

*Leave of Absence*

*Tuesday, August 23, 1994*

**SENATE**

*Tuesday, August 23, 1994*

The Senate met at 1.30 p.m.

**PRAYERS**

[MR. PRESIDENT *in the Chair*]

**LEAVE OF ABSENCE**

**Mr. President:** Hon. Senators, I have granted leave to Sen. Ainsley Mark, Vice-President of the Senate to be absent from sittings of the Senate during the period August 15 to 28 as he would be out of the country.

I have also granted leave to Sen. Michael Mansoor to be absent from the Senate during the period August 20 to 27 as he also would be out of the country.

Sen. Rev. Daniel Teelucksingh has indicated that he may be very late because of an emergency.

Sen. Pundit Ramcharan Gosine sent his apologies. He is unable to attend today's sitting because of illness. He has been granted leave to be absent.

**SENATOR'S APPOINTMENT**

**Mr. President:** Hon. Senators, I have also been advised that His Excellency the President has appointed Dr. Edmund Chamely to be a temporary Senator with effect from today.

A temporary Senator is required to take the Oath of Allegiance at this stage. I invite all present in the Chamber to stand while this is taking place.

**OATH OF ALLEGIANCE**

Sen. Dr. Edmund Chamely took and subscribed the Oath of Allegiance as required by law.

**PAPERS LAID**

1. The Transfer of Prisoners (Declared Countries) (Scheme for the Transfer of Convicted Offenders) Order, 1994. [*Minister in the Ministry of National Security (Sen. The Hon. Russell Huggins)*]
2. Twenty Eighth Report of the Salaries Review Commission of the Republic of Trinidad and Tobago. [*Hon. R. Huggins*]
3. The Rent Restriction (Exclusion of Premises) Order, 1994. [*Hon. R. Huggins*]

- 4 Report of the Auditor General on the accounts of Enemy Property for the year ended December 31, 1993. [*Hon. R. Huggins*]
- 5 Education Policy Paper (1994-2003) National Task Force on Education—Draft White Paper. [*Hon. R. Huggins*]
6. The Maxi-Taxi (Amendment) Regulations, 1994. [*Hon. R. Huggins*]

**ORAL ANSWER TO QUESTION**

**Mrs. Yvonne Bobb  
(Qualifications and Emoluments)**

**66.** *The following question stood on the Order Paper in the name of Sen. Muntaz Hosein:*

- (a) Would the hon. Prime Minister please state the present salary of Mrs. Yvonne Bobb who is employed in the Trinidad and Tobago Embassy in Washington?
- (b) Could the hon. Prime Minister also state:
  - (i) The job description for the position which she occupies;
  - (ii) The job specifications, including the skills, qualifications, knowledge and abilities required for the job?
- (c) Could the hon. Prime Minister further state:
  - (i) Whether Mrs. Yvonne Bobb is in possession of the qualifications and experience required for the job;
  - (ii) The amount of sick leave Mrs. Bobb has taken for 1994, thus far;
  - (iii) The name of the person who performs her duties when she is absent?

**The Minister in the Ministry of National Security (Sen. The Hon. Russell Huggins):**  
Mr. President, if I would crave your indulgence. The answer to question No. 66 is not ready. I ask that it be deferred for two weeks.

*Question, by leave, deferred.*

**INTEGRITY LEGISLATION  
(JOINT PARLIAMENTARY COMMITTEE)**

[SECOND DAY]

*Order read for resuming adjourned debate on question [July 26, 1994]:*

*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.
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. [*Sen. W. Mark*]

*Question again proposed.*

**Sen. Junior Barrack:** Mr. President, it is not often that I have started a debate in the Senate by reading a quotation from anyone. Today, I feel moved to do so. I would like to quote Alexander Pope from "The Dunciad" which is a satirical piece. It reads:-

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“Religion blushing veils her sacred fires,  
And unawares morality expires.  
Nor public flame, nor private dares to shine,  
Nor human sparks is left, nor glimpse divine,  
Lo! thy dread empire, Chaos is restored;  
Light dies before thy uncreating word;  
Thy hand, Great an arch! let the curtain fall,  
And universal darkness buries all.”

**1.40 p.m.**

Mr. President, when we look at any motion, piece of legislation or anything that has to do with morality, we are looking at and challenging the very mechanism that holds our society together. There can be no society, no civilization, if there is not a certain amount of morality to keep it together.

When I look at the Motion before me and I see its intention, I see where in our society if we do not move towards dealing with the system of integrity and morality as a whole, we would surely be lost. We would not be able to pull ourselves out of the many problems with which we are faced and would not be able to formulate a society of which we can be proud.

If we look at the democratic process we would see that it is very important that people who hold public office be people of integrity—people whom the society can look up to, people in whom the society can place its trust. The very means by which we are elected to and hold office in a democratic society suggests that we must be able to deliver on this trust and the expectations of the people who have empowered and vested their trust in us.

It is extremely important, if we are to preserve our democracy, that people who hold public office deliver on this trust. They must be prepared to stand by that which is vested in them. One of the reasons why we are faced with many forms of disenchantment and alienation within our society is that we cannot inspire in the people who give us power—who give us the right to act on their behalf—confidence in us. It is very important, Sir, because when we go to the electorate and ask them to give us a mandate to act on their behalf and somewhere down the road we change direction—we do things which we did not say we would do, we do things which are directly inimical to the interests of the very

people whom we say we want to serve—then the very foundation of the democracy which we boast so much about is affected.

It is very important because, as we are in this troubled time, as we face the problems of crime, for instance, we must be sure that what we do as we address this problem is within the realm of integrity, trust, honesty, righteousness, and so forth.

We have a situation even now where we are going through structural adjustment, where we are faced with a situation where the international lending agencies are on our tails and our leaders are not telling us the truth about what is taking place. They are not saying exactly what is required of us as a result of our engagement in these programmes. They are not telling us that there is a direct relationship between our indebtedness and our ability to take conditionalities from these lending agencies.

As a result, many Members of the Government come to this Parliament claiming these conditionalities that have been imposed on us by others as policies emanating from the Government. They will not tell us that what we are faced with is a situation where these things are imposed upon us. Legislation like this affects confidence in our Government. It affects the confidence that people hold in us as parliamentarians, and this is where the importance of integrity in public life comes in.

Again, not all aspects of integrity in public life can be legislated. There are areas which have to do with moral rightness, with a certain level of justice and fairplay which must exist in the individual even before he attains office. If the individual does not have that to begin with, when he comes to office no number of laws would be able to stop him from being unrighteous and indulging in acts of impropriety. However, if laws are there to punish those who would not stand by the high standards required of them by this Parliament in the office they hold, then they must be punished and held up to public odium. By and large, they must work within the level of morality, which is not easily attained outside religion and religious upbringing.

### **1.50 p.m**

This brings me to the point that we must strive, not only for integrity legislation, but we must strive also to inculcate these values in our youths; to reach the children in the schools and at home; to have a greater role played by religion and culture; to censor, if necessary, that part of the media that conveys behavioural patterns that are not conducive to a healthy society. We must learn to

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reward virtue. For far too long people of virtue have been scoffed at; men who have tried to be righteous have been debased in a society that sometimes shows us that it has already attained the dark side.

We must return to areas where when a man performs acts of righteousness and acts of propriety, he must be rewarded, either by saying, "You have done a good deed," or by giving him some sort of reward. We must start recognizing people who perform well in their task.

One of the things that I discovered when I looked at the whole situation in public life and the way in which people carry out their duties—I see in the Motion:

“Conflict of interest, particularly involving persons who participate in decisions calculated or capable of furthering their private interest.” When I look at these things, Sir, and I compare them with some of the acts of banditry which take place in the wider society, I am convinced beyond the shadow of a doubt that we in public office commit acts that are more detrimental to the society than any number of bandits carrying guns around our country.

If we were to tally the number of armed robberies of banks in the last ten years, we would not get \$30 million worth of loot. It is reputed that one individual was able to pull that off on a number of banks because of his ability to influence, and his ability to have things his way because of the office he holds. I am not a judge, but perception is considered to be reality, and if it is the perception of the public that that is what is taking place in our society; if it is the perception of the public that certain public functionaries are using the system to their own financial benefit and promoting their private interest we must address that. It must not be that when people function unsatisfactorily in public office they do not resign. The integrity of the democratic system can only be preserved when men falter and instead of bringing down the entire system with them they move out gently.

It is not the practice in this country. As Sen. Rev. Teelucksingh pointed out, in England and various parts of the world, Japan and so on, people know when to resign. They know when to say, listen, my action is jeopardizing the system; if I do not take any steps to extricate myself from the system, I would tarnish it. We must know that democracy requires that of us. If we do not do that, we would then find that there are adverse repercussions in the society. These are some of the things I should like Members in this august Chamber and elsewhere, to observe; they are very important.

We must preserve the integrity of our system, and there are many ways in which that should be done. I believe, not only should we as public functionaries deal with the problem of trust vested in us by discharging our duties in the way in which people would like us to, but we must also be mindful that as Members holding particular offices, we sometimes tend to tarnish those offices, and the perception of the general public of those offices.

When people think of politicians as scamps, thieves, bandits and liars, many of us contribute to that concept, because of the way in which we behave in public office. I am saying that it is about time we dealt with matters like this. We must not believe that winning an election gives us the right of dictatorship for five years. We must learn to use resignation as a way of easing pressure on the system, and we must also learn to call elections when it is necessary, even before the time comes. *[Interruption]* I am hearing a little rumbling at the back, but I will not take it on.

I have stood in the Parliament and have pointed out that there is a serious problem as regards our social safety net. I made reference to the URP as one of those areas that one should look into. Mr. President, I am saying this because it is important—not until some regional manager is actually killed on that job, would someone take notice of what is taking place—one gentleman in Region (2) was beaten. It is a system that causes the underprivileged and the unemployed to learn to grovel. It takes away one's manhood.

How can we as leaders continue to have a system that dehumanizes our people? How can we be men who stand and say that we stand for justice, equality, morality and rightness, and allow situations to develop where people have to fight and shoot one another to get a “10 days”? I am saying that we cannot allow the situation to continue without dealing with these problems.

This Government has shown itself to be consistently against the development of integrity in public affairs. I will cite the example of Mr. Morris Marshall, a great man, a man who was not prepared to betray his constituents. The way in which the PNM treated him shows clearly where it stands as far as morality in public affairs is concerned, as far as integrity is concerned, as far as dispensing, preserving and discharging the trust and responsibility placed in it by the electorate is concerned.

**2.00 p.m.**

One of the other glaring examples of this Government's recalcitrance and wickedness, how it deals with the resolution of the crime problem in Trinidad and

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Tobago. In the first instance, this Government said that the crime problem had to do with the Opposition's continued obstruction of legislation in this Parliament. When two persons died at Westmoorings, the Prime Minister immediately fired the Minister of National Security, assumed his job and all of a sudden it was not an area of obstructionism any more, money flowed left, right and centre, vehicles are bought and all sorts of programmes and policies went into place without one piece of legislation being passed.

And not only that; that action has in a way embarrassed a good friend of mine—Sen. Huggins; we do not speak much, but I know that he is a human being despite his sometimes demonstrating the first part of his name more than he should. There he is, this man was humiliated in order for another man to take ascendancy. These are the things that we must look at, because the public is looking on.

For months you said that it was the Opposition that was preventing you from dealing with crime, but all of a sudden you can deal with crime without one piece of legislation being passed. This is the kind of tomfoolery; this is the kind of insincerity, lack of integrity that continues to haunt this nation and is interfering with the very fabric of our democracy. *[Interruption]* When you develop what I am speaking about, you would remove yourself.

When cheap politics is played with a matter as serious as crime; when innocent people have to die before the Government can do what it could have done all along that may have prevented the death of even one person, we cannot at all excuse it.

It is important that we continue to look at our legislative framework as we deal with the area of integrity. But as I said before, it must be a punitive measure. Any integrity legislation that this House passes must be highly punitive; it must fit the crime. Nowhere in the recent Bail Bill have I seen anything relating to men taking money out of the country, people dealing with white-colour crime and so forth.

I believe if they were serious about non-bailable offences, one of those which I would like to see—the law has been changed but the former members of the PNM have taken billions of dollars out of this country, breaking the laws. You have only changed those laws because of conditionalities, and because of our stringent financial condition. Most of you come here today and pretend that you are bringing these laws to Parliament, when they are forced upon you because of external forces.



We have another example—the hanging of Glen Ashby. When the dust is settled on this issue another great damage would have been done to the integrity of our Judiciary, and the integrity of our Parliament and our other institutions. It is about time that we implored these people on the other side to start dealing with fairness, justice and rightness; to stop playing politics with serious matters; play politics with the date of elections; you have a certain latitude there, but where it concerns the long-term viability of our nation, do not play politics with it. With that, Mr. President, I thank you.

**Sen. Muntaz Hosein:** Mr. President, this Motion before us is extremely important and I must say that I am disappointed that the Government side seems unable to enter into debate on this important issue. The background of this Motion is that there is a perception, backed up by empirical evidence, which suggests that Trinidad and Tobago is not only the land of the humming bird, calypso and steelband, but is also the land of "bobol" and corruption. We, as Members of Parliament have a responsibility to reverse this reputation and guide the future generation of Trinidad and Tobago—an onerous task indeed. However, we must not shirk or shrink, but stand manfully to the task before us, for if we fail to do so, I am afraid, history will deal very harshly with us.

It is against that kind of background that the importance of Sen. Wade Mark's Motion can be seen, and the Government's failure to engage in debate on this subject matter is very saddening indeed.

**2.10 p.m.**

Mr. President, let us examine the track record of our present leaders in our society.

**Hon. Senator:** Who is your leader?

**Sen. M. Hosein:** If we do that, we might come up with the information required that could inform the decision to put legislation in place to protect the reputation of Trinidad and Tobago and, moreso, the reputation of parliamentarians which, I must say, is getting worse daily.

