

*Leave of Absence**Tuesday, July 27, 1999***SENATE***Tuesday, July 27, 1999*

The Senate met at 10.30 a.m.

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

**Mr. President:** Hon. Senators, leave of absence has been approved for the following: Sen. N. Mohammed for the period July 21—31, 1999; Sen. Brig. The Hon. J. Theodore from July 24—July 31, 1999; Sen. C. Cuffy Dowlat from July 22—31, 1999; Sen. The Hon. B. Kuei Tung from July 25—27, 1999.

**SENATORS' APPOINTMENT**

**Mr. President:** Hon. Senators, I have received the following communication from His Excellency the President of the Republic of Trinidad and Tobago:

“THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

By His Excellency ARTHUR N. R. ROBINSON, T.C., O.C.C.,  
S.C., President and Commander-in-Chief of the  
Republic of Trinidad and Tobago.

\s\ Arthur N. R. Robinson  
President.

TO: MR. VINCENT CABRERA

WHEREAS Senator Joseph Theodore is incapable of performing his functions as a Senator by reason of his absence from Trinidad and Tobago:

NOW, THEREFORE, I, ARTHUR N. R. ROBINSON, President as aforesaid, acting in accordance with the advice of the Prime Minister, in exercise of the power vested in me by section 44 of the Constitution of the Republic of Trinidad and Tobago, do hereby appoint you, VINCENT CABRERA, to be temporarily a member of the Senate, with effect from 27th July, 1999 and continuing during the absence from Trinidad and Tobago of the said Senator Joseph Theodore.

Given under my Hand and the Seal of the President of the  
Republic of Trinidad and Tobago at the Office of the  
President, St. Ann's, this 23rd day of July, 1999.”

*Senators' Appointment*  
[MR. PRESIDENT]

*Tuesday, July 27, 1999*

“THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

By His Excellency ARTHUR N. R. ROBINSON, T.C., O.C.C.,  
S.C., President and Commander-in-Chief of the  
Republic of Trinidad and Tobago.

\s\ Arthur N. R. Robinson  
President.

TO: MR. DAVE COWIE

WHEREAS Senator Brian Kuei Tung is incapable of performing his functions as a Senator by reason of his absence from Trinidad and Tobago:

NOW, THEREFORE, I, ARTHUR N. R. ROBINSON, President as aforesaid, acting in accordance with the advice of the Prime Minister, in exercise of the power vested in me by section 44 of the Constitution of the Republic of Trinidad and Tobago, do hereby appoint you, DAVE COWIE, to be temporarily a member of the Senate, with effect from 27th July, 1999 and continuing during the absence from Trinidad and Tobago of the said Senator Brian Kuei Tung.

Given under my Hand and the Seal of the President of the  
Republic of Trinidad and Tobago at the Office of the  
President, St. Ann's, this 23rd day of July, 1999.”

“THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

By His Excellency ARTHUR N. R. ROBINSON, T.C., O.C.C.,  
S.C., President and Commander-in-Chief of the  
Republic of Trinidad and Tobago.

\s\ Arthur N. R. Robinson  
President.

TO: MR. KELVIN RAMNATH

WHEREAS Senator Carol Cuffy Dowlat is incapable of performing her functions as a Senator by reason of her absence from Trinidad and Tobago:

NOW, THEREFORE, I, ARTHUR N. R. ROBINSON, President as aforesaid, acting in accordance with the advice of the Prime Minister, in exercise of the power vested in me by section 44 of the Constitution of the Republic of Trinidad and Tobago, do hereby appoint you, KELVIN RAMNATH, to be temporarily a member of the Senate, with effect from 27th July, 1999 and continuing during the absence from Trinidad and Tobago of the said Senator Carol Cuffy Dowlat.

Given under my Hand and the Seal of the President of the  
Republic of Trinidad and Tobago at the Office of the  
President, St. Ann's, this 23rd day of July, 1999.”

*Oath of Allegiance*

*Tuesday, July 27, 1999*

**OATH OF ALLEGIANCE**

*The following Senators took and subscribed the Oath of Allegiance as required by law:*

Sen. Vincent Cabrera, Sen. Dave Cowie, Sen. Kelvin Ramnath.

**WREATH-LAYING CEREMONY**

**Mr. President:** I have been asked to remind and in certain cases, inform hon. Senators of a wreath-laying ceremony this afternoon at the base of the Eternal Flame outside the entrance of the Red House. His Excellency, President Arthur N.R. Robinson will lay a wreath at 4.30 p.m.

**10.40 a.m.**

**PROJECT EXCEL (INC'N.) BILL**

*Question put and agreed to,* That a Bill to provide for the incorporation of Project Excel and for matters incidental thereto, be now read the first time.

*Bill accordingly read the first time.*

*Motion made,* That the next stage be taken at the next sitting of the Senate.  
[*Hon. W. Mark*]

*Question put and agreed to.*

**PAPERS LAID**

1. Report of the Auditor General of the Republic of Trinidad and Tobago on the accounts of the San Juan/Laventille Regional Corporation for the year ended December 31, 1993. [*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 of the San Juan/Laventille Regional Corporation for the year ended December 31, 1994. [*Hon. W. Mark*]
3. Report of the Auditor General of the Republic of Trinidad and Tobago on the accounts of the San Juan/Laventille Regional Corporation for the year ended December 31, 1995. [*Hon. W. Mark*]
4. Report of the Auditor General of the Republic of Trinidad and Tobago on the accounts of the National Institute of Higher Education (Research, Science and Technology) for the year ended December 31, 1997. [*Hon. W. Mark*]

**ORAL ANSWER TO QUESTION**

**National Plan of Action for Children  
For Trinidad and Tobago**

**13. Sen. Diana Mahabir-Wyatt** asked the Minister of Social and Community Development and Minister of Sport and Youth Affairs:

Could the hon. Minister of Social Development tell the Senate whether the National Plan of Action for Children for Trinidad and Tobago, drawn up in 1992 under the obligations accepted by this country when we ratified the United Nations Convention on the Rights of the Child has been implemented?

If the answer is in the affirmative, could the hon. Minister state the extent to which the Plan has been implemented?

**The Minister of Public Administration (Sen. The Hon. Wade Mark):** Mr. President, I would like to propose that this question be deferred for one week.

*Question, by leave, deferred.*

**TOURISM DEVELOPMENT BILL**

Bill to facilitate the development of the Tourism Industry by providing to investors incentives and concessions and to make provision for matters incidental thereto, [*The Minister of Trade and Industry and Consumer Affairs and the Minister of Tourism*]; read the first time.

*Motion made*, That the next stage be taken at the next sitting of the Senate. [*Hon. W. Mark*]

*Question put and agreed to.*

**ARRANGEMENT OF BUSINESS**

**The Minister of Public Administration (Sen. The Hon. Wade Mark):** Mr. President, today is Private Members' Day. I, however, seek leave of the Senate to deal with Private Members' business until the lunch break, and Government Business, Bill's Second Reading, at the resumption after lunch.

*Agreed to.*

**POLICE SERVICE**

**(INDEPENDENT EMPLOYEE ASSISTANCE PROGRAMME)**

**Sen. Diana Mahabir-Wyatt:** Mr. President, I beg to move the following Motion standing in my name:

**WHEREAS** the administration of law and order in Trinidad and Tobago and the protection of the citizens of this country from breaches thereof depend in a large part on the work done by the Police Service of Trinidad and Tobago; and

**WHEREAS** the Davis Report on the Police Complaints Authority for the period May 1996 to April 1997, laid in the Senate in May 1998, has made a particular point of the stress and pressure put on members of the Trinidad and Tobago Police Service; and

**WHEREAS** the resultant occasional aberrant behaviour on the part of those officers which has from time to time resulted has given rise to apprehension among members of the public;

**BE IT RESOLVED** that the Government of Trinidad and Tobago intervene by providing the Police Service with the funding for:

- i. the establishment and maintenance of an Independent Employee Assistance Programme to which police officers can refer in confidence for assistance in dealing with problems arising from stress and pressure;
- ii. the establishment of a counselling facility for police officers to which persons identified as having or being at serious risk of having behavioural problems arising out of personal or work-related stress can be referred by their senior officers;
- iii. supervisory management training programmes for those persons in the police service responsible for the supervision of the performance of other persons;
- iv. periodic training up-dates on professional standards for dealing with members of the public and on problem solving and anger management for all members of the police service on a rotating basis.

Mr. President, this Motion was first filed almost a year ago, and in the intervening months, there have been almost weekly reports in the press and reports that have been published otherwise which have made the debate on this Motion even more urgent than it had been when it first started. I have a little sheaf of news clippings here which are from over the last two months, and the headlines are as follows:

The *Daily Express* of July 20: "Judge criticizes cop's conduct".

The *Trinidad Guardian* of July 19, the editorial: "Going after criminals".

The *Daily Express* of July 19: "Sad day for Police Service".

*Police Service (IEAP)*  
[SEN. MAHABIR-WYATT]

*Tuesday, July 27, 1999*

The *Daily Express* of June 15, reporting on the Duncan and Jokhan trial: “Man confesses to stealing for cops”.

The *Trinidad Guardian* of May 20: “Policemen talking about Jokhan missing for two hours”.

The *Newsday* of Wednesday, June 26: “Cop beat newsman”.

*Newsday* of June 25: “Police officer charged with sex assault on teen”.

May 2: “Duncan says fellow cops set him up”.

And it goes on and on.

Mr. President, over the past three months, at the same time as these reports have been made in the newspaper, something very healthy has been going on in the police service and something very healthy has been going on in the country as a whole. Virtually every week, there are other reports which I have with me here, of police officers being charged and brought to trial for breaking the law. This has never happened before.

We have always known that there are “crooked police”. I do not think there is a police force anywhere in the world that does not have its rotten eggs. Books, movies and films are done on that phenomenon everywhere in the world, but up until now, in Trinidad and Tobago—this is why I am glad in a way that it has taken so long for this Motion to come up—nothing much has been done about it. All of a sudden, over the last two months, I keep reading reports in the newspaper saying that policemen have been charged with stealing along with two other people, we have even had police brought up over involvement with the Ramdhanie escape and we have a huge front page editorial in the *Trinidad Guardian* of Saturday, July 17, 1999: “15 cops face suspension”.

Mr. President, something finally is being done about it, and I think that the fact that the police are now moving to clean up and purge the police service of some the dissident and abusive officers amongst them, is something that is very healthy and positive for the country. I keep talking and going back to the need for people in this country to have trust in the institutions that run the country. I think for a long time this has been lacking for many reasons. It is not unique to Trinidad and Tobago. As I said in talking on Dr. St. Cyr's Motion, this is a phenomenon that is taking place all over the world, but I think the fact that we have taken, at least, the first steps in dealing with the situation in Trinidad and Tobago is something that should give us all hope.

In moving this Motion, I want to make it quite clear that I am not doing this out of any desire or intention to castigate or criticize the entire police service, as I have made very clear on a number of occasions in this honourable Senate. The police, particularly the community police, have been a lifeline of hope for a lot of people who are in communities; they deal with children who are in difficulties, and certainly people who have to deal with domestic violence. I do not know how we would manage without them.

I also mention the dedicated service of the members of the police service who guard us in Parliament and do so with a great deal of dignity and restraint, with very little thanks, I might add. Also, the police who have to deal with the mayhem on the roads, which is adding up. The death rate is higher now for accidents on the roads than I think it is for almost any other cause in Trinidad. We have to be very grateful for the service which is provided by the police service, but things are going wrong, and the reason I brought this Motion is because, like everybody else in this country, I am deeply and seriously concerned over the extent to which things are going wrong.

There are things which involve indiscipline in the service which, for some reason, do not seem to be taken up by the Police Service Commission. We will find people being finally brought up for charges in court before they have even been suspended. There are issues involving criminal acts which are committed by people who are there to prevent others from committing criminal acts. Unless we accept responsibility as a community for doing something about this, it will continue to go on and troubles would just escalate, and this would not be the first country in which it has happened.

I feel very strongly that if we, as Members of the Senate, come here once or twice a week and promise when we say our opening prayer that what we want to do is “inspire confidence in our fellow citizens” by what we do here and “contribute to the peace and prosperity of our beloved country”, we have got to take very serious responsibility for things when we see that they are going wrong and make a contribution which, hopefully, would result in something being done.

I am very sorry that this Motion is being debated and opened at a time when the Minister of National Security is not here, which I think is very unfortunate. Mr. President, doing research for the presentation of this Motion, I discovered some very troubling studies and reports dealing with the breakdown, not just in developing countries—which I want to make quite clear—of standards and ethics in the police services all over the world.

*Police Service (IEAP)*  
[SEN. MAHABIR-WYATT]

*Tuesday, July 27, 1999*

**10.55 a.m.**

Last week, in the debate on the Economic Philosophy Motion, I made mention of a report done by Francis Fukuyama who is a noted American futurist—I guess you will say—who deals with the development of societies and he pointed out that this phenomenon is taking place in the United States, Canada, Europe and Asia.

During the course of this last week, the United Nations Development Programme brought out their Index of Human Development for the 1998/1999 period, which backs this up, and shows that trust in institutions throughout the world is, in fact, falling.

All over the world, national communities are growing to disrespect and distrust their institutions and, particularly, their police as a whole, seeing them as being corrupt, brutal, as more of a source of crime in some countries than a force for prevention or redress, particularly where there were drugs, prostitution, contraband or stolen goods involved and, of course, in dealing with guns. As a result, throughout the world—and Trinidad and Tobago is certainly a good example of this—there has been a concomitant move towards private security forces.

What happens when people lose faith in Government institutions is that they turn to private institutions, as we now have a number of private hospitals, a new one is opening every day, which is hardly surprising when you have reports, which are never denied, of women dying in labour on hospital floors while nurses ignore them.

Mr. President, we have also a privatization of security forces which has been going on in Trinidad and Tobago over the last 10 years. I have nothing whatsoever against private security services, but I feel very strongly that we have to do something to stop the erosion of trust in our national security services. I think that this is very, very important for our reputation as a country and for the majority of people in the country.

As I said, I do not have anything against private security services. The Royal Bank Security Service, I think, is an absolutely marvellous, efficient and disciplined body of people, and the pursuance of the work that they do for the Royal Bank and other institutions is exemplary; including ordinary citizens, who they often help. But the fact that they are willing to help citizens of the country, when occasion demands it, does not mean that most people in the country can afford it. Private security services as we know are extremely expensive, and most



*Police Service (IEAP)*

*Tuesday, July 27, 1999*

organizations, homes and individuals just cannot afford to have a private bodyguard follow them around all the time. I know I cannot.

The majority of the citizens in this country are on the streets, in their homes, lining by the bridge, walking in the savannah and, I would like to hope, like I think most people would like to hope, that ordinary citizens of Trinidad and Tobago can one day return to the kind of security we had before independence, when we could walk around the savannah and go for a stroll at night, without feeling threatened. I do not know if everybody does, but I certainly know that all the women that I ever talk to feel threatened, they always feel as though they are walking through a state of war when they go out. If you want to go out walking at nights you have to be extremely careful and go in twos or threes—and that is not the way free people should have to live. I do not see a return to that kind of stability without a stable and disciplined police force.

I think that this is what the Commissioner of Police is doing by the work he has been doing recently, in ensuring that errant police officers are being charged and dealt with in the courts. I think that this is what the management of the police service and, certainly, the community police are trying to do.

Mr. President, I wonder if you remember back to the days when we moved from having a police force to a police service. I do not know if anybody remembers that. I remember the children being very impressed and people talking in schools about what the difference was going to be between having a police force and a police service, and a motto “to protect and serve” was being talked about. Everybody, even children, were talking about the new concept of policing; that police were there to be your friends; to protect you, and to help in the community.

They were to be positive and hence proactive, to help members of the public who were frightened or in trouble and this was quite different from the old traditional concept of policing as being “raid, smash, arrest and punish”, which was a reactive kind of policing; totally different from the concept of being proactive and preventing problems and difficulties immediately when they arose. I think that the old concept of “smash, arrest and punish” is a hard one to break men out of. If you have been trained in that concept of policing, I think it is very difficult to make the shift in attitude and approach to a more community oriented, humane and proactive one.

I think that the old “macho” concept, while it may be a bit primitive, has little to do with intelligence or principle. We have to accept that sometimes police have

*Police Service (IEAP)*  
[SEN. MAHABIR-WYATT]

*Tuesday, July 27, 1999*

to deal with people who do not have very much intelligence and principle and such tactics are often necessary. But it should be the exception rather than the rule, and it should not be the basis of policing.

According to the research that I did before I brought this Motion, all over the world, police forces are having this problem balancing the two concepts of policing: the old reactive “smash, arrest and punish”, with the new proactive, community oriented, mediation and guidance. We have seen this in the metropolitan countries’ results. We have also seen it in Jamaica. I think everybody here is aware of the situation that exists with the police force in Jamaica, which is something I really do not want to see happen in Trinidad and Tobago.

We often say that Trinidad and Tobago is 10 years behind Jamaica when it comes to social phenomena, and I certainly hope that this is not so, because with the gun court and the heavy military approach to policing in Jamaica—as we have seen, behaviour breeds behaviour—that has resulted in a situation in which, in and around the capital city there are virtually eight civilian armies. Each one is picked out and it focusses on a section of the police force, so that they are almost continuously in a state of semi-civil war. This is something certainly, that Jamaica is trying to do something about. They have set up a commission of enquiry, and there has been a lot of involvement in that. I am hoping we can approach this problem from “in front”, and be proactive instead of reactive, which is why I have suggested the approach I have, that this kind of phenomena would not happen in Trinidad and Tobago.

As I mentioned in the Motion itself, the Davis Report on the Police Complaints Authority for the period May 1996 to April 1997, which was laid in the Senate in May 1998, as I recall, has been out for a long time. I am not aware if there has been a subsequent report from 1997 to 1998. I have not seen it laid in this Senate, and I am wondering why it is that we have not had one that is up to date. I am presuming that there is some good reason why it has not come forward and I am hoping that it will, during the course of this debate, so other people can at least comment on it.

**11.05 a.m.**

In the 1997 report, it said that in the majority of 1,405 complaints against the police for the previous year—I would like to point out that this was an astonishing four complaints a day, including Saturdays, Sundays and public holidays, which is very high—most of them consisted of complaints of assault and harassment.

*Police Service (IEAP)*

*Tuesday, July 27, 1999*

I would like to read from page 31 of the *1996/1997 First Annual Report of the Police Complaints Authority*. It states:

“The overwhelming majority of complaints lodged at the Police Complaints Authority consisted of allegations of battery and harassment. Harassment ranged from oral threats, intensifying to a gun being used menacingly, threats of battery, or a forced confession. Behaviour that was included in the category of battery ranged from a mere jostling to an application of force which resulted in the death of the victim.

