

Leave of Absence

Tuesday, July 13, 1999

SENATE

Tuesday, July 13, 1999

The Senate met at 1.31 p.m.

PRAYERS

[MR. PRESIDENT *in the Chair*]

LEAVE OF ABSENCE

Mr. President: Hon. Senators, leave of absence from today's sitting has been granted to Sen. Joan Yuille-Williams.

PAPERS LAID

1. Report of the Auditor General of the Republic of Trinidad and Tobago on the Accounts and Financial Statements of the Nariva/Mayaro County Council for the year ended December 31, 1988. [*The Minister of Public Administration (Sen. The Hon. Wade Mark)*]
2. Report of the Auditor General of the Republic of Trinidad and Tobago on the Accounts and Financial Statements of the Nariva/Mayaro County Council for the year ended December 31, 1989. [*Sen. The Hon. W. Mark*]
3. Report of the Auditor General of the Republic of Trinidad and Tobago on the Accounts and Financial Statements of the Nariva/Mayaro County Council for the year ended December 31, 1990. [*Sen. The Hon. W. Mark*]
4. The 1998 Annual Report of the Venture Capital Incentive Programme. [*Sen. The Hon. W. Mark*]
5. Loan Agreement (Postal Services Reform Project) between the Republic of Trinidad and Tobago and the International Bank for Reconstruction and Development. [*Sen. The Hon. W. Mark*]

ORAL ANSWERS TO QUESTIONS

Sen. Dr. St. Cyr: Mr. President, questions Nos. 11 and 12 to the Honourable Minister of Trade & Industry and Consumer Affairs and Minister of Tourism.

The Minister of Public Administration (Sen. The Hon. Wade Mark): Mr. President I would like, with the leave of the Senate, to have these questions deferred for a later stage of the sitting. The Minister is on his way and he is yet to arrive.

Question put and agreed to.

DISTRIBUTION OF ESTATES BILL

Bill to amend the law relating to the distribution of the estates of deceased persons. [*The Attorney General*] read the first time.

The Minister of Public Administration (Sen. The Hon. Wade Mark): Mr. President, I beg to move that the Distribution of Estates Bill, 1999, be taken at the next sitting of the Senate.

Agreed to.

ARRANGEMENT OF BUSINESS

The Minister of Public Administration (Sen. The Hon. Wade Mark): Mr. President, I seek leave of the Senate to deal with Bills Second Reading under Government Business instead of Motions.

INTEGRITY IN PUBLIC LIFE BILL

[Second Day]

Order read for resuming adjourned debate on question [July 06, 1999]:

That the Bill be now read a second time.

Question again proposed.

Sen. Nafeesa Mohammed: Thank you very much, Mr. President. It is indeed a privilege for me to be able to stand here this afternoon to participate in this very important debate on a Bill entitled: “An Act to provide for the establishment of the Integrity Commission; to make new provisions for the prevention of corruption of persons in public life by providing for public disclosure; to regulate the conduct of persons exercising public functions; to preserve and promote the integrity of public officials and institutions, and for matters incidental thereto.” If I may just repeat the last part of that title: “promote the integrity of public officials and institutions, and for matters incidental thereto.”

1.40 p.m.

Mr. President, this Bill and the other two Bills are being debated at a most historic time in the evolution of our society—and I see the hon. Attorney General hiding his face behind the book.

Mr. Maharaj: I am showing you corruption.

Sen. N. Mohammed: I commence my contribution by saying that man can fool man but man cannot fool God, and that the voice of the people is the voice of God. Yesterday, the people of our country—

Mr. Maharaj: The PNM got licks!

Sen. N. Mohammed:—spoke and made a mark in the history of our country.

Sen. Gangar: How many votes did you all get?

Sen. N. Mohammed: When, in 1995 the People's National Movement got more votes than the United National Congress, they were quick to bypass and discard that and sweep it under the carpet, but today, we are hearing them trying to count how many votes were cast. At the end of the day, the People's National Movement has won the local government election in our country having gotten far more seats than the United National Congress which has lost seats in that election.

Mr. President, the outcome of this election is indeed very significant because it has sent a very strong message. It is the voice of the people saying to all politicians in our country that they are concerned about integrity in the public affairs of our country, and I hope the United National Congress Government would take note of the very powerful message that emanated from the outcome of yesterday's election. They may talk and laugh; they may try "all how" but, certainly, one of the most glaring outcomes of yesterday's election is that our people, the people of Trinidad and Tobago, will not be fooled. They will not be bought and sold.

Sen. Gangar: Talk about the Bill.

Sen. N. Mohammed: As we talk about integrity in public life and seek to deal with legislation to set up mechanisms for integrity in public life, we on this side would like to put on record that we are, indeed, very eager to ensure that mechanisms to promote integrity in public life would be put in place, especially with the operations and the *modus operandi* of this UNC coalition Government. As I speak about coalition, let me get on to the matters before us.

Another very powerful message that came out of yesterday's events, because it is indeed very relevant to the debate in which we are involved this afternoon, is the fact that so many young people have indicated that they will not be bought and sold. They want to see honesty and integrity in the affairs of our nation.

I take the opportunity to commend all candidates from whichever political party they may have been, who won their respective seats yesterday, and to all the workers, voters and all who participated. At least in terms of our democracy the people have spoken and it is now left for the politicians to take note.

I made mention of the timing of this debate on these Bills, which had been issued, I think, since 1996 and which form part of a bundle of documents

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including a Green Paper on Integrity in Public Life—A Review of Legislation, that had been referred to a Joint Select Committee of the Parliament since 1996. I am glad to see the hon. Minister of Trade and Industry and Consumer Affairs in the Chamber today because the hon. Mervyn Assam served as Chairman on that Joint Select Committee; I was a Member of that Committee and, in terms of the chronology of events surrounding this Joint Select Committee's Report: the work, deliberations and recommendations, what I find very interesting is the fact that after we completed our deliberations since 1997, it is only now, one week before an election in our country, that the Government chose to bring it to the Parliament for debate. It simply exposed some further truth of which the population is very much aware.

It was brought forward for debate on the eve of an election where the Government was indeed trying, as my colleague Sen. Montano said, to use some soap to try to give the impression that they are not a corrupt government and that they are about integrity in the affairs of the nation, but as I said, yesterday the people spoke and the people of this country want to see integrity in the public affairs of our country.

On the last occasion when this debate commenced, Mr. President, we on this side, just prior to the debate actually being commenced, had arrived at an understanding with the Leader of Government Business with respect to the debate—

Mr. President: Sorry Senator, that was dealt with last week. I do not want any reversion to it.

Sen. N. Mohammed: Thank you very much, Mr. President. If I may be permitted to indicate simply that whilst we regret having to have walked out of the Senate, we hope that the Members on the other side will respect the voices of this side, as indeed, the voices of the people who spoke.

Mr. President, these events just simply highlight the fact that you can talk, you can bring any number of bills, you can seek—as I heard the hon. Attorney General make mention recently about the kinds of legislation they have brought to the Parliament, and what is very clear is that you cannot legislate alone to bring about integrity in people and in the public affairs of a country.

As my colleague indicated last week, if I may just be permitted to quote a definition of integrity that is contained in the Green Paper on Integrity in Public Life—A Review of Legislation, published in December 1995, it says here at page 3 that:

“The word ‘integrity’ has been used to suggest morality, ethics, honesty, commitment, accountability and respectability.”

It is our contention that the present Government, the UNC Government, does not have any appreciation or understanding of the word “integrity”, just simply by their *modus operandi* and their conduct whilst in Government.

For them to come now to seek to rush through this legislation, I think the whole plot and the plan has now backfired in their faces because we are seeing exactly what their agenda is. Legislation alone will not do it. Legislation is just a mechanism to set a standard of conduct and to create procedures for maintaining and enforcing these standards of conduct that may be set.

In Trinidad and Tobago, when we go back to the history of integrity legislation in our country—last week Sen. Montano referred to the Constitution of the Republic of Trinidad and Tobago where there has always been that respect for integrity in the affairs of our nation. But it was in 1987 that legislation was passed and in the Constitution itself, there are two sections, sections 138 and 139, that deal with integrity legislation. Section 138 says:

- “(1) There shall be an Integrity Commission...for Trinidad and Tobago consisting of such number of members, qualified and appointed in such manner and holding office upon such tenure as may be prescribed.
- (2) The Commission shall be charged with the duty of—
 - (a) receiving, from time to time, declarations in writing of the assets, liabilities and income of members of the House of Representatives, Ministers of Government, Parliamentary Secretaries, Permanent Secretaries and Chief Technical Officers;
 - (b) the supervision of all matters connected therewith as may be prescribed.”

Mr. President, section 139 continues with the provisions that deal with the establishment of an Integrity Commission, but over the years, we acknowledged that there is a need to deepen the process and to strengthen the current mechanisms that exist.

I understand that it was sometime in 1994, I think it was the Integrity Commission that hosted a symposium dealing with integrity legislation in our country. Arising out of that symposium, the hon. Leader of Government Business, who was then on this side of the Senate as the Leader of the Opposition in the Senate, put forward a resolution in the Parliament as a result of which the

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government of the day, the then People's National Movement government, decided to refer the matter to the Law Commission for a working team to be established. I think at that time it was chaired by Justice Guya Persaud as Chairman of the Law Commission and it comprised representatives from several different bodies: the Integrity Commission; the Law Commission; the Public Service Commission; the Office of the Ombudsman; the Auditor General's Department; the Ministry of Finance and the Ministry of Trade and Industry.

1.55 p.m.

Mr. President, the "Terms of Reference" of this committee were:

- "(a) to review the existing integrity legislation with a view to making recommendations for the strengthening of the integrity legislation so as to enhance the scope and powers of the Integrity Commission;
- (b) to prepare a Green Paper for presentation to Parliament for public comment and consultation."

It was as a result of this initiative on the part of the then People's National Movement government that a Green Paper was, in fact, prepared and was issued in December 1995, by which time the government had changed. I do not have the specific date now when the matter was, in fact, referred to a Joint Select Committee of the Parliament. What was very interesting was that at the time of referring this Green Paper to the Joint Select Committee, they also forwarded a copy of a bill drafted, perhaps, since 1996—I do not know if it had a number or date on it. Together with the Green Paper there were three bills at which the Joint Select Committee would have looked.

I know that the deliberations of the committee were very extensive. I think thousands of letters were, in fact, sent out to individuals and organizations requesting comments from the public and meetings were held throughout Trinidad and Tobago. At the end of the day, after receiving the views of various people who took the time to submit their views, a draft report had been prepared. When that report came forward we on this side had some concerns which we expressed. There was, in fact, a minority report that had been prepared by us, but as a result of some discussions and dialogue with the other members of the committee, we were able to come together and present one report to the Parliament, and this report was laid I think, in 1997. The debate started in the Lower House around that time but then Parliament was prorogued and it lapsed. That debate was never completed. The report was also laid in the Senate, but it was never debated.

Here it is today, Mr. President, out of the blue we have these three Bills, as I said, coming to the Senate Chamber on the eve of the election, and now history would have it recorded as to the outcome, where the people have spoken in terms of their desire to see integrity in the public life of our nation. [*Interruption*]

Mr. President, when I hear the hon. Attorney General being so boastful, I really have to continue to worry about the manner in which this Government is running the affairs of our nation. One would have thought that arising out of the outcome of yesterday's proceedings that there would be a certain level of humility and introspection, rather than gloating and boasting. [*Desk thumping*] They do not even have respect for the dead. As I mention the dead, we on this side would like to take the opportunity to extend condolences to the family of the UNC candidate who passed away suddenly. May that person's soul rest in peace.

In the committee, Mr. President, there were certain issues that were of concern to us. When you look at the Green Paper and some of the recommendations therein, one of the issues centred around the widening of the scope of persons who should be brought under the umbrella of integrity legislation. There was a rather contentious issue surrounding whether certain categories of persons should be included in that net, including the question of whether Senators should be included. We on this side as Members of the Opposition in the Senate, certainly have no difficulty in terms of Senators being subjected to integrity legislation, because as it stands now I think it applies only to Members of the House of Representatives. But I am sure, as the debate unfolds, we will get further views on it, and that issue would be dealt with eventually.