Let us take a look at the Unemployment Relief Programme (URP). Today, in the URP one must have a party card in order to get a "10-days". That is the most corrupt practice of this Government in power, and it does it unashamedly. No volume of complaints from this side of the Senate or from the general community, could get these fine gentlemen to stop this heinous and dehumanizing practice on citizens of this country whose wealth it is, who own the money, to have to go and beg for a job in order that they may earn a few dollars to feed their families.

In any other country any government that behaves in this manner would have had to resign in short order; but not this Government, not in Trinidad and Tobago. I do not think that the Gentlemen opposite can really feel happy. Can they feel satisfied, after they have left this august Chamber, that they have made a meaningful contribution to the development of the people of Trinidad and Tobago? How they can live with themselves is beyond me. No conscience whatever!

**Sen. Dr. Saith:** Mr. President, is the hon. Senator accusing the Minister of corruption? If he is, would he present proof to this honourable Senate, please?

**Sen. M. Hosein:** Mr. President, I am simply putting the facts before the Senate. If the hon. Minister wishes to draw a conclusion, that is his business.

**Sen. Dr. Saith:** Mr. President, the Senator outlined the transaction, called the Minister's name and then said that that was corruption. If that is not accusing the Minister of corruption, I do not know what is. If he has any evidence, he should make it available, or withdraw the charge.

**Sen. M. Hosein:** Mr. President, I am accusing the entire Government of corruption.

**Mr. President:** I just want to be sure that it is a general statement you are making and not accusing any specific Minister.

**Sen. M. Hosein:** Yes, Mr. President. It is very general. All of the gentlemen across there—and the ladies included.

**Mr. President:** Now you are saying all the gentlemen. Are you including the ladies?

**Sen. M. Hosein:** And the ladies. All the Ministers are part and parcel of a system that breeds this kind of behaviour. Mr. Minister, to trap me, you would have to come much better than that. Do not worry; I will come to you just now.

**Hon. Senator:** Do not feel that you got away.

**Sen. M. Hosein:** Do not worry; your time will come.

The few on the other side who are not guilty—there are some of them who are not guilty; I do not want to log them all into one basket—if they want to get away from that label, I advise them to disassociate themselves from that kind of behaviour, or influence their colleagues to behave in a more moral way. The children of Trinidad and Tobago are looking at us as examples.

If you go to the National Insurance Board under the management of Minister Dr. Linda Baboolal, you would see that a property at No. 35 Fifth Street, Barataria was bought for \$340,000. I brought this matter to this Senate just to show you that these people do not care a damn about what they do. They are not affected.

**Mr. President:** Senator, please!

**Sen. M. Hosein:** I withdraw that, Mr. President. They do not care a hoot nor a toot.

Where that property is situated is a residential area; there are no commercial properties there. Similar properties in the heart of the Croisee were sold—around the same time that this property was bought—at \$160,000 and \$250,000 with a house on it. Up to today, this Government has not seen it fit to tell the Parliament of the country how it arrived at the valuation of that property, so that there would be some kind of transparency and accountability. When one examines from whom this property was bought, the records would show that it was bought from the sister of the Minister in charge. Corruption of the highest order!

**Sen. Barrack:** Lack of integrity!

**Sen. M. Hosein:** Mr. President, it is no wonder that they cannot engage in debate of this nature.

These Gentlemen and Ladies across the aisle do not understand that history will be written and that the history of Trinidad and Tobago would treat with them in the same callous manner in that they are now treating with the people of Trinidad and Tobago.

We have asked the question on another occasion. Perhaps, I could get the Minister of Planning and Development to join the debate and answer some questions. How many contracts were awarded to the firm of Mark Castillo and Toney, and the system under which these contracts were awarded? Perhaps, the Minister could answer. We have a duty when there is a conflict of interests—I am not saying that there is anything wrong; perhaps these companies have won these contracts in the normal manner. I am saying that we must be more transparent, we must account to the people, especially when we have an interest in it.

**Hon. Senator:** True!

**Sen. M. Hosein:** That is the point I am establishing.

**2.20 p.m.**

For example, the Minister might want to answer: What is the connection between the Junior Minister of Finance and the building soon to be acquired from Algico by the Government?

**Sen. Barrack:** Answer that question.

**Sen. M. Hosein:** What is the connection, and why is it that this building, which was valued at a lower price, is being bought by the Government at a higher price and every day the interest keeps going up? Why are we allowing this to happen? Maybe there is a good explanation, but we need to have the explanation. But, try as we may, either this Government is unable to answer, or refuses to answer; and perhaps it is a good time for me to quote Shirley Chisholm—

**Sen. Capildeo:** That is an American Congresswoman.

**Sen. M. Hosein:** She said: "When morality comes up against profit, it is seldom that profit loses."

**Sen. Barrack:** Is there any truth in that?

**Sen. M. Hosein:** Mr. President, let us take the situation with the banks. *[Interruption]* If you examine what goes on in the banks today, you will find that when they find one of their managers guilty of corrupt acts, *[Interruption]* do you know what the banks—

**Mr. President:** I do not think the Senator next to you has quite completed his speech. He needs more time to conclude.

**Sen. M. Hosein:** Well, I would gladly give way, Sir.

**Mr. President:** It would seem so. We should like to have one person speaking at a time. I take it he had finished and you have started. The Reporters cannot record two people at the same time.

**Sen. M. Hosein:** Mr. President, if you examine the banks, you will see that there are many instances where senior people there were involved in corrupt acts, and the system is that they ask them to resign: "We don't want you to go to court, we don't want you to get into the newspapers; just resign and go." I say, that that is not the way to deal with things like this, because it encourages that kind of behaviour. The other executives hired by the banks would see that as the norm, and would take chances. In case they get caught they know that no action will be taken; and there are many instances of this.

Then there is the problem of insider trading, and I am very happy to see that the banks have taken a step in the right direction. Only recently I read where they are now going to monitor telephone calls. It is a step in the right direction, perhaps, not sufficient, but a step in the right direction.

There is a situation in Trinidad and Tobago where if you go to the bank and you want to raise money for a business venture, the normal thing is that they ask you for a feasibility study. "Tell us whether the business is really going to make money. What is the outlook for this business?" You give them that, then they say "Okay, the feasibility looks all right, let us see your cash flow." "Now how are you going to work with your cash flow?" You give them that and they say, "Yes, that sounds good too." Then they ask you, "How about your collateral?" And you give them collateral, to satisfy the needs of the bank, but that is not enough. It is never enough. They say now, "Will you give me a personal guarantee?" And if your wife is involved in the business, or your son, they want it from your wife and your son too.

So that what starts out as a business venture, ends up as a business/personal venture; and the irony of it is that in many instances the banks ask you for a personal guarantee; you have nothing left but they still take it anyhow, because you might own only a house which is your home and you are prepared to give that house as collateral to start this business. And this happens with the majority of medium and small-business people.

So that, asset-wise, you have nothing, but the banks still say we want a personal guarantee. To do what? You are guaranteeing that loan, but you have no assets to back it up. None! But that does not matter because the poor soul who is going into business for the first time wants so much to raise the capital says: "Well, it does not matter; I am behind in loan anyhow so I will give you the personal guarantee". He does not realize that somewhere down the road, if that business fails, he is now in hock with the bank for moneys he will never ever be able to repay; and that, to me, is immoral, and something has to be done about the banks' behaviour with regard to this.

**Sen. Barrack:** Did that happen in your case, Lenny?

**Sen. M. Hosein:** Mr. President, so much has been said and made of the Minister of Planning and Development's problems with the bank and debt forgiveness—

**Sen. Dr. Saith:** Mr. President, I wish to assure the hon. Senator that I have no problem with the bank, and I have not had any problem of debt forgiveness. Just for the record.

**Sen. M. Hosein:** It is important to understand, that debt forgiveness is a normal thing that happens in banking circles. We must accept that, because the banks, faced with the proposition that someone has given them a personal

guarantee, and that person has little or nothing, choose to write off the debt because they know they are not going to get their money. This is in a case where people do not have.

But there is the converse situation where someone has given a guarantee and his assets are there to cover. They go after that person and, in many instances, if that person holds high or influential office, then the debt is forgiven—it may not be the total debt, but part of it, or most of it. When matters like this happen and involve persons in high office, it is only prudent and moral to make the position crystal clear to the community. Because failure to do that is to damage the reputation of all parliamentarians, past and present.

That is the responsibility we have, but we do not seem to understand. We must understand that we have a responsibility and that we must stand up to it manfully and make it clear so that people will not—you see, when people do not have information they assume many things. Sometimes it is not fair to the person involved, but they assume the worst. People seldom assume the best—you know that.

Mr. President, on this matter of conflict of interests, I understand that our Minister of Finance is soon to take up a position with First Boston of New York. I understand so; I do not know. We probably have to start looking for a new Finance Minister.

**Sen. Barrack:** Finance Minister in the next Government!

**Sen. M. Hosein:** Mr. President, we have to be very careful as members of the Government how we tread when we are involved in negotiations with institutions. And Sen. Wade Mark was very eloquent in his explanation of the other matter involving the Minister of Finance.

**2.30 p.m.**

Mr. President, I bring to your attention and to the Government's attention this vexing question of television coverage in the Parliament. There is a programme called "Inside Parliament." I do not know if you have ever had the pleasure or displeasure of looking at it, depending on what you see. I have made complaints to the Minister in charge of information several times personally, that the programme is being used as a propaganda machine.

The coverage of the debates has been so heavily weighted in favour of the Government that it distorts the view of the Parliament. But my complaints fall on deaf ears. And that is corruption as well—you are corrupting the minds of the

people by giving them a distorted view of what happens in Parliament. Perhaps, it is a good time to quote Adlai Stephenson:

"Those who corrupt the public mind are just as evil as those who steal from the public."

That is what Adlai Stephenson had to say. The Gentlemen opposite are so desperate. Their eyes are so focussed on the next general election, which I am made to understand is going to be in December of this year. The focus is not only on winning, but also on how they plan to win—not realizing that they do not have a ghost of a chance.

If we give them the entire three television stations, all of the newspapers and all the microphones in Trinidad and Tobago, they still cannot win. Those are their chances, but they do not understand that.

The other evening I went to a funeral at San Juan and one of my favourite pastors—I call him Golden Voice. He is so very good at what he does—he gave a very touching sermon. He touched on one of my favourite pieces from the Bible, Matthew 16:26. It says:

"For what is a man profited, if he shall gain the whole world, and lose his own soul?"

**Sen. Capildeo:** That is the quote.

**Sen W. Mark:** Take that.

**Sen. M. Hosein:** Only recently in another place, we made a call for a freedom of information Act, and if there is one country in the world that needed that kind of legislation, it is Trinidad and Tobago. If we had access to information we would not have to guess at what is happening in certain areas. I do not know why this Government believes that it owns access to information. I do not know why it believes that because they are the Government that whatever it does must be secret. Or is it that the Government has so much to hide that it cannot make it known to everyone? Why has it not, up to today, explained why it is buying natural gas at \$0.94 and selling it at \$0.60? It may very well be that it has a good explanation.

The explanation may very well be that it needs to give an incentive to get certain people down here. If that is the case it must say so. Tell us! Make the contract available. Maybe there is a good reason for the contracts that the Government has with Nucor. No one will understand the reasoning behind what is

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in that contract, but, an explanation would be necessary. Perhaps an explanation could tell us something, but nothing comes forward. No freedom of information Act.

It is time that the Government viewed this country as more than just the Opposition talking, and that what it is being asked to do is to please the Opposition. It is not to please the Opposition. A freedom of Information Act would give the citizens of Trinidad and Tobago access to information that is rightly theirs. And the Government must understand that.

It is said that George Bernard Shaw was seated at dinner one night next to an attractive woman.

"Madam", he asked boldly, "would you go to bed with me for a thousand pounds?"

The woman blushed scarlet and shook her head sharply.

"For Ten thousand pounds?" the eminent man pursued.

"I would not" she declared.

"Then how about the sum of fifty thousand pounds?"

The colossal sum gave the woman pause.

After some reflection, she replied coyly,

"Perhaps."

"And if I were to offer you five pounds?"

"Mr. Shaw." the woman was shocked.

"What do you take me for?"

"We have already determined what you are," he pointed out calmly.

"Now we are merely haggling over the price."

Mr. President, that is the impression of the public of this present Government. I thank you.

**2.40 p.m.**

**Sen. Stanford Callender:** Mr. President, it was not really my intention to speak on this Motion, but it became necessary for me to join the debate because I appreciate that we on this side had shaped the "essence" of the intention of the



mover of the Motion. We have made it abundantly clear in our manifesto that the PNM reaffirms its commitment to integrity in public life. I can give the assurance that this PNM Government would do all that is necessary to strengthen integrity legislation.

I do not know why Sen. Hosein has the problem of not hearing when the Government is talking. I should have thought that he would have recognized by now that the Government has stopped talking and it is acting. The problem now is that some of them find that we are acting too fast. Some of them need time.

However, as I said before, I recognize the importance of integrity in public life. I also do not share the view that one can legislate integrity. I am of the view that integrity has to come from within oneself. There are several things that need to be done to address the question of integrity in any society. We have begun the process of reforming several areas of public life and public administration. I thought that Sen. Wade Mark would have recognized that and paid due cognizance to that fact.

However, I said in this Senate before, and I say it again, that maybe on the entire question of reform, we should seek to address reform in Parliament. What has happened in this Motion is that Members opposite have used it to cast serious aspersions and wild accusations against Members of the Government and the public. To me, without information and evidence, there is a lack of integrity. What does one expect? Sen. Wade Mark contested the general election in 1990 and lost. The people rejected him, but his leader—and it was Sen. Draper who spoke about the whole question of integrity having to do with one's leadership role—saw it wise to impose on the people of this country, someone who was rejected by the electorate. I cannot advise his leader whom to choose as his Senators, but I should have thought that as a man of integrity, Sen. Wade Mark would have declined the senatorial appointment. Maybe, it is a job for which he paid. I now understand that he has to talk to keep it.

**Sen. W. Mark:** Let me just make the record clear because I think that my colleague is getting confused with the facts. I never contested any election in 1990. I contested an election in 1991. I was able to poll about 5,100 votes. Dr. Linda Baboolal whom I contested against got about 6,200. I lost by about 1,100. I give the assurance that we will take the Baratara/San Juan seat in 1996.