The Police Complaints Authority is fully aware that many of these allegations have not been proven. However, the large number of complaints in this category is startling and ought not to be ignored. These figures reflect the prevailing public perception that police are a terrorizing force.”

This, Mr. President, is a very serious matter and I think that comparatively few people ever make complaints to the Police Complaints Authority because they are frightened. Most people are too afraid to take complaints to the Police Complaints Authority, and although one is told that it is going to be confidential and it will not get out, the minute somebody’s name is asked, immediately, the person who is making the complaint assumes—Trinidad being Trinidad, and a small country—that somebody is going to tell somebody, somebody is going to see it written down and they are going to retaliate.

I know, for example, that women who are married to members of the police service and who are battered by their spouses, know that it is no use reporting these incidents, because “the brotherhood” hangs together. If they report it, nothing is going to be done about it, and the battered spouse is probably going to be battered even further. So, by and large, they just do nothing about it.

There have been resultant, severe social problems which arise out of this. Many school teachers, for example, are married to members of the police service. When a school teacher is battered and goes to school week after week wearing dark glasses, or in some way trying to hide black eyes and other injuries, not only are they living with the stress of domestic violence, but they tend to be less able to teach the children under their charge and their temper and anger is often directed towards the children under their charge, which means the children learn less. One person in a situation like that can affect, in the course of a day, literally hundreds of others, as one speaks to another.

We saw what happened in the case of Eric George, who, according to the *Express* editorial on March 17, 1999, beat his wife on many occasions. Whether

*Police Service (IEAP)*  
[SEN. MAHABIR-WYATT]

*Tuesday, July 27, 1999*

she had reported it to the Police Complaints Authority or not, I do not know, but most wives in that situation would be afraid to, and quite rightly so; they just would not do it. The editorial in the *Newsday* of the same date states that:

“...in spite of the repeated reports she made to the Police of the brutality of her policeman husband, no serious action was taken to stop the beating or to protect her in any way.”

Mr. President, if this incident of abuse was true when it comes to domestic violence, one can imagine how much more true in cases of common harassment, assault, abduction of property, attempts at extortion and, even in instances where retired police officers have been accused of crimes. Reports come from neighbourhoods and communities that people who have actually been eye witnesses refused to give evidence because they are too frightened. And they are quite sure that if they do, there is going to be retaliation.

I think that we can be fairly confident that the number of incidents which involve police are much greater than we do know and much greater than the Davis Report can show. I do not think we can question Judge Davis, who is known as an honest and very fair-minded man, he is also very cautious and, I would believe, balanced in his views. His observation goes on:

“In view of this perception it is important that the Police Service re-direct some of its energies to enhance its public image. On the other hand, if these allegations were proven to be well-founded, the Police Service would have to undergo serious self-examination to ascertain the root causes of its officers’ behaviour. The design of the various jobs may be adding to the levels of employees’ stress, thus resulting in dysfunctional behaviour.”

The Report goes on to recommend, as I have done in this Motion, that:

“An employee counselling or related programme, such as the now commonly used Employee Assistance Programme (EAP), would be an appropriate way to address this kind of problem.”

I would like to also suggest—if this sort of investigation is going on, as to not only into the stress under which police officers work, but also their general work programme—that we take a look at the special reserve police. Because we still have situations where special reserve police have been working for years virtually in the same way, with the same hours, and under the same stress as the regular police. They work without holidays because they are special reserve, they do not get overtime pay, they get no sick leave, and in many instances their salaries are

*Police Service (IEAP)*

*Tuesday, July 27, 1999*

not paid on time because they are paid under a different system. Special reserve police are under extreme stress as a result, on domestic, personal and work levels. While I know that there have been attempts to do something about this, I think that special consideration in relation to special reserve police should be given to making sure that their problems and stress are being looked at.

In 1995, there were 26 news reports of police involved in criminal activity; from the suspension of four police officers following the murder of a 19-year-old man at an Old Year's fete, to the escape from a cell of a murder-accused—which we have all been familiar with; police involved in larceny; kidnapping and assault of three; and wounding. If anybody would like to read all these, and I hope that one will ask, I have files here full of reports and summaries from 1995 to 1999. I would not deal with all these. I do not want to take up the time that I have left going through those.

But we have been warned, told, it has been publicly drawn to our attention that so far, we have not, as a community, done anything about it. The move that is now going on internally in the police service is to be commended, but I really think that the extent of public reaction has come from fear—the silence is deafening—the anger repressed it is dealt with is shocking.

While the Police Complaints Authority was obviously set up as a means of dealing with this, the Complaints Division—and I am paraphrasing here from the Davis Report—which is supposed to do something about the complaints after the Authority has dealt with them, is supposed to act on it. The Authority discovered that the Complaints Division had only resolved 12 per cent of the complaints which were sent to it, although it claimed that it had resolved some 32 per cent. It seems to me that something is very wrong, when the Report has to bring these kinds of statistics to us, to say that a very small minority of actual instances of abuse ever get to the Authority, and out of these, only 12 per cent are dealt with by the Complaints Division. As a result, the Division is now required to make monthly reports back to the Authority, but apparently it is very short staffed, it has not got the resources to do the job, and has to depend on officers in the field to do the investigations. I quote again from the Report:

“The result is that one remains unsure of the accuracy of information supplied to the Division.”

Mr. President, when one cannot even depend on the internal mechanisms to give accurate reporting on the machinery that has been set up, we have a serious situation. It would seem that if one goes back to the purpose for which the

*Police Service (IEAP)*  
[SEN. MAHABIR-WYATT]

*Tuesday, July 27, 1999*

Authority was set up, which is quoted on page 11 of the Report, it seems that those objectives have been very firmly and solidly frustrated. It is the only way I can put it.

I am hoping that in his response, if he does respond, that the hon. Minister of National Security would be able to tell us what steps have been taken to correct the anomalies which the Authority complained about two years ago, and also to make sure that we do get published copies of last year's report, and I am sincerely hoping that we will see an improvement of last year over that year.

Mr. President, during the course of an earlier debate, I had asked the question. The Minister of National Security said that the police are now all given psychiatric screening before coming into the service, and that counselling services are being provided for those who want it. Since there is only one doctor, one medical/psychiatric/psychologically qualified person to deal with 4,000 officers, I would either ask if the hon. Minister can clone this particular doctor so that we could have at least 10 or 20 of him, or find some other more practical solution, since I realize that is not very practical. No single person can deal with such a mammoth task of people who are under enormous amounts of stress just by virtue of their daily work. Every police officer in this country knows that police officers get shot and killed during the course of duty and, to have to go to work every day knowing that, puts one, *ipso facto*, under an enormous amount of stress.

Add to that the stress of traffic police breathing in fumes. I spoke to one of the senior police officers recently at a meeting dealing with something else, who asked if I had any idea of the stress which the traffic police are under, because they stand there daily breathing in all these lead fumes, and after a year or two—we all know what lead poisoning does to the system, I am sure that Prof. Kenny can expound on it—it produces aggressive, interactive behaviour. If there is a police officer standing in traffic breathing lead from exhaust fumes for two years, do not get smart with him; if he stops you and asks for your licence, give him your licence, because he is not going to be patient, kind, gentle or understanding.

I realize my time is running out and I am going to have to draw to a close. I would just like to finish by pointing out that in my Motion, I have recommended four things. I have made these following interviews with two psychologists, three human resource managers, two senior police officers and a former High Court judge. The recommendations which were made here were intended for the protective services on the whole, not just traffic, crime or community service. Because, obviously, it is not just the police who are there to protect and regulate society. We have also had the situation where it has extended to the guards around

the Prime Minister's residence as well. I am not going to bring up the instances which I have brought up before—people have been shot and killed because officers are under stress.

I think it is important, from all the research I have been able to do on the police services, here and abroad, that to provide a comprehensive employee assistance programme, it has to be situated outside the police service itself, especially in a country which is so small; everybody knows everybody and where the admission of stress is regarded as being, somehow, not very macho in a culture which is very macho. I think it is extremely important that the location of the counselling provided be external to the structure within the police; and also let people who see or recognize that there is a danger of people being at risk, know that their senior managers or supervisors can refer them to an outside service where they can get help.

**11.20 a.m.**

This is trying to be proactive, not reactive. This is trying to prevent problems from happening, it is trying to prevent people from going overboard, over-reacting and using guns where they should be using other forms of restraint in which they have been trained. This is why I have also recommended supervisory management training for them.

Mr. President, when I recommend these things, I am not doing this in a vacuum and I am not doing it just with words. I am the Chair of an organization called the Trinidad and Tobago Coalition against Domestic Violence that has put its money where its mouth is. We have raised funds to provide counselling services for members of the police. We have not raised enough to do it for the whole police service, but we do have a totally confidential service. I have no idea who takes advantage of this. It is between the therapist and the individual who goes; we just pay for it.

We have also raised \$100,000 to put towards training members of the police service in anger management, so that they can pass that training on to young people and others in the community as a way of dealing with stress and anger. This we hope will lessen assaults that come as a result of domestic violence. We are about to embark on 10 two-week workshops, which would then have a repeating effect because persons from within the service would be trained so that they can continue to train within the service and would not need us anymore. These workshops are being carried out by trained professionals.

*Police Service (IEAP)*  
[SEN. MAHABIR-WYATT]

*Tuesday, July 27, 1999*

Mr. President, we are doing this because, year after year, requests are made at the time of the budget for additional funding for employee assistance counselling and other counselling, training and services for the police service. And year after year, these requests are eliminated before they ever come to Parliament and before we ever have to deal with the budget debate. As a result, we have files from 1995—1998, full of reports of instances in which police officers under stress have over-reacted and committed actions in relation to the public which have resulted in the loss of trust, and the loss of faith in the police service about which I had spoken earlier.

I think it is perhaps typical of what is coming in terms of the development of a civic society in Trinidad and Tobago where it is the public sector, the NGO sector that has to find the resources to help the police, because we depend on them and we care about them, and I think it is sad that the Minister of Finance is not here, but I will be coming back to him, as he did request last week if we had any suggestions to the up-coming budget. That is certainly going to be a suggestion and a request that I would make once more and this time, serious attention should be given to funding proper, extensive and professional help to the Employee Assistance Programme for the police service, and to provide training for people within the service to be able to spot potential problems arising; to be able to get help for police officers because they do not get help now, and I think they do deserve help. I just want to finish with an example of the kind of stress our people are under for which they do not get help.

I had a meeting recently with one of the senior police managers. He mentioned an incident in which an up and coming police officer resigned from the police service. He resigned because he went out on a call on a domestic violence altercation. He went to check up on this particular incident, and got to the place just in time to see the man involved pluck a three-month old baby from the arms of his spouse, or his partner, put the baby down on the curb and pick up his cutlass and slash the baby's head in half. This happened several years ago, it is not a recent incident. That police officer could not live with himself afterward. The stress, the strain. Could you imagine having to go home and sleep that night after you have seen that, and had not been able to prevent it, and you are there in your capacity as a police officer to protect? That police officer resigned. I do not know if he is still in the country, but there was no employee assistance programme to help him, or any of the other police officers who have had to witness and deal with situations like that.

I think that, in itself, is criminal negligence and I very strongly urge the Government to accept this Motion and to provide funding for help and



*Police Service (IEAP)*

*Tuesday, July 27, 1999*

counselling for officers who are under stress, and in distress; and training, so that people would understand that to go for help when you are in trouble is not a sign of weakness, but a sign of strength, maturity and intelligence.

Mr. President, I beg to move.

**Mr. President:** Before we move further, the Motion needs a seconder.

*Secoded by Sen. Prof. John Spence.*

*Question proposed.*

**Sen. Danny Montano:** Mr. President, I rise in support of the Motion. I think it is important, I think it is timely, and I think it is very appropriate. It focusses the attention of us in the Senate and the public at large on the resource-base of the police service. The police service is not an institution that exists in a vacuum. It exists only because of the presence of individuals, and it is important in this day and age that we understand the importance of the value of the resource-base of the human beings that we have in our different services.

There can be no doubt that the suggestions in this Motion will improve the effectiveness of the police service as a whole. The individuals who are dedicated, hard-working men and women of the service need the management skill. They need the help and resources and care of the Government in order to allow them to be more effective in what they do. I do see it, however, as being only one part of the problem.

Sen. Mahabir-Wyatt, in her presentation said something that I feel is absolutely critical and I quote. She said, "we depend on them and we care about them". That is absolutely so. We depend on the police service. It is perhaps one of the most important institutions in the country. It is the arm of the Government that ensures law and order, and an ineffective, inefficient police service will signal ultimately the destruction of our society as we know it.

We have had difficulties in the past that have not been adequately addressed and it is high time that the problems within the service be brought to the light of day and not hidden from view. They should be examined, scrutinized and effective action taken to remedy the problems. It is with that background that I would like to add to Sen. Mahabir-Wyatt's Motion. I do not wish to change it because the way she has it is very appropriate. I would simply like to add to it. I would like to add the following two recitals:

*"Whereas the public is becoming increasingly alarmed at the escalation in the number of violent crimes in Trinidad and Tobago,*

*Police Service (IEAP)*  
[SEN. MONTANO]

*Tuesday, July 27, 1999*

*And Whereas* the final report to the Government of Trinidad and Tobago on investigations carried out by officers from New Scotland Yard about corruptions in the Trinidad and Tobago police service was laid in the House of Representatives on December 15, 1993.”

I would like to add a resolution to read:

*Be it Further Resolved:* that the Government of Trinidad and Tobago adopt the final report of the New Scotland Yard police and implement its recommendations forthwith.”

Mr. President, in dealing with the psychological welfare of members of the police service, I feel that we are addressing a critical part of the ultimate management of the police service which has to be only one part against the backdrop of escalating crime in the society. We have to look at the reasons for that.

I have said before in this place that one of the most effective deterrents to crime is not the punishment, but getting caught. That is the ultimate deterrent. We all know that school boys or school girls in a school yard who were misbehaving, the thought of what the punishment might be was not the threat. The threat was they might get caught. Whatever the punishment was, you might get caught, or you would most likely get caught.

The position we face in our country today, however, is anything but that, and we depend on the efficiency and effectiveness of our police service to ensure that their operation and their detection skills are the most effective deterrent to crime in the country.

I would read from an article on April 29 from the editorial of the *Trinidad Guardian*. It says:

“It seems incredible that a four-man team of bandits could cut a swathe of crime late Monday night and early Tuesday morning through the comparatively small area of Valsayn, Curepe and St Augustine, carry out four robberies in the space of four hours, and officers at the St Joseph Police Station, at the centre of the events, failed to make a capture.”

It continues:

“The crime wave was to be contained, the Government assured the population, with the injection of Cherokee jeeps, Rapid Response cadres, the latest technology, and weapons as sophisticated as those carried by the bandits.”

*Police Service (IEAP)*

*Tuesday, July 27, 1999*

That the crime may be contained. It goes on to say:

“...Law-abiding citizens have been watching with growing alarm the high incidence of failure by the police to get their man. “

Mr. President, please understand, I do not wish to chastise the individual officers of the police service. I do not wish to chastise the police service as a whole, what I wish to point out is that the detection skills of the service has deteriorated to the point where they are no longer as effective as they should be. That is the point.

**11.35 a.m.**

I do not know how it came so. I do not know when it came to be like that, and I do not care about casting blame on any individuals or groups of persons. What I am concerned about is that we have a problem, the problem is serious. It has been identified. The question is, what is being done about it? Sen. Mahabir-Wyatt is dealing with a part of it, but there is another part of it.

Recently, Prof. Deosaran made a speech—I think it was to the San Fernando Rotary Club. There he claimed that:

“...on the basis of a ten-year research project, that of the approximately 18,000 serious crimes reported annually,”

between 1987 and 1996—he said that was the average—

“merely about 27 per cent were actually prosecuted.”

He went on to say:

“And even then, the convictions amounted to no more than six per cent of the cases prosecuted.”

I do not know how true that is, but that is what he said. The statement has been challenged and he has not withdrawn it. Certainly the indications are quite clear, Mr. President. I would like to show you just what is taking place.

According to the Commissioner of Police, there were 15,796 reported crimes during 1998. Let us look at the level of detection: murders—97 reported and 66 solved. In other words, Mr. President, if a person committed murder there was only a 68 per cent chance of being caught. That is what we are dealing with—that is 1998. Woundings and shootings—319, solved 210. In other words only a 66 per cent chance of being caught. Forget about the prosecution and being convicted, this is only the question of being caught. So for the most two serious crimes in the

*Police Service (IEAP)*  
[SEN. MONTANO]

*Tuesday, July 27, 1999*

country a person only has a two-thirds chance of actually being caught. Break-ins—6,112, solved 1,073—the detection rate, 17.5 per cent. That is the level that it has fallen to, 17 per cent of the break-ins have been detected. Robberies—2,780, solved 630, detection rate, 22.7 per cent. Barely one-fifth have been solved. That is what we are looking at, Sir. Lastly 2,686, solved 354, 13 per cent detection rate. The overall detection rate for January 01 to December 01, 1998 was 33.7 per cent. That is what we have come to.

Mr. President, I would like just to read from an article in the *Daily Express* of July 21, 1999. “The Economics of Crime” written by the Trinidad and Tobago Chamber of Industry and Commerce. I quote:

“The Chamber therefore is of the view that it has the right, and indeed the moral responsibility to call upon Commissioner Guy and his team, to shape up or ship out. We are indeed exhausted with the now trite excuses and calls for “more vehicles, more manpower, paper to write on...”

and so forth.

“Quite frankly, the country has had enough.

Worst of all, the Clint Huggins tape! If what has been reported of it is true, this is a disaster of unprecedented proportions...

What has been revealed is the true nightmare about which Dr. Deosaran is talking. It shows the incompetence and corruption of some members of the Police Service, the huge task which confronts the Judiciary, the criminals who masquerade as “businessmen” and, indeed, the Government.

Above all, these disclosures before the national community show up the ineptness of the Government in dealing with crime. The prime ministers, the attorneys general, the ministers of national security and the Police Service Commission cannot escape public scrutiny and serious criticism as to their handling of these matters. They cannot escape the fact that they are in charge, therefore have to accept full responsibility for the disaster.”

That is here and now.

Mr. President, I want to repeat, I am not levelling any criticism at any member of the police service. What I am saying that is clear and irrefutable is, that something very significant has got to be done as regards the management of the service. That is what it is all about.