Another issue that was of some concern, related to the whole question of the provision dealing with a blind trust, creating a mechanism whereby persons falling within the net can or may have a blind trust prepared in dealing with his affairs. That generated a lot of debate and there are very strong views for and against. We were concerned that while there is a provision dealing with it, we felt that there were not sufficient mechanisms in place, so there was need to add some more details to this blind trust and what kinds of terms and conditions it would actually include. We felt that if it is that you are seeking to strengthen the process of enforcing standards and ensuring that there is integrity in the affairs of persons involved in public life, sometimes even with a trust, that in itself can be a loophole, in that people can easily hide behind a blind trust. A lot of discussions took place on that issue.

I know the hon. Minister is here in the Chamber but, Mr. President, another issue dealt with the question of the fine to be imposed in the event of a Member

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failing to disclose. I think there was a proposal that the fine be increased from \$20,000 to \$250,000. As a member of the committee we had very heated discussions, especially from my position participating in the discussion. We had no difficulty in making the penalties stiffer but our concern was simply to have some kind of criteria to determine what penalty to impose—rather than having some arbitrary figure being introduced, just to give the impression that you are stiffening the penalty and that would actually bring about greater integrity.

We know the realities and the fate of persons who for whatever reason may be out of public life. There are some people who once served as ministers in government who, today, have great difficulties in gaining employment in places and having to survive. That is a reality of life. It can happen to anybody from whichever political party. The reality of politics is that you are here today and you may be gone tomorrow. That is the reality of our politics, and especially in Trinidad and Tobago we are seeing a trend where our citizens are very mature and intelligent and know how to use their index fingers well.

In this Bill to provide for the establishment of the commission, we know that there is a commission that is operating, and this Bill seeks to strengthen the current provisions that relate to the operations of this commission. In one part of this Bill, clause 15 for example, it provides that:

"Where upon the examination referred to in section 13 the Commission is of the opinion that it should enquire further into any declaration so as to ascertain whether there has been a full disclosure, it may advise the President to appoint a tribunal... to conduct an enquiry to verify the contents of the declaration or the statement filed with Commission."

There are provisions in clause 16 that deal with the operation of the tribunal:

"A tribunal appointed under section 15 may—

- (a) request in writing, that a person in public life...attend before the tribunal...
- (b) require the Commissioner of Police or any other public officer, to make available to it, any information received... to make such further enquiries...
- (c) summon witnesses..."

But we know that in recent times in our country we are seeing, in terms of enquiries being conducted, what is the outcome.

There is a particular clause that has created some interest to me, and that is clause 17 of the Bill which states:

- "(1) Where the Commission is satisfied, on the basis of an enquiry conducted under section 15 that—
- (a) a breach of any of the provisions of this Act has been committed, it shall take such action as it deems appropriate; or
 - (b) an offence has been committed, it shall—
 - (i) forthwith refer the matter to the Director of Public Prosecutions together with a certified copy of the declaration in question and a report of its findings; and
 - (ii) forward to the President, a report of its findings."

This is a very healthy provision, but it is of concern to me, especially when dealing with this UNC Government.

I remember, not too long ago, when this whole textbook issue was being discussed nationally, there was a task force which had been appointed to look into the whole question of the textbook fiasco, headed by a former Minister of Education, Mr. Clive Pantin. I remember reading a certain part of that report where there was very strong evidence of corruption and other criminal offences having been committed. In fact, a recommendation had been made that the matters be referred to the Director of Public Prosecutions, and we have not heard anything about this. The Prime Minister goes around on the platforms talking about the quest to standardize textbooks, and yet the recommendations of that textbook committee are not being followed. Even the textbook evaluation committee's recommendations by Sen. Prof. Ramchand have been disregarded.

Mr. President, whilst we welcome the provisions in this legislation, we have to wonder how serious this Government really is in terms of creating the mechanisms that will, in fact, result in decisive action being taken, in the event that there is need to refer a matter to the DPP. We want to be sure and satisfied that it is not just a case of putting things in legislation to go on the platform, as the hon. Attorney General has been doing; to say that they have legislated for sexual offences and that the crime rate and sexual crimes have been reduced as a result of the legislation they have introduced. That is not so, we have always had a Sexual Offences Act, and that kind of propaganda will take us nowhere. At the end of day, when we pass a Bill here we want to be sure that it will, in fact, be workable legislation. So that the idea of referring matters to the DPP is good, but as I said, we just want to be sure that the intent is really *bona fide*, to ensure that the mechanisms will work.

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On the last occasion my colleague, Sen. Montano had gone a bit further in terms of suggesting that we should consider the possibility of establishing an office, or something like an independent investigator whereby, when there are allegations of corruption, misconduct or what have you, we can have a truly independent body or person who would be able to carry out the appropriate investigations; something akin to a Ken Starr type of office, because we know what is happening. Allegations have been made, investigations carried out, reports with recommendations are being made, and disregarded by the Government. We want to see mechanisms in place where there are checks and balances which will ensure that regardless of political affiliations and who is or who is not in Government, that institution will be able to function independently and in the interest of preserving and promoting integrity in public life.

I know the hon. Minister of Trade and Industry and Consumer Affairs, and I have known him to be a man of integrity. However, by his association with this United National Congress I really have to wonder now, because of what has been happening right before his very eyes. I know he sees it, he feels it, and he knows it and I am sure at the appropriate time good sense will prevail, Mr. President. [*Desk thumping*].

2.10 p.m.

There is a lot more that we can say but, because of the timing of the continuation of this debate, at this point I would like to wind up my contribution by simply congratulating all the people of Trinidad and Tobago who voted for the People's National Movement in yesterday's election.

Thank you, Mr. President.

ORDER OF BUSINESS

Mr. President: Hon. Senators, at this stage I would like to revert to item No. 8 on the Order Paper as the Minister is here and I would not like to detain him too long in the Chamber.

ORAL ANSWERS TO QUESTIONS

Pageant Company Expenses

11. Sen. Dr. Eric St. Cyr asked the Minister of Trade & Industry and Consumer Affairs and Minister of Tourism:

- (i) Would the hon. Minister tell the Senate the total sum of money spent by the Pageant Company in putting on the Miss Universe 1999 and how much of this money came from public funds and how much from private sector funds;

- (ii) Would the hon. Minister also tell the Senate how much of these funds was spent on each of the following:
 - (a) Infrastructure and environmental works;
 - (b) Airline tickets for delegates and officials;
 - (c) Hotel expenses for delegates and officials.

The Minister of Trade & Industry and Consumer Affairs and Minister of Tourism (Hon. Mervyn Assam): Mr. President, let me apologize for my late arrival because I did not wish to hold up the business of the Senate. I got stuck in traffic and it was totally unavoidable.

With respect to question No. 11, Mr. President, the first part is as follows. Government funding was \$60,135,257.00 and private sector funding was \$6,548,308.00 making a total of \$66,683,565.00. However, the accounts are not finalized as a consequence of which there is still a contingency in the vicinity of about \$2 million, but I hope that the final audit will be completed before long.

With regard to the second part of the question, Mr. President, infrastructure and environmental works accounted for \$10,521,460.00; airline tickets for delegates and officials—\$1,549,396.00; total expenses for delegates and officials—\$5,821,142.00. I can give some additional information although the distinguished Senator did not ask for it: advertising—\$3,643,883.00; stage production—\$3,822,932.00; hosting fee—\$19,693,000.00; professional fees and contracted services—\$4,712,938.00; rental of equipment, lighting, trucks—\$4,857,397.00; freight charges for bringing in the equipment—\$5,138,604.00 and the rest are somewhat broken down into many other miscellaneous items. I trust that I have responded faithfully to the Senator's question.

Sen. Dr. St. Cyr: Supplemental, Mr. President. Would the hon. Minister say how much of the contributions were made by state enterprises?

Hon. M. Assam: As far as I am aware there is only one state enterprise that was involved—but not really, it is not a state enterprise any more, forgive me. I was thinking of BWIA but BWIA is no longer a state enterprise. T&TEC, in collaboration with the pageant company, erected a substation which was part of T&TEC'S development programme for the western peninsular but accelerated it because of the need to have a dedicated electricity supply for the pageant, but it was part of the development programme of T&TEC and the pageant company contributed a few hundred thousand dollars to that particular project, Mr. President.

Sen. Mohammed: Supplemental question to the hon. Minister. Can you tell us whether the pageant company is still existing legally?

Hon. M. Assam: I am surprised that an attorney-at-law would ask that question, Mr. President, because once you establish a company it remains on the books of the Registrar and there is no need to make the company defunct, particularly when, as I mentioned earlier, the audit of that company's accounts had not been finalized, so I thought the question was really a very unfortunate one.

[Sen. N. Mohammed rose]

Mr. President: I will not permit further questions on whether the company subsists or not because, really, that is a new question. If you wish to ask a question arising from the original answers, you may.

Sen. Mohammed: Thank you, Mr. President. This certainly arises from the original answer: can the hon. Minister tell us how much money the company is owing to people who did work for this pageant—contractors, subcontractors or whoever they may be? Please give us an idea of the moneys outstanding.

Hon. M. Assam: I thought the Senator was listening, Mr. President. I said that there are some outstanding bills, contingencies, in the vicinity of about \$2 million and that has to be finalized upon the scrutiny of some of the invoices that we have and the finalization of the audit, but it is about \$2 million that are still being looked at, Mr. President.

Sen. Prof. Spence: Mr. President, would the hon. Minister not agree that a great deal of the benefits of the expenditure of \$60 million was lost by the fact that we did not insist that credits be given for the performances which took place during the pageant?

Hon. M. Assam: Mr. President, I do not agree.

Sen. Mohammed: Thank you very much, and I further thank the Minister. Can the hon. Minister give us an idea as to when these final audited statements would be ready and available for the account to the nation?

Hon. M. Assam: I am hoping that the accounts should be completely audited within a month or less.

Casino Gambling

12. **Sen. Dr. Eric St. Cyr** asked the hon. Prime Minister:

- (i) Would the hon. Prime Minister inform the Senate whether it is the policy of his Government to permit casino gambling in Trinidad and Tobago?

- (ii) If the answer is in the affirmative, would the hon. Prime Minister consider setting up a Task Force on Gambling and Casino Gambling as has been done in Barbados and elsewhere?

The Minister of Trade & Industry and Consumer Affairs and Minister of Tourism (Hon. Mervyn Assam): I am not the Prime Minister, I am merely answering on behalf of the Prime Minister.

In response to the first part of the question, Mr. President, gambling has been permitted in Trinidad and Tobago under existing law since 1963. I am informed that casino type gambling exists in private clubs in Trinidad and Tobago since games such as baccarat, black jack, poker, roulette and others are played in these clubs.

The second part of the question does not apply in the light of the response to the first part.

Sen. Prof. Spence: Could the hon. Minister state whether it is Government's policy to permit casino gambling outside of private clubs?

Hon. M. Assam: The whole question of outside of private clubs is now being looked at.

Sen. Prof. Spence: In view of that answer, Mr. President, would the hon. Minister then, perhaps, consider the second part of the question for the non-club gambling which is being considered?

Hon. M. Assam: Could the Senator repeat the question? I did not get it.

Sen. Prof. Spence: The second part of the question asks whether the Prime Minister would consider setting up a task force. The Minister has responded by playing on the fact that the question originally did not say "non-club gambling". So I am now asking that it say non-club gambling. I therefore ask, would the hon. Prime Minister consider setting up a task force on non-club casino gambling as has been done in Barbados and elsewhere?