**Sen. S. Callender:** Mr. President, the representative for Baratara/San Juan is Dr. Linda Baboolal of the PNM. Whether Sen. Wade Mark lost by 500 or 5,000 votes, he lost. Let me say that the PNM lost a seat in the Tobago House of

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Assembly election by one vote in 1984. The people of Baratavia/San Juan elected Dr. Linda Baboolal to be their representative and spokesperson. I do not know for whom Sen. W. Mark speaks. He represents no one.

I became a Member of the PNM in 1977. If I were out of the country for the greater part of my life, as Dymally was, and I returned to the country today, I would have been a member of the PNM, because as far as I am concerned, the PNM represents the only thing of substance to the people of this country.

It was the lack of integrity and what I would term a con job, for the leader of the UNC to portray what they called a joint platform, knowing full well that the sole intention of that was to get two free seats from Tobago. As a Tobagonian, let me say to that side from this side, that Tobagonians would not be taken for that kind of ride. It would be my distinct pleasure to be part of this platform to ensure that the people of Trinidad and Tobago do not make that mistake.

I was saying that it is not easy to legislate integrity. I should have hoped that Sen. Wade Mark would have told us something, but 95 per cent of his contribution was based purely on nothing but accusations and wild charges. I looked throughout his contribution and hardly found any concrete recommendation as to how we should set about instituting legislation to improve integrity in public life.

I listened to Sen. Barrack and I was most disappointed, because as he spoke, I heard nothing up to the end of his contribution.

I always have a problem with Sen. Muntaz Hosein because most times besides being irrelevant, he seeks to cast aspersions on people. I hope that we in this Parliament could rise above this level and seek to address things in the way, that as a people, we need to effectively do them in our interest.

We on this side are committed. As I said, we have stopped talking and we are acting. We hope that as we continue our actions to address numerous problems in this country, including that of integrity, our friends opposite will support us. I am not at all convinced that in this country we do not have men of integrity, but as a people we must understand that sometimes you have your own children and you might have problems dealing with them.

We need to begin to look at ourselves as a society; to examine our family life and family structure; to look at the whole question of the education system and how we treat one another as people, if we are to seriously deal with the problems of this country including the question of integrity. We have to continue in greater

measure to recognize the Creator and understand that it is almost impossible to act without him. We, as a people, must be prepared to make some sacrifice and work together to address our problems.

As I said, I recognize the intention of the Motion. I am sure that before the debate is concluded, some indication of the positive measures we are taking as a government, will be given to the Senate.

Thank you.

**2.50 p.m.**

**Sen. Carol Merritt:** Mr. President, I rise to support this Integrity Legislation Motion.

Sen. Wade Mark is calling on the Attorney General to introduce comprehensive legislation within the period of one year, aimed at outlawing:

- (1) Conflict of interest.
- (2) The use of insider information in an effort to seek one's private interest.
- (3) Unlawful use of influence to further one's private interest.
- (4) Unlawful acceptance of benefits in connection with the performance of one's office.
- (5) Carrying on business incompatible with one's public office.

The present legislation is too weak and does not extend to a host of dishonest and improper acts and conduct as they relate to public officers. This is a serious deficiency when one takes into consideration the recent allegations and acts of impropriety which have been revealed in many instances.

One might query what constitutes misconduct in public office in the global village scenario which presently exists. We shall definitely need to expand the integrity legislation to include new angles of misconduct in public office, and there are many examples which can be looked at. For instance, there was the speculation that a certain Government Minister in the last regime, after having served only three years in one of the most powerful ministries in Trinidad and Tobago, tendered his resignation with immediate effect. It was alleged that that person took advantage of his official position or of the information obtained during the course of his official duties to strengthen the business that he was involved in prior to becoming a Minister. There is evidence to show that soon after his resignation the said enterprise in which he was involved expanded and

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was diversified into two new areas. This is an example of what constitutes conflict of interests and use of insider information in an effort to seek one's private interest.

In the most recent times there was a Minister of Trade, Industry and Tourism who resigned without explaining fully to the public, which he represented, the reasons for his resignation. We are seeing that same ex-Minister involved in the fast-expanding fast-food business. The question has to be asked whether this ex-Minister used the information not available to the general public to develop his new private venture. This is why it is necessary to have safeguards against practices such as this.

There must be powerful legislation to regulate conduct so as to avoid conflict of interests involving Members of Parliament, Senators, Permanent Secretaries, Parliamentary Secretaries, Chief Technical Officers, Chairmen and Executive Directors of State Enterprises and Statutory Bodies, Mayors and Chairmen of Local Government bodies, Chief Administrative Officers and the Chairman of the Tobago House of Assembly. There must be safeguards against corruption by these people, especially safeguards against corruption of Ministers in the most sensitive ministries, for example, the Ministries of Finance, Trade and Industry, Information, Works and Transport, Energy and Energy-Industries, and even the Ministry of Planning and Development.

The ex-Minister of National Security or the Junior Minister in the Ministry of Finance distributed to all Senators this booklet on money laundering. [Senator exhibits booklet]

**Sen. Huggins:** [*Inaudible*]

**Sen. C. Merritt:** You. You distributed these.

**Sen. Capildeo:** What is your position, boy?

**Sen. Huggins:** Assistant Prime Minister. [*Laughter*]

**Sen. Capildeo:** If you believe that, you have really gone through.

**Sen. C. Merritt:** The Minister has a lot of spunk and I admire him for that.

He distributed this booklet on money laundering to all Senators. This booklet explains what is money laundering and I refer to page 2:

"Money laundering is the process whereby the identity of dishonestly and/or illegally obtained money is transformed so that it appears to have originated from a legitimate source."

The booklet explains who are the main perpetrators of this practice:

"The list is inexhaustible but the following can be considered the main users of Money Laundering:—

- Drug traffickers
- Parties involved in Organized Crime
- White collar criminals.

To be Effective the Money Launderer must:—

- Convert illicit cash to another form;
- Conceal the true source or ownership of illegally acquired proceeds; and
- Create the perception of a legitimate source.

This booklet is confined to the use of Money Laundering by Drug Traffickers."

I wish this booklet had gone a little further. On page 5, the booklet gives three examples of how persons involved in drug trafficking might attempt to launder their cash.

Where money laundering is concerned, the Ministry should also include people in public office. People in public office should not accept gifts or funding for any public project from drug lords. This should be one of the criteria listed here. This is dangerous and has far-reaching implications. I refer here to some of the implications of money laundering:

"Money laundering activities should not be condoned in view of the inherent implications and every one must therefore play an active role in the suppression of these activities. Some of the implications are that money laundering:—

- prevents detection of those responsible for petty frauds as well as heinous crime such as drug trafficking;
- allows organized crime to keep illegal profits intact;
- allows violation of tax laws.
- corrupts financial institutions, commerce and trade, and professions."

**3.00 p.m**

My reference to this is that probably the few commissions that were set up to look at integrity legislation in Trinidad and Tobago, did not take into consideration the developing drug trade, or the developing scenarios that constitute the global village. We really need to expand the whole integrity legislation to incorporate many more people. One might even say that the Police Commissioner or the Prisons Commissioner, persons holding key positions in the country should be included in the whole integrity legislation.

The Hyatali Constitution Commission in 1987 felt that the Integrity Commission set up by the Act was so toothless that it was better to abolish it. Since in those days, we have been hearing about toothlessness by the various commissions. Not only did the Police Commissioner say that he was toothless, but the Hyatali Constitution Commission also said that.

In the alternative, the Hyatali Commission recommended a much strengthened Commission with jurisdiction over a wider range of persons in public life. Their alternative recommendations are:

- (1) Amendment of the Act to vest in the Commission a duty to promote and secure integrity in public life;
- (2) Giving the Commission powers to subpoena witnesses to give evidence, to require the production of documents, to pass to the Director of Public Prosecutions materials which might support a persecution;
- (3) Reporting to the Speaker on any Member whom they have investigated;
- (4) Expanding the range of persons required to disclose, to include Chairmen and Executive Directors of State Enterprises and Statutory bodies, Mayors and Chairman of Local Government Bodies, Chief Technical Officers, Chief Administrative Officers of Municipalities and officers of similar rank.

The Hyatali Commission also recommended that the anti-corruption laws should be reviewed with a view to improving them in the light of regional and international developments. As I said, with the new developments taking place today, we have to look at it when we are drafting new integrity legislation. In conclusion, the Hyatali Commission stated, at paragraph 359 page 190:

"These are all matters of fundamental importance and need to be addressed urgently to ensure that morality in public affairs or integrity in public life is not an empty slogan that is bereft of all meaning, content and spirit, but that it is a vital rule of conduct for perpetual and scrupulous observance by all those who would undertake the responsibilities of public life under the sanction of solemn oaths to discharge them conscientiously and impartially in the interests of the country and its people."

The Integrity Commission's own view is that, in their memorandum "Whither Integrity Legislation" published in 1993, the Commission made it clear that they would like disclosure of interests to be made by a wider range of people than is envisaged in the Constitution: And would include members of the Tobago House of Assembly, members of the municipalities, local government bodies, and full-time consultants and advisers, and also the spouses and minor children of these individuals.

In looking at the recommendations of the Hyatali Commission, and even the views of the Integrity Commission that presently exists, we are calling for a wider expanse of authority and wider legislation to incorporate fully many more officers than those presently involved in service to the public.

The Integrity Commission is also critical of the blind-trust provisions of the existing legislation, since they say there is no requirement that assets should be placed in a blind trust, and there is no provision for effectively monitoring the activities of a blind trust in the Act.

The commission believes that some corrupt acts are clearly offences within the existing criminal legislation, in respect of unethical conduct which offends public morality, but does not attract a criminal sanction. The Integrity Commission believes it is time to enact legislation to regulate the conduct of people in public life.

The UNC's position on integrity is—

**Sen. Huggins:** Does the UNC have a position?

**Sen. C. Merritt:** Of course we have a position, Mr. Minister. The UNC's position on integrity is much the same as the Hyatali Commission's. In other words, if the watchdog, the Integrity Commission, has been shown to be toothless, then it is better to do without it altogether than to pretend that there is some genuine supervision over the integrity and ethics of public employees and those in public life.

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Therefore, if the whole question about integrity in public life is not addressed, I do not see foreign investors who are proposing to come into Trinidad and Tobago having confidence in the Government of Trinidad and Tobago, unless the government seeks to clear up the whole question of integrity in its public offices.

Thank you, Mr. President.

**The Minister of Consumer Affairs and Acting Attorney General (Sen. The Hon. Camille Robinson-Regis):** Mr. President, I rise to do two things: To speak on the Motion moved by Sen. Wade Mark, and to propose that it be amended. The proposed amendments have been circulated, so before I come to them, I should like to speak on the Government's position on the whole issue of Integrity Commission and the integrity legislation.

The position of this Government is based largely on a position taken—and Sen. Wade Mark did admit to this—since 1956 by our founding Father, the Late Dr. Eric Eustace Williams, when he stated that, integrity in public life was one of the founding principles of the People's National Movement.

Further, this present Government continues to hold to that belief, in that, in our 1991 manifesto, we clearly stated that:

“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.”

We continue to stand by that manifesto commitment. As clear evidence of this, in 1993 when the Integrity Commission hosted its symposium, the Government supported the venture and played an integral role as it proceeded.

**3.10 p.m.**

We have heard quite a lot from the other side about integrity in public life. We have even heard from Sen. Wade Mark that the UNC in its manifesto has stated its position on integrity in public life. I am not sure if this is the manifesto to which he refers, I have been unable to locate [*Interruption*]

**Sen. W. Mark:** Mr. President, on a point of clarification. In my contribution I never referred to our manifesto. If the hon. Minister wishes to refer to our manifesto she is free to do so, but to say that I quoted or referred to our manifesto, is misleading the House on that question.

**Sen. The Hon. C. Robinson-Regis:** Mr. President, I have examined Sen. Wade Mark's contribution and he does allude to a manifesto position of the UNC. But there is no UNC manifesto position, and I do not know if the position that was just espoused by Sen. Merritt is now the UNC's position on integrity in public life.



I would like to state that the question of integrity in public life is clearly dealt with in our 1976 Constitution.

Indeed, in 1986 the then Government introduced a Bill to provide for the establishment of an integrity commission for the purpose of receiving declarations as to the financial affairs of persons in public life and for matters incidental thereto. This Bill which was brought to the Senate at the time, did not receive the approval of Senators, and consequently this Bill never became law. One of the reasons stated by Senators contributing on that occasion was that the Bill in that form was too wide-ranging in scope. That is instructive, because we have heard Members on the other side say that this Government, including the former PNM Government, was never truly interested in integrity in public life. But that is not evident from the type of bill that was presented by the last PNM administration.

The Bill that was eventually passed in 1987 cut down on the powers of the Integrity Commission, and cut down to a large extent on the breadth of the legislation that was necessary to deal with issues as presented by the other side. That is very instructive in terms of what we hear coming from the other side at this time.

**Sen. Hosein:** Mr. President, could the hon. Minister inform us why, previous to 1986 when they were in Government for 30 years, they did not pass the legislation which she is now talking about?

**Mr. Draper:** Ignore it.

**Sen. C. Robinson-Regis:** Mr. President, I am going to quote from Sen. Wade Mark's contribution to this debate:

"We on this side have repeatedly advanced in our manifesto and public statements, the importance of integrity in public affairs and public life."

I suspect that this word "manifesto" as quoted, does refer to this document, which I have examined and found wanting. It does not state a single word about integrity in public life. Can I have struck from the record that suggestion that I am misleading the House? This quotation clearly shows that I am doing no such thing. *[Laughter]* Mr. President, I hope that is not an example of the integrity of the Members of the UNC *[Laughter]*

We on this side accept that the present Integrity Commission Act is merely the first step towards achieving the objective of integrity in public life. It is a first step, as I have stated, because it is somewhat limited in scope and application. The reports from the Integrity Commission each year, from 1988 to the present,

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clearly outline the limitations that the persons who are actually working the legislation have found, and we have been taking cognizance of these limitations.