Mr. President, with your permission, I would like to read from the final report of New Scotland Yard to the Government. The report is dated July 20, 1993. The reporting officer was Graham Seaby, LL.B., M.Phil. He is a detective superintendent of New Scotland Yard. Mr. President, I fully appreciate this was an insight into the service as it was six years ago in 1993, but we are seeing today that, obviously, the deficiencies that were discovered in this report still exist. Therefore, we must call upon this administration to address this specific issue. While this report has been laid in Parliament for the past six years, I would still like to highlight certain areas of it. I quote:

“A central factor which caused serious difficulties and led to abandonment of many lines of enquiry was the absence of accurate records.

...files, such as investigations into murder and other serious crime, were so sparse that it was difficult to determine what had been done, and equally important what had not been done. One murder investigation report consisted of just twelve lines, with some witness statements. In some cases crime files did not show why decisions had been taken. Examples were decisions not to prosecute when clear evidence appeared to exist.

The second part of the problem with files was their non-existence or non-availability...An astonishing number of files on major investigations could not be found. According to our local officers, they were just ‘lost’.”

We are still facing that kind of situation. I have heard nothing that has been done to address that kind of problem. That is a problem the Attorney General is very familiar with. As I understand, he was accused of a crime, charged with a crime and the files were lost. Where are we going at this time? In 1999, what is being done to address that issue?

The report continues regarding the:

“...allegations made by Rodwell Murray what he said contained two basic truths. The first was that corruption exists throughout the ranks of the police service. The second more specific point was that there exists in the police service a clique of corrupt officers who protect drug dealers by the misuse of the discipline and transfer system. Clear evidence of this point was obtained.

Corruption in the police service can be described as endemic. It permeates all ranks. That is not saying that good honest officers cannot be found. There are lots of them, but the spectre... is quite dominant and the result is a police service that is tarnished as a whole.”

**11.45 a.m.**

Mr. President, I would like to continue. It is important that you will permit me to read extensively from the report because it is going to show the magnitude of the problem.

“Four cases of persons being shot dead by police officers...There are in place no effective means by which the police service can investigate itself,”

This was a point that was alluded to by Sen. D. Mahabir-Wyatt.

“and criminal allegations made against police officers are not given special attention as they would be in many other jurisdictions.

The four death cases referred to above were all looked at by the New Scotland Yard team. Available evidence was reviewed and further evidence was obtained. The common factor which unites those cases is that in each case the evidence does not sit with the official police record, which puts such deaths down to accident, lawful killing...and suicide. In each case, the investigation was flawed and cursory, and conducted by an officer who would be regarded in other jurisdictions as lacking in both experience and rank.

The point being made is that if criminal allegations against police officers which are not linked to corruption fail to get properly investigated what chance is there of the service investigating crime allegations which are linked to corruption.”

One of the statements here is that:

“The police service needs to be able to recognise that overt clear action in respect of allegations made against police officers will boost confidence in the police in the long term...”

I would like to continue. Again, Mr. President, we are dealing with management problems. Paragraph 11.4 says:

**“A PROPENSITY FOR RECORDING USELESS INFORMATION**

The habit of junior ranks jotting down all sorts of useless information in numerous station books...was observed. The New Scotland Yard team spent a considerable amount of time examining books and records. They found reams of useless information recorded. Useful information found was usually recorded in a labourious manner, and quite often contained inaccuracies. The impression gained was that record keeping had become a mechanical task completed without enthusiasm and without any thought as to the reason why. The amount of time wasted must be immense.”

*Police Service (IEAP)*

*Tuesday, July 27, 1999*

That is what Scotland Yard said. It goes back to the point that an enormous amount of time was being wasted, this is the time that officers were out there acting as an effective deterrent to crime.

“The most precious, and usually most expensive, resource of any service is its workforce, its officers...There was no evidence of any effective assessment of the capabilities of the workforce, nor of career development...”

It went on and on.

“The new Scotland Yard team were surprised at the extent to which the police service operates as a ‘fire brigade’ service, keeping resources at stations and then responding to emergencies.”

Mr. President, we know all about that; we still have that situation. That deals with the question of vehicles and whatnot and Scotland Yard dealt with that. They dealt with the question of vehicles and they said that had become a slogan but it was not dealing with the reality of the absence of effective management.

Perhaps the most telling point and important thing that Scotland Yard wrote, is something that I have spoken about in the past here. Paragraph 11.15 says:

“THE LACK OF SKILL WITHIN THE CRIMINAL INVESTIGATION DEPARTMENT AND ASSOCIATED SPECIALISMS

The lack of skill within the CID was seen as a central issue for anyone seeking to upgrade the Trinidad and Tobago police service...

CID investigators were found to be lacking in the skills associated with present day criminal investigation. They had little or no knowledge of the benefits that science has provided for the investigator, and had a poor appreciation of the concept of forensic evidence. Their scene examinations were often less than basic, and scene preservation and the avoidance of contamination were poor...

The concept of linking crimes scientifically appeared to be unknown, or at least unpractised.”

Mr. President, the point I am making here is this. I am not suggesting for a moment that we have a bunch of incompetents in the police service. By no stretch of the imagination am I suggesting that and, in contrast, what I would like to read for you is from Dr. Morgan Job’s book, *Think Again*, on page 38, under “Haven for Failures”:

“Then, as now, the Police Service was a haven for failures and rejects. Those who failed the O’levels, received third grades, or did go to secondary schools became policemen or checkers or migrated or remained unemployed.”

*Police Service (IEAP)*  
[SEN. MONTANO]

*Tuesday, July 27, 1999*

I wonder, if having acted as Minister of National Security, whether he is still of that opinion. It is certainly not my opinion. However, what is very clear is that the police service, in measuring their effectiveness in terms of the detection rate, is not acting effectively and efficiently as an effective deterrent to crime in our society, and what is needed is skilled, experienced management. They have got to go through a complete re-think of how the service is structured and to look at the skills that already reside in the service and to make sure that everybody has the skills that are necessary.

By contrast, what I would like to show is this. This administration, to a fairly large extent, has recognized many of the policies of the previous administration and has continued with them. There seems to be a propensity, however, that where foreign managers are involved, they would prefer to get rid of the foreign managers if there is big money to be spent in terms of capital projects.

I would witness what happened at WASA and the fact that the foreign managers that were brought down have been effectively dismissed. Their contracts were not renewed even though we had accomplished a great deal under their management and leadership and that is simply, as I see it, an avenue now to remove the stumbling block toward rampant corrupt contracts.

However, by contrast, in another department that is service driven and that is a service like the police service where there are no large numbers of capital projects—and I am talking about the post office—the Government has seen fit to bring in management experts from as far away as New Zealand, to come here to manage the post office. On the question of priority, I dare say, Mr. President, that well over one-third of the mail that passes through the post office was delivered, if not on time, at least they got there. I do not know what the failure rate was, but I venture to suggest, because I am a user of the post office, that significantly more than one-third reaches its destination.

You measure the approach of the Government vis-à-vis the post office as against the approach of the Government vis-à-vis the police service, when only one-third of the crimes are being detected, what has the Government actually done? What has been done? The facts speak for themselves and the figures for 1999 are no different at all. In fact, the overall detection rate for January 1, 1999 to May 31, 1999 has actually fallen to 30 per cent. It has actually fallen. But we have foreign managers in the police service—sorry, I beg your pardon. We have foreign managers in the post office. What do we have in the police service?



*Police Service (IEAP)*

*Tuesday, July 27, 1999*

I am not suggesting that the individuals in the police service should be removed but what I know is this. I run my own business and I know what training is all about. The people who work for me cannot work effectively and efficiently unless I train them. Now, I happened to be trained in Canada as a professional accountant and I have worked in Trinidad with an international firm of accountants before moving off on to my own practice. While I was on my own, I represented a major international firm for many years, but my business could not run unless every now and again, I literally shut it down and we take a day and cloister ourselves and I tell them what it is that is necessary. We go through all the theories, where there is the practical, so that we understand what it is that is taking place.

It does not happen just once; it happens several times a year, every time that we have a crop of new students and they have had a couple months of experience, we have to do the same thing all over again. We stop and we start and we give them the kind of training and experience. I do my homework; I do my research and I make sure that they are given the kind of information and tools that they need so that we can stay up with the professional standards. That is what is required of me as a professional accountant and, with the greatest of respect, Sir, that is what is required of the police service.

Somewhere, somehow, the question of management training forensic detection has got to be dealt with on a very scientific level. I have spoken over and over again of the case of my cousin who was murdered two years ago. The fact of the matter is the police know exactly what went on. They know who was involved, but the fact of the matter is no effective forensic skills were brought to bear on that case and that is just one case that I happen to know about, but there must be many others.

When the murder detection rate is as low as 68 per cent, something has to be wrong. In this month of July 1999, we have had at least five murders. Most of them will be detected because in one instance it was a young boy who killed his brother; in another one, where they were friends and he picked up an axe and so forth. That is not rocket science. There is not going to be a whole amount of forensic skill required in those matters, but there are many, many others where the degree of forensic skill must be fairly advanced, and what we are not seeing is a display of that forensic ability.

What I know is that these police officers are suffering under the most extraordinary conditions. They themselves must be terribly frustrated knowing that they are not being given the tools and the training, specifically, the training

*Police Service (IEAP)*  
[SEN. MONTANO]

*Tuesday, July 27, 1999*

and the education that they need in order to do the job effectively. That in itself is a source of tremendous frustration when you know that you are powerless to do anything about it; when you no longer have the respect of the community when you walk on the street; that you are not respected and feared when the young boy says, "Look, we better behave ourselves because the policeman is going to hold us." Long time ago, that is what prevailed in the society and there was discipline and order because the young men and women who were doing improper deeds knew that there was a policeman down the street and he would catch them.

**12.00 p.m.**

That does not happen today. They have become a laughing stock and that is wrong, they must be respected. The young men and women of the service are honourable, bright, hardworking, for the most part, and they deserve every respect, but they have got to be trained according to international professional standards. That is what is necessary, particularly in this day and age, in 1999. Mr. President, therefore, what I am calling for again, like Sen. Mahabir-Wyatt, is that the Minister of Finance as well as the Minister of National Security, look at what is necessary here and recognize that this is one of the most significant things we can talk about in this Chamber, and to put the resources where they are due.

When we start to hear nonsense about the \$900 million being spent on the airport, when we have a crime rate with a detection level of 30 per cent, I cannot for the life of me understand how any responsible government could sit there and allow that kind of situation to take place! [*Desk thumping*] How can that happen? One hundred million dollars allocated from the airport into the police service would have a most remarkable effect on our society—[*Desk thumping*—the level of confidence that would come out of the people, and talk about a haven for investment! We have no idea the kind of investment that would flow in here with just that alone. Policemen themselves talk about this being the wild, wild West.

An article in the *Express* newspaper of April 27, 1999 said that "'this situation is out of control,' one officer lamented, likening the upsurge in the crime rate to wild, wild West." That is what we face in 1999. But instead of allocating the resources of the state where it is most needed, we are spending \$900 million on an airport! I really cannot understand that. I ask the Government to agree with me and Sen. Mahabir-Wyatt to allocate the resources, to implement fully the recommendations of the Scotland Yard report and the resolution of Sen. Mahabir-Wyatt.

Mr. President, I thank you.

**Mr. President:** What is your amendment?

*Police Service (IEAP)*

*Tuesday, July 27, 1999*

**Sen. D. Montano:** Mr. President, I would like to propose the following amendment:

*"And whereas the public is becoming increasingly alarmed at the escalation in the number of violent crimes in Trinidad and Tobago;*

*And whereas the final report to the Government of Trinidad and Tobago on investigations carried out by officers from New Scotland Yard about corruption in the Trinidad and Tobago Police Service, was laid in the House of Representatives on December 15, 1993.*

BE IT FURTHER RESOLVED that the Government of Trinidad and Tobago adopt the final report of New Scotland Yard and implement its recommendations forthwith."

**Mr. President:** A seconder is needed.

*Secoded by Sen. M. Jagmohan.*

**Mr. President:** The question is that the Motion be amended as follows, add after the recitals:

*"And whereas the public is becoming increasingly alarmed at the escalation in the number of violent crimes in Trinidad and Tobago;*

*And whereas the final report to the Government of Trinidad and Tobago on investigations carried out by officers from New Scotland Yard about corruption in the Trinidad and Tobago Police Service, was laid in the House of Representatives on December 15, 1993."*

Now add the resolution:

"BE IT FURTHER RESOLVED that the Government of Trinidad and Tobago adopt the final report of New Scotland Yard and implement its recommendations forthwith."

**Mr. President:** Senators may speak on both the original Motion as well as the proposed amendment.

**The Minister of Public Administration (Sen. The Hon. Wade Mark):** Mr. President, I rise to speak on this very important Motion, on the issue of establishing—from what I have read—an appropriate employees assistance programme for members of the police service, as well as to establish appropriate counselling facilities for police officers. The resolution goes on to deal with

*Police Service (IEAP)*  
[HON. W. MARK]

*Tuesday, July 27, 1999*

supervisory management training programmes, as well as periodic training updates on professional standards for dealing with members of the public, problem solving and anger management.

Mr. President, this Motion—and I am not dealing with Sen. Montano's amendment at this time—the one proposed by Sen. Mahabir-Wyatt, is quite consistent and appropriate with what we are attempting to do, not only in the police service, but in the general and wider public service of Trinidad and Tobago.

I would take this opportunity from the outset to indicate to the Parliament and just to repeat that both the Minister of National Security and the Minister of Finance are out on official business. I just wanted to put that on the record because I know that Sen. Mahabir-Wyatt did say that it was unfortunate they were absent. They are not absent because they want to be, but they are on official business out of the country at this time. Certainly, the Minister of National Security will respond when we continue this debate on another occasion.

Mr. President, I wish to convey, at the outset, the Government's very deep concern for establishing the kind of working environment in our public service; an environment that is positive and supportive, which facilitates personal growth and high levels of organizational productivity. It is, indeed, what I call a tragedy when anyone of our public service employees experiences grave emotional and mental suffering, and our organization is unable to offer a helping hand. It is equally tragic when this emotional distress has fateful and even fatal consequences for those around those persons involved.

Whilst the Motion focusses on the police service, we must understand that the police service is part of the larger public service of the Republic of Trinidad and Tobago. I intend to look at this question of the establishment of employees assistance programme in the wider context of the public service.

The responsibility for the police service resides with the Minister of National Security and he would certainly speak on that issue. I will seek in my contribution to focus and to address the need for employees assistance programmes within the public service generally, encompassing public officers, contract officers and daily-rated employees in the public service of Trinidad and Tobago. But as I proceed I will, in fact, spend some time focussing on some of the stressors and problems that police officers experience in the line of duty, on a regular basis.

Mr. President, it is the Government's view that employee problems are an issue that the public service needs to address; there is no doubt about that.

Employee problems, whether externally or workplace induced, often result in a significant deterioration in performance of the employees themselves, and can also affect the productivity of their colleagues. In some instances, such problems might even result in the loss of life or injury to others at the work site or elsewhere.

International employee assistance programme experts estimate that approximately 20 per cent of any work force is affected by personal problems that can have a negative impact on job performance. Research also indicates that 12 per cent of employee populations have alcohol and drug related problems; and 6 to 8 per cent have emotionally related problems. These problems can result in what has been estimated in a 25 per cent decrease in productivity as a result of performance gaps, absenteeism and punctuality for organizations. So the whole question of seeking to address workers' emotional and mental problems, and other related work problems, is quite relevant and appropriate. As I said, the Government is, in fact, addressing this issue and I would indicate exactly how we are addressing this issue in the public service of Trinidad and Tobago.

Mr. President, my Ministry is charged with the responsibility of transforming the way we do business in the public service, so that at the end of the process we have a public service that is efficient, effective and friendly to the population who are their clients and customers. Therefore, the whole vision of the Ministry and for the public service of Trinidad and Tobago is very important. The Ministry of Public Administration's vision for the public service is one that is recreated and continuously improving; a public service that is seen as the ideal workplace for all persons who choose it as their preferred place of employment.

**12.15 p.m.**

That is the vision of the Ministry of Public Administration for the public service of Trinidad and Tobago; and our employees as well as potential employees will embrace the public service as the preferred place of employment if it creates an environment that supports performance.

I am convinced that an environment which is continuously changing, Mr. President, requiring employees to regularly recreate themselves is inherently stressful and may require a certain kind of support by the organization, as employees make the transition from the old to the new. So there is no doubt that stress is a factor in the workplace. The question here is how we set up mechanisms and appropriate systems to help the employees better cope with stress. I do not think that we can get rid of stress. Stress is something with which we will have to live and devise the necessary mechanisms to at least cope with it.

*Police Service (IEAP)*  
[HON. W. MARK]

*Tuesday, July 27, 1999*

It has long been recognized that one of the strategies for improving productivity levels in the public service in any country should be a willingness by the employer to implement appropriate support systems for employees to help those employees deal with personal problems which may be impacting negatively on their job performance. That is a responsibility and a duty of employers. In light of the current views on the issue of health promotion, public service organizations today should go, as far as I am concerned, beyond the preventative and curative approach which has been traditionally utilized and instead adopt a wellness, a health promotion approach which is far more proactive and which focusses on problem resolution during the early stages of development.

Certain sectors, because of the nature of their business, as well as national development objectives, are critical for the establishment of such systems and I want to refer to two sectors in this regard, national security and education.

It is well known that members of our protective services are exposed routinely to emotional stressors on the job that most of us never encounter in our daily lives. So the protective services, be they fire, police, prisons or even defence force, have peculiarities in terms of execution of their duties and responsibilities that we do not, as citizens who are not members of those services, experience.

Many of these employees in the protective services bear arms and this raises the stakes ominously in terms of the potential consequences that these stressors may have for the employee and those around him. It is not only the protective services but even our educators, our teachers, also confront peculiar stressors in their work environment and indeed may additionally encounter problems in their home environment but they are, nevertheless, required to shoulder the responsibility daily of caring for and guiding the development of all our children in the school environment.

We recognize that the primary responsibility for this resides with the children's parents or guardians but, Mr. President, it is a shared responsibility. Our teachers, our communities and the Government each has a part to play in this issue. The teachers have responsibility for our children for the greater part of the normal working day. They, therefore, have to be a major support to our nation's families. And so, here it is important that Government, as the employer, ensures that appropriate support mechanisms are in place to be accessed as the need arises. It is against that particular background that an employee assistance programme is one of the mechanisms that has proven to be a source of assistance to employees with alcohol, drug-related, mental health or other emotional problems that may be affecting their performance on a daily basis or at their workplace.

Employees' assistance programmes can also be useful for even extremely well-adjusted employees in situations as varied as coping with the death of a significant person in their lives, a financial crunch, a personal health crisis or even a dispute with a colleague. The employee assistance programme can even assist the organization in the development of new policies that impact on employees and calm their anxieties as these are implemented. We in the Government have established some programmes to assist our employees in the public service but to date only two organizations in the public service have had employees' assistance programmes although other ministries and departments have provided more limited counselling and related services.