Hon. M. Assam: I thought I responded. I said it was not necessary and it does not arise and you asked about non-club gambling and I said it is being looked at now. If, after it has been looked at, it becomes necessary to expand this look that I am referring to, then possibly the suggestion may be followed, but I am saying at this point in time it is being looked at and it may not be necessary at all to set up a task force. If, however, that situation does arise we will certainly look at the suggestion.

Sen. Rev. Teelucksingh: Is the hon. Minister aware that certain private members' clubs in Trinidad and Tobago with casino-type tables are open to the public now and that such clubs are publicly advertised as casinos? What steps are being taken by the Government of Trinidad and Tobago to deal with this irregularity?

Hon. M. Assam: Well, I do not know because I do not gamble. I do not visit gambling houses. Even though I mentioned things like baccarat, I do not even know what baccarat is. I have just been told that these are some of the games that are played in these houses. I have never visited a gambling house in my life so I am not aware that members of the public go to these private clubs. Secondly, if this is the case and it is not in conformity with the law then you have a police service which has to deal with it, not a Minister.

The Government does not deal with the apprehension or prosecution of criminals or people who violate the law. I am a member of the Executive. I am a not member of the Judiciary or the Police Service. Therefore if, as I said, there is an infraction, then the Police Service will have to deal with it or the Director of Public Prosecutions.

Sen. Mohammed: Thank you very much, Mr. President. A further supplemental question to the hon. Minister. Would the hon. Minister tell us who is looking at the question of casino gambling outside of the members' clubs? Would he please tell us how long now they have been looking at it?

Hon. M. Assam: TIDCO has been looking at it and I think they have been looking at it—do not hold me to an exact time—probably about a year now.

Sen. Mohammed: Then can the hon. Minister explain to us how is it that in the very first budget of the hon. Minister of Finance, when the UNC Government came into power, a declaration or statement was made to the effect that they were going to introduce casino gambling? Please clarify it.

Hon. M. Assam: It is very simple. When a Minister of Finance comes to a Parliament, he merely sets out, except for specific fiscal measures, a vision and a set of recommendations and approaches that the government intends to undertake in the coming year or years. As a consequence of that, a note had to be taken to Cabinet in order to formulate what the Minister of Finance announced in the Parliament. That note was taken to the Cabinet. Cabinet subsequently approved of the note that was taken to it and mandated that a look at this matter be taken and TIDCO was the recommended agency.

Now TIDCO is doing a number of studies, for example, a science and technology park, a food park, a marine park, *et cetera, et cetera*, as a consequence of which it is in the queue. They prioritize certain things which are like—for example, the science and technology park is of higher priority than a study of casino gambling. As a consequence, it is only about a year or so now, I believe, that they have been looking at it a bit more seriously.

Mr. President: I think we are getting away from the original question into new questions. I will permit one further question and close after that.

2.25 p.m.

Sen. Mohammed: Mr. President, I am simply seeking some clarification from the hon. Minister in terms of his explanation. I asked the question: from since when it is being considered. From his explanation, can I conclude that the Government has been looking at it from since the hon. Minister of Finance announced it in the 1995/1996 Budget; that it is from then you all have been looking at the issue of casino gambling in the country?

Hon. M. Assam: I thought I had answered the distinguished Senator adequately. I do not know why she is pursuing this line of questioning. I said when a Minister of Finance comes to the Parliament, except for the specific fiscal measures, all the other things are recommendations and the direction that the Government wishes to go. You have to prioritize these matters. We have prioritized these matters and we have put in the queue what we want to come first. TIDCO is the agency that has been identified to deal with it, hence the reason, about a year ago, they have started to look at it, because we did not give it high priority. We gave other things. I assure the distinguished Senator, notwithstanding the fact that she may have some doubt about my integrity with respect to my association with the United National Congress Government, my integrity remains intact and, like Caesar's wife, Calpurnia, above suspicion and beyond reproach, Mr. President.

Mr. President: Hon. Senators, I think we are veering away from the original question. I revert to the Item, "Bills Second Reading."

INTEGRITY IN PUBLIC LIFE BILL

Sen. Prof. Julian Kenny: Mr. President, I was a Member of the Joint Select Committee which considered this particular Bill, and I have no problem supporting it. In fact, I had given it strong support. There are a few minor things which I would raise in due course. I wonder whether you would just allow me to do a bit of speculation from the perspective of a biologist. Mr. President, recently,

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we dealt with domestic violence and I emphasized that violence was part of the human condition. I am just going to speak briefly about the nature of our species, because we are not, genetically, social animals; at least the degree of our socialism is very crude. We do not compare, for example, with the ants in which there is a caste system where behaviour is regulated by one's genes, and similarly, the termites with similar organizations.

We belong to a line of evolution which is called the family Hominidae which includes the great apes. We do not like comparisons but our nearest relative is, in fact, the chimpanzee. The chimpanzee's society is extremely violent and selfish. There are some apes in which there are highly desirable social characteristics. For example, if we deal with the gibbons; the gibbons of South East Asia, are, in fact, the most loyal and sensible—they are really remarkable creatures. They pair bond for life. Once a male gibbon marries a female gibbon, they are bonded for life; they are faithful; there is no deviation. But chimpanzees are rather like us. We are so close, genetically, to chimpanzees that we ought to just look back a bit in our origins.

Genetically, we are a violent species; genetically we look after self first; genetically, at least, the male looks after power and dominion over the younger ones and the females, just as the chimpanzees do, and you can see this reflected in the human society. Altruism is unknown in the apes—although we like to think that in our society altruism is an ideal, noble goal, and that there is altruism in the society. There can be altruism in the society provided, of course, we socialize people and teach them values and these values become an important part of the society. These are the socializing forces. With that introduction of a little biology of animal behaviour—

Mr. Maharaj: I find it very interesting.

Sen. Prof. J. Kenny: I would agree with the hon. Attorney General—I disagree with him slightly—that the existing legislation is really a filing cabinet and that this legislation will be rather more than this. It would not be a filing cabinet if it is effective. Therefore, I would support it.

I disagree with him slightly in that I do not think that corruption robs only the poor; it diminishes the entire society. We have examples of entire societies which are corrupted and it is accepted as part of the norm. If, for example, we look at Europe and Denmark, Denmark is a country which is perceived by whatever measures, as the least corrupt of any of the world's societies. Anyone who has travelled to Nigeria or Mexico or much of South America, appreciates that the

only way through a system is by buying your way. In Trinidad it is an unpalatable reality that sometimes, at the lower end, when you are trying to do your business lawfully, for example, applying for planning approval, that the local authority will make it difficult for you and after a while you learn that if you want to get the approval, that somebody down the line is holding it and for, what is called a consideration, which is a brown envelope, the thing leaves that desk. For societies this is an integral part of the human condition; this is self looking after self.

Mr. President, I suggest that the title or the name of the Bill is a misnomer, in that it is not so much about integrity, as it is about prevention of corruption and we already have an Anti-Corruption Act. If we look at the word “corrupt” in the Concise Oxford dictionary, the large volume, it has several meanings. The one that concerns us which may be used as a verb or an adjective has several meanings. I have taken this straight out of the Oxford dictionary; not the compact one, but the bigger one. It states:

“It is to destroy or pervert the integrity or fidelity of a person in his discharge of duty; to induce to act dishonestly or unfaithfully; to make venal; to bribe.”

This is what corruption means. I am going to be slightly personal, Mr. President. I have never been in a position where I could exercise power which would attract somebody attempting seriously to bribe me. It happened only twice in my career: Once when I was a public servant—I was a Senior Fisheries Officer—and somebody attempted to bribe me. I would not give all the details except that a parcel was left under my desk. There was a live chicken, among other things. The other one was in my own home, at the university, where a parent drove up to my house in a large black car. He descended on me—first of all, he knew I was an Englishman; I do not know how he knew—and he forced eight, five-pound notes into my pocket and I was pulling them out. This is a real story. The university knows about it because the party had to be warned. After this bribery attempt—which was really to get a review of a student’s grades which, as a student, perfectly entitled him. It tells you something about our society, that people actually think that you need to pay somebody to get what is your right. I have not appreciated how insulted I was at 40 pounds. Anyway, as I say, this is personal, but there are people who are clearly placed in a position of authority where there is a possibility or indeed, a probability, that somebody might feel that they could influence events by passing something.

The other word which is borne by the Bill is “integrity”.

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There are several meanings, but if we take integrity in the moral sense, it means: “unimpaired moral state; freedom from moral corruption; innocence; sinlessness; soundness of moral principle; the character of uncorrupted virtue, especially in relationship to truth and fair dealing; uprightness, honesty; sincerity.” This is what “integrity” means.

2.35 p.m.

Mr. President, in my three and a half years in the Senate, I have in fact served on various committees—both Senate and joint select—and I have attended almost every one of the meetings. One thing that saddens me is that very frequently it is impossible for the committee to do its work because we cannot get a quorum. A person of integrity agreeing to serve on a committee must, in fact, serve on the committee. If a person cannot serve on a select committee, or a joint select committee, that person should decline. We have had creeping into this, people who come to the joint select committee—not so much the Senate, because the Senate committee members tend to take it very seriously.

Forgive me, I may be making unnecessary comments about people from the other place, but we have had instances where people actually come to the committee so that they are noted to be present, shortly thereafter departing, making no contribution whatsoever. This, in my interpretation of integrity, shows a lack of integrity and a lack of commitment. I suggest that there is a slight misnomer and to me, the essence of it here is that this thing is a Bill about the prevention of corruption.

Integrity derives from inner conviction of what an ideal social organization is, whereas corruption derives from placing that human trait of self above the rest. I am not suggesting a change in the name here, but I just want to suggest that we really ought to understand what we are dealing with. Mr. President, corruption is as old as the hills. As long as there is human society and humans are genetically what they are, there will be self being projected.

There are so many instances of countries and individuals, I will mention a couple of them here which are of interest. I have taken off the *Telegraph*, an English newspaper of Saturday, July 10, a bit of news:

“Kinnock given job of ridding European Union of sleaze.”

I am sure that many Senators will remember that not long ago the entire commission had to resign. Why did they resign? Because commissioners were giving jobs to their friends and relatives. People who held high office in France

gave jobs with enormous salaries to friends for doing absolutely nothing. So, the entire commission came crashing down and Neil Kinnock, who is the past leader of the Labour Party of the United Kingdom, after five years of loyal service, has been made the Deputy Chairman, and his job is to cut out the sleaze, corruption, fraud and mismanagement. These are the words used.

Mismanagement can cost the country enormously, any country including our country. Sleaze? The same thing. Fraud? Of course. The dividing line between mismanagement, sleaze and fraud is really vague. So, if it happens in the European Union where there was an entire European Commission resigning because of fraud, mismanagement and sleaze and somebody is appointed to clean up the mess, here we have an example, and we are a very small nation.

Another example that I use, because it is also topical, is taken from the English newspapers of June 30, and it concerns a Cabinet Minister by the name of Jonathan Aitken who was a millionaire and was touted as a possible future Prime Minister in the Major administration. The details we need not go into, but there is a lesson for us, because he fell afoul of the law because of the media. The media became suspicious of Aitken's travels to certain parts of the world and an investigative report was published. Mr. Aitken sued the *Manchester Guardian* for libel, and in the course of the libel hearing, it transpired that he had been quite corrupt, accepted favours and so forth. It was not found out by any commission or any fraud squad. It was discovered by the media, in particular, the *Manchester Guardian*, and Mr. Aitken is now serving 18 months in prison. He is bankrupt now. He actually has a job of putting nuts on to bolts, and the newspapers said that he gets one pence per ten bolts. It is all in the English newspapers.

The point is that here we have somebody who was a Cabinet Minister. I am not suggesting that any of our people are involved in this, or any other administration, but it is perfectly possible that we can have this kind of thing, even the very mighty.

Mr. President, not long, just about 20 years ago, the Securities and Exchange Commission in the United States investigated Lockheed's doings, and it really is quite remarkable that we go to people who have everything—Prince Bernhard of the Netherlands; and he accepted from Lockheed. Here we have the high and mighty, and more recently we have had cases of the Olympics bribery scandal.

