expediting the hearing of all serious criminal cases. We have indicated that we will shortly introduce a Drugs Court Bill and a Bail Bill. We need to recognize, as we have repeatedly said, that all these measures require a special majority and, therefore, given the concern expressed by the hon. Member opposite, we are certain that that concern will now be translated into appropriate action at the appropriate times in this Parliament. We cannot deal with only one aspect of this problem; we have to deal with it in a holistic way.

On the issue of accommodation, we have also witnessed within recent times in the police service, decisions taken to improve accommodation through providing new police stations in some districts and, in others, improving that accommodation through repairs to a whole range of police stations in Trinidad and Tobago.

One of the other issues which we have been discussing for some time, namely the one-way mirror issue—and, again, the Prime Minister in his recent address indicated that—has now received the blessing of the judges. The Rules Committee has met and the rules are now in place for the introduction of the one-way mirror and the physical changes which need to be made in police stations are now being put in place. Those mirrors will be put, not only in Port of Spain, but also in San Fernando, Arima, Tobago and Chaguanas, again recognizing that that has been one of the elements impacting on the whole management of crime and issues relating to it. We have moved to implement those.

We also need to recognize that part of the war against crime must be one in which we mobilize all peoples in our communities and, therefore, our community

policing and community watch group activities have also been put in place, mobilizing communities to deal with issues relating to crime.

And so I say that if one looks at this range of initiatives, they have been going on over time. They are initiatives which recognize that fighting crime requires us to treat with many matters at the same time. Some of them require legislation and require the support of Senators. Others we have been implementing through new management systems; providing resources to the police service; helping communities mobilize—all of these things signifying Government's commitment to deal with crime and providing mechanisms to treat with it.

We on this side share with Sen. Merritt the concerns she raised about crime, but we recognize that we have been doing what needs to be done to ensure the impact on that issue in our society, and we look forward to that continued show of support from Senators opposite.

I thank you.

Mr. Vice-President: Sen. Muntaz Hosein yours is the final motion. The guidelines are the same: 15 minutes to present your Motion and the Minister will respond in 15 minutes.

Bad Cheques (Effects on the Financial System)

Sen. Muntaz Hosein: Mr. Vice-President, let me congratulate the hon. Minister of Finance on his recent marriage. I hope that his honeymoon was enjoyable and that he is back refreshed and rearing to go.

Issuing of bad cheques in Trinidad and Tobago has become so widespread that it threatens to make Trinidad and Tobago a country where in the not-too-distant future commercial business transactions may be done only by bankers' cheques or cash, making us resemble our closest Latin American neighbour, Venezuela.

The estimated value of bounced cheques runs annually into the \$60 million area, which in real terms is theft or white collar crime at its most cunning. The usual scenario is that the "smart man" comes to your business and pays cash for a few small items. He repeats this a few times and then when he is known to you, he pays for a few items by cheque which is honoured by the bank. He repeats this a few times and then when you least expect it, he hits you a shot for a few thousand dollars; and his cheque then is dishonoured by the bank. The amount of the cheque is not large enough to take him to court and waste time, but too large

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to forget. Multiply this by 20 or 30 times and you begin to understand the problem facing the businessman every year.

5.50 p.m

With interest rates at an all-time high and business in a slump, add to this trade liberalization and the uncertainty of the market place, we in Trinidad and Tobago simply cannot afford such large thefts being aided and abetted by our antiquated laws and the slow grind of our judicial system, where some cases take between five and 12 years before they are determined.

The way our laws are framed, the police are not too keen to pursue these matters because they end in frustration for them. They must prove fraud to get a conviction, not to mention the long list of enquiries with which they are plagued. I am advised that they now pursue those cases only where the accounts of the accused persons are deemed to be closed.

The slow pace of our judicial system is another problem facing this type of white-collar crime. The crooks are well aware of the pace of the courts, making it a virtual certainty that businessmen would find it a waste of time to pursue, thus making it a fertile ground for their schemes. Take the small businessman who is under-capitalized and working on a shoe-string budget. He needs the extra business and is not likely to turn away business, making him the prime target for this kind of scheme. A few bounced cheques and he is not out of business alone, but he has gone through, kaput, end of story, adding to the frustrating experience of the small businessman who is the bulwark of any revival of our economy.

There are many people being retrenched by Government and being encouraged by the said Government to take their severance pay and invest in a small business. I am putting it to this Minister, through you, that this problem if it goes unchecked would discourage their entry into the business world, unless, of course, the Minister takes immediate steps to update our laws to make bad cheques a criminal offence, and speed up the court system so that cases can be determined quickly.

That is my recommendation. I want to repeat it: The Minister take immediate steps to update our laws to make bad cheques a criminal offence and speed up the court system so that cases can be determined quickly.