The first such employee assistance programme was initiated in the Ministry of Education and was viewed as a pilot project to inform the further establishment of other programmes throughout the public service of Trinidad and Tobago. In fact, Mr. President, a contract was awarded to a firm in October 1993 to provide the following services for the Ministry of Education employees and their dependants. So the 15,000 teachers as well as their dependants and the workers employed in the Ministry of Education were covered by this pilot project which started in October of 1993.

I will tell the Parliament that it cost the state, before it was terminated last year—because we had to do a proper evaluation and assessment of its efficacy in terms of its delivery and impact on the employees who were accessing that programme—between October 1993 and April 30, 1998—some \$5.4 million to conduct this particular pilot. Some of the services that were offered to the employees under this particular contract were as follows: employee assistance orientation, survey of employees—that is what the firm had to do—crisis intervention, short-term counselling referral and follow-up, educational workshops and seminars, supervisor (Employee Assistance Programme) training, supervisor referral assistance, management consultation, promotional activities, specialist referral services, management reports and they also established an employee assistance programme communications in the form of a newsletter.

The pilot project effectively came to an end on April 30, 1998 and an in-house evaluation was conducted. This evaluation was, however, limited in scope since, as part of the EAP contract and in accordance with professional practice, the case files and the specific detailed reports on clients could not be provided to the management of the Ministry of Education. The evaluation reports provided

*Police Service (IEAP)*  
[HON. W. MARK]

*Tuesday, July 27, 1999*

statistics on usage of services and training sessions undertaken but there was no assessment of changes in respect of employee behaviour on the job or whether the treatment and training improved organizational effectiveness.

This kind of analysis would not be forthcoming unless evaluation systems were established to generate such information. One such system would be the performance management system which the Government is seeking to implement throughout the public service of Trinidad and Tobago. Now, even though the Ministry of Education is probably the agency that is most advanced in terms of determining job standards, the system is yet to be fully implemented in the wider public service. Under the EAP, which was piloted in the Ministry of Education, a mere 1,813 individual employees out of a client base and an employee population of near to 15,000 were provided with face-to-face counselling sessions over the period October 1993 to April 1998. Now this is in addition to the wide range of services that I outlined earlier.

Mr. President, I know we are coming to half past 12.00. I have much more to say on this matter and I know that we have agreed that at 12.30 we shall pause and have lunch and come back at 1.30. So I would like, with your leave, to pause at this time and to reserve the right to continue at the first opportunity when we continue with Private Members' business. I would thank you, Mr. President.

**Mr. President.** Hon. Senators, the sitting is now suspended until 1.30 p.m.

**12.30 p.m.:** *Sitting suspended.*

**1.30 p.m.:** *Sitting resumed:*

#### INTEGRITY IN PUBLIC LIFE BILL

[Third Day]

*Order read for resuming adjourned debate on question [Tuesday, July 6, 1999]:*

That the Bill be now read a second time.

*Question again proposed.*

**Sen. Muhammad Shabazz:** Mr. President, in dealing with this Bill there are certain things that we definitely must look at. This Bill is called the Integrity Commission Bill. I want to repeat what another Senator said, really and truly, this is not a Bill about integrity. The statement has been made over and over that one cannot legislate integrity and this is, indeed, not a Bill about integrity. Integrity cannot only deal with finances, with what a person owns and things like that; it



must have a certain measure of morality; integrity must deal with other aspects of people's lives and not only about finances and money.

We want to go so far as to say that, really and truly, if there is a society where there are exemplars, there is no need to pass any bill or any type of legislation to ask people to do the right thing. Indeed, when we look at the Bill, the way the country is at this point in time, there may be serious reasons to call for an integrity commission. Maybe when we look at the type of things happening it is, indeed, important to ask for these things.

If this Government is indeed serious about integrity, one of the first things—there are three words that they use when people bring a position to them—“bring the evidence”. This is a Government that expects us, when we point out things to them, to do the investigation and bring them the evidence. Not only would they ask us to bring the evidence, but there have been situations where they were told that certain things had happened and every time they tell you to bring the evidence. There is some defence or excuse when the thing is proven.

I would like to bring one example which was reported in the newspaper. It was said that, for instance, a Minister was building a certain house. That was brought up here; and they said, “bring the evidence.” When they said “bring the evidence”, it went to the point where—I am just bringing this point to let you understand how this thing could go—the Minister said that my wife and myself work for a certain amount of money. So even though I could not do it on my own it was done that way.

You see the question of bringing the evidence is a very difficult thing, because they will always find reasons to defend it. I could say this here; the hon. Attorney General is somebody who could defend a situation today and go against it tomorrow. You can bring the evidence and he has ways that he could, as a good lawyer, take that evidence and mash it up to threads. So that even though there is that evidence, it would look as though there was no evidence at all. That is the brilliance the Attorney General has always boasted about. So bringing the evidence to the Attorney General does not make sense. That “bring the evidence” term does not make any sense at all because he is a brilliant lawyer. He has claimed to be one of the best lawyers in this land and bringing the evidence to him is of no use at all.

When we look at the newspaper today, the evidence has been brought here. People, this has been reported; this has been debated. With respect to the Commission of Enquiry certain information was revealed and after the evidence

was brought; and after hearing the Prime Minister saying that when the evidence comes, heads would roll, the price of the contract is only going up more and more. Bring what evidence!

Here is something we can look at again. I cannot understand why the Government is going to present a Bill like this. It was spoken about lightly, and Senators were omitted from being part of this Commission. What is the reason? Somebody said if you do that you would not get good Senators. You see where the question of finance comes in? 'Good' means Senators who are in a certain bracket. If you want good Senators, you want good Senators regardless of a good moral code; to be of good principles. Why have you left them out?

If a government is saying yes, we are serious about having integrity legislation and we are serious about bringing everybody under the net; why leave out the Senators? Could the Attorney General answer us as to why he is leaving out the Senators? What is different about Senators? Yes, we have a few good Senators but can Senators not be corrupt? Could Senators not do wrong things? What makes a Senator someone special? What makes him so different from a Member of Parliament where the Integrity Commission is concerned? What is his reason for leaving them out? If they were serious about proper legislation they would have dealt with everybody squarely, fairly, right across the board. From the pattern we have seen, they are not a Government which deals with everybody squarely, right across the board.

**1.40 p.m.**

There are times when they choose sides and there are times when they do not. As a matter of fact, we see this as one of their problems, but I do not want to go too deep into that because the people will continue to address that when the opportunity arises.

Besides the issue of finances, what type of example are we setting for people out there and, indeed, how does it affect our society as a whole? People expect that when they look at the Senators, the people at the upper level, they see people who are exemplars. When one is not doing what is right, one can hardly take the nation in the right direction. That is a fact.

Mr. President, they can hardly motivate people to go the right way and to do the right thing, because this legislation, as far as we are concerned, must be about more than dollars and cents; it must be about more than what one owes. Really and truly, I do not know anybody in this land who was ever held for corruption,

and the people who have been at that level, somehow something happens where we see them going free. As a matter of fact, we heard this morning in Sen. Montano's contribution, the issue of a loss of files and papers, where cases do not come up and people are not properly judged.

We understand that an hon. Member of this House was charged, the papers disappeared and he won his case. Again, it is the same person to whom I have referred. When they set up commissions, they are not fooling anybody. We set up commissions that would legislate and make sure things go right, but what could happen? We may find that they go on a witch-hunt and lock up some people, but the people close to them, they turn a blind eye, the papers disappear and the witnesses disappear. That is what Trinidad and Tobago is all about and we know that. The very person bringing their legislation to this House understands that very well, because he is a person who understands, as he claims, this legal system.

Could this legislation really make Trinidad and Tobago a better place? Our answer on this side is no. Legislation cannot make Trinidad and Tobago a better place. They know that. They have brought legislation upon legislation to this House, and Trinidad and Tobago, over the last three years, has not become a better place. People will say, "Yes. We will support the legislation" and I heard someone ask, "Who say so", I will answer that person. The people said so, and they continue to say that.

If we continue to face it and do not believe that what they are doing is not creating that type of confidence in the people—because it is not—the amount of Bills they bring and the things they do will not create confidence in the people to make them give the type of support that they keep thinking they should have.

Yes, we could talk integrity. I just referred them to the airport issue with the \$900 million. Somebody else spoke about the Miss Universe Pageant, where they spent over \$100 million. They could tell me about integrity and there is not even a tetanus injection at the hospital? What is that about integrity? For whom are we legislating integrity? Can we talk about integrity when the court system is piled up the way it is and people do not have a chance, based on this system, to get a certain sort of freedom when the Attorney General claims he is the best Attorney General in the land? People are losing confidence daily.

Mr. President, there was a Senator who belonged to a certain company and, poor soul, he could not do anything. This is why integrity means more to us than money. This man took his car to a car firm to be repaired. The car firm sold his motor vehicle by mistake. He went to the court and the court said that he must be

paid for the motor vehicle. When he went to collect the money, the car firm—I could tell you the name: Mc Enearney—went into receivership.

That man did not get any money at all. They told him that because they were in receivership he had to get a smaller portion of the money. He refused to take it and went back to the court. The man still could not collect that money. He lives in my area and he is still waiting for money. No car, no transportation, no means to make any money. This same company, let us say in happened in 1975, went to Charles Mc Enearney in 1976. Same faces, same players, but a new company. Poor soul, this gentleman cannot get his money. What is that saying to the people around this man? No matter what legislation, the system purports not to be fair. It purports not to take care of certain people in the system.

Up to a week ago, the man asked me, let us see what we could do. People are not even having a heart to tell him that they sold his car by mistake. The thing comes down to straight dollars and cents in a way that when they want to cover it up, they could do so however they want. They could make it look as though they do not have money. When anyone goes to them, they say it is in their daughter's name or their son's name.

We see different things coming up in this Bill. Something which made me laugh in this Bill was “blind trust”. I want to know if a man in Trinidad and Tobago would work for \$50 million, build an empire, and because Government offers him a position, he is going to take his business, put it in a blind trust, forget it, not talk about it, wait for five years and when it is over, somebody reports to him on his business? Five years? I do not believe that. I would not take my \$50 million to do that.

Maybe there are good men who will take a position in Government, whether it is the Minister of Finance or the Attorney General, some nice position, and forget their money. I do not believe that. I would resign. I do not believe I could be the Attorney General, my sister or wife has a company, we are sleeping together, the business comes up against the Government and I am not saying anything to her about it. I cannot do that. Those fellows who are saying they could do that, I know St. Peter will tell me the rest some day, because I cannot do that. So, my wife will be taking a position against the Government and I will not say anything to her at any point in time during that case and we are living in the same house and, I am assuming—I do not know—sleeping in the same bed? Could I do that?

I want to quote blind trust here because they could fool some of the people some of the time but they cannot fool all of the people all of the time. The people made

them know that already. We do not have to argue that. The people made them know that they cannot fool all of the people all of the time.

“A blind trust is created when a person in public life enters into an agreement with a qualified trust company whereby all or any part of his assets are conveyed to the trust company for its management, administration and control in its absolute discretion without recourse or report to the person beneficially entitled to those assets.”

So, I take my \$100 million, Sen. Gabriel, put it in a blind trust, come sit here and say, “Forget what happens to it”? If I am doing that—I do not want to say me because I would not do that—but a man who is putting his money in a blind trust has to be guaranteed that he is making some set of money somewhere, or that he has some friend making some set of money for him so that even when he comes back out he cannot lose and will not lose. If that is not a guarantee, if there are still men so walking on the earth, I think they will be crucified. They have to be great men.

They say that his income derived from management of the asset is to be distributed to him as agreed. Should the asset be converted into other assets, that fact is not to be communicated to him until he ceases to be a person in public life. So, if I have an insurance company and they say that they will take the assets and open a chicken company, I cannot say anything about that? My money gone and buying chicken or selling chicken and I cannot say anything about that? Blind trust. I think that is what this Government wants people to do—give them blind trust.

After he ceases to be a person in public life, proper and full accounting is to be made to him as the circumstances of the management of the trust require. When that man comes out, he could go mad if he did not do well in Government. I cannot see that happening, but if they say that is integrity and what it is all about, I think that is looking at it at the highest level and I do not think men are that perfect because I am not that perfect. So, I may be only judging from my standards. I cannot put my estate that I have built into a blind trust and come somewhere and sit down and leave it for no reason at all with nothing to gain. I think they need to look at that.

Then they say bring the evidence. When they do this, they will find a way to show something else. This is what is happening with the people of this country. People are looking at us to set examples that are real; looking at us to say things we will do that we are indeed expected to do. Not to say things and then not do it,

and when they do not do it, they say, “Listen, the reason I did not do it was because I was the Minister of Health, or the Minister of Education, my position is different; or then I was in opposition, I am in Government, my position is different.

Because their position is not consistent and because their position continues to be inconsistent, they are not fostering that type of confidence in the people so that the people will continue to support; to feel as though we are walking as a team called Trinidad and Tobago. I do not even want to go to Tobago as far as integrity and the fostering of confidence in people is concerned.

Tobago made it clear. Tobago understands that no law—because they passed a whole new set of laws in Tobago—could make a people be strong and positive unless they work in co-operation or hand in hand with each other. That is why Tobago made the final statement: Do not even vote for them, even though Tobago is a part of that Government, they said, do not vote for them, because one cannot foster confidence by passing bills, rules and laws. Can this Government not understand that? Is our honourable Attorney General just taking opposition today because of where he is, and a different position he will take tomorrow when he is no longer there? What is this all about?

The people keep looking at what we are doing. The people keep looking at what is happening. They seem to be coming strictly for politicians or the Members of the House of Assembly. I see they have Parliamentary Secretaries. Maybe they are trying to prescribe mainly for these people, but these may not be the people they will let get involved for them. They may let other people.

**1.55 p.m.**

This whole matter is really sad. Somebody said here—and this is true—that nowhere has integrity legislation caused people to be honest and turn away from being corrupt.

As a matter of fact, I believe that when we pass this Bill the bright people would find loopholes as to how to be corrupt without being caught. That seems to be what is happening all the time. The bright people will look at the Bill and say, “Well if we go this way or cut that way, they could do us nothing” and then you will go to the bright lawyers, who if they are not in Government, will defend you and say; “That is well done, we have an angle and we will take it and go.”

This is a no win situation and it can do nothing. I kept emphasizing the point—that this Bill could do nothing to foster or bring about integrity in our nation. Our nation seems to be wanting that now. Because of the wrong things,

people are moving away, as if they do not care about that anymore and they could laugh, dance, wine and tell you whatever they want and do whatever they want because we have a Government that says, bring the evidence and when the evidence comes, they send you back for more evidence.

The Government wants us to be investigators and do the things that are necessary for them to detect corruption and all the other wrong things that are happening. When you are taking the information to them, they are keeping it private and investigating it, coming up with something, but they are telling us to go and find the evidence and bring it.

Mr. President, there are a number of other things in this Bill that we need to look at. I saw on page 14 clause 16(1):

“A tribunal appointed under section 15 may—

- (c) Summon witnesses, require the production of documents and do all such things as it considers necessary or expedient for the purpose of carrying out its functions.”

I have already dealt with the question of summoning witnesses in this country and how difficult it would be to get witnesses. There are people who would prefer to stay out of that kind of matter, rather than be a witness because we know what is the truth. We are not dealing with what is the perception or what should be, but we are dealing with the reality. Witnesses will not be so easy to get, and I will say it again, that the person who knows that best in this House, is the honorable Attorney General.

The important clauses in the Bill are:

“empowering the Integrity Commission to compile and file a Public Declaration Statement, thus allowing certain financial dealings of persons in public life to be made available for general public scrutiny;”

Mr. President, I have already heard some people in this House say that they are not putting up themselves for scrutiny, if it reaches to that and they have to declare their assets they are not doing it. I take a different view, because I could safely declare my assets without any problem. I have nothing to hide in my assets. My assets could be definitely declared and I am willing to do that any time they ask me to declare them. Not only will I declare my assets but I will be willing to declare it every year, because my savings would work out to be just as much as I have made and less. The most I could save is what I made. I cannot hide that.

There are people in this House who said that they would not declare their assets, maybe they have things to hide or maybe they have things and do not want

people to know. I have no objections to that because maybe there are people who do not want others to know how much money they have. *[Interruption]*. Minister Mark you told me that outside so I would like to keep that off the record. *[Laughter]* I am serious.

Mr. President, could you just help me here please. Minister Mark is trying to carry me up a road that I do not want to go there. I do not want to talk about any conversations that I had with him outside the House. Minister Mark please, please. He is disturbing me. He just broke my trend. He likes to do that. Minister Mark, I do not want to go there.

Clause (20)(4) states:

“Every member of the Commission and every person performing any function in the service of, or an employee of the Commission shall treat all declarations and records and information relating to such declarations and information as secret and confidential and shall make and subscribe to an oath of secrecy to that effect before a Justice of the Peace.”

In this Trinidad society, I wish we could get people, who when they hear things would keep it a secret. If you could find people who would do that, take the oath and keep it a secret and not whisper to anybody, I think, that that clause would be good. But will it happen? That is something we need to look at and think about more seriously.

Clause 22(1) states:

“A person in public life may elect at his own option to place his assets or part thereof in a blind trust for the purposes of this Act...”

We have dealt with that already.

“(2) Where the assets of a person in public life are placed in a blind trust, he need not in his declaration give more particulars of those assets than the amount and description of these assets placed in that trust and the date of so doing.”

Mr. President, that could be a kind of ticklish one. You could hide things inside there, just look and maybe the Attorney General will tell us that. It looks as though that clause was put in to give people who want to hide things some room, but the Attorney General with his brilliance would tell us whether that is so or not.

Clause (24)(1):

“A person to whom this Part applies shall—



- “(a) be fair and impartial in exercising his public duty;
- (b) afford no undue preferential treatment to any group or individual;”

This sounds very fair; whether it would work or happen that way is something that we do not have confidence in, moreso, where this Government is concerned. As hardworking as this Government may claim to be, among other things, one of the matters that we are sure about in our minds is, that their members seem to take care of those closest to them in the best possible way. And they seem to do it across the board at all levels, as long as you are close to them.

The question of bringing the evidence and let us do this and look at it, we have always seen that when it comes out, their position is differently stated. I could tell you quite frankly here, that the question of the “Soodhoo issue” was one when they called for the evidence and they got it, they said, “Well we are not touching Soodhoo, all yuh only want us to touch Soodhoo because he eh name Voodoo” That is what they came up with where the evidence was concerned. The Government has a way that when you bring the evidence, they try to make you feel guilty and that is why we are afraid to go in and talk integrity legislation with them in any serious way. The perception is bad.