Let us face it. It cannot be prevented, but we can, using legislation of this kind, in fact, do something. It is said that the English occasionally shoot an admiral to encourage the others. All that is necessary under this legislation is to

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find somebody who has put his hand in the till or has somehow not followed the rules and an example is made.

I am quite happy with the provisions here. I do think that it is going to be more than a filing cabinet. In fact, once the commission is functioning—I have problems which I will mention later on—and these declarations come in, once the forensic people in the commission look at these things, if they see anything suspicious, they could do the full investigations and they just need one example which will result in fairly strong responses on the part of the state. We will discourage further transgressions. We would not eliminate it ever!

Mr. President, one of the things about corruption is the question of temptation. If a Cabinet Minister is administering part of the work of the state of \$500 million, \$750 million or \$1 billion, it takes a person of immense moral fibre not to be influenced. I will never ever be in that position, but I wonder sometimes if I happen to exercise authority, what my price would be.

The reason I mention these examples is that I do not think people are incorruptible. With respect to temptation, which is really worrisome—Senator Marshall has referred to it repeatedly in his contributions—we do not compensate our Cabinet Ministers adequately.

Mr. President, last Friday I went up to the university to seek information on university salaries, because they keep going up and up, and the university refused to give me this information. They claimed it was confidential. It incidentally appears in the newspapers. I think it was a sort of personal reaction to my presence at the university. Just to give an example—I am not talking about the professorial appointment; I am talking about a lecturer, a person whose has spent six years of academic training, has a Ph.D. and has joined the university and served perhaps nine years.

If we take the salary, housing allowance, regional allowance and all the other allowances, the person might be getting somewhere around \$16,000 or \$17,000 per month, and this only requires him or her to lecture and do research. A head of a department, who would be at the professorial level—I am not quite sure of the figures, but I imagine it is probably around \$25,000 per month. A head of department is administering, perhaps, a vote of \$1.5 million and he is being paid that kind of money. Here we have Ministers of Government who are running mega ministries and they get these ridiculous salaries of \$12,000 and \$15,000. I do not know what the going rates are in other parts of the world, and it is possible and I am even prepared to accept, that everyone is absolutely incorruptible, but

how on earth does one manage, as a Minister of Government, particularly when one has constituents and one is running a big Ministry with enormous resources at one's hands, when the demands are being made by appearing in Parliament, chairing select committees? Surely, we must find a formula for addressing this issue.

2.50 p.m.

Mr. President, I would like to turn briefly to just four clauses in the Bill. Clause 4: I am not quite sure in legal terms what is the meaning of the words “high standing”? Are they necessary? When you have a Commission—

“three other members who shall be persons of integrity and high standing.”

Is that phrase really necessary? Does it have any meaning in law? I think to the lay person it is redundant. Integrity has meaning.

Clause 9 is the other one that I am a bit worried about, mainly because of the experience that we have seen in other bits of legislation. In clause 9(2):

“The Commission shall be provided with adequate staff for the prompt and efficient discharge of its functions under the Act.”

Sen. Dr. Mc Kenzie repeatedly reminds us of the problem with the implementation of this kind of legislation.

Mr. President, I might point out that there is legislation, for example, the Environmental Management Act, which requires the establishment of an environmental commission—it is now four years. We were told that a commission was going to be appointed by the end of last year. On World Environment Day we were told that a commission was going to be appointed or established sometime by the end of this year. I am not quite sure whether it is our financial or calendar year.

You set up under legislation a body to do something and it is simply hog tied. It cannot function except there is a commission in place, so that I sincerely hope, that when this legislation is passed and proclaimed, that the issue will be addressed, that is, the provision of adequate staff and facilities for the commission to perform its duties.

Clause 28 was a matter of some debate in the Joint Select Committee. It refers to a problem which arises when persons in public life leave a particular service, carrying with them a fairly large volume of sensitive information which may place them in a position where they may benefit themselves.

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In the United Kingdom system, when a permanent secretary leaves a ministry he or she is not permitted for a period, I think, of two years to join in the boards in the city because they can carry the sensitive information which gives that particular firm an advantage. Now this is not being clear except—

“...and shall remain confidential even after separation from service.”

Now there is a problem here in that one cannot deny a Member of Parliament who has been a minister, an opportunity to earn his living by a profession. Supposing a government is removed, there are many people in the government who may, in fact, be able, because they have a professional skill, to market that particular skill but the other people may not be in that position. So I am just a bit concerned. I do not know what the answer is, frankly, but it is something we should bear in mind. I think the original draft legislation suggested a time limit to allow people to get on their feet.

The final clause is 33 which struck me as being slightly awkward. It states:

“Where the Commission conducts an enquiry...and finds that the Member of Parliament has contravened...the Commission may recommend any of the following:

- (a) severe reprimand;
- (b) the Member’s seat be declared vacant until an election can be held...”

I am not quite sure who declares the seat vacant and then—

“(c) subject to the provisions of the Constitution or any Rules, Regulations or Standing Orders, the removal of the person from office or the taking of any other disciplinary action.”

This is a bit vague and untidy. Possibly, as we think about it when we go to the committee stage, we might be able to tidy it up.

Mr. President, these are my comments. I must thank the Senate for listening to my little essay on human behaviour.

Sen. Philip Marshall: Mr. President, thank you for the opportunity to comment on this very important piece of legislation which really is a start, in terms of Government’s daunting mission for this country to be a total quality nation.

I read with interest, in terms of the pervasiveness of lack of integrity and even corruption. There is a mathematical formula that can describe corruption and

being an accountant, I like formulas. Maybe hon. Senators would like to follow me through this formula and write it down. The formula is “ $C=(M+D-A)$ ”. C stands for corruption; M stands for monopoly; D stands for discretion and A stands for accountability. Corruption, therefore, can be described wherever there are monopolistic opportunities added to discretion and minus accountability.

Mr. President, corruption and the pervasive effects of corruption is not a subject that we easily speak about, because it is a very sensitive issue, where recipients, on hearing contributions such as these, may think in fact that they are being directed at them; this is not so at all.

Developing countries, in particular, have been accused of providing the environment where officials—and I am talking throughout the world—may be corrupt, whether they be in the public service, private sector or government and one has focussed on people who receive underhand payments. But what about the supply side of the coin? The very same developed countries that insist that these developing countries should put in laws of integrity and anti-corruption are the very ones in which they themselves are weak in ensuring that in terms of contracts in developing countries, that their own people, in an effort to get contracts do not prevent the distribution of bribes. I believe it is only the United States of America now with the Securities and Exchange Commission where bribery is, in fact, a criminal offence and things are now changing.

3.00 p.m.

In fact, in Europe in particular, and in a very modern and productive country in Europe, the name of which I should not mention, the cost of bribes by their private sector corporations in getting major contracts in overseas developing territories was allowed as a tax deduction. So you have on the one hand officials in developing countries or transition economies being castigated for corruption, but other officials in the developed countries being allowed tax deductions for such things.

Mr. President, Sen. Prof. Kenny just said corruption is as old as the hills. There is also a profession that is as old as the hills, and I thought therefore, that I could read an analogy here. They are not my words, I got this from “Transparency International” and it says:

- “In seventeenth-century Mexico, one of that country's great poets, Sor Juana Ines de la Cruz, asked: Whose is the greater blame in a shared evil? She who sins for pay, or he who pays for sin?”

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Mr. President, this Bill is important in the same way we and the government over the past few years, and a continuum over the past decade are attempting to bring this country up with proper standards of accountability and propriety in terms of copyright. This Bill is important for Trinidad and Tobago to demonstrate to the rest of the world that it is a common problem worldwide. It has nothing to do with this country. Corruption, in fact, exists in grandiose fashion in developed countries, the same developed countries that we use as role models.

I would refer to a headline in today's *Daily Express* section 2 and I would wish not to call the name of the country because I go to all these diplomatic parties. It says: "Former head of cancer charity on trial for fraud"

"Misspent donations at...biggest charity..."

There is a trial going on now where the head of that association is accused of embezzling US \$47 million.

"Prosecutors said he used the money to pay for luxury renovation work on his Riviera villas, lavish holidays and salaries..."

for people who worked in the charities. In his defence they said that he did such a great work for the charity over the past two decades that US \$47 million was just a drop in the bucket for his commission for what he collected.

Mr. President, here is the danger, citizens in this country were incensed that their donations to this leading charity were misspent and I read the last paragraph which says:

"Donations tumbled two-thirds and other medical charities suffered as well."

Mr. President, trust is so important. You have a situation where the president of this charitable association pockets US \$47 million causing other worthwhile causes and other charitable associations to in fact lose donations and this specific association has lost 66 2/3 per cent of annual donations.

Mr. President, I think that the Attorney General has done us a great service by putting on the table this Bill and for us to discuss in a very open manner, that systems of governance when weak, promote and encourage corruption in a very systematic way. We should talk about it and when we do so, the mistake very often made is one, that corruption is something that could be eradicated—it cannot be eradicated totally—and secondly, corruption must be tackled from the perspective of what we are going to do about it in the future and not from the perspective of witch-hunts, what has happened in the past, and who should be

prosecuted. This is the advice of organizations such as Transparency International. The moment you take corruption down to the level of an individual, all that happens in any Parliament in any country of the world is that mud-slinging takes place.

Sen. Prof. Kenny talked about such organizations as the Olympic Committee, and about a former Conservative Member of Parliament. I have just talked about the president of a major charity, and the list goes on. We talked about a former king and a flat in Paris, so corruption based on different wide viewpoints is nothing cultural. It does not only take place in poor countries, it also takes place in rich countries and we have the opportunity to start with this Integrity Commission Bill to ensure that we put in place the processes, procedures, the accountability, the removal of the rent-seeking opportunities where monopoly situations exist, and where corruption opportunities are not there.

Mr. President, people have studied the environment that allows corruption to foster, and many situations have shown that the more bureaucratic red tape there is, the more one depends on permission and permits, the more corruption there is. That is where the redistribution of wealth takes place.

Do you remember those of us who had to depend on getting an E EC-1 and an EC-O to buy a textbook for \$17.00? Do you remember that great distribution of wealth? So when we talk about open economies and liberalization and we may have protestations about protecting our domestic economies, domestic industries and we may open our doors to multinationals and we do not protect our own, let us bear in mind that when we protect through bureaucratic processes, we also afford the opportunity in terms of bureaucratic red tape to provide officials—especially in a country where they may not be well paid—the temptation to accept gifts that they otherwise would not have.

In fact, the head of Transparency International, I believe, has estimated that corruption accounts for 2—5 per cent of the world's GDP. I cannot begin to guess what that figure could be. Sen. Prof. Kenny talked about the executive of the European Commission and 20 members who had to resign. What an example of probity I would have thought existed. When the auditors came in, they could not find documentation for 5 per cent of the expenditure. This is a very important issue.

What do we do about it? Maybe before talking about what we do about it let me quote from the empirical research of some of the disastrous effects of corruption.

“Corruption:

- undermines good government,
- fundamentally distorts public policy,”

Let me give you an example of that. In developing countries where projects or where money may be spent on contracts like that as opposed to education, a defence contract would afford a corrupt public official the opportunity to take a commission. Spending that money on education, he does not have that opportunity. So research has actually shown that in corrupt countries it has changed the profile of how they spend their money. They spend their money on things the country does not need and especially where the item being bought is assembled and can be shipped, as opposed to being developed and built in a specific country.

It continues:

- “leads to the misallocation of resources,
- harms the private sector and private sector development and particularly hurts the poor.”

Very often we do not realize that where there is lack of integrity the people who are the hardest hit are, in fact, the poor. Corruption can only be controlled with the co-operation of all the stakeholders in the stake, civil society, and in the private sector. It is a problem for all of us. It is a real problem.