May I advise the Minister to consult the United Kingdom legislation, the Theft Act, 1968 and the Theft Act, 1978, along with appropriate US legislation to bring our laws up to date to deal with this matter.

I look forward to the Minister addressing this matter as soon as possible.

The Minister of Finance and Minister of Tourism (Hon. Wendell Mottley): Mr. Vice-President, there are essentially two matters raised by Sen. Muntaz Hosein, one with which I do not agree—that there is some especially high incidence of bounced cheques in Trinidad and Tobago. I do agree however, that our legislation on these matters is not up to date, and even though it is not a problem that is mushrooming out of all proportion in relation to other parts of the world, the fact is that our legislation can be, and will be brought up to date on these matters.

In relation to the first matter, following receipt of the Motion by Sen. Hosein, I caused checks to be made in the banking system through the Central Bank. The Central Bank consulted today with all six of our commercial banks, which reported that there is no especially high incidence of bad cheques in Trinidad and Tobago, not in relation to the present, to the past nor to Trinidad and Tobago in general in relation to other countries in the Caribbean and even the United States. The survey was conducted, and furthermore the Central Bank's Inspector of Banks has this as one of the items that he reviews regularly to see if the incidence is becoming a threat to the banking system, and no bank has indicated such.

I want to give the assurance that every bounced cheque is something that we want to clearly indicate is an incident of fraud and so forth, and that the incidence of bounced cheques is not out of control.

Sen. Hosein, however, is correct in that the Institute of Banking has written to the Governor of the Central Bank as recently as April of this year, drawing attention to the fact that essentially, we are still operating with legislation that is similar to the Bills of Exchange Act, Chap. 82:31 of the UK Bills of Exchange Chap. 18:82 and that since then there has been modern legislation passed in the United States, and most recently in the United Kingdom, the Cheques Act of 1992 being the most recent Act passed in the United Kingdom which gives some partial protection to innocent sufferers from bounced cheques, and also provides penalties for the issue of bounced cheques.

This matter has been under study even prior to this. The Law Commission now has this matter under review and a Working Paper has been presented by the Law Commission. I quote from the Law Commission's Working Paper in which it says:

"It is clearly evident that in Trinidad and Tobago there is an urgent need for the law to come to grips with the problems caused by the issue of 'bad' cheques, Certain fundamental questions remain to be considered:

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- (1) Should the apparent defects in the Larceny Act be cured by legislation?
- (2) Should the criminal law seek to protect innocent 'bad' cheque victims?
- (3) Should the victims be left to seek their remedies by initiating civil action?"

The Law Commission seems to be coming down in this way: that the reform should take the form of an amendment to section 34 of the Larceny Act, and that there should be provisions of a simpler and more effective system of law with alterations to the criminal law to deal more comprehensively with larceny and other kindred offences; also to other acts involving fraud and dishonesty and the incorporation into our legislation of sections 15 and 16 of the UK Theft Act of 1978, which was referred to by Sen. Hosein.

However, the Law Commission is stating clearly that we do not want to go too far in the direction of bringing the criminal law system to the aid of merchants and thereby cluttering the whole court system, and using it essentially to collect bad debts. We have to be careful as to how we come down on either side.

I also want to point out that in a number of instances, although this is the minority of cases, bad cheques are issued innocently by people who fail to properly correct their balances, and who have no intention of defrauding. Once this is brought to their attention, they quickly make the required deposits to cover the cheques that they have issued. More often is the case where people set out to defraud merchants by suckering them in, as Sen. Hosein has pointed out. It is in those instances that we want to have the law come down very hard on issuers of those cheques.

Mr. Vice-President, I give the House the assurance that the matter is under consideration. Incidentally, we have consulted the Chamber of Commerce on this and there is no hard position that it has adopted because, I suspect of the problems of membership. There is a very broad membership spectrum, which includes banks, merchants and so forth, so that the Chamber has no hard position on this. *[Interruption]* It is something that the Senator can talk to the Chamber about to try to organize them to bring a recognized position on this matter.

6.00 p.m.

If the Senator could assist us in that respect it would greatly speed up the consultation that is how taking place, especially between the commercial organizations, the banking community and the Central Bank, which has charge of

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bringing legislation after consultation with the Law Commission on this matter. It is a matter that we are aware of and we are moving on it, but we would gladly appreciate assistance in speeding up consensus on these matters.

As I have shown, there are some areas where we are required to walk a tight rope between what the criminal law system requires and what merchants may require in these matters.

Mr. Vice-President, I thank you.

Question put and agree to.

Senate adjourned accordingly.

Adjourned at 6.03 p.m.