- “(2) A person to whom this Part applies shall not—
- (a) use his office for the improper advancement of his own family’s personal or financial interests or the interest of any person;
- (b) engage in any transaction, acquire any position or have any commercial or other interests that is incompatible with his office, function and duty or the discharge thereof;”

We may feel that will work, but we are seeing certain things happening such as people getting contracts, and we feel that the tendering process in this country for a fact, at this point in time, has changed in different ways. We also feel that people are getting information because they have some kind of inside knowledge. In this country, the way things are going it seems to be saying that, so that when we talk about integrity we are getting into a certain kind of problem.

### **2.05 p.m.**

Clause 24(2) states:

- “A person to whom this Part applies shall not—
- (c) use public property or services for activities not related to his official work;
- (d) directly or indirectly use his office for private gain.”

I think the whole of Trinidad and Tobago would understand that these points which I have just read out are the things we are questioning as far as this Government is concerned.

It goes on again in clause 27(1) to say that:

“A person to whom this Part applies shall not accept a fee, gift or personal benefit, except compensation authorized by law, that is connected directly or indirectly with the performance of his or her duties of office.”

That should include family members of the person as well. Not only the person, but members of that person's family, particularly immediate family, because we know they are going to find ways to get around it.

Clause 33 states that:

“Where the Commission conducts an enquiry under section 32 and finds that the Member of Parliament has contravened or has not complied with any of the provisions of this Part, 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 in the related electoral district;

The commission, which is not at the level of Parliament, which has to be governed by Parliament, could recommend that his seat be declared vacant until an election can be held. We on this side find that this is absurd. Why must the commission be given the right to declare? Take the man to court, find him guilty, convict him and then declare! If the man is convicted according to the laws of this land, his seat will be declared vacant. Why do they want to give the commission that power? Think about it.

So when they go on their witch-hunt, they will get the commission to do their bidding and to say certain things about people, to make the papers disappear when necessary to help the Member of Parliament and that very commission will now recommend that the Member's seat be declared vacant until an election can be held in the related electoral district. We say that should be taken out of this legislation. It is absurd and we cannot agree with that in any way at all. No way could we agree with that. That must come out of this Bill.

As a matter of fact, as I am saying that, we are asking that this Bill go to a select committee. When we see something like this, one would know that there

are other motives by the people who gave the instruction to draft this. Something else is out of order. Why give an instruction like that? The person who drafted this Bill knows that he can defend his position anywhere, at any point, not caring who comes at him, so he would not care about other people.

Not only that, it appears that this Bill could be used to do things that are not proper and right. Before election, one could hear some people's seats being recommended to be declared vacant. So, regardless of wrong evidence, false evidence, causing chaos and confusion in the country, these people keep their seats.

This is a serious thing. They want us to see it from one angle. They want us to look at it from their eyes and say that they are correct, not knowing that they could cause mischief. I am not going to be caught in that.

I want to say that I am one of the persons who followed the Attorney General as a human rights activist. I looked at him. I liked what he was doing. As a matter of fact, I could say this now, my next door neighbour, Mr. David Smith, was one of the strong people around him who used to show me how good, intelligent, bright and how good a human rights activist this man is. The day I saw that this hon. Attorney General was no longer a human rights activist, my blood went at a different level. I do not know whether he is a human wrong activist now, he is not concerned about people's human rights. As a matter of fact, a man just told me a bandit cannot go into the forest because they are hanging tree by tree.

I want you to know, what this country needs is knowledge and not books. The money could buy books and it would not buy knowledge for people. What this country needs is a proper health care facility. Somebody just said it is the worst health care we have ever had in the country. They said they would buy medicine, but they are not even buying that. What we also know, is that they could buy all the clocks in the world, but they cannot buy time. They cannot, and will not, be able to buy time. They can buy a house, they cannot buy a home. So they should not feel that they could use their money, position, authority to hoodwink, to 'confuffle', to do all kinds of things to the people of this land.

The hon. Minister, Sadiq Baksh, could tell them that. He spent all his money and time trying to "confuffle" and hoodwink the people of Laventille, no integrity at all, and people made him know that could not happen. It cannot happen! We cannot be fooled by their money, their spending, their glossiness, their nice looks and feel that we believe that because they look a certain way and talk a certain way that they are about integrity and morality.

I have learnt that the country likes lions, as I think about the circus. They are trying to outfox people. People do not like foxes. We do not care. People prefer a lion. We had a man here called the Bengal Tiger. They are trying to outfox this nation, but they cannot outfox the nation, do not care what colour the fox comes in. It could be a black fox, a grey fox, whatever colour, the nation will not be outfoxed.

So, Mr. President, my main point is we need exemplars in the nation. We need to ask this Government, even before they bring the integrity commission: try to live with integrity; try to operate at a certain level that could motivate this nation and march it forward properly. Be consistent. Do not have one view today and another view tomorrow. Do not have one view in government and a different one in opposition. Try to be consistent with your views. Do not have one view when you win and one view when you lose. Be consistent with your views at all times. We ask you to do that.

The reason you need to be good exemplars is because you have to motivate other people. The youths of the nation are saying—and there is a talk that goes out there, Mr. President, “pure hate and acting normal”. The youths refer to elders as haters, people who are just on pure hate but they acting like they are normal. It is causing them to lose confidence. When we think they are not seeing, they are seeing. They are looking at the people who are supposed to be exemplars in this land and saying, “‘All yuh’ only looking like ‘all yuh’ acting normal, you know, but we know ‘all yuh’ on hate”.

That is one of the things we need to look at. We need to hear what the youths are saying. They are telling us that we are on too much “prayers”, we are talking about integrity, but we are not doing it. That is what they are saying about us. The youths of this country are losing their confidence in people whom they are supposed to look up to and when we ask, “What is wrong with them?”, I think we need to be asking, “What is wrong with us?” It is because we are not setting the best examples. It is because we feel that we could talk. It is because some people feel they could just come and pass a Bill, and say, “Well, listen, we passed a Bill to do so and so, and everything will be all right”. The people of this country can no longer be taken for that type of ride.

I heard somebody say in the House the last time and I think it is a point I must bring up, people are saying whether you raise the pay, or not, it would not make a difference to integrity. Whether a fellow has money or not, if he does not have proper morals, proper behavioural patterns, he will still be the same, he may even become worse with money. With the issue of raising people’s salary, people are

asking, "Why do the both Houses not come together?" That is not our duty. Let them be brave and strong enough to do that if need be and if they ought to do it; that is their duty. Do not do one thing when you feel the people will be with you, but when you feel the people would not be with you, you try to involve us. That is their work and their duty when they are in Government.

As a responsible government, when we come back we will handle it responsibly. We will not be depending on them to make any decision for us. They are afraid to make certain decisions because they are afraid of how the people will deal with them. So, those decisions they are afraid to make, they try to bring the People's National Movement to make them. But, when they do not care how the people feel, or if it is a decision they feel they could get away with, that decision is made just like that.

So I am not fighting for a raise in pay. As a matter of fact, I feel that they do not want a raise in pay, because they have gotten a raise in their house allowance, and people look at that and say, "But wait, they did not take a raise of pay, but they took a raise somewhere else", and these are the things which encourage people to make certain decisions against them. They did not come to us to help with that. They did not want any integrity and "properness" from us when they wanted to do that. They did it. So, they should do their thing again and do not bother us. They should do their thing, it is their right to do it. Do not try to involve us, because they know, that we have no say in that. As I said, we will act responsibly when we return to government.

Some people are saying, and I do not know what is the position with having one person to prosecute, like Mr. Starr. Sometimes we feel that could be a recommendation or however it should be, but in any event, we know that however it should go, would be when we, as the exemplars, as the people who are supposed to set the example, particularly in government, would start doing the correct thing without "mamaguying", laughing, "kicksing" and dancing but start doing the proper thing in the proper way with this nation, and we will be able to move forward and have the confidence that when they bring integrity legislation, we would know that they mean it.

Mr. President, as I have said, we disagree that a Member should be able to lose his seat, as recommended by the commission. We ask that this Bill be taken to a select committee, we should consider further discussion on it, and include in this Bill, not only finances, but some question of morality, something like that in the Bill for the time being.

As I end, I want to say that although the Government may laugh at the things that I have said, I ask them to remember that today is the ninth anniversary of the attempted coup in this very House and, when it took place, it was the same kind of legislation, we were talking about corruption and who is corrupt.

**Sen. Mark:** What are you implying?

**Sen. M. Shabazz:** What I am implying, Mr. President, is that at this time—

**Sen. Mark:** Are you planning one?

**Sen. M. Shabazz:** It is a pity that the things which Minister Mark and I speak about outside are so different in the Senate.

Mr. President, I was saying that this is indeed the ninth anniversary. I condemn any movement like that. Any type of behaviour like that, I condemn it. We on this side condemn it at all times. But the point must be made that stupidity could rise up in the land when stupidity prevails. *[Desk thumping]* At this time, take note, after you have been given a serious warning by the people of this nation, do not let stupidity prevail. Be responsible. Do not let that happen.

Mr. President, I ask this Government to note that only proper examples will ensure that this country is taken in the proper direction; and the people understand that even better than some of us politicians do.

Thank you, Mr. President.

**2.20 p.m.**

**The Minister of Public Administration (Sen. The Hon. Wade Mark):** Mr. President, we have three Bills before this honourable Senate which seek to address relevant and critical matters pertinent to integrity in public life. We are dealing with the Constitution (Amdt.) Bill, which seeks to amend section 125 of the Constitution for the purpose of investing the Public Service Commission, the Police Service Commission, and the Teaching Service Commission with the authority to enforce standards of conduct. The effect of this would be to empower these commissions to monitor and regulate the behaviour and conduct of their officers and to maintain integrity and standards within the public service of Trinidad and Tobago.

Mr. President, we are also dealing with the Constitution (Amdt.) Bill, 1999 which seeks to widen the category of persons required to submit to the Integrity Commission, declarations as to their assets, liabilities and income whilst removing from that category permanent secretaries, and chief technical officers

and empowering the Integrity Commission to monitor and supervise standards of ethical conduct prescribed by Parliament by amending sections 138 and 139 of the Constitution, by investing in the Integrity Commission the power to prepare and make available for public scrutiny, a public disclosure statement of each declarant in respect of certain financial interests.

Finally, we are dealing with the Integrity in Public Life Bill, 1999 and the object of this Bill is to repeal the Integrity in Public Life Act, No. 8 of 1987 and implement the recommendations of a Joint Select Committee of Parliament appointed to consider a Green Paper entitled Integrity in Public Life towards the Reform of the Law.

These Bills that are before the Senate are very close to my heart because it was in 1994 when I sat where my hon. friend, Muhummad Shabazz sits today—“Sen. The Hon.”—he get title and all. When I was on the Opposition Bench, I brought to this honourable Senate a very important motion dealing with the issue of integrity in public life, and for the record, I want to read the actual motion that was tabled by the Opposition United National Congress in 1994 and how it was watered down by the then PNM that speaks today about integrity in public life, and different things.

Mr. President, with your leave, I am going to put on the record that very important motion which was moved in my name in 1994. It reads:

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

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

*Whereas* the present integrity legislation is too weak and does not cover a series of illegal acts and criminal activities:

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

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

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

Mr. President, I went on to say:

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

That was in 1994. We brought as an Opposition party, a motion to deal with integrity in public life and it was comprehensive in nature.

Mr. President, it is now history that during that debate, that was the time when the former PNM chairman was in the blind trust business, the same blind trust to which the Senator referred. But we do not want to get involved in that. I want to deal with the question of how the leader of Government Business responded. The leader of Government Business then, Sen. The Hon. Lenny Saith, Minister of Planning and Development said:

“We are convinced that the intent of the resolution is worth supporting.”

The intent.

“That there is need for a look at the present integrity legislation and that a process should be put in place to strengthen it.”

Mr. President, as a result of this debate, my motion was amended by the government of the day, and my original motion was replaced by the following which eventually was passed by the Senate:

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

*Whereas* the present integrity legislation is too weak and does not cover a series of illegal and criminal activities;

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



What is before this Parliament today and you should be strongly supporting—you were in government in 1994 when I brought this motion. At the time, integrity in public life was extremely serious. People were concerned about the corruption of the PNM. We talked about Piarco and Airport Pride. The PNM was involved in the sell-out of all our state enterprises, BWIA to Acker, at all kinds of basement bargain prices. You sold out WASA to Severn Trent, do you remember? Methanol went, Fertrin went, you sold out the country from 1992 to 1995. We were concerned because the population was crying out for justice and they wanted integrity legislation.

We brought a motion to deal with integrity and what was the result, Mr. President? A Green Paper: and that is what we took to a Joint Select Committee of Parliament in order to formulate a position. We have come up with three Bills and the hypocritical PNM, accustomed as they are, are crying crocodile tears at this time. They should be complimenting the Government because they are the ones who are going out there day and night accusing the Government of corruption, nepotism, or favouritism.

I am saying if you accuse people, you must have evidence to convict people in a court of law, unless you want to abandon the rule of law. If you want to abandon the rule of law, tell the country that. The rule of law says that a man must be given a fair trial. It is easy to attack people's integrity. I have no problem, but you must be in a position to defend that accusation.

Mr. President, I have sought to provide this brief background to these Bills to simply remind Members of this Senate of the thinking behind them, and the agreement that the integrity legislation had to be strengthened. We agreed, and the then PNM government agreed that we had to strengthen legislation on integrity matters and to enhance the scope and powers of the Integrity Commission.

The Government, after deliberations with the Opposition and the Independent Senators, has come up with these Bills. The Opposition seeks to be opposed to these measures that they themselves participated in and arrived at, at the level of the Joint Select Committee.

As I said, Mr. President, this is what these Bills are about. The Parliament is seeking to strengthen the integrity legislation. We recognize that it is weak, there are a lot of deficiencies and loopholes and we are trying to address them.

In the first report in 1988 when the NAR was in office, the Integrity Commission proposed on page 22 of that report a series of recommendations which should be incorporated in integrity legislation. What we are doing is

responding to all those needs and calls that have been made by not only the Integrity Commission, but also Members of Parliament and the population of this country.

In 1998, the Integrity Commission recommended, among other things, that the following areas be looked at: conflict of interest; insider information; the use of office to influence decision; the acceptance of gifts; and carrying on business that is incompatible with your public office.

Mr. President, that there should be required a public disclosure statement to be compiled either from the material supplied by the Member of Parliament, or from material presented to Parliament by the commission was a matter that was at least pointed out by the members of the commission at that time.

Further, when one examines the report of the Integrity Commission over the period, it cries out—I had an interest in those reports; I read them very carefully whenever they came to Parliament and they all cried out for the tightening and strengthening of integrity legislation in Trinidad and Tobago. Even at the 9th United Nations Conference on the Prevention of Crime and the Treatment of Offenders in 1995, it was noted that corrupt practices are becoming increasingly resistant to traditional measures and gaining in sophistication and complexity. Lines of distinction between corrupt practices, white color crime, economic crime, or the activities of organized criminal groups operating across national boundaries that existed in the past are becoming increasingly obscured. An activity that is manifested in one country as bribery may have the element of a sophisticated, large-scale combination of other economic crimes in yet another country.

**2.35 p.m.**

Mr. President, the world was concerned about this particular phenomenon. It is not only confined to Trinidad and Tobago: the United Nations, Latin America, the Caribbean, we are all seeking to, at least, arrive at a programme of action that would bring greater integrity into public life. This is why the question of the maintenance of public integrity has assumed a central place of concern in many countries and international organizations today.

For far too long the issue of public integrity has been kept on the back burner of our country by past administrations. This Government is demonstrating its political will to deal with the issues relating to the maintenance of public integrity by bringing these pieces of legislation. You cannot accuse the Government of malpractice, misappropriation of public funds, nepotism and corruption and when

the Government of the day brings appropriate legislation to deal with these matters, the Opposition indicates that it cannot support the legislation. You cannot be saying one thing in public and when you come into the Senate to deal with serious business of the nation, you are on the opposite line.

Mr. President, let us face it, corruption is a challenge to everyone. Corruption is a challenge everywhere. It is a challenge to the integrity, the efficiency and effectiveness of many facets of life, both in the private sector and in the public sector. No society is untouched by corruption. None! There have been, Mr. President, as you know, a number of international initiatives in recent times to deal with this question, whether it is in Africa, whether it is in formal ministerial groupings against corruption that were held in South Africa at the end of 1994, with the aim of promoting regional harmonization assistance, there is, in fact, a rallying cry. Even the Organization of American States has developed a comprehensive hemispheric anti-corruption strategy, envisaging much broader forms of mutual legal assistance, including the denial of the political defence to request extradition where a case for corruption has been made out.

Mr. President, things are happening. Even at the OECD level work is proceeding apace on development recommendations addressing not only member countries, but also the wider international community for the ending of what is called tax deductibility of bribes where this exists and de-criminalizing of cross-border corruption. This involves public officials.

Within the private sector, the International Chamber of Commerce is also seeking to revive and strengthen its code of conduct against bribery in international business transactions. It is not only the public sector that is exposed to corruption and bribery, it also takes place in the private sector. The International Chamber of Industry and Commerce is seeking to strengthen the code of conduct governing, for instance, their membership throughout the world on this particular issue of bribes and corruption. There is much activity taking place and it is only appropriate that we do our part in this country to improve legislation on integrity in public life, not only for our own society but for our neighbours as well as the wider community of nations.

The Green Paper on Integrity in Public Life noted that at the time of the passing of the Integrity in Public Life Act in 1987 it was hoped that, with the responsibility for monitoring the finances of persons in public life, it would create a climate of integrity. Whilst the intent is to establish also ethical standards, no provisions were made to put such an intent into effect. This is what we are trying

*Integrity in Public Life Bill*  
[HON. W. MARK]

*Tuesday, July 27, 1999*

to do with these Bills that are before the Senate. We are seeking to strengthen and give effect to the intent of previous efforts at integrity legislation.

The Green Paper noted that the Integrity in Public Life Act of 1987 unduly limits the scope and powers of the Integrity Commission. In that, Mr. President, as you know, the commission had no rule-making power in the previous arrangement that now exists, the Integrity in Public Life Act. There was no provision for independent scrutiny where a person's enhanced assets may have been transferred into a company or some other nominees. No provision in the Integrity in Public Life Act of 1987 to deal with these matters. There were no mechanisms that were put in place which would enable the commission to establish whether or not a conflict of interest existed, nor has any authority been given to the commission to establish how such conflict should be resolved. These are the realities. These are the facts.

The legislation of 1987 failed to provide for the imposition of sanctions in cases of ethical misconduct. This is what these Bills are attempting to do. We are attempting to fill these limitations—these loopholes in the legislation—to give sanctions to these matters in the event that, for instance, people violate the rules of the integrity legislation.