Mr. President, I do not know whether low salaries and low income provide temptation to be corrupt to people in a position of public authority. I do not think so. It certainly may provide the temptation where somebody’s back is against the financial wall and they may behave in a manner that they otherwise may not have. But to follow Sen. Prof. Kenny’s point, and I made this point in a contribution about a year ago, we have in our public service some key leaders who, in terms of their role as bureaucrats, are outstanding examples of intelligence and intellectual capability earning TT \$9,000 and \$10,000 per month. We have Cabinet Ministers earning \$12,000 and \$15,000 per month. I may be wrong, Mr. President, in the figures I am about to quote but I understand that the Prime Minister of Singapore earns between US \$1 million—\$2 million per year and the equivalent of a permanent secretary or head of a ministry in Singapore is paid between US \$18,000—\$20,000 per month.

Mr. President, one of the successes in Singapore's economic platform has been the concept of what they call technocratic insulation. In other words, the technocrats who have to implement government's policy which may be painful to certain sections of the society, whether it be private or public sector, are so well paid, their financial security is so sound that they cannot be tempted to diverge from the long-term fundamental goals, strategies and vision of their country.

3.15 p.m.

We have a situation, Mr. President, in Trinidad and Tobago where, if one is a minister today, one is very powerful: everybody wants to talk to you and have appointments with you and invite you; but if for some reason, your party loses the next election, nobody wants to be seen with you. In fact, going into politics in Trinidad and Tobago is a death knell for somebody's economic fortunes. Whereas in countries abroad when somebody has served in a government, even if their government loses power in the next election, their intellectual capacity, know-how—knowing how to deal in the interface between the business and public sector—is sought after. How can we ever, Mr. President—and I am talking about salaries here—attract and win the hearts, minds and souls of people who have to sit in this legislative chamber and pay them peanuts? How can we? This is the fault of all governments that we have had. We keep pandering to the people outside. When people in society say: “look at how much money these people are being paid”, we even listen to them.

Nobody knows how difficult it is to govern. People sometimes compare the leadership of a large private sector organization to leadership of government; the two are incomparable. I have said it several times. In a private sector organization one is measured by the bottom line, but it is an open system. A private sector organization can say: “we are going to capture 30 per cent of the market”, and through their strategies and their people, *et cetera*, they can win 30 per cent of the market. Leading a government is a closed system. If something is done for one section of the community, it means that some other person is worse off in the other section of the community. It is a matter of trade-off. Running a government and running a country is not the same as running a company. It is a matter of balanced trade-off, of making hard decisions that may not necessarily win you votes in the polls. I have said it several times.

What should a government do? Spend money on—I would not say frivolous—things that may capture votes: cleaning drains *et cetera* with an upcoming election, so as to win re-election for the next five years? Or should they

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say: “Even though it may not be seen, we are going to spend money on education”.

Mr. President, when governments take hard decisions that go to the fundamental long-term benefit of a country like in education, because the results are not seen within a five-year time-frame when that expenditure is made, people say they have done nothing. Because of the cause and effect relationship, the time and distance between when important, fundamental expenditure is made, the result of that expenditure may be 10, 15 or 20 years.

Our role in this chamber is to educate our countrymen: to stop pandering to public advertisements about what is good. The key issues of this country cannot differ, regardless of which government is in power. To ensure that the people in the public service and in our government must make these hard decisions, they must be provided with a sound financial background. Why must they face official penury in terms of when they make these decisions? When we pay people in the public service moneys far below what they are worth; when we pay our leaders in the legislative or private sector, moneys far below their worth, the only way for people to survive is to seek other rent-seeking opportunities where other people in the private sector *et cetera* from abroad or wherever, would provide this temptation. So, corruption is not about: “this is what we did when we were in power, and this is what you did”. It is about saying: “this is a problem that faces all of us in the society and faces all countries throughout the world, and what are we going to do about it”. We can do it, but we have to address many fundamental issues. Remember I started off with a formula, let me repeat it: corruption equals monoply plus discretion, minus accountability.

When public sector institutions do not perform, when people have to wait in line, when there are delays, when they are given promises, when they are frustrated, when time is money, are they not going to resort to some sort of under-the-table-payment because they have to beg for service? These little cracks in the armour—where little payments become widespread, endemic, *et cetera*—filter up in our society. They filter up where the time is that the only way to get things done is to do somebody some sort of favour. But you pay for it in the end, Mr. President.

It is much better to pay people well, charge for the service and anybody, independently, can in fact rely on a promise, a delivery date *et cetera*. If we do not pay for it now, we will pay for it later. I would recommend to the Government: let us look at all our government services, let us charge an economic rent for those services. Let us, in the case of people who cannot afford it, have

special dispensation for those people who cannot afford a certain type of service. When there are services at a low cost everybody, including those who can afford it, benefits. When you do not have the moneys to recruit and pay the right type of people, there is a total dissipation of quality of service. Therefore, opportunities for corruption continue because people need to get decisions made on a timely basis to be competitive.

Mr. President, the importance of this Integrity in Public Life Bill is not simply one of saying: “we want to put a finger on people who are corrupt.” This goes at the very heart of the competitiveness of Trinidad and Tobago. We have to refashion the whole workings of government and the public sector and the interface between the public sector and the private sector in order to eliminate corruption.

Mr. President, I do not want to go on too long, but let me quote from some of the steps recommended by Transparency International in terms of the reforms, that I hope would be one of the first nob's in recognizing and dealing with corruption. By the way, my comments that relate to public servants and legislators being underpaid relate to the police, our protectionist services and anybody who provides us with these very important services. Here are some of the points about corruption. There must be:

- “1) a clear commitment by political leaders to combat corruption wherever it occurs and to submit themselves to scrutiny;”

Remember, Mr. President, this is not written for Trinidad and Tobago. This is written for any country in the world.

- “2) primary emphasis on prevention of future corruption and on changing systems (rather than indulging in witch-hunts);
- 3) the adoption of comprehensive anti-corruption legislation implemented by agencies of manifest integrity (including investigators, prosecutors, and adjudicators);”

I believe Sen. Montano talked about some independent body of people that could adjudicate in a certain process. The Ombudsman, for example, is a very important position in the whole issue of integrity.

- “4). the identification of those government activities most prone to corruption and a review of both substantive law and administrative procedures;”

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My comment, Mr. President:

- “5. a program to ensure that salaries of civil servants and political leaders adequately reflect the responsibilities of their posts and are as comparable as possible with those in the private sector;”

Going back to Singapore, do you know that when a post is being advertised, for example, the head of a ministry, people from the private sector are competing for that position? It is an absolute honour to be selected to serve in the public service in Singapore. It means that if you are there, you are the best.

3.25 p.m.

We should make sure that in our present body of laws, there is adequate deterrence. There should be a partnership among Government, private and civil sectors, including all professions and religious bodies, talking about corruption and, really, as a whole, intended to service the issue and address the fundamental causes. Basically, corruption should become a high risk and low profit-making activity.

Mr. President, corruption should not be regarded as taboo. In fact, Transparency International has recommended a concept called “islands of integrity” where, in any major government procurement contract, what is agreed upon by all stakeholders to that contract is that this is going to be a transparent contract, open to everyone. The concept of “islands of integrity” means that we are going to use this project as a pilot.

In fact, Transparency International is very pragmatic about the approach. What they are saying is, the cost to try to eliminate corruption could not be worth the effort. Let us lead by example. Let us in government departments put up “Corruption Free Zone” and “Bribes Not Accepted Here” signs; let people within government departments talk about the issue, about the leadership required amongst themselves to behave in a manner of integrity.

Do we have systems within a public service department? I do not know, hon. Leader of the Senate, whether a public servant who saw his superior being dishonest or corrupt, has a hotline to call. Or, is his future career going to be jeopardized if he does not become one of the boys? Is he going to be forced to become one of the boys? Or, is there an independent person whom he could call to say, “This situation is wrong”? There are a number of things that I think could be done, but I keep saying we have to deal with the fundamental issues of pay and performance, *et cetera*. How can people not want to give in to temptation when they cannot send their children to school, or to university?

In fact, when I look at how the Integrity Commission may trigger an investigation in somebody measuring the assets against income, *et cetera*, what it means is a government minister could not send a child or two to university in England if that person had to pay for it. How could they? Is this what we are saying: that if you come to serve your country, it means that if your child cannot get into the University of the West Indies, you cannot send them abroad if they cannot win a scholarship? That is what is being said, because it is not affordable.

I think that there are many opportunities in our state enterprises and in our private sector enterprises where we should talk about integrity and policies of honesty, where we should really try to inculcate into the people who work in these organizations—not necessarily legislate; I really do not think we can legislate for honesty. I mean, let us face it, Mr. President, this Bill is important as it stands but nobody is going to declare assets that they could not prove is gained from their income. Everything is going to be in balance.

Nobody is unwittingly going to put in, or make declarations which would point to any misdealing or malfeasance on their behalf. What it means is, the important things are the things that will be omitted. This is not a criticism of the Bill; we must make a start, but I am saying there are other areas that need not be necessarily supported by legislation.

Here are some of these mechanisms, if I may suggest. Again, these are not all my suggestions, this is from research I did on the web:

Making sure that there are good internal financial management systems in state entities that ensure adequate and effective control over the use of all resources;

Well, we know that is certainly subject to parliamentary review in the Public Accounts (Enterprises) Committee and the Public Accounts Committee.

Establishing types of internal oversight mechanisms;

Making managers at all levels responsible for the activities of their subordinates;

Increasing the effectiveness of supervision to enable superior officers to check and control the work and behaviour of some of their staff, especially where it seems inconsistent with what they should be doing;

Requiring officials at various management levels to certify that their subordinates comply with Civil Service Regulations and laws, naturally eliminating from the payroll, ghost people;

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Implementing proper accountability mechanisms;

Installing channels for complaints of junior officials.

And it goes on. It is no point for me really going through this entire list but the basic point is this, we can start in institutions in all sectors to really develop policies of integrity, reward managers and leaders in these organizations for displaying integrity and encouraging integrity in their subordinates and making that part of the performance review process.

I know the hon. Attorney General will be coming to us later on some aspects of the Constitution (Amdt.) Bill and I am not discussing it here, but certainly one of the things that I can see that is really sorely lacking in terms of management is, where there is a central public service or personnel department association, what tends to happen is the process of discipline tends to be a central back-room operation instead of an immediate front-line operation where people responsible for doing the jobs can be there to manage their staff, and be empowered to deal with the accountability. If they see that a subordinate has been guilty of acts that can be classified as corrupt acts, they have the power to dismiss him or her forthwith.

There must be consequence management. If there is no consequence management, there is no change in behaviour; none at all. In fact, the culture of an organization can be described according to its system of consequence management. If there is measurement, there is going to be the required behaviour but we must measure the right things to make sure we have the right behaviour.

Mr. President, I end by saying that on this whole issue of integrity and corruption, we need to change many of the basic fundamentals in terms of how we measure performance of all types of organizations: public sector, non-governmental organizations and private sector organizations.

We must ensure there is conformity for people who have the ability and the responsibility between their remuneration and their responsibilities. We must not tolerate that government dispenses service to members of the public based on favours or begging. The performance must be well established that any citizen could count on the speed of decision-making, and the removal of red tape and bureaucracy will remove the opportunities for asking for favours and creating informal power structures.

So, Mr. President, I support this Bill. There is much more work to do. There are many bodies like Transparency International and this is a subject that is

grabbing the attention of the Organization for Economic Co-operation and Development (OECD), the Organization of American States (OAS), the World Bank and, I believe, if I am not mistaken, in 1996 in Barbados, the Heads of Caricom Governments talked about this issue of integrity and anti-corruption measures as very key issues in terms of the Caricom region as a whole.

With those few words, I support the Bill. It is just the tip of the iceberg and it is our first step to ensuring service and quality in a corruption-free environment.

Thank you. [*Desk thumping*]

Sen. Martin Daly: Mr. President, I say without fear of contradiction that this is the most difficult subject we have had to debate for a very long time.