In light of the fact that there are limitations, we have, through the symposium that was established by the Integrity Commission, clearly stated that the Government is committed to, as I said before, strengthening this legislation and making sure that the commission has the tools with which to work properly. However, we must not try to shy away from the fact that legislation is not the solution to ensuring integrity in public life. Legislation cannot be used as a baton to beat people who are not inherently persons of integrity to become people who are invested with this virtue.

The call has been made from this side to empower people to understand that values of this nature must come from their own bowels, they must come from the people themselves; they who put themselves up for public office must be persons of a particular ethical nature. That is something that we have consistently been stressing in our contributions on this side; not that we do not believe that there should be integrity legislation, but we believe that the values and ethics must come from within the persons themselves.

**3.20 p.m.**

**Hon. Senator:** Explain URP now. Tell us what you are doing about that.

**Sen. The Hon. C. Robinson-Regis:** Mr. President, integrity is not just the list that Sen. Wade Mark has given in his Motion—conflict of interests, use of insider information, etc. We believe that even in simple matters integrity must play a part. The way you relate to the Senate; when you make a contribution, if it is captured on camera, it is one of the ways that the people of Trinidad and Tobago see the type of persons that they have in the highest forum in the land. That is one of the initial threads to integrity in public life. Not all of us meet regularly with the public but the public meets us through the medium of the television camera. Our behaviour in the Parliament is their first introduction to that integrity.

**Sen. W. Mark:** And outside.

**Sen. The Hon. C. Robinson-Regis:** Mr. President, my friend says “and outside.” That is, perhaps, even more so, and that should be taken into account also.

**Sen. W. Mark:** Deal with the Attorney General and his campaign.

**Sen. The Hon. C. Robinson-Regis:** Mr. President, as I stand here as the Ag. Attorney General [*Laughter*] I should like to refer once again to the 1987 Act. The

Act clearly—and we are quite aware of this—does not make provision for a number of actions that may be termed actions that could bring someone into reproach or that may be deemed misconduct by a public officer.

Indeed, the Act, as it now stands, tends to deal with disclosure as it exists in terms of statements being given to the Integrity Commission and the Commission seeming to be hamstrung as to how far it can go with regard to examining those statements and calling for evidence with regard to them. We recognize this. I continually say that because we are by no means trying to get away from the fact that we are aware of the deficiencies that exist in the integrity legislation.

We have also recognized that in conjunction with the integrity legislation there are other pieces of legislation which deal with the conduct of persons generally. Indeed, one specific piece of legislation which attempts to deal with the conduct of public officers is the Prevention of Corruption Act, No. 12 of 1987, which gives an even wider scope than the integrity legislation and makes an effort to deal with some of the issues that the integrity legislation does not cover. Indeed, that piece of legislation can be used in conjunction with the integrity legislation as it now exists.

I have stated that we are going to move amendments to the Motion as it now stands. I should like to indicate to the Senate what the amendments are. The first amendment is the deletion of the second recital in the preamble to the Motion which states:

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

We are submitting that this recital be deleted because there has been no evidence of what is stated here. We have had allegations thrown by Senators on the Opposition Bench, but there have been neither instances nor evidence.

**Sen. W. Mark:** Mr. President, on a point of clarification. Would the hon. Minister not agree that the Auditor General's Reports for the last eight years have revealed a host of criminal activities, negligence, on the part of the state and its servants in looking after the public interest? Would that not constitute, in the Senator's view, serious misconduct in public office? Is that not evidence?

**Sen. The Hon. C. Robinson-Regis:** Mr. President, I do not feel that is evidence.

**Sen. W. Mark:** So the Auditor General is lying?

**Sen. The Hon. C. Robinson-Regis:** Mr. President, I said that I do not feel that is evidence.

Furthermore, functionaries who may have been identified—if that is a word that could be used in the Auditor General's Report—are not, in the main, covered by the integrity legislation as it now exists. We are of the view that this recital bears no truth and, consequently, it should be deleted.

**Sen. W. Mark:** I do not agree with that. There is evidence of that. Government wants to cover up, we are not covering up.

**Sen. The Hon. C. Robinson-Regis:** Mr. President, if there is evidence that can stand scrutiny in a court of law, then that should be taken up with the Director of Public Prosecutions (DPP). However, we maintain that we would not countenance a Motion that includes a recital of this nature, and, consequently, we are moving that that recital be deleted.

### **3.30 p.m.**

The second amendment. We are moving is that all the words occurring after the words "BE IT RESOLVED" in the first resolution be substituted by the following words:

"That this Senate urge the Attorney General to institute a review of legislation to ensure that the integrity legislation is strengthened so as to enhance the scope and powers of the Integrity Commission, and to present to Parliament within one year a Green Paper for public comment and consultation."

We are of the view that with regard to this amendment, a review of legislation is necessary. The strengthening of the present legislation is necessary. We have not at any time moved away from that. However, as regards the request, as this Motion has stated, for comprehensive legislation to be brought within the period of a year aimed at making illegal acts as listed in the original Motion, we are not of the view that within a year we can bring legislation of that nature.

Additionally, the Prevention of Corruption Act deals with some aspects of these issues that are raised in the Motion, and there will be nothing to be gained by agreeing to a Motion that is not necessary in the form that it is before the Senate. We believe that more work can be done, through the Attorney General's Office and then through Parliament, when the Green Paper is prepared, and through the people of Trinidad and Tobago when it is presented for public

comment, to deal effectively with the changes that we see as necessary for strengthening the legislation.

I have to state that as in the case of the second recital we are not of the view, as stated in the “Further” Resolution, that this Senate establish as an interim measure a joint parliamentary committee. We have heard so much about joint parliamentary committees, but we are yet to see how effective those that are already established do, in fact, work. How effective is the joint parliamentary committee system? Indeed, the joint parliamentary committees that are established by the Constitution and chaired by Members of the Opposition have had a poor history in terms of their effectiveness, largely because—

**Sen. Hosein:** Mr. President, I wonder whether the Minister would like to expand on that; and would she not agree that over the years, the recommendations of these committees have not been adhered to by the Government in power? That is the reason they do not work.

**Mr. President:** Senator, rather than expand on it, there is a Motion on the Order Paper to take note of a report of one of the Public Accounts (Enterprises) Committees. I do not want to encourage Members to indulge in any anticipation and, therefore, to offend the Standing Orders. You can leave that until the time comes.

**Sen. The Hon. C. Robinson-Regis:** Mr. President, as I said, we are not in a position to support the “Further” Resolution, especially in light of the fact that we do not see the truth in this statement that, “...as an interim measure in view of the gravity of the situation...”; it follows from our belief that the second recital should be deleted, because we have not seen evidence either of the gravity of the situation. We therefore propose that it be deleted.

We repeat our belief that the legislation needs to be strengthened; we repeat our belief that persons in public life need to be persons of high morals and ethics; we also repeat that we on this side are fully cognizant of the weaknesses of the present Integrity Commission and we are working towards strengthening it.

Mr. President, I thank you.

**The Minister of Planning and Development (Sen. Dr. The Hon. Lenny Saith):** Mr. President, I rise to second the amendment to the Motion. In doing so, I take the opportunity to make a few comments as to why we are proposing the amendment. We are convinced that the intent of the Motion is worth supporting, that there is need for a look at the present integrity legislation; and that a process

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should be put in place to strengthen it. However, this Senate is an august body, and in any resolution which it passes we must be sure that the Motion is measured and not one that contains statements that really should not be part of a Senate resolution. Therefore we are suggesting that the second recital, which is really not a recital of fact but a recital of a position of a particular Member or Members—

**Sen. Huggins:** Misguided opinion.

**Sen. Dr. The Hon. L. Saith:** It really does not add to the Motion and, in fact, its removal would make the Motion stronger in terms of what the Senate wishes to achieve, rather than get diverted as to whether there was recent evidence of misconduct by public functionaries, or hear about the Auditor General's Report. It really does not add to the Motion and the first recital does not address fully that the present integrity legislation is weak. It is irrelevant and does not lead well into the Motion.

With respect to the second amendment, the process of developing legislation and bringing it to Parliament—especially legislation which has an impact such as this one would have not only on Members of the Government and public servants, but also on Members of the Senate as a whole, should not be rushed with a deadline of one year. Legislation takes time and, therefore, we are suggesting that if our objective is, in fact, to have legislation, the resolution should mandate the Attorney General to proceed with the review, get a time frame by which the document is brought to this Parliament for consideration, and give people a chance to comment on it. We are suggesting that a one-year period for this is realistic and, therefore, we have made the change in (b) to, in a sense, widen the discussion not only to these five items, but to whatever else the Integrity Commission legislation review team should take into account.

We must also bear in mind at this time that the Integrity Commission had a seminar and is preparing documents out of that seminar to inform the Government as to what it should be doing in terms of integrity legislation; and that will also be brought on board in whatever we are doing. We are suggesting that the wording of the amendment in fact, strengthens the proposed resolution, broadens it, and sets a time frame that is realistic.

**3.40 p.m.**

In respect of the last portion which we have asked to be deleted, there are two problems with it as it stands now. It says that "this Senate call on the Government to establish a joint parliamentary committee." It is Parliament that establishes parliamentary committees. It is not the Government. You cannot call on the

Government to establish it. We as a body can do it. As it is worded, it is not possible. Even if it were, how does a joint parliamentary committee monitor these activities, and I dare say, activities being referred to here? It goes on:

"Conflict of interest...

Use of insider information...

Unlawful use of influence to further one's private interest.

Unlawful acceptance of benefits in connection with the performance of one's office."

Carrying on business incompatible with one's public office."

Of all the people who are listed, *[Interruption]* How is the committee going to do this? Is someone going to write the committee and say, "Sen. X is corrupt and is using insider information? Or, he has asked a question in Parliament in order to get commercial information, and he is using that, and then you would call the people? It just is not practicable. We do not think the Senate should pass a Motion, which, when you look at it, you see it is impracticable. We are therefore asking that this last section which is really impracticable be deleted. I do not see how it will work. Sen. Wade Mark may wish in closing to give us some idea as to how they thought this thing would work.

Where we believe that our amendment really cleans up the Motion, strengthens it, we would be prepared to support the Motion, and I hope we would get the support of the other Senators on the amendments we have proposed.

I thank you, Mr. President.

**Mr. President:** I now propose the amendments moved by Sen. The Hon. Camille Robinson-Regis, and seconded by Sen. Dr. The Hon. Lenny Saith, which read as follows:

- (a) Delete the second recital
- (b) Delete all the words occurring after the words, "Be It Resolved" and substitute the following:

That this Senate urge the Attorney General to institute a review of legislation to ensure that the integrity legislation is strengthened so as to enhance the scope and powers of the Integrity Commission, and to present to Parliament within one year a Green Paper for public comment and consultation.

**Sen. Surendranath Capildeo:** Mr. President, I had no intention of speaking. I thought that the Leader of the Opposition had dealt adequately with his own Motion. But I listened to the hon. Attorney General propose these amendments, I was forcibly struck by the air of unreality which seems to be pervading this Senate. We seem to be in a vacuum here. We seem to be completely divorced from the reality of life outside, a life which today is corrupt, brutal, violent and venal. And, I have to sit here and listen to an hon. Minister come with platitudes of amendments on a matter which is seriously affecting the soul of this nation.

This country is in trouble because it has become totally corrupt. I am not talking about corruption—stealing money, I am talking about corruption in all manner and form. The soul of this country has become corrupt, and that is because for the last 38 years the people have been seeing administration after administration filching from the Treasury, and nothing happening.

As I said, it is an air of unreality here. Outside there the man with the gun on the block is the most powerful and admired man. The man who controls the drug trade is the man who controls the morality of the suburb in which he is living, and suburb after suburb, and ghetto after ghetto is in the control of these drug men. Generations have been lost; morality has no meaning to those generations of our Trinidad boys and girls. I sat here, and I listened to an amendment which talks about a Green Paper.

I want the former Minister of National Security to live up to the image he had, that he was going to lock them up. Jail them!

The situation in this country is so grave that I am amazed that this Government which is comprised—as I keep saying, of these illegitimate children of the original PNM master, Eric Williams, the man who founded the PNM on morality in public affairs and who gave birth from the Patterson, the mattress maker, case in 1956, and the Car Loans case, corruption with the M V City of Port of Spain from 1956, 1958, 1961 coming right down the line to Prevatt and O'Halloran, these illegitimate children of the PNM who went to bed with those thieves will sit here in silence or get up and say nothing about what they are going to do about their known corruption, corruption in government circles.

It is not the corruption that exists in the ghettos. It is not the corruption that Sen. Hosein was referring to in the banks. It is the corruption with the taxpayers' money, and it is the lack of dealing with that corruption that has landed us in our present sorry impasse. This whole society has become almost Naipaulian.



The conman is the god. The fellow who could fool people, he is the hero. The fellow who talks the most, he is paid to be a good talker in the courts; not on the political platforms. That is a sacrifice he will make. Sometimes he feels he is talking in the wilderness, and he does not even have to be out there talking on the hustings. He will stand here in the Senate and know he is in the wilderness, he is in the political wilderness because there is not the political will on that side to clean up the corruption.

And you cannot clean up corruption, because if you listen to Sen. Barrack—and he speaks with emotion about the dehumanizing effect of the URP and you sit there and laugh. You cannot really represent people with a crash programme which has come down the line in its evolutionary state to an urban relief programme in which you have completely taken away the pride of the Trinidad man and woman; You sit there and you giggle when a boy who has grown from a child into a man under that system, and is now in this Senate is saying from his heart that you are dehumanizing generation after generation.

You have no idea of the damage you are doing yourselves. You have no idea of the image of corruption which you are giving to the outside world, that we are the Third World's Third World; that we are a banana republic that will hang people who have motions before the court. We are a banana republic [*Interruption*] not even sucrier. That is a special kind of fig. We are projecting the image of a typical banana republic incapable of solving our own problems. And, I dare say, if we were within the geographic limits that Cuba is in relation to Miami, our people would have been on boats going there too.

The image that you are portraying of your incapacity to control crime; to educate the people, and the complete absence of morality in your affairs is that of a Third World country which is at sea and does not have control over its resources.