It was in the conclusion of the Green Paper that the Integrity in Public Life Act of 1987 appeared to have failed to be an effective instrument in bringing about integrity in public life. It failed. Against this background, the three Bills are currently before us at this time in order to tighten and strengthen the legislative framework and to promote, as far as possible, integrity in public life.

One of the more heart-rending realities associated with these three Bills, on matters relating to integrity in public life, is that the Integrity Commission had to hold a symposium—as you recall, in 1993 I took part in that symposium; I presented a paper at that particular symposium—in order to bring to light their concerns on the integrity legislation. They held a symposium in 1993 to deal with that, which had, up to that moment, gone unheeded by the PNM: in power for almost 30 years, presided over \$70 billion between 1973—1983, took no effort to bring legislation to deal with integrity in this country. It took the NAR in 1986 to introduce integrity legislation into this country, whilst the PNM frittered away the billions of dollars through mismanagement, waste, cost overruns and corruption.

**2.45 p.m.**

They were in office from 1956 to 1986 until the National Alliance for Reconstruction took power in 1986. They went back into office in December

1991 and they have not brought any legislation dealing with integrity in this country whilst they presided over this economy and this nation and they come here, as I said, like children crying tears and not admitting to their failures. It is a question of denial on the part of the Opposition.

Now that the UNC, the United National Congress which piloted, in Opposition, integrity legislation via a motion, is now bringing legislation to tighten integrity legislation, the PNM is opposed to these Bills. They have not put forward any amendments, but they are opposed to these Bills. I recall in their memorandum following the integrity symposium in 1993, it was noted that the purpose of the symposium was—that is what the Integrity Commission said when they held the symposium—and I quote:

“To raise for public awareness and debate the question of integrity legislation so as to achieve a general consensus on integrity in public life which can be reflected in legislation geared to achieve a more effective Integrity Commission.”

That was the purpose of this symposium in 1993. The concerns of the Integrity Commission are no longer falling on deaf ears. That is the truth. This administration has given its commitment to the people of this country that whatever change is necessary for the improvement and well-being of this society, then that change will be made in the interest of this nation.

That is why we have brought these Bills to this Parliament. along with others, to build, strengthen and promote integrity legislation in public life. We would hope that the Opposition would, in fact, recognize the importance of these Bills and give their unstinting support to these measures that are now before this honourable Senate.

We are seeking to have an amendment to the Constitution with respect to the categories of persons who are required to submit declarations to the Integrity Commission. Mr. President, as you know, as it currently stands, the commission is limited to receiving and monitoring of financial declarations made by the following categories of persons referred to as persons in public life which are listed in the First Schedule to the Integrity in Public Life Act of 1987, and as prescribed by section 138(2) of the Constitution: Members of the House of Representatives, Ministers of Government, Parliamentary Secretaries and Chief Technical Officers.

So, one of the issues which the Integrity Commission raised was: Who are the persons in public life? They raised that issue during their symposium. Who are

these people in public life? The Green Paper noted a distinction had to be made between those in public life who, by virtue of their office, are engaged in the formulation of government policy and should, therefore, be required to file a financial declaration into the register of interest, and those persons who are persons in public life and thus caught by the integrity legislation but not required to file a declaration of interest.

It was on this basis that it was decided that permanent secretaries and chief technical officers should be removed from this list because, in reality, they are not policy makers but executors of policies formulated by Ministers in Government. That was the rationale, hence they should be termed managers and should not fall under the scrutiny of integrity legislation.

Mr. President, there are some people who would question this particular matter as to why, for instance, the removal of these categories from the jurisdiction of the Integrity Commission, on the arguments that I have just advanced, because of their specialist knowledge and experience. Because some people argue they are strong influencers of policy and should, therefore, number amongst policy makers.

It may be further noted that Government Ministers need to seek the advice of their permanent secretaries and other advisers who, by their qualification and experience, are able to give proper guidance in the formulation of effective government policy.

Mr. President, I am the first to admit that no individual can operate in isolation. There is always need for dialogue and consultation and, as I said, the Bills before us are very important and we would hope that as we proceed in this debate, that we would be able to solicit and secure the support of both the Independent Benches and the Opposition Senators in an effort to ensure that we further strengthen the legislative framework, as it stands today, governing integrity legislation in our country.

In closing, I urge my colleagues to support the Government on these very important measures and not to really deal with matters, to my mind, that sometimes tend to cloud the issue. We are talking about the future. We are talking about strengthening the fabric of our democratic framework, and to strengthen the democratic fabric of our nation, we need strong institutions. Old talk, cheap talk, robber talk do not in any way contribute to building nationhood. We need strong institutions to build nations and, therefore, if this Government is piloting legislation to strengthen the fabric of our democracy so that 20 years from today,

we would be proud of what we have been able to manifest in terms of our public and private institutions, all this would be in the interest of our nation and in the interest of progress of our society.

I urge, as I said, that we collectively look at these pieces of legislation in a very dispassionate and objective manner and move towards unanimously supporting these measures before the end of this afternoon.

Mr. President, I thank you very much. [*Desk thumping*]

**Sen. Joan Yuille-Williams:** Mr. President, I was not here when this Bill first came to the Senate, but I listened to what my colleague Sen. Montano said over the television and read the *Hansard* and thought that, probably, was a sufficient contribution from us but, somehow, something worried me very much. That is, during the period prior to the election, I heard a present Minister of Government on a platform saying that the Opposition did not care about integrity; that they did not wish to support the legislation; and it dawned on me as to whether or not the timing, therefore, was supposed to be something to go against the Opposition, because it was very strange. We had not even finished the debate and, yet, he was on the platform saying that we were not going to support it.

Therefore, I asked myself at that time: Why was the legislation here? Were we serious about what we were doing? Were we serious about integrity legislation? I know that the ground was saying and accusing this Government of various acts of corruption, as is known, and whether, therefore, it was brought at the time to cover up as a plaster for a sore, to give the electorate some kind of reason, or some justification, that even though we were accused of corruption, here we were now bringing integrity legislation. That is the kind of thing that occurred to me during that time.

I continued to listen to the debate on integrity legislation and I continued to look at certain symptoms, and this afternoon after listening to the Hon. Wade Mark and hearing him try to destroy the last administration on policy which had been taken, if you listened when my colleague, Sen. Muhummad Shabazz, was speaking and if you looked at people who tried to laugh, or jeer, or sneer at what he was saying, these are the kinds of things that break the confidence of the people on this side as to whether people on the other side were really serious about this.

Because here we were trying to point out some things which exist and which have shattered our confidence and, instead of the Government trying to build that confidence into us which was necessary for our accepting the legislation, people

were trying to criticize, or ridicule, or jeer. That is something that keeps running through my mind all the time.

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

If we are serious about this thing called integrity, we have to concentrate on what we are doing. I agree with Sen. Montano that we cannot legislate integrity.

In fact, we were talking about integrity legislation and I heard Sen. Mark talking about the fact that the last administration sold this, that and the other, and people agreed with him. I am not saying no, but I am saying that the last administration had a policy called a divestment policy which was an open policy, and we had a section of the Ministry of Finance for divestment. It is the same thing Sen. Dr. St. Cyr was asking about: What is your policy?

Everybody knew we had a divestment policy; everybody knew there was a section on divestment; everybody knew what we were divesting; everybody knew that the returns from the divestment, some went toward paying the debt, because when we came here, we had an empty Treasury and mounting debts. When you came here, you met no debts and you met a Treasury with money. How could you say that the last administration frittered away the earnings? Come on, hon. Senator, let us be clear. How can you say we frittered away the earnings?

If somebody came and met a Treasury empty and if that person also met mounting debts and we said we were going into a policy of divestment and that part of the money from the divestment would go towards reducing the debt, which today you should thank us for; you should be happy that you got into a position where you did not find that mountain of debts and, therefore, you cannot say "frittered away". I saw that as a very irresponsible statement. That is the same thing Sen. Dr. St. Cyr asked: What is your policy? I am saying one of our policies was a policy of divestment. We are not ashamed of it.

### **3.00 p.m.**

Whether you liked it or not, it was not your business, we were in government at the time. We chose to go that way, we said so, and we did what we wanted to do, and thought we had succeeded because you were able to inherit something. You are talking about who frittered away, but I do not know if when you leave we would be able to talk about what we met and what you would have left. You have to be careful about it because, clearly, when you want to accuse people, as Sen. Shabazz was saying, "bring the evidence". The evidence is there, just go back and look at your figures.



You said that we do not want integrity to deal with a whole lot of things, but legislation would not deal with what you want. The said loopholes you are trying to close, you know they would be always there; as we said, legislation would not deal with that. When Sen. Shabazz said to bring the evidence, you know what you are going to do when people talk about corruption. "We have integrity legislation," that is what you are going to say. That is why we are losing confidence in this bit of legislation, because that is what you are going to say, "They are talking about corruption and corruption, but we have put in place integrity legislation." A lot of talk, you are "talking the talk", but that kind of confidence to go with the talk coming from the Government is not there!

Even this afternoon when we were seriously trying to say things, people just laughed at it and snickered, as if we were wasting our time, "What you are saying is not true, we will continue." That is why even though we pass this legislation—you asked us about confidence—we do not have any confidence in this Bill, and the reason is because of your whole attitude towards it: blame what went before. What did they do? That is the way you want to build confidence, by trying to carry people back and saying what happened some years ago, which you alone know about, "Blame that, we are trying to bring legislation". As far as I am concerned, from what I am seeing and from your attitude this afternoon, the legislation is just to say, "We have put in place integrity legislation, do not accuse us of corruption."

That would not solve the problem, just be serious, because the kind of things I am seeing in the Parliament this afternoon really upset me. When I heard that speaker—he knows who he is—saying that they are bringing integrity legislation and he did not care, it is because you were hearing on the other platform people talking about corruption, and you knew it was going to happen so you ran forward. Even before we finished here, you knew how we were going to vote and why we were going to vote like that.

This thing about integrity continues to assault the political life of this country. There is a prevailing integrity crisis and it is manifested in several ways. Who wants to go back to the National Flour Mills, InnCogen, or the airport project? I can list a whole number of them. When you are talking about integrity, who told you that when we see on the eve of the election, 35 or 40 buses arise out of the ground and present themselves to the nation of Trinidad and Tobago, we do not question integrity too? Was it that we were not thinking about those people in the rural areas at all? If we were thinking about them, why did we have the buses hidden for so long? Schools have closed and the children have gone home. Why

did the buses not arise out of wherever they came, from out of the earth, and surface before? Why were they hidden? When we talk about integrity, think about these things. We are not foolish! The ground out there is not foolish! They suddenly appeared. Where were they all the time? Why did they wait until this period of time when you have to tell the people, "We have brought you some gifts." Why? It is strange; and they are talking about integrity.

Mr. Vice-President, let me tell you something: I was not in the Parliament—*[Interruption]*—you can say what you want—the morning they finished the last of the hangings. You had to give a solution to crime. Crime was high on the agenda—you do the crime you pay the time, is it not so, Sen. Shabazz? By the afternoon of that day you were announcing the election! Think about those things. Is it a coincidence? Was it planned that way? Think about it. What do you think happened?

We had a Miss Universe show—*[Interruption]*

**Sen. Mark:** What did you want us to do, postpone the election?

**Sen. J. Yuille-Williams:** I am just asking. I am not even asking for any responses, just think about it. There was a Miss Universe show, people participated, we knew as long as the show came off that we were going to find ourselves into an election period. That is why we were prepared, because all this was a build up to the election. When you talk about integrity, it is something from within, not legislation here. People plan these things and then you come up and say, "We have done this, the country next 10 years from now would get so much coming out of it." *[Interruption]* Here the talk again, you do not want to hear it, but it is the truth, "We will get so much in so many years." They said that as a result of hosting the pageant people would benefit. People just sat and listened to all these things. I am saying that they cannot continue like that, and then come here with integrity legislation and do not expect people to lose some kind of confidence in them.

People are not only questioning the conduct of this Parliament. They are also questioning the very integrity of the institution. You are now leaving us open to the people questioning the character of the Parliament, people are questioning us. People are asking whether or not what we do and say here, they can go by it. We sat here and worked on TT Post. We worked around the New Zealand Post bit of legislation and were given all kinds of assurances. What has happened? The workers sat here and listened. They came in the public gallery and listened. What has eventually happened? They got VSEP and went off. Things are different, some

of them did not get their moneys. They were told that they were going to get their money in installments, people are still wondering what happened. The latest thing I heard is that there were cheques from New Zealand Post to some of the people who were not supposed to—[*Interruption*—we have been hearing those things. People are asking: can Parliament be trusted? This is what we are talking about—integrity. We want to know about these things.

We talked about the Constitution (Amdt.) Bill and we are going to have the Freedom of Information Bill. You rushed it in because you have problems with the media and, therefore, the Freedom of Information Bill is supposed to be a plaster for all the sores. What is the basic purpose in it? Is it just legislation to cover areas where you are being accused, or are you genuinely interested in making that movement forward? That is where the lack of confidence comes in, people talk about it. Instead of getting the responses that would give that confidence, we got some responses criticizing something that happened—as my colleague would say—"back in times". You are not facing what we have to do now.

We sat here and talked about all kinds of garages and what not, the Parliament decided all kinds of things, and people set up these garages around the country. I am still seeing them set up all over, and I ask myself, "What are we doing?" "Are we fooling people?" People took loans and set up these garages; we are fooling people. We are talking about integrity and, therefore, some people should be brought to justice for making people spend their money to do things and nothing else happens. Go around the country and you will see. Years have gone by.

Remember when on television we saw those people with their little living rooms where they were going to have a television set. They were serving soft drinks to people who were going to be clients. They showed us the whole thing. People took loans. Go out there and look at them when you are talking about integrity. As I said before, this legislation does not cater for that. But I want to tell people, it is not that I am against legislation—and I would come to that—but the things I am feeling and hearing really upset me. We want to talk about integrity but we have to look at it in every area.

Even right inside here, I hear all kinds of things. I am going to talk about the Employees Assistance Programme (EAP) in time. It is a wonder I did not hear more about it, all the customer delight zones and all kinds of things that we are supposed to be having. Where are those things? We are talking about integrity.

We talked about the road tax and how it was going to be spent. We talked about that highway, the one I was travelling on last night. It was raining and I was really in pain with a big truck behind my car, blowing as I went down the road! We heard that one contractor was fired, then we heard the Ministry of Works would start work on it. Every day I am going down there and I am not getting answers, and then we talk about integrity. Certainly we will have problems, but the point about it is: are we getting answers? When we cannot get answers we get suspicious, and that is the whole thing. If people cannot come forward and tell us why things are not happening, then do not bother to tell them about integrity in public life, whose money is going to a blind trust, and who will accuse who of what not.

I am not saying that there is not a need to tighten up on the Integrity Commission and hence the legislation. I am saying that going hand in hand with that there should be other things. If you had displayed that kind of trust, and given us that kind of confidence and answers to certain things, then certainly this afternoon we would not be sitting here complaining.

You have people asking for investigations, and you are not doing it. You had people investigating, like Justice Deyalsingh. You wasted the man's time and the committee's time. Investigation—you brought forward a report, you stopped the project, then jumped right back and continued and said, "I am sorry that I stopped it in the first place." That is why I said that there is a lack of confidence in this Government, because of the method of operation. When this legislation comes, who says that it is not going to be another piece of paper which we are just going to look at and put there with all the loopholes?

Mr. Vice-President, let me tell you how dangerous it is. I was reading this matter about conflict of interest. I will tell you about a little incident that came up, either yesterday or this morning. The treasurer of the ruling party was crying out for some kind of support because he was being accused by certain persons of what is called insider trading—or whatever it is—and of being handed this contract to operate the snackette at the Convention Centre. He was saying all kinds of things, that people were unfair to him and so forth, and I listened to him. He said that there was some advertisement, other large companies came by, but when they saw the condition of the Convention Centre they refused. Then he said that he was called in—the fatal error—and offered the contract. I asked myself, "How come?" He said that he believed he was called in because he operated another successful venture. I asked, "How come he was called in?" Then he went on to say, "I was not called in because I was a member of the party, because the party and

Government are separate." I listened to him and said, "Oh, I am so sad for this gentleman!" He was called in, he told us that. Then you come here to talk about conflict of interest! That is why we have lost confidence, because when we hear things like that, what do you expect us to do on this side? How do you expect us to react?

Even in the face of all this legislation, and you had all this on the table, yet the man was saying that. Nobody provoked him, he went to the radio station himself and said, "I was called in and asked if I could do it," he said that he could, and he did. He said that now he is probably not making as much money as he wanted because people have been criticizing him. The important thing is that he said he was called in and asked. Then I asked myself all these things: why was one man called in? How is it that nobody else was called in? And he tells us, "It is not because I am a member of the party, because the party and the Government are separate." I do not know why they did not see anybody else. Is he the only successful restaurant operator in Trinidad and Tobago? I am sorry for the gentleman if he is not making money after getting into that venture, but I am also telling you why there is a lack of confidence in some of us as we sit here trying to work on this piece of legislation. You cannot blame us because there are too many glaring examples out there.

I am asking, can an elected representative be trusted? Can the Parliament be trusted? Can we hear them say something and then expect it to be done? They come to the Parliament and put forward all kinds of programmes and then after that, they are not done. That is what I am saying about integrity. Integrity means that you send out a circular on one date and tell us we are going this way, all of us get out there and spend our moneys to do things in this way, and later on another decision is taken to overturn this one, and nobody says anything. And you talk about integrity! You have a whole lot of people having expended money in one direction and a whole lot of people being embarrassed in another direction. Nobody cares!

### **3.15 p.m.**

As long as your aim, whatever it may be, is put forward, nobody comes forward. Can we trust it? Could we believe what people say? Could we believe what Government Ministers say? Could we believe what happens in the Parliament? These are some of the questions that we have to think about. This is an untenable state of affairs and therefore every initiative to address this scandalous reality is worthy of responsible examination and that is why we consider this debate of importance.

We are not saying that the debate is not important; on the contrary, the debate is important. However, I must say that integrity is not realized within a vacuum but within an accepted framework of declared standards and this, from what I am seeing around the environment in which we are now operating, we just do not accept this by itself. We have to accept this within the environment. That is why we have a law. If we have no law there is sin. We do not have any right and we do not have any wrong. Legislation is important. It is imperative. However, I tell you it is not sufficient to establish a framework only but one must be committed to enforce compliance.

That is why I say the lack of confidence breaks us down. Will Government enforce this? That is what the whole debate here is about today. Will Government enforce compliance? Will it be the same for them as it will be for us? That is why we are concerned with clause 33 which says:

“...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 in the related electoral district;”

We are concerned that the Commission will decide to declare the seat of a Member of the Opposition vacant. We are concerned because they are there. This is the environment in which we operate and you will do it. That is why one of the things that we were talking about is whether or not we need that and we said we need to have that deleted. *[Interruption]* Back in times, do not give us any trouble.