Let us establish a few markers in this debate. It is readily apparent from the contributions that have preceded mine, that this is a worldwide problem affecting all human beings regardless of colour, place of residence, high born, low born, whatever, so we are setting out in a sense, to do something that has not worked in any other part of the known world, so I think we must not blind ourselves to the enormity of the task we have undertaken.

It is almost a conceit because we have had examples of the Prince, the King, the whole European Commission, so we are somehow going to fashion legislation that if it works, we can export it to the European Common Market to show them how to prevent their European commissioners from being corrupt. Now, I do not think it is conceit, I think it is driven by something completely different to which I will come.

We are not actually going to be wasting time; I think it is a good debate, but I think the whole idea of legislating is a complete waste of time. I think it is good that we have the debate.

Just consider the enormity of the task. If we pass an Integrity In Public Life Bill that works, then we have an immediate invisible export for which we will earn huge amounts of foreign exchange, so I am suggesting that it is important to have this debate. I do not understand, however, why speaker after speaker said, “We cannot legislate integrity”, and we plan to spend many hours doing something that everybody agrees we cannot do. I have a difficulty with that and, of course, you cannot legislate integrity.

My theme will be—and this is no disrespect to the mover of the Bill—that this legislation, and I emphasize this is not about whether there could be a different or better Bill, I think everyone has got up and said, “Legislation is a waste of time

but let us do it anyway. This is a start.” I do not see the point in doing something that is completely futile.

Indeed, Sen. Marshall has saved me much time because he has just explained how the declaration of assets and liabilities is going to be a complete waste of time; that no one who is internally corrupt is going to file a truthful declaration, anymore than someone who is internally corrupt is going to file a truthful income tax declaration. So, why are the rules suddenly going to change, about what people do?

Moreover, and let me attack this specifically at the start, I believe that this whole question of filing declarations with the commission is a completely stupid idea; it is stupid as a parliamentary route. It is not going to catch anybody who is smart, because as Sen. Marshall explained, they will structure their declarations in a certain way, unless they are the show-off type of Trinidadian—and we have many of those and we will come to deal with them in the course of this debate. They would have, as one well-known business magnate is reputed to have, two grey pants and three shirt jacks and they travel, but the money is stashed abroad—no one is showing off with it—for the use of future generations.

In our culture, I am sure there are people who are known for that. There are people who are walking on the streets in what we call “slapats” who have fixed deposits in banks—they are not in drugs.

Sen. Mohammed: “Sapats”.

Sen. M. Daly: Well, we call them “slapats” because they go slap slap. That is what we call them in Port of Spain and I think the Minister of Finance would support me.

They walk around and they have millions of dollars in fixed deposits. They are not in drugs. It is just that they have been extremely frugal. They have wanted nothing for themselves, neither BMWs nor Brooks Brothers or anything of the kind, and they have set about—I am describing personalities which must be known to every single Member of this Chamber.

3.40 p.m.

Someone could be systematically ripping the country off and simply not showing it. They are not going to be stupid enough to show it so that they have a lifestyle that is so obvious that it would incite any enquiry. My question is very simple: if the Inland Revenue, with its enormous powers has not brought anybody of significance in Trinidad and Tobago to book for their lifestyle exceeding their known or declared income, then how is this commission going to do that?

We can take a simple example now, because it is safe to do so in every sense of the word. We had someone, Mr. President, who was able to give an interview in the newspaper saying that he had built a religious house—I do not want to mispronounce the word that was used—that cost TT \$1 million. Now I ask rhetorically: can any of us, however successful, put aside \$1 million in after-tax income to build a religious house? This was in the newspaper for all to see and no steps were taken by the Inland Revenue to say, "Wait a minute, here is someone who has spent \$1 million to put up a religious house on his land." *[Interruption]*

Hon. Member: On state land!

Sen. M. Daly: Well, we will come to the state lands in a minute. We are familiar with the matter. Why did the Inland Revenue not take a journey south? Why did it not look for the income tax statement? You are required by law to make a return, so you must have an asset and liability equivalent, and financial information that is, at least, as damning as the asset and liability statements proposed here. Why did they not go and turn up the gentleman's income tax statement, his pink form, and see what kind of income he had disclosed that permitted him the luxury of building something for \$1 million to worship his God? We would not have had to waste all the money that the Prime Minister complains about in order to bring this person to book. The Inland Revenue have the most fearsome powers: they can enter your premises, under certain circumstances they can go into your bank account. Not one thing ever happened.

Don't talk about when we had the so-called foreign exchange laws, where some person could not get US \$5,000 to send their child to school, but other people could get \$50,000 to import a ring from Tiffany's. *[Interruption]* Yes, I would give you the name after. There was a back door, that is why I railed against the Central Bank. That is why they do not give me any work because I rail against them all the time. That was one of the most brutal regimes we ever had, exchange control, where you would sit down first of all in the Issa Nicholas building. That is when I began to experience it. I did not know them in the days of—*[Interruption]*—yes, me too. You sat down in the Issa Nicholas Building and in the afternoon with the sun coming through the glass and "buning yuh", to get \$5,000 to send a child to school, and men coming up, passing you, zip zip, zip and going into the office inside, and coming back out smiling, with ring box in hand, and you still sitting there with your form. Why are we wasting time?

We have real life examples of enforcement regimes that have miserably failed in this country to bring anybody to book. I cite the Inland Revenue and the Central

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Bank under exchange control, and we can start talking about the Customs. Let us face it. So to suggest that we are going to have any success by introducing some new body that is going to be able to deal with financial impropriety is absolutely absurd. It is completely counter to our culture, our track record and the track record of similar bodies with wider powers. So far as I am concerned, these declaration things are a complete waste of time. They will not catch the guilty or the potentially guilty. What they will do is dissuade and expose people of integrity from serving their country. First of all, they would not trust the confidentiality, and secondly, why should they have to disgorge these secrets in order to serve their country. It is going to dissuade and expose the people of integrity to danger in agreeing to serve their country.

As far as I am concerned, far from making filing cabinets bigger, we should be pitching them all out in the streets; and the first thing I am going to suggest is that we amend this Bill to completely remove this question of filing assets and liabilities statements. I think we are on a much better wicket with some kind of disclosure statement but, again, I do not see why the disclosure statement should be in quite the form in which it is. Let us take a real life example, I do not mind being the guinea pig. What people really want to know is that when I speak in the Senate they would like to be able to go somewhere and look up in a register—in England it is called a register of interest—and see who my clients are, so that if I say something about widgets or I vote on legislation that involves taxing of widgets, they would like to be able to go in a register and see whether I have any connection with anybody who makes widgets or whether any of my clients make widgets. That is a much more useful exercise.

They do not need to know—for the purposes of knowing whether I am speaking in an unduly influenced way—how much is the retainer which the widget people pay me every year. Because whether they pay me \$5.00, give me a free trip, take me to the Ritz in Paris like Jonathan Aitken, or they give me \$500,000, my participation in the relevant debate is tainted, and it is not important to know the quantum of the taint. It is sufficient to know that I have such a link, an interest which is likely to make my contribution not objective. That is what you need to know.

So certainly, Mr. President, I will not support this question of the assets and liabilities statements. I think the question of the public disclosure statement is a good idea, but we need to look at it in much more detail and not link it to quantum and capital, but to link it to interest. What interest are you serving?

Then there is a tremendous muddle in this Bill where in some places we have the "commission", a "tribunal" or a "select committee" and so on, but I do not see any provision for a member of the public to make a complaint about financial impropriety. I see some Member of Parliament can do it. But I will come back to these details, because in order to understand whether we should legislate—I am all in favour of legislating for some public disclosure statement or register that shows a person's links that are likely to influence how that person debates something.

We had the classic example recently where—and everybody knows about it—they had to do over the Pinochet case because a British Law Lord had failed to disclose that he was the Chairman of a trust that supported Amnesty International. A mighty British Law Lord had to stand down for that. They were not concerned to enquire how much he got; in fact, it was acknowledged that this was free work. There was no question of him being paid to do this, it was acknowledged that it was free work, but the other Law Lords had to sit in judgment and came to the conclusion that because he had this link he could not be seen to be objective. In fact, they went one step further and said that because Amnesty International was a party to the litigation it was not only a case of justice not being seen to be done, but because Amnesty International had joined the litigation, the Law Lord was actually offending the rule about being a judge in his own court. He came perilously close to having to resign—a brilliant man with a brilliant legal career. So that is what people want to know: what are your links, what are the things that are likely to influence you either consciously or unconsciously.

I come back to the Code of Conduct which I think is something we can work on. I do not think there is anything in this Bill that is salvageable in its present form. I am sorry to disagree with the members of the committee, but basically we are trying to do something that is almost impossible. If I may deal with this, Mr. President, you then run in to these kinds of illogicalities: how can you possibly say—I am certainly not going to serve in the Senate if I have to say what I own, little as it is. I am not going to say. I absolutely reject that. How can you say that someone who goes in the House of Representatives must make a declaration, but a Senator must not make a declaration? On what logical grounds do you defend that? They are both Members of Parliament. In fact, in many cases, in the Senate, you have a lot more influence because your vote is so crucial. You have a lot more influence in the Senate as a parliamentarian than you sometimes have in the House of Representatives, particularly where constitutional majorities are required. So it is completely illogical to have Members of the House of Representatives making a statement, but not Senators.

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But I know why everybody ducked putting the Senators, because they know that many people would not serve under those conditions. So we have ducked it for a reason of expediency, and I do not use "expediency" in a pejorative sense, but why subject Members of the House of Representatives? They have in many cases less influence than Senators, so if you are not going to have Members of Parliament, then have none. You cannot just draw this kind of arbitrary line and say that we do not want to offend the Senators, because the Senators would not serve. Then do not have any parliamentarians. It is not logical. The reason we have produced such an illogicality is because we are trying to spin top in mud with this legislation.

If I can just digress from some of the details, because this is a subject about which I feel very strongly. Let me preface it by saying this. So far as I am concerned—and this is not about integrity, I agree with you 100 per cent, and this could be taken the wrong way—you could have people of irregular behaviour. If I give an example, everybody would start pointing fingers and getting on stupid like school-children. You can have someone whose behaviour is quite irregular and antisocial who is financially straight as a guide, financial dishonesty just does not happen to be their peccadillo. So this is not about integrity, it is about abusing your position—as we understand it; operating in discharge of a public duty, as Sen. Kenny has defined, for some kind of gain. That is what this is about.

Now, I have of course a fundamentally different position from Sen. Marshall, let me state that straightaway. I do not want to live in Singapore, let me make that very plain. It amazes me, after what has now come out about the Far East countries, with the greatest respect to Sen. Marshall, that we are still using them as an example of anything. Imagine that the Prime Minister and Minister of Finance have a dispute over economic policy—and I am not going to identify—and one, in order to remove the disputer, gets the police to say he is a person of irregular behaviour and locked him up. He came out of jail with "bus' eye", then eventually the Commissioner of Police goes in the box and says that this whole thing about the homosexuality—I nearly used the "b" word—was a trumped up charge! And you want to live in Singapore? Let the Chamber of Commerce go and live in Singapore if "dem" want. I do not want to live in Singapore!

3.55 p.m.

I do not want to live in Singapore because, as tenuous as it is, I firmly believe in our democracy. I am not going to offer any comment about what happened yesterday, but we had democracy and the democracy was so interesting that we had both sides scurrying to try and smile. Wade did not smile so good. [*Laughter*]

The democracy was so good that we had both men scurrying to try and smile. The catering man smiled better than you, boy. You have to take some lessons from him. Then, of course, we have other heads swelling but we cannot talk about that. We had a perfect exercise in democracy yesterday and it had everybody baffled, but the country is very calm this morning. That is democracy in Trinidad and I do not want what they have in Singapore. No thank you very much. [*Desk thumping*]

I also reject this idea of high salaries, whether it is for technocrats or Government Ministers or policemen, because—

Hon. Senator: Or lawyers.