**3.50 p.m.**

They sit and laugh at a very important Motion like this. I got up to speak because it hurts. I am not a Third World citizen; I am a first-class first-world citizen of Trinidad and Tobago. If they want to perpetuate this image that we are a banana republic, I take objection to that, because when you deal with the international financiers, that is how you are coming across—as grandiose jokers!

They have sold all our energy-producing industries in this country. Is that not so Sen. Barnes? Have you not done it? Are we making some money out of it? The Minister would tell me what jobs the Government has created during its two

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and a half years of office, for the average citizen, as compared to how much money it is allowing to be pumped out of this country. Tell us what you have done to instil pride in the average citizen to make him begin to believe again that there is something called morality, not only in public affairs, but also in family life.

I sat here expecting to hear somebody from the Government side get up to say that there is in train, on plan, and in plan, some manifestation to get the Trinidad family together. We on this side of the House, are inundated with people whose homes are broken up and who have nowhere to turn; with children who cannot get school books, clothes and shoes and with single housewives whose men have abandoned them. The family structure in Trinidad and Tobago has collapsed.

I thought I would have been sitting here to hear either the Assistant Prime Minister or the new Attorney General tell me what they are doing about that, instead of which they are seeking to amend a Motion, because they do not have hard facts—which in the words of one Desmond Allum—justiciable in a court of law. We are not dealing with a court of law. We are dealing with a court of humanity. It is apparent to me that the PNM—since the days of O'Halloran, Pervatt and the others—are lost. They have lost that humanity. It is only money that runs this country, not morality. The problem is that we have also run out of money. Therefore, when the little man stands, you do not know whether he is standing or sitting.

The Government is saying that it is going to have a crash programme in the Ministry of Works next year. It is not going to fool me and say that there would be an election at the end of this year. If it is going to spend \$300 million next year to fix drainage and roads, it would not hold any election in December this year. Do not fool anybody with that.

The point is, when you look at all the policy statements being enunciated by this Government, there is not a single statement on what it is doing about the average Trinidadian and Tobagonian that we seem to have lost along the way. What is the Government doing about it? It cannot abandon that to private enterprise. It cannot have a structural adjustment loan to rehabilitate Trinidad and Tobago citizens. That comes from inside. It cannot borrow money from the IMF to do that. It has to lead by example, which to date is horrifying.

I would not name Minister after Minister whether it be morality in private affairs or public affairs. I would not fall into that trap. What I do say is this: The image of this Government as portrayed in the last two and a half years is that if you are smart, you could get away with anything in Trinidad.

It grieves me to have to sit here and listen to contributions—coming from these men and women—which instead of giving some pride, lead me into depths of depression. That brings me to pride. What has happened to pride? Has pride gone? Have we lost pride? There is a book called *Pride and Prejudice*. Are we now so prejudiced that we no longer have pride?

I am not casting aspersions; I am not saying that there is corruption, but there is the perception that every single project undertaken by this administration has an element of kickback and something underhand, and that unless there is such an element, it would not get off the ground.

All the sales of our enterprises in the energy sector—Sen. Barnes—all the people outside there are saying “something pass.” Do you know what my fear is? One day when I sit over there I would be daubed with the same tar brush. I do not want that.

**Sen. Ojah-Maharaj:** On a PNM platform.

**Sen. S. Capildeo:** By the time I get there, PNM would be history. It would be confined to the dustbin of history where it belongs.

Let me get back to the point. I would not be diverted from this point. There is the perception in the public mind that with the sales of our energy-based industries, “something pass.” The reason for that is that there is no transparency. The Government does not come to the people. It does not trust its own people. If it does not trust its own people, whom would it trust? In fact, we are beginning to believe that it does not even trust itself, and there is cabal upon cabal, and Cabinet upon inner Cabinet. That is what is going on outside there.

**4.00 p.m.**

The people of Westmoorings, Chaguanas and Mayaro cannot understand why you are doing nothing about crime. Do you know why they are saying you cannot do anything about it? Because criminals are in charge of you. That is the perception. Poor Hulsie, you sacrificed her and she has "gone through."

The matter is so serious that it will take more than a public relations job by the Hon. Gordon Draper to convince the public of this country that any enterprise undertaken by this Government is an honest one. It is living under the shadow of O'Halloran and Prevatt and has landed itself in false pride.

We will be proposing an amendment to the amendment.

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I want to end with the suggestion to this Government that this is not a mere matter of money; this is not a matter of integrity commissions and of laws to enforce integrity. This is a matter of getting back into our schools and homes and teaching again the people of Trinidad and Tobago what it means to be honest. For so long they have seen so much theft and corruption that they seem to have forgotten what it is like to be honest. Everything is corrupt. To get a licence, one has to bribe; to get a certificate, one has to bribe; to get one's child in school, one has to bribe; to get a job, one has to bribe. Everything, every single thing, every state enterprise, everything that the state touches has that glue of bribery in it. Even to get a job as a Senator, the public perception is that there is an element of corruption there.

It is a very serious situation and I am a totally depressed man here today after listening to the contributions of the Senators on the Government side. It enforces on me and I will have to do something now—I will have to move them out of there come hell or high water.

I thank you, Mr. President.

**Sen. Martin Daly:** Mr. President, the Motion in its original form has led inexorably to the amendment which the Government has proposed. Throughout this debate there has been some confusion about what form of corruption and lack of integrity—financial integrity—we are dealing with. The Ag. Attorney General made the point, in moving for the deletion of misconduct by public functionaries, that the integrity legislation did not cover any of these people. I want to develop that and suggest that the amendment moved by the Government still does not clean up the Motion, and is in fact technically incorrect.

We seem to be losing sight of the fact mentioned by the Ag. Attorney General that the integrity legislation does not cover public officers, and I think that is at the heart of the confusion which has arisen. The Integrity in Public Life Act deals with persons in public life who are defined in a schedule and they comprise Members of the House of Representatives, Ministers of Government, Permanent Secretaries, Parliamentary Secretaries and Chief Technical Officers.

So, if the Government is concerned about a lack of integrity among those persons, then one of the solutions is to improve on the integrity legislation, and against that background the amendment moved by the Ag. Attorney General makes considerably good sense. However, I respectfully suggest that the amendment would have to be further amended to delete the reference to public officers. Strengthening the integrity legislation cannot do anything to affect

improper acts of conduct by public officers who are a much wider class than persons in public life. I would ask the Government to tidy that up before it proposes an amendment.

I am not making these points merely for technical reasons, and I will come to their importance in due course. A public office is an office of emolument in the public service which, in effect, means anyone who is paid by the Government. That is a much wider class than persons in public life. So the Government's amendment makes sense only if it is confined to persons in public life. Integrity legislation cannot help us with the wider class of public officers. That is at the heart of the confusion in the Motion as it is originally proposed.

The reason I raise this point is that I agree with Sen. Capildeo. We need to be concerned about the paying of a bribe for a tax exit certificate. We need to be concerned that persons can get a driver's permit without taking their driving test. We need to be concerned about containers of goods which come in designated as having one set of goods in them, containing something else and getting through the system by corrupt means. We need to be concerned about suitcases full of goods which get special treatment at Piarco, when a few toys brought for one's grandchildren also get special treatment of a very different kind.

No amount of crosstalk and partisan politics will hide the fact that many persons in this country, on a daily basis, are the victims of serious misconduct by public officers. No amount of deletion or amendment will alter that fact. We do not need to talk about lack of evidence where that is concerned. A huge number of adult persons in this population will have come across that situation in nearly every facet of public life.

That is not a matter which strengthening the integrity legislation would cure. I would suggest a cure for that but it would have to be addressed in some other motion. I should like to see the Opposition or Sen. Wade Mark raise in this Motion several things.

However, before I get into that, let me re-emphasize that to deal with corruption at the higher level of Government and with the persons specified in the schedule, the integrity legislation would have to be looked at. It may be that the Schedule should be extended when the legislation is looked at again, but that will not help us with paying for a driving permit, a tax exit certificate, a mis-labelled container and a suitcase of goods. I should like to see us debate in the course of this Motion, things like political patronage, which is one of the greatest sources of corruption in any country, particularly one with a big state enterprise system.

I plan to make a brief contribution. Everyone has talked about the symposium put on by the Integrity Commission. I presented a paper there and spoke about the question of political patronage. I should like to see us discuss that. I have seen and experienced myself a state enterprise start off with a balance sheet minus several million dollars, return to a balance sheet plus several million dollars and rapidly, in front of everybody's eyes, taken back into a loss position. Who is taking it there, if not a member of a political patronage system?

**4.10 p.m**

I spoke, at the Integrity Symposium about the fact that this is a country in which it is possible, in a very short space of time, to lose one's job for sitting on a toilet seat—where one should not be sitting—and subsequently, become chairman of a state enterprise. That is the type of thing we should be addressing in this debate.

We should be addressing the fact, that repeatedly, misleading statements have been made about the financing of the Pride Project but all the major players are still in place. The sooner our career politicians begin to realize that they get dirtied and tarnished by the people whom I have described as the runaway horses, the sooner we will get this debate about integrity back on the right track. If only some of these politicians—who are probably blameless—would look at the stables of runaway horses which they allow to drag our good name and finances in the mud, we might be in a much better shape where integrity in public life is concerned.

I am surprised—and I certainly do not intend to spend a long time on it today; I have given two examples—that we have not had a discussion about political patronage, which I insist does harm to the politicians who make the spaces for their flunkies. It does them more harm than good. Therefore, I should have liked to hear a discussion of public service reforms in the context of this debate, because, of course, if one reforms some of these systems, particularly if they are computerized, it becomes harder and harder to have all these transactions about which we have spoken. We hear there are people from the United States here helping us with customs reform; the Minister of finance wants to get his customs revenues up, so I hope some of the remarks I made about containers will fall on the right ears.

I should like to hear something about what the Government is doing in public service reform to improve the situation with regard to integrity. I should have liked us to discuss once more, one of my favourite subjects—the lack of proper

law enforcement. I have repeatedly said, that, we are not law enforcement efficient. Even the Minister in the Ministry of National Security has said—like myself; and like many of us—he has seen persons support lifestyles which they cannot visibly afford.

Every time we raise this question of what is the Board of Inland Revenue doing, there is a deafening silence. I am always amazed—we get very carried away about the Bail Bill, and we are always talking about draconian legislation, and I repeat for purposes of the record, that the Board of Inland Revenue and the Customs Division do have the powers. They are properly labelled as draconian, and long before—as I keep saying—we pass any Dangerous Drugs Bill or anything else, what are the Inland Revenue and the Customs Division doing?

Therefore, I should have liked to hear the Government tell us—in the context of this debate—what it is doing to improve law enforcement; enforcing the laws that we already have. There are parts of the Customs law that reverse the burden of proof, and everybody is talking now about the presumption of innocence and so forth. We have some of those considerable powers and I should have liked to hear some discussion about our poor law enforcement record in this Motion, particularly in the context of the collection of taxes and customs duties.

The initial confusion between public officers and persons in public life—I do not think that the Motion really focussed on what it was trying to do—has really allowed the Government to bring an amendment which I will support, because I do not think that the Motion as it was moved, has focused on the wider issue of petty corruption in the society which hurts everybody. If we are talking about strengthening the integrity legislation, then I will support the Government's amendment, subject to the further amendments which I have suggested. This is the only thing in the debate, in my respectful view, that would make sense, given the way in which the Motion has been presented.

It has been a very disappointing experience—that we have not discussed things like our poor law enforcement record; the total inability of the Board of Inland Revenue to get after the people who are supposed to be making profits out of drug trafficking. I am surprised that the Opposition has not discussed political patronage. I have given only two examples, both of which are very well known.

I suppose for as long as this Government is in office we would not get an airport, because somebody, somewhere, is wedded to going on with this limping project. And who suffers? I do not want an airport with seven, eleven or twelve fingers. As far as I am concerned those represent fingers going into my pocket. I

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just want a little airport that is in better condition than the one we have now; that can also support the traffic better than the one we have now; that we can reasonably, and without false pride, project the traffic we are going to have. But apparently, somebody is wedded to this project.

Everybody wants to point fingers at politicians and Ministers of Government, but I wonder if that is where the problem really lies. I do not know where the problem really lies, but I know and I will say it again, that is one example of something that has made me very cynical since I became a Member of Parliament.

Those are some of the things, that we should really have to debate if we are serious about dealing with integrity in public life, and financial dishonesty in a wider context. For example, there are so many other things we have to look at, if we look at items 1 to 5 which the Motion has listed:

- “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...”

Let us pause there. Where is the legislation to amend the Stock Exchange Legislation about which we have heard so much? Where is the Companies Act about which we have heard so much. All I know is that I turn up for meetings and we never get a quorum.

Those are all the issues that are involved if one is really tackling a Motion that lists all these things. Therefore, if we are going to focus on the integrity legislation, the Government's amendment is more appropriate. I continue:

- “3. Unlawful use of influence to further one's private interest.
4. Unlawful acceptance of benefits in connection with the performance of one's office.”

Well, I daresay that if one builds up a stash of money from unlawfully using his influence, or unlawfully accepting benefits, unless one is very careful, very frugal, very humble; not normal characteristics associated with a crook, somewhere the Inland Revenue Department will see a motor car that he cannot visibly afford; a house which he cannot visibly afford; a series of trips in and out of the country which he cannot visibly afford. Believe me, there are very few frugal crooks; it will spill out some place or the other. Of course, we do not have anybody looking at these things. The syndrome will go on where the forthright taxpayer is repeatedly the subject of investigation by the authorities, but of persons with



lifestyles that they visibly cannot support, no question is asked, and apparently no Minister of Government can see that these people employed by the taxpayer do what they are supposed to do.

Clearly, if one is building up this big stash of money from bribes, and gifts, it is going to show and that is the reason for the Inland Revenue Department. That is the way one would get at these people, not by improving the integrity legislation.

I think that we have really tried to do a mish-mash of things in this Motion. We have tried to address a wider issue, but in the narrow context of integrity legislation. I am convinced that until we reform the systems in the public service; until we decide that we will enforce the laws—I do not know what it will take until we could get the Inland Revenue Department and the Customs Department to do their jobs; until politicians realize that political patronage in the end does them more harm than good; I am afraid we are going to be stuck with many of the ills which this Motion addresses. It is even things like the fact that we get accounts and reports for state enterprises and utilities years and years after the event.