We are talking about that because, really, we have to be concerned about many things in this Bill and we are doing it because of the environment in which we are operating. Would they enforce some of the things? People are talking about loopholes but we will get around all these loopholes once it satisfies us. We could get around some of those loopholes. One person said, and I am going to quote, “Health is to the body as 20/20 vision is to your eyes, the same way integrity is to personal, corporate or political life”. If you have integrity you have nothing to hide and nothing to fear but we see instances where we cannot get answers, and when we do not get answers we say people are hiding something. Give us the answers.

When people ask for commissions, it was more than 90-something per cent on some poll which said “Yes, you need to have an enquiry into the airport again”. I

do not know if that will happen again because the last time they had one they did not bother with the reports anyway. What do they have to hide in so many of these things? Why is it that they are always on the defensive? Why is it so far, even with all this legislation, with things that we felt went wrong, we have never heard anybody saying, “Let me challenge or call anybody in to find out anything at all”? How come the country out there is talking? You walk out there and you know what is happening. How come you have been out there and you are not involved in what is happening? Do you not realize what is happening?

Let me tell you something. The public calls for inquiries, we do not get them. Elections have just gone and this might be very distasteful but I want to tell the Government when they talk about integrity—and I cannot help it because I was out there in the field. With your permission, Sir, I want to relate two incidents which hurt me. There was a young woman who was working along with us. I consider her as working along because she worked for a while. She was just there. Somebody told me she was seen walking along Coffee Street wearing the symbols of another party and then a few days later she returned and the others started to talk to her in a very hostile way. I said, “I do not believe that” and kept her quiet.

One day she just walked to me and told me personally—I did not get this second-hand—that she was working on the Monday with a URP gang and she said on Tuesday, maybe Tuesday or Wednesday, a gentleman came to them about two o'clock and gave her a T-shirt which contained the symbol of a party and told her, “Let us walk down the road”, and the gang walked down that road. And she said—of course she was heckled—she felt so badly the night the next morning she burnt the T-shirt and she went back to the workplace but, having talked to other people, she lost the job. I am telling you I watched that and I heard this. This is not second-hand information. She called me aside after the others talked—I knew her very well—and I told them I do not believe what I heard and kept her very quiet. I am talking about integrity.

I will tell you about one other incident and I am calling the place. There was a meeting in Corinth Junction and a group of people went. Some of them went to attend the meeting. One young woman again went up and said she spoke to someone who is known to us, who is now operating with the other party, and that person said, “A long time I wanted to get you” and gave her a bag. When she got home the bag contained in it a T-shirt and money. I do not even want to say how much money. What was this all about? Of course I told her she needed the money so she spent the money. That is what she said she did. But we are talking about integrity.

What was that designed to do? You probably might find these things irrelevant in a Parliament like this today but I say it is the environment that is creating the problem, especially with this bit of legislation. These are the people who are putting this legislation forward. How much can we trust them in terms of this? Is this making any sense, therefore, when we know that there are several ways in which they can get around it? That is why I have a lot of concern about this.

As I said before, Mr. Vice-President, I would have stopped with Sen. Montano and just gone ahead and left it at that, but I think I needed to clear the air as to why. After seeing how my colleague's, Sen. Shabazz, contribution was accepted I said, "These people are not really serious. They do not want any criticisms at all. It is going to be business as usual after we have finished this". As usual my quick scanning of the legislation—and this is one bit of legislation I wish I did not have to read because so many times I questioned so many things about it.

I would like the Attorney General in his summing up to tell me something about clause 12, the contents of the declaration, the role of the Board of Inland Revenue as it relates to disclosures there and especially in subclause (4) which states:

“Where, in a declaration filed with the Commission, a person in public life discloses an income which is insufficient to support the accretion in value of the net assets...”

I would like him to say something about that in terms of the Board of Inland Revenue. Where does the Board of Inland Revenue come in or what kind of submission would this person make to the Board of Inland Revenue? I hate to even think I was looking at some of those things.

When we talk about the standard for the initiating process, I know that my colleague spoke a lot about it and it is there we have some difficulty. I was told that this went to a joint select committee already but I still feel it needs to go back because there are some areas I think should be looked at very closely because, as I said before, responsible persons need to look at it very closely. As I said, it is not that we are against integrity legislation but there is something much more fundamental in terms of the whole thing that we are against because integrity legislation alone cannot stand by itself. So I ask that we take this back because we want to look at the standard for the initiation process.

We looked at the selection of the tribunal and I was a bit confused with “tribunal” and “commission” and something else there. I was not quite sure and,



especially where you have political appointees, it is going to create some problems with the investigations. Now the point about it is, this is going to be just as bad at the end of it as it was in the beginning because if they pass this legislation with no real intent to ensure implementation, then they are guilty of a corrupt act. That has happened several times in this Parliament.

We could sit here and pass this legislation, go out there and tell everybody we have passed this legislation but if they know that they are not going to implement it they are guilty of a corrupt act. We know that is going to happen. I am only basing this on the fact that we have passed several pieces of legislation, legislation on which we worked really hard, legislation on which the Opposition gave, I would want to say, constructive criticism, the Bills were almost cleaned up here, the Independents contributed and at the end of the day the implementation is not there and many of the measures contained in the legislation are not there.

Therefore we could be just as corrupt before as we are after. So we need to ensure that whatever happens here this evening, we have to ensure that we implement whatever is decided. From our side we have some real problems with this, not only with the environment in the legislation itself. I am asking, therefore, in terms of this Bill, that we get an opportunity in a committee to look at it again. We want to ensure that when we pass this bit of legislation we have confidence in what we have done.

We know that we are working in an environment which is a bit shaky but sometimes you know as a Government, and as a responsible Opposition that there are times when, even though the environment is not the kind that we want, we do give in when we feel it necessary. However, at this point in time I think we need to look at it a bit closer. Sen. Mark said that we initiated some changes in the legislation; I saw nothing wrong with the changes that we made. He said the Green Paper came forward. That does not mean that we are going to buy this lock, stock and barrel. It means that we were concerned and therefore we will support legislation which we feel is implementable, with which we feel comfortable and, as it stands, I still feel that we need to take a second look at it.

Therefore, in closing, Mr. Vice-President, I ask firstly, that this Government demonstrate to us in some way that we could have confidence in it, confidence from the way in which it handles affairs, confidence so that when we ask questions we get answers and when the population asks questions answers are given. So many shady things come through and there is always a defence. We have never seen anybody at all being brought to answer any questions. In fact, what we find is that people are always defending everything that is done and if at

*Integrity in Public Life Bill*  
[SEN. YUILLE-WILLIAMS]

*Tuesday, July 27, 1999*

any time we seem to criticize anything that is done we feel people on the other side just try to sneer or jeer or try to ridicule.

We have grown accustomed to it and there are some people in here whom I consider senior people in this Parliament who should know better, who should know that this Opposition is an Opposition that works, that comes to this Parliament very well prepared, willing to look after the country's business, and it is also an Opposition that is not afraid to say what it has to say even though some people might be hurt or some people do not like what is said. However, we just have to continue doing what we are being paid to do and that is to look after the country's business. Thank you, Mr. Vice-President. [*Desk thumping*]

**Sen. Dr. Eric St. Cyr:** Mr. Vice-President, I am broadly supportive of all measures, including legislative measures, to bring what is being called here integrity in the behaviour of persons in public life. My difficulty is, firstly, whether we could legislate and pin the runaway horse down by legislation and whether, in fact, what is before us adequately succeeds in doing that.

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

Let me concede straightaway that by comparison with the 1987 Bill, I think this is an advance but we have to do much work on what is here to make sure that, (a), we are doing what we are setting out to do and, (b), we are going to make it operational. I would not be very long. I want to make three comments on matters in the draft Bills and then to make a general comment.

I want to start with clause 4 of the Integrity in Public Life Bill. It is very interesting that we are told there is an established Integrity Commission consisting of a Chairman, Deputy Chairman and three other members who shall be persons of integrity and high standing. I think we can see there that one is either a person of integrity or not. The thought passed through my mind, would the members of the Integrity Commission themselves be brought under the integrity legislation? Which rather begs the question of this whole issue of integrity.

The second comment I want to make is on clause 26. It reads:

“A person to whom this Part applies shall not use his office to seek to influence a decision made by another person or public body to further his own private interest.”

My concern here is—I would not say widely acceptable but I would almost go as far as to say—the unavoidable practice of lobbying. I do not see how it is possible

to legislate against persons talking to other persons. In other words, if I do not represent my interest I would leave it free for somebody else to represent their interests and probably push me down the line, somehow.

So I am concerned and certainly in my little experience in some of these places I have been, my understanding of what happens when you declare your interest, is that you are really saying, this is where my bread is buttered. In other words, far from saying, “I do not want to be favourably treated”, you are, in fact, saying, “this is where my bread is buttered.” So in your deliberations make sure—because you see the next time around you would be declaring your interests. So while I am out of the room I am going to expect that you would be looking after mine. So I am concerned about that.

A similar and related matter comes up in clause 29. I do not think clause 29 is, at all, operational. In my view, there is no such person to whom clause 29 can refer. I read:

“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.”

Somebody’s interest must be furthered by the decisions we are making. So at the very least, the last phrase might be “or of any other particular person”. In other words, any other person in whom I have a particular interest.

I also want to make one comment on the Constitution (Amdt.) Bill. Before I make this specific comment I am a little bothered by the frequency with which we amend that fundamental document. I really would have thought and hoped that a document such as a written constitution should be very infrequently amended, and with very good reason amended, but I think in this session of Parliament alone we have had, perhaps, up to half of a dozen proposals for amendment.

Clause 4(c) of the Constitution (Amdt.) Bill says:

“the supervision and monitoring of standards of ethical conduct prescribed by Parliament to be observed by the holders of offices referred to in paragraph (a), as well as Senators, members of the Diplomatic Service, Advisers to the Government and any person appointed by the Public Service Commission...”

I do not know whether and to what extent this is intended. We have taken, apparently, a policy decision that permanent secretaries and chief technical officers should no longer be under the ambit of the Integrity Bill, but it would seem we have brought them back in by this clause. Except now that it seems that they make their declarations to their commissions.

With those specific comments I would like to wind up with some general comments. Many of these thoughts have already emerged. It is my view that integrity is internal and cannot be externally imposed. That moral suasion rather than legal remedies are to be the way that we must go. And while I concede that one needs a legislative framework which, as it were, could serve as the block against which we chop—is that a good analogy, Sir?—I do think that in enforcing integrity the peer group is what we have to put a strong reliance on. It worries me that the setting up of an Integrity Commission seems to be passing the buck from the political directorate which has the responsibility to see that things go right to an apparently independent body.

**3.40 p.m.**

Mr. President, in a country where ethical standards generally are not very high, we lack the pressure of public furore against obvious misdemeanors, and I could refer to recent incidents—I will probably just allude to one: reference to the additional payment to a member of the National Insurance Board where, in the legal sense, as I understand it, things were quite properly done, but certainly, in the spirit of what was done, I think it was improper. How does one deal with these issues where according to the law one has acted properly, but in the spirit of what one has done, it is obvious to all who know the difference between right and wrong that what was done really was improper.

The history of public finance issues runs in this way: initially, the questions posed in public finance used to be: Where does the tax fall? Who bears it ultimately—the impact/incidence dichotomy? We then moved to the issue of which groups in the population pay the taxes and which groups benefit from the public expenditures.

The big issue in public finance today really revolves around who gets the public contracts, so a very key issue is how different groups in society position themselves to establish firms to win public contracts. My understanding of the issue of corruption is that even though everything would appear to be perfectly well done competitively, by tender and so forth, if there is built into the contract price something which is to be applied in the nature of a kickback, what we have

really done then is increased the private welfare of persons receiving the contract and those receiving the kickback at the expense of the public welfare, because the contract must be paid for out of revenues generated generally. That, in my view, would be a serious matter of a breach of proper behaviour in public office.

My last comment is that I have two fears. My first is that we are likely to cause the persons taking public office to be frontmen for business types who will stand in the background and be the real power in the system. My second concern is that we are likely to force innocent incompetents to the front and to make it less attractive for competent persons who are not as straight to come forward. So, the efficacy, then, with which we select our persons in public life, in my view, is likely to be reduced.

Mr. President, I saw from a note passed that these matters are likely to be referred to a select committee. I do think that is a wise move, because I certainly feel this issue is profound and, in certain respects, very elusive. We need to grapple with them a little more by way of attaining the objective. By and large, my bottom position is that public life is not primarily for private gain; it is for public service, and those who offer themselves must not do so with the intention, whether initially so conceived or whether learned as they would go along, of great material gains for themselves.

I thank you, Sir.

**Sen. Diana Mahabir-Wyatt:** Mr. President, I will be very short. I do not want to repeat any of the points that were made by previous speakers with which I agree, including those of Dr. St. Cyr. I have two or three points which I would like to bring up in relation to the actual wording of the legislation and a couple questions if the Attorney General would be so kind.

I do not have a problem with the concept of the integrity legislation. I know this exists in most countries in the world. I have a problem with the philosophy on which this legislation is based, simply because I find it is a very monetarist philosophy, rather than a humanist philosophy. It appears as though what we are looking for is to define integrity from a financial and from a property point of view.

No legislation, as everybody has said, can solve the problem of integrity. Integrity is obviously a moral question, but it worries me a little that we do not talk about integrity in personal relations, in community relations, in family life, and in any other way except insofar as it deals with property, money and well, perhaps, nepotism where this has a financial benefit of interest.

I think it is important that we accept that integrity does not just mean financial honesty. It can mean other things. Even in the dictionary, it can mean consistency. I think Sen. Shabazz referred to this as consistency, and in that connection, I would just like to mention that integrity in consistency can also be referred to the consistency in process with which one approaches one's employment.

I just point out, if you would allow me, the integrity of the staff of this Parliament, which continues to work to a consistently high standard in spite of physical conditions that are deplorable to say the least, and it is a relief that we do not have the Occupational Safety and Health Act passed, because the premises in which our staff work would never pass the inspectorate.

If I may recall to your mind, Mr. President, a meeting we had two or three weeks ago when you were in the Chair in one of the committee rooms and like King Canute, you watched the water come into the room behind you until it was taking over the room. I do think that how our staff continue to perform to the level of consistency they are, is a miracle. They ought to be commended. [*Desk thumping*]

In that regard, if you will allow me—because again, I think it is a matter of integrity, although not necessarily financial—I would like to make special mention of the integrity with which our Sergeant-at-Arms, Mr. Joseph, has performed his acting duties over the years. Ever since I have been in Parliament, I remember Mr. Joseph being here. I realize that the structure of Parliament is now that we have filled the position with a Marshall of the Parliament which has been long overdue. I do not see him in the room, but I certainly wish him welcome in the Senate. I would also like to thank him. [*Desk thumping*]

I would also like to thank Mr. Joseph for his excellent years of service and for his integrity with which he has carried out those duties. He has been a true and faithful servant to this Parliament, and I think from our own position of integrity, we should give him tangible thanks. [*Desk thumping*]

In relation to the Bill itself, Mr. President, I have just a couple questions. Like Dr. St. Cyr, I was wondering if members of the Integrity Commission were, themselves, going to be subject to scrutiny. “Who guards the guardians?” Socrates asked, but that is a philosophical question which I am sure the Minister can answer.

In relation to Part IV, clause 23 refers to all persons exercising public functions, which does refer to people in the Senate as well. I had a question initially about clause 23, because it just talks about Members of Parliament and

the Speaker of the House, but I realize that amendments have come through now, because it covers Senators, including the President of the Senate. I would not bring that one up.

With regard to clause 24(2)(d), I wonder if the hon. Attorney General could give some guidance there. The clause reads:

“A person to whom this part applies shall not engage in any transaction, acquire any position or have any commercial or other interest that is incompatible with his office function and duty or the discharge thereof.”

The question I have there is who decides, who determines whether this is incompatible? I am not clear about the machinery with which this would be done.

The second question comes into the definition of the word “interest”. I can understand clause 27(1) in which:

“A person to whom this part applies shall not accept a fee, a gift or personal benefit except compensation authorized in the law.”

In other words, the people in this House, for example—unlike the scandal in England—shall not take money for asking questions in Parliament, for representing views of a particular interest group, and so forth. So, Sen. Prof. Spence shall not take money from the Agricultural Society for him to push a particular issue.

That does not worry me so much as the provision right above that which says that we shall not use office to seek to influence a decision made by another person or a public body to further his own private interest. Interest is not defined. It is implied as being a financial interest or interest in terms of property, but I have lots of interests. I am very interested in women, in children, in what happens to teachers, in what happens to the police. Does this mean that I cannot use my office as a Senator to influence a decision made by the Government in relation to the rights of children? It could be interpreted that way. That is an interest. There is no definition of the term “interest” in the legislation, and I think it might help.

Secondly, in 27(3), this is very touching. I think it is all very sweet that no gift shall exceed \$2,000 in value, or the total value received in any 12-month period shall not exceed \$2,000. I do hope this does not include being taken out to dinner to discuss a matter which is of joint interest, because if one is going to dinner to a place like Apsara or Tamnak Thai, it could easily cost \$500 for a good dinner, and if one goes three times for the year, one is finished. I do think we should look again at this habit we have of putting dollar values on things and perhaps have that referred to a regulation or a code.

The only other point I had was—and at this point I really have a problem with—clause 41 which talks about the Income Tax Act says:

“The expenses incurred in the year of income by a person in public life in connection with preparation of a statutory declaration required to be furnished by him for the purposes of this Act are deemed to be expenses incurred by him in production of his income.”

**3.55 p.m.**

There seems to be a penalty attached to someone who has to prepare a statement because of the passage of this Bill, and someone has to be paid to do it. Are you saying that you are paying someone to carry out the provisions of this Bill and this shall be added to—I think it is the expenses for the production of the income? I am just a bit confused about that and I wonder if the hon. Attorney General can make that clause clear. Mr. President, thank you. [*Desk thumping*]

**Sen. Cynthia Alfred:** Mr. President, there has been very good and keen discussion on this whole question of integrity. There are many definitions: honesty, soundness, unity, adhering to moral principles *et cetera* and I would like to add my own definition—perhaps it is not new—but I want to regard integrity as something that comes from within, the “INT” part of it; and I consider the word “grit” that impeccable part in our being that acknowledges the supremacy of God and a fundamental truth that by definition could only be pure and solid.