Sen. M. Daly: —or lawyers. The only thing is I wish you would spend more in Trinidad and less abroad. I totally reject this idea of, what is it called, technocratic insulation? I do not want anybody, whether it is minister, police or technocrat, insulated from the people. That is anti-democratic. Now my view—put aside for the minute the question of Government Ministers; I will come to how I see that—is that you must have, at least in the type of economy we operate, relativity in salaries.

Now there are certain people you have to look at in a particular way for reasons which I will come to but, generally speaking, you must have relativity in salaries. If you say the policeman is worth more because he could stop you being killed or raped if he has a vehicle, how are you going to say he is worth more than the man who sweeps the streets? If they do not sweep the streets you could get cholera. Everybody will have a reason why their job—I mean, God forbid, Sir, I would not like to speak in this Parliament without the ladies who are doing Palantyping. “Dem real important to me.” [*Desk thumping*] So everybody has an importance.

In fact, as the Attorney General will know too well, reporting is sometimes crucial to the success of a mission. So everybody would have some reason why their job is a special job and worth more, so you have to leave that to collective bargaining and other market forces, within reason, to determine those things. I will speak about Ministers of Government separately. I simply do not accept the premise that by paying someone a high salary will make him a worthwhile individual.

If you are “wotlis” you are “wotlis” and if you are a police officer who “does use de phone in de police station to talk to your “gyul” and people have to call on that same phone when they are being killed and the line is busy, paying you plenty money ain’t go stop you doing that”. It is “wotlis”. It is a “wotlis” act. Then

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we had the famous case of the ambulance driver. Do you remember that? So what if you pay him more he would have gotten up and driven the ambulance? “Wotlis” is “wotlis” and you cannot buy “wotlisness” out of people, you have to train it out of them.

Therefore, the first thing is, and I have preached this repeatedly and today is a golden opportunity—all the politicians are tired so they could sleep but they have to listen. They spent the whole night “bussin” their brains to try to figure out “How we win”. So they are real tired—what we have lost in this country is common objective and bipartisan approach. I have said that and this is a golden opportunity to preach it. If all our politicians were agreed that it was something close to a war crime for people not to have running water in the village, then we would have no corruption over the water. It is as simple as that. One would not have to buy water, or pay a man for water and things like that. Where I fundamentally disagree with the approach taken by Sen. Marshall is the things that we have not got in place are much more basic and it is impossible to understand.

We are talking about the millennium and Miss Universe—and I am coming to deal with “dem” figures just now in the context of corruption. It is impossible to believe that the century is going to end. I do not believe it is a millennium but that is another problem—and we still have school children toting water before they go to school in the morning. Until we have a society that has certain minimum standards and certain common objectives, we cannot begin to consider the elimination of corruption because you will drive a man who has five dollars in his pocket—if that is what it will take to get a gallon bottle of water from the WASA man—to buy from the WASA man because he is dying without it. Long before we get into these sophisticated concepts we have to look at how the society as a whole functions and we have lost sight of common objective.

Most people in Trinidad—let me correct myself. I have never done a survey, but I believe that approximately 80 per cent of Trinidadians are wonderful, pleasant, law-abiding people, but I put the ungovernable group at about 20 per cent, people who do not believe that “t’iefing” is wrong as long as they get away with it. Let me give you a simple example and I am not casting aspersions—but I have to give practical examples.

Let us assume that you work in a hospital and let us assume you “t’ief” food from the hospital every day to carry home. It does not dawn on the person who “t’iefs” food in the hospital to carry home—“Well my children home and I is a public servant and I underpaid so I justified in doing this”. It does not occur to

them that the same day when they bring home the stolen food some relative of theirs could take ill, will go to the hospital and cannot be fed. They simply do not understand. They simply only take the short-term view. We have completely lost sight of the fact that whatever things we do that offend against the minimum standards of society eventually jack us up too. The stealing of food is a perfect example because your relative will end up in the hospital where there is no food or drugs or whatever because they have been stolen.

As a prelude to cleaning up financial impropriety in the society, we have to rediscover common objective. All the politicians have to get together and set down certain minimum standards. They have to work together to accomplish those minimum standards and they have to work together to train people to return to common objective. That is the point. I mean, when I described my days in the Savannah, Minister Sudama said, typical of people who just do not understand, “That is back in time something”.

Mr. President, I am 55 this year and when I went to 12.30 in Strand Cinema—I did not know Sen. Kuei Tung in those days but I am sure he was there—one left one’s bicycle in the corridor between the side of the cinema and the wall. Nobody stole it. On the one occasion they stole a tail light—in “dem” days one of the things you were supposed to have—remember those days—was a special reflector and so forth. If you went to a policeman and said that somebody had stolen your tail light, they would pursue the matter.

Now I know we cannot go back to those days. Society is much more complicated. If you went to an afternoon show, do you think you could ride home from the cinema without a light? The police would hold you. Now I am not going back in times. I am not being romantic. Why was the policeman holding you for riding without a light? First of all, he was protecting you from yourself because a car could knock you down, and secondly, he was protecting the rest of society from you knocking them down—common objective. This one simple example of riding a bicycle without a light demonstrates my point. You must have common objective.

Therefore, to bring it into more modern times, if you are not supposed to drag-race on the Beetham, you are not supposed to drag-race around the Savannah, whether you own a Porsche, whether you are doing it in a Porsche or whether you are doing it in a Sunny, it must be stopped because when you capsize and turn over and jump the median, you are killing some innocent person. The policeman who looks the other way when that is taking place, God forbid, Mr. President, the person travelling in the car who gets killed when the drag-racing car jumps the median, could be his relative.

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Unless and until we teach people to rediscover the effects of big acts or small acts of corruption, unless we teach them to understand that the society cannot function like that, we are completely wasting time. So I say to my colleagues, pass any law you want, it will just go the way of all the other laws we have here. Diesel fumes; shall we talk about the diesel fumes that have gotten worse despite all the announcements of the Minister of Works? Shall I talk about my experience in the airport on Sunday night? Shall we talk about these things?

So if it becomes—and I am coming next to political expedience. It is also important for leaders to lead, and why must they? It is trite but I will give a practical example. Leaders have to lead and sometimes they have to take hard decisions, but I do not agree that you protect them against hard decisions by giving them high salaries. The society cannot be so crazy that the first time the Minister of Works stops a driver of a diesel engine which is belching black smoke along the Priority Bus Route the whole society is going to rise up in arms because, at that stage, only two people are doing it. If you wait and you wait and you wait and you wait and you wait, 10 years later you now have the Diesel Users Taxi Drivers Association giving you thunder politically.

That is why things have got to be attacked proactively. If it is wrong for us to breathe these fumes, the first day somebody puts out black smoke they must come off the road. If their car goes to the Licensing Office, it cannot reappear the next day because the Licensing Officer fudged the record because his child is breathing the same black smoke from the same taxi that he let go or he passed for whatever the consideration. That is the first step towards eliminating large-scale corruption in the society. You have got to persuade people that everyone suffers, long before we start tackling the big-ups.

We have had successive governments in this country who will not agree on certain basic things. Water is still a political weapon in this country. I have spoken about that and the reason I feel so strongly about water is because I go up and down to Mayaro all the time and I see the consequences of the lack of water and it really upsets me. Water is still a political tool in this country. We must be the laughing-stock of the world when we see our politicians coming out of their BMWs and Mercedes Benzes talking about water and standpipe.

I think that if we ever return to public floggings the next politician to talk about the Caparo River should be flogged in the square. You did not fix it when you were there, do not talk about it now and say “you go fix it when you come back”; and if you have been in office for three years and it is still flooding, do not

talk about it either. Stop “mamaguying” the people—which brings me to my next point.

The frustration that people feel about inequity in society is another thing, Mr. President, that breeds corruption. If the society is dispensing what it is supposed to, whether it is justice—I have talked about connection justice in relation to these accidents on the Priority Bus Route. If the society is equitably dispensing within reason—I am not preaching Utopia—the things people are supposed to have, street lights, water and plumbing, then it will not be necessary for people to take the short-circuit route to get something that they will not otherwise get by the efficient operation of central or local government. So we have to rediscover common objective and the Government with a capital “G” must dispense what we agree it is supposed to dispense. It must do so in a reasonably equitable fashion and then people will not have to take a short cut.

I have another practical example. I mean, I really live in the real world. Sometimes when one is going west on an afternoon, the road that took all that money to build, the Foreshore, is blocked. “I tired.” Sometimes I get up two o'clock in the morning to earn the fees that Sen. Gangar is complaining about. I get up two o'clock a morning and I have difficult clients ringing me at home at 6.00. So I get up at 2.00, the client is ringing at 6.00 to find out what is happening with the matter, “if we go finish it today”. I spend four hours standing up in court whole day talking. And I am lucky, you know, because I went to work in an air-conditioned car. I was not travelling with the window down and sweating, but I am frustrated because the Foreshore is backed up.

I say to myself, “Daly boy, you are well brought up, you know better, and worse, dey go take yuh picture if dey ketch you, so you have to sit down, right”; and “man only going shoom” on the outside through the look-out or wherever. They are going to get home before me and I feel I am just as tired as they because, of course, I think my job is as important and tiring and I should get home just as quickly as they. Of course, there is never a police officer waiting there inside Peake's to just peep out when the fella comes and say, “Hold on” and then take a long time inspecting the driver's licence and make him wait.

Now, Mr. President, you may think these things are trivial examples but they are not trivial examples because the society does not function equitably therefore people in Trinidad are always looking for advantage. I do not mean to take advantage, for an advantage. The way it was put to me, and I like to talk about my travels, in Sangre Chiquito by a “ras” in a shop one day—we had forgotten something so we stopped there to buy whatever it is, fruit or whatever. So I got

out of the car and an elderly man—the country is a wonderful place. That is why you must not “mamaguy” people when they do not have water. A fairly elderly man was walking up the pavement. He watched me. Anyway, to cut a long story short, as the children would say, “he make me out”. So he is now telling the “ras”, “yuh know who this fella is? What he doing up here? Why he leave Port of Spain? Why he in short pants”? You know and the talk start up. The fella with the shop, now, is anxious to get in the talk and he is telling me his name and where his children are going to school and all this kind of thing. Do you know what the elderly “fella” said? He said, “All yuh doh know him yuh know. Everybody in Trinidad looking to make a connection.” That is what he said about the “fella”. Let us assume that is true. If everybody in Trinidad is trying to make a connection, how do you think they are going to do it? But why do they need me to make a connection?

4.10 p.m.

Why this man in Sangre Chiquito—I have never met him in my life; I went to buy three hands of banana from him—want to make a connection with me? Because “he figure one day he go need a birth paper, a deed, something go happen to him, and he go get ah edge”. That is what is wrong with the society. If you remove the ability for people to make a connection or get “ah” edge, you are removing the main basis of corruption. So you have to remove frustration; you have to remove the inequitable distribution of whatever the Government is supposed to distribute; whether it is foreign exchange or water. We can have debates and the parties can disagree about what the Government should provide, but unless you remove these underlying structural weaknesses in our society, we are wasting time talking about preventing corruption. People are being forced into it.

So that I agree with those who say, but I mean it, that you cannot legislate for financial propriety. It requires something that—everybody said it—has to come from inside; it has to do with what we called long time “broughtupsy”; it has to do with sanctions. Is it not interesting that we can talk about Prince Bernhard and the commissioners and the Watergate burglars? Who big ever went to jail in Trinidad? I grew up with them singing about the Caura Dam in the ‘50s. Name one person. In any case, we do not need to legislate because we have the cleanest public officials in the world. But I suppose you can consider that O’Halloran was indicted in some way and now they say “is he cause the rice 20 years later, I mean, what a joke! There is a huge public outcry about rice and somebody say “O’Halloran is the ghost who walks, then.” Let us get real. How do you expect

people not to feel that cleanliness and financial propriety is important? When people are asking about the rice, do not mind if it is something bad that the media raised, if there is an answer give them the answer; they will have to print the answer.