#### **4.20 p.m.**

At the Integrity Symposium I gave as an example the fact that the very day that I was going to make my contribution I got a set of accounts for a utility—as part of the papers that come with the Parliament—for 1983. Now, what good is that to anybody? We had better change the system because that is making a farce out of everything.

Last, but by no means least, Mr. President—and you know it is interesting, we are getting there slowly, we have the system in the courts. You cannot have a society dedicated to running its business efficiently and honestly if you cannot bring anybody to book; so slowly we are getting there, where somebody is going to have to tackle the situation in the courts. I do not have it with me today; I always have the picture of the police march, but I do not know if I have my other two favourite pictures with me today. We do have a problem in the courts.

Yes, here it is; this is one of my three favourite pictures that I walk around with. I will not pull out the police march today. But here we have the picture of the litigant who became a vagrant while he was litigating his matter, and there is this wonderful picture, I could never get it out of the *Guardian* because apparently they have some fancy process now that does not do negatives. Here you have the scales of justice over the policeman in his beautiful white, starched jacket, and the vagrant litigant. If that does not tell you a story about our society, of our inability

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to enforce the laws, then I do not know what does. I have this with one or two of my other favourite pictures. Another one of them, and it is relevant, is a picture of a variety of former Presidents of the United States, of both parties, getting together to persuade the public that NAFTA was a good thing; but our politicians cannot get together even on how we are going to set about eliminating drug trafficking in the society.

It seems to me that this Motion, as originally framed, has confused two issues, and for that reason only, while I commend the mover of the Motion, and I certainly support the spirit of it, I have some difficulty accepting it, unless it were radically amended to raise, as part of its resolution, calls for the removal of political patronage, enforcement of the tax laws, reform of the public service—some of the things that I have suggested that are required to deal with the wider issue.

Mr. President, against that background, I probably have to support the amendment, if it is tidied up.

Thank you.

**The Minister of Energy and Energy Industries and Minister of Public Utilities (Sen. The Hon. Barry Barnes):** Mr. President, like several of the other speakers, I had not intended to speak on this Motion. When I first read it, I had certain difficulties, even allowing for Sen. Wade Mark's great talent for hyperbole: we have “a host of dishonest and improper acts”; “serious misconduct in public office by a host of public functionaries”; and “too weak and does not cover a series of illegal acts and criminal activities.”

Then the Motion proceeds to seek to extend the net, to reduce the size of the mesh to the extent where the logic suggests that by in fact so arranging it, you criminalize such a wide range of activity, whether it be small, medium-sized or whatever, that you eventually run into two problems. Firstly, the problem that Sen. Daly has so correctly raised—the impossibility to effectively police, prosecute, and through the sheer mass of what you are trying to cover, to efficiently get a system where, in fact, you can effectively punish offenders and stamp out corruption.

This is the Senate; this is the Chamber to which the country must look for reasoned and mature judgments on matters of importance such as integrity in public office, public affairs, and public officers. I think it was Sen. Dr. St. Cyr who made the point that one cannot legislate morality. And wherever we go, the laws are for the lawful. The unlawful do not really care what laws are passed in this Senate or the House of Representatives or anywhere else.

Sen. Capildeo talked about our lack of reality I, too, live in Trinidad and Tobago, and whatever I may feel inside my soul, I would be hesitant to boast that I am a first world citizen. We are, but we do not have to boast about it. Out of that comes a particular awareness of a reality, which is, that in this country as you seek to extend and enforce the widening criminalization of activity, there almost immediately comes a host of regulations to ensure that justice is done and the protection of the rights of individuals and to the extent where—as Sen. Daly has pointed out—even when you find them, it becomes such a burden to deal with them. It is not only the lack of enforcement; it is the elaborate processes that must be followed.

In effect, it is the picture that Sen. Daly has just shown—that while the thing is dragging on and on and on, taking up everybody's time, so that within a department if you are going to form a tribunal and you have to use your senior officers, it takes time to get the matter before the tribunal and the thing drags on and on. The end effect is that, even when there is a sufficient suspicion, the officer who is required to take action, looks at the situation, recognizes what it would mean in terms of the impact upon the smooth running of his organization and is inclined to say, "The cake is not worth the candle—let it be!"

**4.30 p.m.**

**Mr. President:** Hon. Minister, how long would you take to conclude?

**Hon. B. Barnes:** About 10 minutes, Sir.

**Mr. President:** We can continue until the conclusion of the hon. Minister's contribution. Go ahead, hon. Minister.

**Hon. B. Barnes:** Mr. President, Sen. Daly has made the point of public service reform. That has to be a vital consideration.

Sen. Wade Mark knows full well that in very many circumstances the most effective deterrent to an operation is a work to rule. When you have placed upon an organization so many regulations which if they are appropriately followed the thing comes to a standstill, then, in effect, the organization only functions because everybody is breaking the rules. Once you have that kind of situation, Trinidadians who recognize that you have built a situation in which to get a job done everybody has to break the rules, become aware that they have a magnificent playground in which to work whatever mischief they desire.

In terms of the direction which this Motion seeks to suggest, it seems to me that, perhaps, consideration should be given to, as the Motion suggests, looking at

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the whole integrity legislation as it applies to the appropriate people. Rather than extending and widening the net, we need to narrow the confines, to focus the concerns to the point where it becomes possible to take action to find one, two, three of those who are the source of the problem, and to use the ability to effectively deal with them, to provide the necessary incentive *pour encourager les autres*. The fact of the matter is that if the malfeasance is becoming increasingly pervasive, it is not because of the absence of laws and legislation; it is because of the increasing difficulty that has developed in the society over several years, for reasons known to the people here it is above all, tied into the regulatory system—the difficulty to effectively deal with and to make examples of miscreants. So that there is, perhaps, the perception that there are no penalties, so you can get away with it.

Mr. President, we see it in several aspects of the legislative arena where the interest of justice, human rights and what have you; where the checks are made equal to the balances; where the checks equate the balances, Newton's laws of motion apply and the body remains at a state of rest and we hear the other side of the complaint—the absence of services, the inability of an organization to provide the services required.

We had mention of the Auditor General—the point Sen. Daly made—audit reports coming to the Senate for the year 1980. I agree; what is the use of that in 1994? Yet, we have 86 state enterprises, 21 ministries, and governmental activities that extend from the Postal Agency in Moruga to the school in Parlatuvier. Within the Energy Companies—and I have answered questions from Sen. Wade Mark on this—those that are set up under the Companies Ordinance have been required to fulfil the Companies Act and have their accounts audited, certified and registered by April of the following year. This has been done scrupulously. But we have had a situation for a number of years—the parliamentary law requires that those accounts be audited, by the Auditor General—the accounts audited by private auditors for purposes of fulfilling the requirements of the Companies Act, did not come to the Parliament.

As Senators would remember, in response to a challenge from Sen. Wade Mark, I was required to place up-to-date audited accounts of the energy companies in the Parliament Library to be available to everybody. Yet, having answered formally during question time in this very Senate, having undertaken and fulfilled the obligation to place them in the library, one still hears in Sen. Wade Mark's contribution, further reference to the very same matter.

The reality has to be an understanding of what a Government budget is and we would come to the budget review; we would have another great debate. At

this time the 1995 budget is being prepared and 28 per cent of the projected revenue would come from oil—for 1995; as for 1994; the international price of oil. In August, 1994 somebody must make the projection of what the average international price of oil is going to be over the whole of 1995. There is nobody here, including myself, who can tell you what the international price of oil is going to be next week, or tomorrow for that matter. So we are going to prepare a budget forecasting the expenditures by ministries over the whole of 1995.

**Sen. Hosein:** Mr. President, on a point of order. I fail to see the relevance of the Minister's argument. He seems to be out of order completely.

**Sen. Huggins:** You are talking about relevance.

**Sen. Hosein:** I was not addressing him.

**Hon. Senator:** He has been demoted.

**Sen. Hosein:** I do not address peewats like him.

**4.40 p.m.**

**Sen. The Hon. B. Barnes:** I will quote the relevance, Mr. President. The relevance, fundamentally, is as I have had to say on another occasion, I am supposed to be a Minister, I am not required to be a prophet. What I am really saying is that, fundamentally, the very process and procedure used for the projection of an annual budget—inherent in that has to be the recognition that there will be adjustments, there will be changes, there will be flexes and movement and there will be the requirement, at some point to come back to this honourable Senate and say, "We could not spend the money here, we have had to spend it elsewhere." And every time that it has happened, there has been an ongoing, considerably heated debate when, in fact, the reality is—and all of us must accept it—that that is inevitable.

I am merely using this, to say that in terms of even this Motion, we should be prepared to pause to see that the problem is the very systems that are currently in force. The reform activity—and Sen. Daly is quite correct—is seeking to address certain of these deficiencies; and it has to start there because the system produces such a quantum of uncertainties that within that general area of cloudiness and murkiness, it is what provides the cover and the opportunity for some of these games to be played.

My time is up. I am merely, in fact, saying that I think in respect of the Government's amendment, the fundamental matters raised here are serious matters that need to be addressed soberly and maturely. The amendment proposed

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allows a sober look, allows the refinement, allows definition, allows the focus to tackle the things that need to be tackled, not to be the method that will allow us—.

**Sen. Merritt:** This amendment?

**Hon. B. Barnes:** To be caught up in a very wide net with gnats, sprats and whales all in one and the same parcel.

Finally, I will merely say one other thing and this too is a reality. We all have our special book from which we draw our wisdom. The Book that I read speaks of a Man who went out and chose twelve to follow him to do his work and one of them turned out to be a crook. We run a public service of 40—50,000. There is a reality here; there is the necessity to face that reality, and so enshrine not only the legislation, but our ability to deal with it. But, from my reading of this, I am not at all sure that seeking to extend the net and reduce the size of the mesh, in the face of the reality of Trinidad and Tobago, is the way to go.

Mr. President, I thank you; I thank, Sen. Hosein too.

**Mr. President:** Is anybody else interested in joining the debate?  
[*Interruption*] You spoke already on this.

**4.45 p.m.:** *Sitting suspended.*

**5.15 p.m.:** *Sitting resumed.*

**Mr. President:** Sen. Ramchand, we spoke previously. If you have any comments on the amendment—and the amendment alone—you may speak, but confine your remarks to the specific amendments.

**Sen. Prof. Kenneth Ramchand:** I will do my very best, Sir, and with your guidance I am sure I will succeed.

There can be no doubt that as the Government amendment proposes, the integrity legislation should be strengthened and widened. I do think that there should be an in-depth study that would culminate in a Green Paper covering the kind of ground Sen. Daly, for instance, would like to see included in the discussion. But, there is a saying: “If the priest could play, who is me?”

The corruption that is pervasive in this society, the corruption that exists from top to bottom exists because, as Sen. Capildeo has argued, the examples have been set from the days of the mattress maker to the night of the cock fighter. They are the usual, shall we call them, over-emphases in the original Motion. I share some of the suspicions many people have about the behaviour of the representatives of the people.

My response to the Government's proposed amendment is that I would support a cleaned-up version of this proposal if it could be shown that it was not simply or merely an intention to play for time or, as Sen. Hosein might say, to play out time. To avoid the sense that this is an attempt to put off the issue, I think that there should also be a resolution to legislate immediately against the representatives of the people who have the power and the opportunity to put their hands in the till, and to whom the democratic process has bestowed the wherewithal and, perhaps, has imposed even the necessity, to preside over a fantastically interlocking system of patronage and bribery. The resolution I would like to add to the Government's amendment would have the effect of putting on the brakes and providing the focus that Sen. Barnes can be said to have asked for, in that it would provide prominent examples that would perhaps convince the population that we mean business, and that the free-for-all is about to stop.

The long-term measures of the Green Paper suggested by the Government could widen the net and strengthen it too, but, in the short run and immediately, we need to restore to our young people some belief in politics, politicians and the political process. If we now visibly set about trying to sharpen a focus on the representatives of the people and clean up our act in the highest place, I am sure the intention of both the Government and Sen. Wade Mark would be fulfilled.

Thank you.

**Sen. Wade Mark:** Mr. President, let me begin by congratulating and thanking Senators on all sides who spoke on this very important Motion focussing on integrity legislation. The purpose of this Motion is to jolt the Government into some kind of action in an effort to strengthen and consolidate integrity legislation as advised by the Integrity Commission. These recommendations, as you would have noted, came directly from the various reports of the Integrity Commission. It was against that background, and in light of the fact that these recommendations, have been in their reports for so many years, that I thought it necessary to bring it to the attention of the Parliament to allow the Government to take some action on these very important issues that were raised in their previous reports and up to 1994. They did, in fact, advance those issues in the 1993 report.

I want to say that integrity is very vital to our nation's development and economic advancement. Acts of corruption and immorality result in our country and its people paying a very high price in many ways. Lack of integrity in public life has to be located in the context of the kind of social, financial and economic dislocation that we experience as a result.

Because of lack of integrity in public affairs we have, for instance, a lot of hunger in our country. There is increase in poverty in our land; there are also rising levels of unemployment, lack of school places for our children, lack of hospital beds for the sick. These arise from acts of corruption, lack of morality in public affairs. In fact, if we can truly make a calculated assessment of the kind of misappropriation that has taken place in this country over the years, certainly it would amount to a large sum.

I want to agree with the Senators who said that it is extremely difficult to legislate integrity. But, in a society that has gone beyond redemption and salvation, there is an absolute necessity, a virtual imperative for us to establish legal mechanisms to at least try to safeguard basic integrity in our country. It is necessary for us as a nation to focus on our schools, whether it is at the kindergarten level, the primary school level, at the secondary school level, or even the university.

**5.25 p.m.**

We need to begin to focus on subjects such as civics and ethics. We need to bring honesty and integrity into the life of our nation. I am saying that we ought to begin at the level of kindergarten so that they can begin to imbibe those values which are necessary in order to build and establish a strong nation as we proceed.