So all these things have to change. Let us come back—I do not want to live in Singapore—to the payment of Ministers. My view is, what they are paid now is ridiculous, but I do not accept that we have to pay them astronomical sums either. The salaries should be just high enough that somebody whose commitments permit it and who wants to serve his or her country can come and serve the country and live in a decent manner, just high enough for that. Assume a certain amount of experience and a certain rate of success in whatever life you did before, the salary should be high enough that you can do it comfortably. It should not be so low that for free wild meat, you can be corrupted. It must not be so high that people who do not have a genuine sense of public service would say, “Oh Gawd, look da money boy, ah better go into politics.” Of course Ministers are paid too little now, but the answer is not to rush to the other extreme. But that is something that the parties and the governments have not been bipartisan about.

You mean to tell me that the political parties in here, given all their present and past ministerial experience, cannot get together and decide what is a reasonable salary for the Minister, and together come and tell the country: this is what we have agreed is an appropriate salary? But what? One wants to say, “boy we didn’t fix weself”; the other one wants to say, “you fix yuhself”, and the problem goes unfixed. I absolutely believe that it is close to corruption to tell the population that the politicians cannot get together and agree, what in all of the circumstances, is a ministerial salary of a sufficient level that they could get the population behind it. Of course, if you live in a country that rules by decree, then you do not have to worry about being bipartisan, you just give a decree and say, these are the salaries and you could do that in Singapore, Malaysia and these places.

I want the thing to be subject to a democratic process; I want the politicians to be worried that if they pay themselves too much the people would rebel. I do not want them to run from their duty to arrive at an appropriate salary in a bipartisan way and say to the people, this is what we have agreed, and stick to it. If they get reasonable responses then they can take those into account. All this is why you will have corruption. If you are serving your country and you are seeing other people being corrupt—Mr. President, it is very hard to say all I have to say about this Bill in the time available; I will do my best. This Bill does not do anything about the donor—the person bringing the bag. What is the point of this? All we are trying to do here is the impossible, that is to make certain high public officials clean by legislation, which I say we cannot do for the reasons I am giving—*[Interruption]*

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Sen. Mahabir-Wyatt wants me to talk about the payments of the Pageant Company. That is a good example. I am prepared to give up all my time to talk about that, because I went there and I am suffering. Mr. President, through you, I thank Sen. Mahabir-Wyatt for reminding me. Whether or not we should hold the Miss Universe competition or what we should spend on it, became a political fight; those who were not getting front-row seats were against it; those who were getting front-row seats were for it. Now, I do not know, and will not enter the debate, about whether it is a good thing or a bad thing in terms of promotion in the country. I will tell you that fraud was practised on the ordinary Trinidadian and Tobagonian in the Miss Universe show. Let me tell you how.

I am prepared to give up all my time on this. Why? The politicians did not get together and say, if we are having a Miss Universe show these are the minimum things the country must get and these are the minimum standards that must be applied. All right, I did not send back my tickets; but nothing wrong in sending them back, that is another thing. I calculated it. If someone felt that they did not want to hold \$15,000 worth of tickets that someone else might use, why is it an insult to send them back? I think the tickets we held were worth about \$15,000. I hate today that we spent \$10.5 million on infrastructure, and one party had to justify holding Miss Universe at any cost, and the other party just had to talk stupidity about it because they were not doing it.

They talked about Universe Centre. You think Mr. Trump could have a building in New York with three scanners for 4,000 people herded together? No, Sir! He spat on us when he did that; and we spat on ourselves when we agreed to it. So you finish sweat up to get through the scanner and then, of course, what happen? It is getting near to showtime and CBS cannot be late, so they say, "Look, do not worry to put the people through the scanner again, everybody come round". This was to facilitate who! CBS being on time. They spat on us when they did that. I am glad Sen. Mahabir-Wyatt reminded me, I wanted to get this out of my craw a long time and show you how it is relevant. You are getting into a building which is so poorly lit, the people including "yours truly"—and there wasn't anything to drink—were falling down in certain areas of the building because they were so dark. Let me summarise by saying that that building could not have passed even a corrupt inspector in New York in Mr. Trump's home state. Not even a corrupt building inspector in New York would have passed that building and we spent \$10.5 million on that? Mr. President, my time is precious. I will talk about the toilets another time. Unbelievable!

4.20 p.m.

Mr. President: Hon. Senators, the speaking time of the hon. Senator has expired.

Motion made, That the hon. Senator's speaking time be extended by 15 minutes. [*Sen. Prof. J. Spence*]

Question put and agreed to.

Mr. President: Senator, you may continue, but please, as you said, make the connection.

Sen. M. Daly: Yes, Sir. The connection is that anyone who criticized the show was called unpatriotic by certain members of the Government. When people see the country ripped off to that extent; they bought tickets for TT \$500 and they could not see, what do they think? This is the connection. They think that somebody was paid off to let Mr. Trump perpetrate that on us in Trinidad and Tobago.

The link is my next point, Sir. Not only must the Government distribute evenly what it is supposed to distribute, but it must take decisions that are manifestly productive in the interest of everyone. If they make a foolish decision and they get ripped off, do not defend it; admit it, otherwise they inspire people to think that something funny went on. The decision is so bad that they inspire people to think that something funny went on, and then they start calling for legislation to control these corrupt politicians. They might just be stupid or easily impressed. That is the link, Sir.

If the Government performs not only equitably but sensibly and fairly, the desire to have this kind of legislation will be quelled, because people will not think that the only reason such a foolish decision was made was because somebody was paid off.

In the 10 minutes left, let me go back to the specifics of the Bill. These are all the reasons I think we are wasting time. We have not got to the minimum requirements necessary for a relatively uncorrupted society. So, to pass a piece of legislation just to try to control corruption among the "big-ups" is really, in my respectful view, a waste of time, but I agree we need public disclosure.

Mr. President, let me go through a few of these things quickly. I spoke already about the Inland Revenue, and as far as I am concerned, clause 12(4) is simply what the Inland Revenue calls a source and application test of one's means, and

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we do not need the Integrity Commission to do it. If a fellow is stealing, the Inland Revenue can take care of it. Clause 12(4), unless I am wrong, is what the Inland Revenue calls a source and application method of audit.

Mr. President, look at the difficulties we have. If I face a conflict of interest—let us look at clause 29, Dr. St. Cyr's favourite section—in the discharge of my public duties, I know what it looks like. I do not need somebody to try to find it for me. I know what it looks like and I will avoid it. If I do not avoid it and someone finds it out, they will make a fuss about it, and in a properly regulated society, pay a penalty.

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

So, if I have to vote on the privatization of a utility and I think it is going to give my family more water, I have a conflict of interest! Is there anything more absurd than this, with the greatest respect, Mr. President? If we are to operate by this, none of us could take part in any debate here because we are trying to define something that is indefinable and must be left to good sense, subject to certain safeguards. This is absolutely unworkable!

Mr. President, I am very much in favour of the code of conduct. I do not have a lot of time left to explain why, but the mechanism, the code of conduct as I see it, must be a kind of self-regulating code, ancillary to the prevention of corruption legislation, because many of the things that are under the code of conduct are already or ought to be offences. So, we do not, strictly speaking, need to repeat that, but I think the code of conduct is a very good thing and it is something, with some drafting changes, to which everyone should be made to subscribe without exception, because it does not involve handing up confidential information or putting oneself at risk.

Everyone can subscribe to this code of conduct and, then, as far as I am concerned, whatever their own regulatory body is, should enforce it. So the Judicial and Legal Service Commission could enforce it for judicial officers, the Parliament could enforce it for parliamentarians and the Public Service Commission could enforce it for the public service. We do not need a separate body to do that, but I think the code of conduct is important.

First of all, there would not be this awkwardness of trying to say who they would offend if they make them sign it and they would not offend others and they leave out magistrates and Senators, but they include people in the House of Representatives and so forth. It is a statement of a common objective to which every public official can subscribe. It can be enforceable as the Constitution (Amdt.) Bills which go with this Bill. It is enforceable by the particular regulatory body, and people can be told about these things and be invited to make their complaints to the appropriate regulatory body.

Finally, Mr. President, there is a lot more I would like to say. Our whole political structure is wrong. If there is a Cabinet dictatorship, that is also another thing which fosters corruption. We do not have a proper separation of powers and Dennis Solomon is the exponent on this *par excellence*. We do not have a proper separation of the legislature from the executive, and that is another route for corruption.

I do not mean to offend anyone present—and I think they know me well enough to know it is not meant to be offending—but in my time in the Senate I have seen people who, for particular reasons—I do not want to be offensive—should have voted against a particular measure. For example, the extending of the hours for drinking liquor, but they had to vote for it because they do not have a free vote, and if they vote against something that the Government wants, which is good for tourism, they will lose their seat in the Senate or they would not be put up for the next election.

The whole structure is wrong, and two of the serious checks and balances we have in this country are the Senate and the media. I leave out the judiciary because that is a different type of check and balance. Basically, getting rid of corruption is a political problem and it requires a political solution. While I agree with much of what Sen. Montano has said about the commission having its own council, we have seen in other countries, and I totally reject this idea, that we are going to continue along always finding some independent person. That is like—I think fairy is a bad word now—*[Laughter]* believing in the good fairy or the tooth fairy, that somewhere in the society we could go around and say “Mr. Montano is an angel” and “Mr. Gangar is an angel”, and of course you, Sir, are an angel.

They have to do everything but they are not politically accountable. So if one of them has some particular grouse, they are free to do as they please because they are not accountable to anyone. I am saying, therefore in the case of parliamentarians and Ministers, we must regulate that body. We must be sophisticated enough to do it.

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If it is necessary, we can have some sort of independent chairman to guide the proceedings, they can wing the committees in a certain way, and so forth, but basically, we have to do it, because the danger of constantly appealing to the great and good, as they are sometimes called, the three wise men and the tooth fairy, is that they are not accountable to anybody. So, if they suddenly get Alzheimer's, who is going to stop them? They become a runaway train. That is not to say I am going to support the other Constitution (Amdt.) Bill in its present form, but I do have some sympathy for the Government's position—

Mr. Maharaj: I was now wondering if I was getting some support.
[Laughter]

Sen. M. Daly: Not at all! You have to leave the judiciary alone. Mr. President, we always have to be careful. While it is nice for people to be independent and objective and high-standing—and time is running out, otherwise I would say why I approve of high-standing—we cannot keep running to look for these independent people. We have to have common objectives, sufficient bipartisanship, to know when enough is enough and somebody really has overstepped the line.

Mr. President, I simply say that apparently low polls are a normal feature of the country, and I will make the link immediately, but I think that if we go ahead making buffoons of ourselves on the platform we would get something which the Americans call the “yuck factor” which will make one's most ardent supporters remain at home, and that type of level of tolerance. *[Desk thumping by a Senator]*

You do not pound the desk! When they say to people that these are our leaders, it might be very funny and ironic, even sarcastic humour, but do they think the people are going to have faith in that? The people do not want any sailor dance leader. They want to see a sailor dance two days in the year. Those are the things that make people distrust the system. Because they distrust the system, the politicians then have to respond to that distrust by trying to pass possible legislation so they can then go to speak to the people whose distrust they have intended and say “Look, we did something about it”.

Mr. President, I cannot really say much more at this stage. Thank you very much. *[Desk thumping]*

ADJOURNMENT

The Minister of Public Administration (Sen. The Hon. Wade Mark): Mr. President, at this point in time, before moving to adjourn the honourable Senate, may I inform colleagues that we are going to allocate both the 20th and 27th of

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this month to Private Member's Business. I want to serve notice that somewhere in-between we may have to come here to continue with public business. We will have to discuss that and get the common approach to that particular question.

Mr. President, I beg to move that this Senate do now adjourn to Tuesday, July 20, 1999 at 1.30 p.m.

Question put and agreed to.

Senate adjourned accordingly.

Adjourned at 4.31 p.m.