Make no bones about it, our country is on trial. Our children are being guillotined—not like Glen Ashby—every day without committing capital offences. Some time ago we witnessed a young lady 32 years of age, die on the street corners of our country, merely because the Government, the authority and the nation did not pay heed. We seem to be immune to human suffering. After this good Samaritan made efforts to contact the city council and the health authorities, whether it was the fire services or the Red Cross, that human being died because of lack of attention and care.

That is a stain on the nation's conscience. The deceased was a citizen of the Republic of Trinidad and Tobago. What has happened is that we have lost that humanity because of greed, selfishness, lack of integrity and morality in our affairs. Evidence of that is manifested on a daily basis. It is a very sad experience for us as a nation.

To some extent I understand what Sen. Daly was attempting to do. We know that the longest journey begins with the first step. This Motion is an effort to get the Government to act. The People's National Movement has been in power for almost 35 years. History is there to show that even though the founding father of



that party spoke about morality and integrity, governments, he headed were unable to put in place relevant legislation to deal with that growing scourge and crisis in our society.

Today, we are paying the price for the corruption, nepotism, favouritism and the lack of integrity and morality. An entire generation is almost lost as a result of our behaviour. Integrity is a very serious matter. When I listened to the hon. Ag Attorney General, the Hon. Camille Robinson-Regis, when she spoke about the amendments that the Government is proposing, I realized that the Government is seeking to water down and delay this agenda. Why?

We have lost too much money through dishonest practices. Our Treasury has been looted over and over again. Whether we like it or not, corruption exists at all levels of our society, whether it is in the Cabinet; the government service; the business community or the Judiciary. In our country, there are different types of corruption. We cannot argue with that. It is a fact! This is why we have always argued over and over as a party and the alternative government, for greater transparency and accountability in public affairs.

We feel that if there was greater accountability and transparency in public life, much of the suspicion and misinformation that we have been subjected to could have been cleared up, despite the efforts being made by the Minister of Energy and Energy Industries to clear the air on certain issues, the fact of the matter is that we still do not have transparency in public affairs. We still do not have leaders who are role models for the young generation.

Sen. Daly alluded to the fact that when we exercise political patronage, the integrity of the leaders is, in fact, impacted upon, because today in many instances, we have square pegs in round holes in many of the state enterprises. The Government is seeking to dispose of our enterprises because of its inability to make them more efficient. Why? Because of waste, mismanagement, corruption, nepotism and favouritism which impact upon the integrity of the individuals who are in charge of those operations.

The Government is unable to provide our nation with information on the sale of our state enterprises, such as the Urea plant; the Fertrin plant and Farrell House. It is planning to sell more and it cannot give us the information. We do not have a parliamentary committee established to examine the pros and cons. The whole question of transparency and accountability is the issue.

When the Government continues to engage in secret and private deals with international corporations without bringing the agreements to the notice of the

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nation, question marks linger over the heads of Government and Government Ministers. As we speak here today, the Government of this country has refused to table the agreement between Nucor and the Government of Trinidad and Tobago, and Enron and the Government of Trinidad and Tobago, in this Parliament. We have not been able to get any information about the arrangement between the Government and Unocal, this particular American firm.

We are arguing that all these things result in a loss of confidence. People tend to ask questions about the integrity of our leaders.

### **5.35 p.m**

This Motion is really designed to get the Government to put legislation in place to ensure that some of these particular acts can be addressed:

Conflict of interest

Use of insider information

Unlawful use of influence

Unlawful acceptance of benefits

Carrying on business incompatible with one's public office.

These are matters, which as a modern state, as a developing nation, we need to put in place because too much is at stake. In the Third World there is something called grand corruption and it exists not only in Trinidad and Tobago, but also in most developing countries. There is much bribery and corruption taking place at the expense of the nation's advancement. This is what we are faced with. And a government which is refusing consistently to be transparent in its day-to-day activities is a government which has to be watched very carefully.

A government which believes in secrecy is a dangerous one. A government which does not put on the public record information that the population can access is a very dangerous one. We have argued, and we wish to repeat, that the Government needs to make information on the assets of their Ministers available to the public. The population must be able to pay a small fee and go to the Integrity Commission and look at the records of every Minister when he came into public office. Let us see what their assets were when they came in and what they were when they left.

Public office is about public trust. One does not come into public life to make money off people. If it is your business to come into public life to get rich

overnight, then you should not be in public life. There must be the necessary safeguards—the laws in the country—to ensure that there is proper transparency and accountability. Any Minister who comes into power and leaves after five years with assets and material that were beyond his capacity when he came into power, that person has to be questioned.

These are the things we should like to see in integrity legislation. Maybe we need to upgrade our anti-corruption laws as well, but, the United National Congress is also extremely strong on matters of integrity. We believe that the Government has a duty to provide the necessary information. Too many conflicts are taking place. We heard some time ago—we do not know if it is true—that the ground floor of the Salvatori Building is about to be rented out to a former Minister of Trade and Industry to carry on his chicken and chips business, and Government offices are being moved out from that ground floor. *[Interruption]* That is the rumour that is going around and it may turn out to be true.

I want to go back to the amendment proposed by Sen. The Hon. Camille Robinson-Regis where she wanted to delete the second recital. I cannot understand why the Government is seeking to have this amended. I would prefer to put an amendment instead of a deletion. In an effort to strike a compromise with the Government, we are saying that:

"Whereas successive reports of the Auditor General reveal serious misconduct in public office by a host of public functionaries;"

probably would go a long way in trying to satisfy this particular aspect. I make this point in the context of the Auditor General's report. It is very dangerous for the Government to try to cover developments taking place in this country on the grounds of lack of evidence. If you look at the Auditor General's Report—and here we are talking about public officers, people in trust—you see under the section which deals with taxation, where it is advanced by the Auditor General that the records of the Airports Authority indicated an indebtedness of \$4.1 million to the Central Government at December 31, 1993. The Director of Civil Aviation has expressed concern regarding the apparent unlawful retention of airport departure tax by the Airports Authority. This is misconduct! This is a serious question.

What explains a statutory authority retaining \$4.1 million which is supposed to be deposited in the national treasury of our country? And the Auditor General records that in her report. Is that not serious misconduct? Is that not something for us to be concerned about as a nation? Do we have a lawless society where

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some bureaucrat, some tin god dictator who is in charge of the Airports Authority, decides to keep back 4.1 million of the taxpayers' dollars? I consider that serious misconduct on the part of the public functionaries. I do not know what the Government wants the Opposition to produce to drive home this particular point so that it can understand the seriousness of this matter.

We look at a section here dealing with property management. Another example is the rental of Government quarters where the Auditor General is saying that pertinent details were not always recorded on the list of Government quarters produced for audit inspection. There are several cases of unauthorized occupation of Government quarters. Who are these people who are illegally occupying Government quarters for free? Is that not misconduct? What is taking place, Sir? These are serious misdemeanours, serious acts of misconduct by personnel—public functionaries. I do not know who these people are, but there are reports showing that it is a very serious matter, and I feel that the Government cannot say it does not have information.

There is the whole question of overpayment. The Auditor General says that in 1993 there were some 485 cases of overpayment amounting to \$1.2 million. She went on to say in the last paragraph:

"The Auditor General notes with concern the continuing incidence of overpayment to public officers under circumstances which suggest negligence. In some cases the available evidence connotes an absence of integrity."

This is in black and white. Is this not serious misconduct by public officers?

**Sen. Robinson-Regis:** Mr. President, I should like to get some clarification, please.

As a corollary of the second recital, the third recital says:

"Whereas the present integrity legislation is too weak ..."

Is Sen. Wade Mark saying that the integrity legislation should be widened to deal with those instances he is pointing out in the Auditor General's Report?

**Sen W. Mark:** Mr. President, if we agree on this Motion, the Government certainly would have to expand the net in actually focusing and targetting persons who currently are not within the network of integrity legislation. We are talking about the introduction of comprehensive legislation. I am saying that within the

formulation of comprehensive legislation, we have to address these acts which we outlawed.

**5.45 p.m**

In Parliament today, there is a national code of ethics for all public officers, and there are penalties attached for violating that code. I understand from Minister Draper's statement some time ago that he is organizing a set of guidelines for customs officers, again, piecemeal approaches. What we should be doing is looking at a comprehensive code of ethics for all public officers in an effort to ensure that there is integrity in public life as far as possible.

The questions that were raised by my colleagues earlier are not innocent questions. If one wants a passport one has to bribe *[Interruption]* No, these things are taking place! So what I am saying, is that we need to focus on—

**Mr. President:** Do you have problems with getting a passport, Sen. Wade Mark, or do you know of anyone who has problems with passports?

**Sen. W. Mark:** No, I do not have problems with passports. *[Interruption]*. No, but that is a public secret. Mr. President, every time we talk about patronage or corruption in this country, Members on the Government side begin to carry on as if they are innocent, they do not know what is happening in Trinidad and Tobago. Every time we raise something in this Parliament, they want black and white evidence, and when you produce the black and white evidence, they take no action at all.

If, for instance, daily acts of bribery and corruption are causing some problems on the Government Benches, if the Government is not aware that members of the public are subjected to that—*[Interruption]* Okay, they are not aware.

All I am advancing here is that in terms of this amendment, we do not support the deletion of this recital that the Minister is advancing. We are proposing an amendment to this particular—

**Sen. Huggins:** Is the Senator aware that acts of misconduct by public officials in the public service are covered by the Public Service Commission regulations? and that any act of misconduct is to be properly dealt with by the Public Service Commission, not the Integrity Commission?

**Sen. W. Mark:** Would the Minister not agree, too, that there is need for a national comprehensive code of ethics to govern public officers?

**Sen. Huggins:** I would agree that there is need to review the Public Service Commission. *[Laughter]*

**Sen. W. Mark:** Reviewing the Public Service Commission does not mean that one is giving the Government authority to fire commissioners? *[Interruption]*

**Sen. Huggins:** I am just trying to show the difficulty with the Senator's amendment. The amendment would not make sense.

**Sen. W. Mark:** Mr. President, what we have advanced here, is comprehensive legislation. The Government speaks about a Green Paper; our resolution is very firm and clear—we want comprehensive legislation within a period of one year aimed at outlawing the acts we have identified. Dr. The hon. Lenny Saith was asking about a joint Parliamentary Committee—how this would monitor, how this would work and so forth.

The fact of the matter, is that in Trinidad and Tobago today we are not happy and satisfied that there are in fact, sufficient mechanisms in our laws to monitor, and to keep an eye on those particular individuals who are involved in activities that we consider to be extremely detrimental to our development.

Whilst we are seeking to deal with comprehensive revision of our integrity legislation, we are also proposing to the Government that it establish a joint parliamentary committee of Parliament to deal with the issue of monitoring these acts that we have identified, and to provide that committee with all the necessary resources to carry out its responsibilities. The Government is saying that it is not interested in that at this time; it does not see how it will work. Again, excuses! If the Government were serious about integrity in public life, there would not have been a problem.

We want to propose to the hon. Minister, the Ag. Attorney General, with respect to this question about “to institute; a review of legislation;” why not an immediate review? Why not an urgent review? This Green Paper that we are seeking to have established—I have a Green Paper and White Paper, and after that, legislation, but the fact of the matter is that the Integrity Commission had a National Symposium!

I understand, based on Sen. Draper's contribution some time ago, that he had a fat text, where they had assembled all the statements that had been made. *[Interruption]* I have no problem with that; all I am saying is that we need to put in place some interim mechanisms to ensure—We find a year is too long to

produce a Green Paper. If the Government is serious about integrity, we could work towards a six-month period. Why do they want a whole year, after we have had the Integrity Commission year in year out advancing so many recommendations which the Government has not been acting up on?

I raised some specific issues about the Integrity Commission and I did not hear the Ag. Attorney General respond to them. One such concern had to do with accommodation. With this rush, because of the crime situation, to expand the Judiciary by employing more judicial officers, we understand that the Integrity Commission is now being requested to make available the space it is now occupying, for the establishment of another court.

The Integrity Commission has been repeating every year in its report the need for proper accommodation. That is an independent agency under the Constitution of Trinidad and Tobago, yet it is living virtually hand-to-mouth. It is begging a lodging at the Hall of Justice. I was hoping that the hon. Minister, the Ag Attorney General would have been able to tell the Parliament what steps are being taken to really provide the Integrity Commission with proper accommodation. That is a very urgent matter.

**5.55 p.m.**

Mr. President, you know when this Government wishes to embark on activities in its own interest, it does so. The Government wanted to buy a building to house the Ministry of Community Development, Culture and Women's Affairs; it bought a building for \$6 million from Algico. The same way they could buy a building [*Interruption*] Why are we not focusing on providing proper accommodation for the Integrity Commission? We are advancing that there is need for the Government to pay attention to this issue of accommodation.

We do not support this amendment. The Government would have to make changes, because this Motion is a very serious one and the Government is seeking to treat it very, very lightly. We take strong objection to the Government attempting to water-down a very important Motion that impacts on the very lifeblood of the nation.

We are proposing to the Government that we need an urgent review—we want the Government to recognize the importance and the urgency of integrity legislation in Trinidad and Tobago. When it leaves it open 'to institute a review,' that could go on for the next two to five years. We want the Government to recognize that there is an urgent need; recognize the urgency of the matter.

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Instead of this one-year period, we are proposing a six-month period for this matter. We want the Government to look at this matter very seriously.

If the Government needs assistance in dealing with integrity matters, there is an international organization called Transparency International (TI) based in Germany. Representatives can come down and provide some assistance to the Government. We understand that there is some anti-corruption body based in Germany. I think that the Government could in fact provide the necessary resources in an effort to get additional assistance.

I am not happy with the watered down version that the Government is seeking to put in this Motion. This Motion is too important and I want the hon. Ag. Attorney General to reconsider these amendments and maybe we can agree reluctantly, if the Government is prepared to deal with some changes to its amendment that would institute an urgent review of legislation and that, in fact, it would present to the Parliament, within six months, a Green Paper for public comment and consultation.

We are committed to integrity in public life; we are prepared to work with the Government in an effort to deal with integrity legislation because integrity is too important a matter to be allowed to sink to partisan levels. Our nation is at risk and at stake.

If the hon. Ag. Attorney General, based on some earlier suggestions made by Sen. Martin Daly who asked her to try to tighten up on the proposed amendment, could further consider some of the proposals I have advanced, we would be willing to look at the Government's amendment in this particular regard. Barring that, it would be difficult for us to support Government's attempt to water-down this very important Motion that we have raised on integrity in public life.

With those words, I thank you.

**Mr. President:** Before I put the question on the motion, firstly I have to put the question on the amendments proposed by Sen. The Hon. Camille. Robinson-Regis, Ag. Attorney General. I intend to put them in separate questions.

The first amendment is to delete the second recital of the Motion, which means deleting the words "Whereas recent evidence and instances have revealed serious misconduct in public office by a host of public functionaries; and..."

*Question, on amendment, put and agreed to.*

**Mr. President:** The second amendment is to delete all the words occurring after the words "*Be it Resolved*" and substitute the following:



"That this Senate urge the Attorney General to institute a review of legislation to ensure that the integrity legislation is strengthened so as to enhance the scope and powers of the Integrity Commission, and to present to Parliament within one year a Green Paper for public comment and consultation."

*Question, on amendment, put and agreed to.*

*Question, on original Motion, as amended, put and agreed to.*

Resolved:

That this Senate urge the Attorney General to institute a review of legislation to ensure that the integrity legislation is strengthened so as to enhance the scope and powers of the Integrity Commission and to present to Parliament within one year a Green Paper for public comment and consultation.

#### ADJOURNMENT

**The Minister of Planning and Development (Sen. Dr. The Hon. Lenny Saith):** Mr. President, I beg to move that the Senate do now adjourn to Tuesday, August 30, 1994 at 1.30 p.m.

#### **San Juan Market (Facilities)**

**Sen. Muntaz Hosein:** Mr. President, promises of a new market for San Juan and the surrounding areas were given to the residents of that area from as early as 1956 by the then PNM Government. Subsequently, at every general election the same promises surfaced again and again. But in true PNM fashion, no action is taken and the people of San Juan and surrounding areas are made to feel the inadequacy of the present facilities.

A visit to the San Juan market will reveal that it has become inadequate; it is much too small, bearing in mind that it was designed for a San Juan population which existed some forty years ago. One will appreciate the rapid increase in population in the San Juan area since the market was built.

#### **6.05 p.m.**

The present market has overflowed onto First and Second Streets and other side streets including the very busy Croisee. A cursory look on weekends would reveal more vendors' stalls outside the market than inside it. Vendors sell everything imaginable including clothes, wares, cutlery, toys, food, vegetables;

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some on stalls, some on the bare ground, on both sides of the narrow street, making it extremely difficult for motorists to get by. Vending mixed with pick-pockets and cut-throats, makes shopping at this market a hazardous and difficult venture. Bag snatching is a weekly affair at the San Juan Market.

There is no security at the San Juan market. None! You would understand that that market is no different from others in the rest of Trinidad and Tobago because, in the main, security of the citizens of Trinidad and Tobago is in crisis. If you are lucky not to be mobbed and you are able to do your shopping in that market, I hope you do not have to use a washroom because there are only four toilets to service some 10,000 persons who visit this market. There were eight toilets originally built but four of them went out of order some two years ago and were never repaired. This is the state of affairs at the San Juan market, which is crying out for attention. But nobody listens to the cry of the people any more.

The situation at the San Juan Market, especially the lack of space for vendors, has spun some of the difficulties we are having on the highways today, where vendors are being bulldozed by this wicked and heartless Government. This Government is unable to provide jobs for people unable to provide marketing facilities for vendors, but it bulldozes them out of a living.

Let me quote from a letter written by the present Minister of Works and Transport and Minister of Local Government replying to the Chairman of the Aranguez Vendors Association, Mr. Rana Ramkissoon of 14 Nanan Trace, Aranguez:

"Dear Mr. Ramkissoon,

I refer to your letter of March 24, 1994 replying to the Ministry's notice of intended action of demolition and wish to advise that under the provisions of the Highways Act, Chap. 48:01, it is illegal to pitch a booth, stall or stand on a highway or to make an entrance unto the highway without lawful authority.

I have reviewed your application for an extension of time before action is taken under the Highways Act on the grounds that vending on the highway is your only means of livelihood. I am satisfied that there are legally authorized areas for vending available, such as, the Central Market, the San Juan Market, etc. Consequently, there is no justification for your claim that you must carry out vending operations on the highway.

Accordingly, you are hereby given a final period of two weeks from the date of this notice to comply with the notice served on you on March 10, 1994."

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It is signed by Colm Imbert, Minister of Works and Transport, and is dated April 13, 1994. This is a letter written by this Minister asking the said vendors, who have been vending on the highway for 35 years, to go to the San Juan Market, the same market that was built prior to 1956 and which vendors occupy everywhere. The vendors inside of the market are in the minority. Not even one-third of the total number of vendors can that market accommodate. This Minister, either he does not know, he is ignorant of the facts or he is simply playing politics in the hope that nobody would catch up with him.

**Hon. Senator:** Wicked!

**Sen. M. Hosein:** He is telling these poor vendors who have been vending for 35 years, whom he callously bulldozes out of a bread, who are now begging their bread all over the place, all because of this Government, to go to the same market where there is no space. There is no space on the streets to accommodate vendors, and this is the attitude of this Minister.

If I sound emotional today it is because I am. This is a subject that I think is crying out for some kind of redress. When you cannot provide employment for people, and you put them out of employment—when this Minister gave an undertaking, in my presence, at Aranguez that he was going to build lay-bys for the vendors, but he removes them callously, bulldozes them out of a bread and he has no lay-bys in place up to now, what kind of inhumane individual are we dealing with? What kind of alien are we dealing with?

When a Minister responsible for marketing facilities in Trinidad and Tobago writes and advises vendors to go to the San Juan Market, I could come to no other conclusion but that he is not aware of his ministry or that he is trying to pull a fast one on vendors and the population.

I am, therefore, making an appeal to the Minister—inhumane as he is, I still have to make an appeal to him because he is in authority, and I am dealing with his office more than him as a person—to put in train, as a matter of urgency, the construction of a new market at San Juan and to desist from the callous and inhumane system of bulldozing vendors' stalls on the highway before the erection of lay-bys.

Failure to build that market and to address the vendors' issue would see the Government not just losing Dr. Linda Baboolal, but also Ramrekersingh; in the wake of this, it would lose both seats and I would personally see to it.

Thank you.

**The Minister of Works and Transport and Minister of Local Government (Hon. Colm Imbert):** Mr. President, Sen. Hosein speaks in this Senate and up to now I am a bit confused as to which area in Trinidad he is politically active. St. Joseph and Barataria—I am sure he would assist the candidates in those areas.

Sen. Hosein has raised some issues with regard to the San Juan Market and some other extraneous issues. Let me deal with the San Juan Market. There is no doubt that the San Juan Market needs to be improved. That is a fact. One of the problems, however, is that that San Juan Market, like many markets in Trinidad and Tobago, is not utilized by vendors in the way it was intended. The problem with vending in Trinidad and Tobago, particularly in the area of public markets, is that vendors, out of choice, prefer to vend on the roadsides surrounding the markets rather than within the markets themselves.

**Sen. Hosein:** Mr. President, on a point of order. The Minister is misleading the Senate. If the Minister has never been to the San Juan Market on a weekend, I suggest that he go and see it, because what he is saying is totally untrue.

**6.15 p.m.**

**Hon. C. Imbert:** Mr. President, as in the San Juan, Tunapuna, Chaguanas and many other market areas in Trinidad and Tobago, including Sangre Grande and Arima, vendors prefer to vend outside the market rather than inside. There are many reasons for this.

There has been a trend towards open-air marketing in the Caribbean as a whole and this is recognized by the Government in the improvements done to the Chaguanas market about 12—18 months ago, whereby, rather than constructing a two-storey building in an enclosed area, which has proved over the period to be unsuitable, a large paved open area was provided on which the vendors assembled their stalls, and this has proved to be successful.

The problem of the San Juan Market is not unique; it is a problem with markets throughout the country; and the trend that is developing, which I agree with, is that we should move to open-air markets rather than enclosed markets for many reasons.

**Sen. Hosein:** I must interrupt, on a point of order. Again, Mr. President, the Minister is not aware of the markets. There is more open air space in the San Juan Market than covered space and if he had gone there he would have known that. But he is speaking on something he knows nothing about.

**Mr. President:** Senator, you will have your opportunity to say what you have to say, and you must allow the Minister his chance—

**Sen. Hosein:** If he is misleading the House, I must make corrections.

**Mr. President:** I think the Minister should be able to take full responsibility for what he is saying.

**Sen. Hosein:** Mr. President, with all due respect to all concerned, I cannot allow him to put on the record matters that are incorrect. I simply cannot do that.

**Mr. President:** Well, please allow him to continue. If at the end of it there is something, okay. But we try not to interrupt.

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

There is an empty market in Debe, which was constructed at a cost of several million dollars. The vendors who should use that wholesale market in Debe, Penal, have all migrated back to the streets of San Fernando where they are in a constant cat and mouse game with the police, avoiding the police and so forth. Because they are not satisfied with the facilities. They do not wish to use an enclosed market of this type. In Tunapuna it is the same thing, there is a concrete structure with a shell roof and the vendors refuse to use it. They prefer to vend on the streets. The situation is no different in San Juan, as it is in any other part of the country.

I was giving this introduction because what we have realized is that there is no point in building an elaborate structure in San Juan, or any other part of the country for that matter, spending millions of dollars, and it will never be used. I was merely giving some background to what I was going to say. In developing the new market in San Juan, I merely wish to say that the Ministry of Local Government, NAMDEVCO and other agencies involved in the development of markets, are moving away from elaborate structures and moving towards open-air facilities.

In addition, Mr. President, the new lay-by that will be constructed for the Aranguez farmers will be an open-air facility. We shall be constructing a paved area with easy access off the Churchill-Roosevelt Highway, easy egress and access; and again, the vendors will be allowed to erect their stalls and utilize an open-air facility, because this is what we have found finds favour with the vendors.

I go on, to the question of developing a new and improved market in San Juan, which has engaged the attention of the newly elected San Juan/Laventille Regional Corporation. Soon after assuming their term of office in 1992, there were several meetings and discussions with a view to developing the best proposals for a new market. The site of the new facility was examined and after

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due consideration by the council, the businessmen of San Juan and other important people from the San Juan area—

**Sen. Hosein:** Beauty is in the eye of the beholder.

**Hon. C. Imbert:**—it was decided that two parcels of land opposite the market on the northern side should be acquired to provide additional space to cater for the vendors who now occupy the streets of San Juan. One of the problems we want to solve is the occupation of the streets of San Juan by the vendors.

With respect to the parcels of land in question, if Sen. Hosein has any familiarity with the Croisee, one is the Clubhouse which is in an advanced state of dilapidation. Perhaps he is familiar with that. The other one is a derelict burnt-out cinema. I do not know if I have given him enough clues so that when he visits San Juan, perhaps he can see if he can recognize these two parcels of land to which I have referred.

**Sen. Hosein:** I am fully aware.

**Hon. C. Imbert:** The council, however, has decided, through one of its sub-committees, that it would move a motion to acquire these two parcels of land which are not being put to productive use at this time. It is expected at the next statutory meeting of the Council this month of August, a Motion to this effect will be moved. I might also say, that the whole question of the type of market has engaged the deliberations of the San Juan/Laventille Regional Corporation for some time.

I have here some notes of a meeting held in 1993 where they looked at the trends in construction of markets throughout the country and I will just quote a comment by an officer from NAMDEVCO whose opinion is that the idea of a two-storey building was useless, because it was found that people who visit the market were unwilling to climb up stairs to obtain produce that could be obtained at ground level, or even outside the market on the streets.

So that I wish to assure Sen. Hosein that this matter is receiving serious attention. Parcels of land have been identified, and there will be an expansion of the San Juan Market to accommodate the vendors in the area.

Before I close, let me say that I am happy that Sen. Hosein has read out a notice dated March of this year that was given to persons who were illegally occupying the highway, because in another place I was told that vendors had no notice whatsoever.

**Sen. Hosein:** April, not March.

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**Hon. C. Imbert:** I was told they were given no notice, and in 24 hours demolishers just landed from the sky!

**Sen. Hosein:** The Minister and I know that.

**Hon. C. Imbert:** I am glad that he has admitted and placed on the record that due process was followed; and he would have realized that that letter was in response to an earlier notice of intended demolition from the ministry asking persons to quit the site; and in response to that notice which was given in September, 1993, the vendors eventually asked for time and we said we were unable to give them more time. But we gave them two weeks and, in fact, we allowed three months to pass before we took action. We gave them notice again and again, and eventually we took the relevant action. But notwithstanding that, we will be constructing a lay-by for legitimate vendors in the Aranguéz area.

One of the points that need to be made is that many of the vendors in the Aranguéz area are not from Aranguéz. Some of these persons are from as far away as Princes Town, and I wish to inform Sen. Hosein that we will be making a check on the addresses of the persons who wish to vend in the new lay-by in Aranguéz.

We will be giving preference to persons from the environs of Aranguéz, San Juan, El Socorro, Bamboo, St. Joseph and all these areas now represented by the PNM, and we expect the lay-by to be opened by the Member of Parliament for Barataria/San Juan. We expect that as we continue to build these new lay-bys and go to the new market, perhaps, in our next term, the PNM representative at that time will open the new market in San Juan.

I thank you.

**Sen. Hosein:** Mr. President, I would like to ask the Minister if he can give me some appreciation of when he expects this extension of the market to take place; and the lay-by. Could he give us the date on this?

**Hon. C. Imbert:** Mr. President, I expect the lay-by to be completed before the end of this year. With regard to the extended market, hopefully, we should move the motion for acquisition of the land, and once that process is concluded, we can move towards planning the new market. At that time I could give a better response to that question.

*Question put and agreed to.*

*Senate adjourned accordingly.*

*Adjourned at 6.27 p.m.*