Mr. President, we ask the question, why was this piece of legislation brought? Of course, the Government might have said that it is time we have some integrity in public life. But I remember the time it was brought, just before the last local government elections. I do remember very clearly, the hon. Wade Mark, on a political platform shouting that they—meaning the PNM—did not want to support the Bill or they are not going to support the Bill. This was after only one of our speakers had spoken and I said perhaps he knew something that we did not. Perhaps he knew that there was something in the Bill, that was deliberately put there, that we would not support, and if things had gone perhaps as planned, the Bill might have been finished before the elections and it would have made good platform. It so happened that it was not finished before elections and we saw the result.

One thing that I would like to tell this Government is that, integrity is something that one cannot buy. It cannot be bought and sold. I think this



Government would have learnt a lesson from that very last local government elections, that one cannot seek to insult the intelligence of the people and expect to get away with it. I think that was one of the reasons this Government lost. They would perhaps try to work out what I mean by that.

Mr. President, I would like to quote from an article entitled *Standards in Public Life*. It is a summary of the Noland Committee's First Report on Standards in Public Life and they are talking about England and it says:

“The Seven Principles of Public Life”

Mr. President, here we are talking about integrity in public life and it says the seven principles of Public Life are:

- “(1) Selflessness;
- (2) Integrity;
- (3) Objectivity;
- (4) Accountability;
- (5) Openness

I repeat “Openness” what some people are very fond of saying these days—

- (6) Transparency; and
- (7) Leadership.

Mr. President, under leadership it says:

“Holders of public office should promote and support these principles by leadership and example.”

Mr. President, it is very noteworthy, because I think all of us, in particular this Government, must recognize this, that it is by leadership and it is not so much by what one says, but in the way one acts; leadership and example are the qualities that this country is looking for. That brings me to something that disturbed me very greatly.

We are talking about leadership, example and integrity. I was very concerned—and I think all the Members on my side were and indeed the whole country—by a statement that was made by the Chief Secretary of the Tobago House of Assembly during elections. Everyone knows what I am referring to, when he said, “do not vote UNC” or words to that effect. This was supposed to be a UNC/NAR coalition Government and here we have the leader of one faction of

that coalition making a statement like this, and we ask ourselves where is the morality and integrity? Perhaps, the Government and the Tobago House of Assembly would be able to sort that out, but if the population is going to look to its leaders for example, then surely, the population must be assured that the people who are being put in certain positions are people of integrity. [*Desk thumping*]

Mr. President, all over the world, countries are trying to legislate. There has been much talk and conferences *et cetera* on this whole question of integrity. As we talk about leadership, which is one of the areas where most of these articles are quite strong. I would like to say, this Government has strained its trustworthiness to the limit. It cannot, with any appreciable degree of credibility, introduce into this Parliament, legislation which calls for integrity in high places when there are so many unanswered questions—I am not going into the details—in respect of contracts, nepotism and so on.

Mr. President, just last evening on the television, there were concerned persons, contractors and so forth, who decided to go to the President to ask for a further enquiry into the airport. So when this Government talks of integrity, I think it has to go back and do some homework because members must first demonstrate that as a Government they are above suspicion and display the sort of integrity that will not call for persons to keep, time and time again, bringing up certain matters. The only reason this is happening is because the population is not happy about what they are seeing.

**4.05 p.m.**

I have before me *The Accountability Debate: Ministerial Responsibility, Research Paper 97/6*, dated January 28, 1997. It is written by Barry K. Winetrobe, Home Affairs Section, House of Commons. It says:

- “(iii) Ministers must not knowingly mislead Parliament and the public and should correct any inadvertent errors at the earliest opportunity. They must be as open as possible with Parliament and the public, withholding information only when disclosure would not be in the public interest...”

I make this point, Mr. President, because I do not know if I am permitted to say it, but in another place there was an accusation by a parliamentarian of another parliamentarian and we thought that was a terrible thing in the sense that apparently—

**Mr. President:** I am sorry. I was reading a Standing Order. To what are you referring?

**Sen. C. Alfred:** I am quoting on integrity in public life and this piece of writing comes from *The Accountability Debate: Ministerial Responsibility, Research Paper 97/6*, of the House of Commons. I do not know if I should say this, but you will tell me if I am out of order.

**Mr. President:** Give more specifics, please, date and origin.

**Sen. C. Alfred:** The paper says, *The Accountability Debate: Ministerial Responsibility, Research Paper 97/6*, January 28, 1997. It is by Barry K. Winetrobe, Home Affairs Section, House of Commons, England. It says:

“(iii) Ministers must not knowingly mislead Parliament and the public and should correct any inadvertent errors at the earliest opportunity. They must be as open as possible with Parliament and the public, withholding information only when disclosure would not be in the public interest...”

And it goes on to say other things.

I am making reference to something, Mr. President, that is the part where I was not sure whether I was going to be out of order, something which happened in another place not so long ago, when it would appear that a Minister deliberately attributed to another parliamentarian—

**Mr. Maharaj:** Mr. President—

*[Words expunged]*

**Mr. President:** Now, I do not think you will be permitted to bring any matter regarding the proceedings of the other place into the debate here.

**Sen. C. Alfred:** Thank you, Mr. President. Obviously, a sore spot was touched. So I continue.

On the question of a code of conduct, I want to read from this particular paper, it is from a *Canadian Parliamentary Review, Spring 1996* and it is headed “A Code of Conduct: A Lobbyist’s Perspective, written by Susan A. Murray. She says:

“A code of conduct is just a piece of paper. It is how you live with it in a fluid way and as issues arise that make it real.

*Integrity in Public Life Bill*  
[SEN. ALFRED]

*Tuesday, July 27, 1999*

Whatever you decide to include in a code of conduct, if you create one, I think the results ultimately will depend on the determination of parliamentarians—”

And I want to add, “and others in the public eye”

“—to act honourably and to fundamentally understand right from wrong.

She said something else, Mr. President, which I think is noteworthy.

“There will always be people who are suspicious or adept at finding fault. The test of a code of conduct is not whether its existence silences those who grumble about politicians. The fundamental issue at all times is the public’s right to impartial treatment and personal integrity in its elected representatives.”

And I may add, “and persons in high office in the public eye”.

I contend that not only should integrity be looked for by parliamentarians and public servants and so forth, but should go even into the private life. I want to read something that Maureen Mancuso said. The name of the book is *The Ethical World of British MPs*. There is a high degree here of cynicism in what she says about parliamentarians. I think we can all listen and draw our own conclusions. She says:

“...she divides MPs into four types: the Puritans, who stake out the moral high ground; the Servants, who conform to the traditional ideal of the MP as public-spirited constituency advocate; the Muddlers, who are not bothered by personal conflicts of interest; and the Entrepreneurs, who use their position to achieve any end not explicitly prohibited.”

You would have noticed, Mr. President, that there is a certain amount of cynicism in this, but perhaps a lot of truth. As leaders in the community, we must ask ourselves, “where do we fall in this definition of MPs.?”

I made the point that I do tend to agree that one cannot really legislate integrity, but efforts are being made to see how one could get persons in high office to be above suspicion. I want to make mention here—let us take insurance companies. I am not knocking any particular insurance company, but I know of instances where an insurance agent would go to a person who has just opened a business, for instance, and the agent would say, “I have come here to cover your business for you”, and he enumerates the different areas. That is fine. The person signs up and they get their policy. A burglary ensues and the person says, “Well, I will call in the agent”. This actually happened, Mr. President. So the person called

in the agent. The agent came and, you know what he said? He said, “But this policy does not cover burglary”. And the person said, “But this has to be impossible, because you read them all out to me”. The agent said, “I did not read burglary. You did not look at the fine print”.

Mr. President, so many institutions and organizations hide behind that fine print and that fine print shows a lack of integrity. If one is giving something to the public, whether one is selling, offering it or whatever, that fine print must now become big print so that the person knows what he or she is getting into. So I make the point because I think we will all be happy if we could get all the institutions in this country, including the individuals who run them, and are part of the institutions, to adhere to high principles and integrity. How we are going to do this is left to be seen.

**Sen. Montano:** Mr. President, I rise on a point of order.

**Mr. President:** Not at this stage. I know what you are coming with. I will deal with it when she is finished.

**Sen. C. Alfred:** Thank you, Mr. President.

I understand this will go to a select committee. We are all for this, because as Sen. Mahabir-Wyatt mentioned, the accent should not be on mere financial matters; integrity, as I said earlier, goes much deeper than that. Therefore, everybody, all the companies, *et cetera* should be brought into this whole ambit of integrity. So, whereas it is not something one can legislate on, at the same time, it needs to be articulated, because this country is going further and further down the drain because corrupt practices have become so much the norm and when a country reaches that state, that is when we have to look out because then we will find ourselves in serious trouble.

Mr. President, I go now to the Bill. Clause 5(1)(e) states:

“The Commission shall—

- (e) carry out a programme of public education so as to foster an understanding of integrity standards;”

You know, sometimes legislation is brought to the Parliament, the follow up is usually not there. Sometimes one wants to believe that one would want to “catch out” the public by not sensitizing them enough to what the legislation means and what part they can play. We have to remember that democracy is a government of the people, for the people and by the people. So the people must be involved. I am hoping that when this whole thing is looked at again, and indeed, whatever new measures would be put in place, public education and participation are most important.

The Bill also says that they would be provided with adequate staff. We do know, so often, legislation is brought, a ministry or department is set up and what happens? Sometimes two years afterwards there is no staff or the staff is inadequate. These are the things we have to look at. If we are going to lift the standard of this country, then we have to do it in a proper, systematic fashion.

Clause 11(6) says:

“Where a person who is required to do so fails to file a declaration in accordance with this section or without reasonable cause fails to furnish particulars in accordance with section 13, the Commission shall publish such fact in the *Gazette* and at least one daily newspaper in circulation in Trinidad and Tobago.”

So I ask myself the question: What else? Publish it in the *Gazette*, that is okay, but what else? Of course it does go on to say certain other things, but if one is going to have a commission, then I think there has to be more teeth in the commission.

Clause 12(4) refers to a person failing to disclose certain income and so forth and the last two lines state:

“...the onus shall be on him to establish the source of that further income.”

Mr. President, that is, indeed, a tall order.

I want to believe, Mr. President, I do not know if I am misreading something, but clause 14 says:

“The Commission shall prepare a Public Disclosure Statement in respect of each person in public life by extracting from the declaration filed under section 11...”

Clause 20(1):

“Declarations filed with the Commission and the records of the Commission in respect of those declarations are secret and confidential and shall not be made public...”

Mr. President, I am wondering if there is a conflict there. If there is, I am sure the hon. Attorney General would let us know.

**4.20 p.m.**

Then we go to page 1, the question of the blind trust. Sen. Shabazz has said all that I would have liked to say, that anyone who would adhere to this clause in the

legislation, something has to be wrong with him or her. The terms which are expressed there, I think that person has to be, not necessarily blind, but mad.

What happens if one puts in \$10 million and at the end of five years he is told, we made some bad investments and we do not have one cent? I do not see how anybody can support this clause in particular. There is a saying that there is none so blind as he who would not see, not could not, but would not see, and anybody who would agree to this has to be blind in the context of that expression.

Finally, clause 32(1) says:

“Where a Member of Parliament alleges that another Member is in contravention of any of the provisions of this Part, the Speaker of the House of Representatives, shall refer the matter to an appropriate Standing Committee.”

Mr. President, that scares me. That is all I would say on that.

In clause 33 where it says:

“Where the Commission conducts an enquiry under section 32 and finds that the Member of Parliament has contravened or has not complied...

- (b) the Member’s seat be declared vacant until an election can be held in the related electoral district;”

Mr. President, an elected Member is put there by the people, and whatever has to be put in place to remove an elected Member of Parliament, I do not think this is it. So that is another area I think this Government would have to look at.

In my submission I have tried, I hope successfully, to articulate what I believe to be the principles governing integrity. As has been mentioned, who can legislate integrity? It is something that comes from within and whatever measures need to be put in place, there has to be some serious indepth thinking, because let us face it, all of us in the country are looking for higher and better standards for Trinidad and Tobago. If something has to be brought into being that will satisfy one's desire for something better, and it has to be integrity, then the way in which one would go about introducing this integrity, would be the crucial point of the whole matter.

Having said that, I would like to add my voice to those who suggest that this piece of legislation be taken to a select committee.

Thank you.

**Mr. President:** Hon. Members, having regard to the fact that the Senator was not permitted to refer to that particular matter in the other place, I am instructing the media, both electronic and print, the *Hansard* reporters, and any other entity concerned with reporting, to expunge the comments of the hon. Attorney General.

At this stage we shall adjourn for tea and resume at 5.15 p.m so that Members who wish to attend the ceremony being held downstairs would have enough time to attend and then partake of tea.

This Sitting is now suspended until 5.15 p.m.

**4.25 p.m.:** *Sitting suspended.*

**5.20 p.m.:** *Sitting resumed.*

**The Attorney General (Hon. Ramesh Lawrence Maharaj):** Mr. President, on such an important topic, I think I would first like to thank the Members of the Independent Bench for the contributions they have made. The contributions they have made have been very constructive. They have suggested amendments and, they have in effect, stated what matters should be included in this piece of legislation.

Unfortunately, I would have to say however, that we will never get support from the Opposition in respect of integrity legislation in Trinidad and Tobago. That is very gloomy, because when one looks at the contributions made by the Opposition, we see that it consisted of personal attacks, making allegations that the Government is corrupt; saying that the Government lacks integrity and they enumerated matters without producing any facts to support that there is any corruption against the Government. But, Mr. President, this has been happening all the time, against governments. It does not only happen in Trinidad and Tobago, it happens all over the world. There comes a time when, as parliamentarians, we have to consider whether we want to improve the machinery and create additional machinery in order to promote integrity and to fight corruption.

Mr. President, this Bill did not come out of the blue. The Government has acted on the basis of a Joint Select Committee Report. That Joint Select Committee consisted of Opposition, Independent and Government Members. When we see, for example, Sen. N. Mohammed attacked these measures, one wondered whether Sen. N. Mohammed actually paid attention to what was happening in this Joint Select Committee, because she was a member of the Joint Select Committee. This Joint Select Committee consisted of Sen. N. Mohammed,



Mr. Kenneth Valley who is the Opposition Chief Whip; and Mrs. Camille Robinson-Regis. There were, before the Joint Select Committee, the three Bills which are now before this Senate and the Joint Select Committee made recommendations. What we have here is what was substantially, subject to certain drafting and other amendments, made. In substance, this is the Bill which was approved by the Joint Select Committee so that it will be debated before the Senate.

Mr. President, I say that because I think that the Opposition's attack on the Government was unwarranted. This is not a matter to be treated like a political football, it is a serious issue. Yes, even though these things were agreed upon, as the Independent Senators have done, they have come and they have said: "Well listen, let us look at this" and they have made recommendations. That is something which the Government will have to consider. The Opposition says: "Well the Government lacks the moral authority to bring this measure because it is corrupt." In typical Opposition PNM-style, they have even attacked individuals.

I do not want to go into instances where people in Trinidad and Tobago have been attacked for exposing corruption. If it is that the Government has decided to bring measures to improve the integrity laws, I find it very suspect that the Opposition has adopted that attitude. Not only attacking the Government, but attacking individual members—accusing everybody of being corrupt.

Mr. President, let us see. Before one goes into some of the responses which were made, I sat here this afternoon and Sen. Shabazz talked about this Bill, he even attacked the Attorney General. He attacked the fact that the Attorney General has a wife who is a lawyer. He said that is corrupt to have an Attorney General whose wife is in private practice; he went ahead and attacked everybody. But, when it comes to the Bill he said nothing in substance dealing with the Bill. Mr. President, I am saying that to show that those people there, on the Opposition Bench, are not interested in solving the problem of corruption in this country, they want to promote corruption. That is why they do not want to have any law to have people to investigate conflict of interest. Who were guilty of conflict of interest in this country? It is the PNM! Insider trading, they do not want any laws for that!

Do you think Sen. Montano does not know—when I go through his contribution he does not understand this Bill? When I deal with his contribution one would see that he does understand it, but he is pretending not to understand it. As a matter of fact, he emphasized that section 138 of the Constitution makes provisions for an Integrity Commission and such a commission is fundamental to

our Constitution and public officials must be ultimately accountable to the people. He went on to say:

“This is the standard against which we must measure this Bill.”

But he is saying that this does not do that. Well, Mr. President, the Bill is in black and white. A second standard child would be able to read it and understand it. The Bill empowers the Commission to request further particulars of a person’s financial status where the declaration does not reveal information which is sufficient to satisfy the Integrity Commission. It also allows the Integrity Commission to advise the President to appoint a tribunal to enquire further into a declaration where the commission is of the opinion that there has not been full disclosure. It allows for accountability to the public by providing for the issuance of a public disclosure statement.

The Bill also calls for accountability, not only in the realm of pecuniary interest, but also accountability in respect of ethical conduct. It provides very serious sanctions, where there is failure on the part of a person in public life, to comply with the requirements of the Act. So where is the basis for Sen. Montano, this honourable gentleman, to tell this honourable Senate that this Bill does not provide for ultimate accountability? It is because the PNM and the honourable Sen. Montano do not understand what accountability means.

Mr. President, we remember the history of the PNM. In 1956 there was morality in public affairs. They came into office in this country on the banner of morality in public affairs. What has the PNM administration done in this country to set up institutions, to pass law in order to investigate allegations of corruption and promote integrity in public life? None! That is why they do not want to support this now. They will look for any excuse. They know that this Bill needs the support of a specified majority, so they want to block it. They want to obstruct the Government’s move in order to make government officials and ministers accountable.

I would like to put this on the record. This honourable Senator got up and said that. He went further, he said clause 12(4) is a sham, as no one will declare assets without reasonable explanation as to where it came from. Well, it is either he did not read the Bill—I know that some people would come here and make their contribution on the Opposition Bench and not read the Bill. I want to credit Sen. Montano with more than that. I am sure he read the Bill. I am sure he understood it. Listen to what he said—but if he had read the Bill, and he understood it—as I am sure he did—clause 12(4) has to be considered with the other clauses; clauses

15, 16 and 17. Mr. President, it is expected that persons, who wish to conceal assets from the Integrity Commission, would not reveal this fact in their declaration. Clauses 15, 16 and 17—you see he only read clause 12(4), but the connected clauses he did not read—would allow the Integrity Commission to enquire further and investigate and ask questions and demand information where the commission has evidence of, or is of the opinion that the declarant has assets and has failed to make a full disclosure. Moreover, the penalties are very severe.

When one looks at his criticism—I will do another one, because I went through this and I have taken every comment that the Opposition has made to show that they are not really genuine in their objections. They just want to obstruct, and they want to be able to have a system where they can tarnish people, smear people, without any facts to support it.

The PNM is on record as saying that they are not prepared to support freedom of information legislation: legislation which would provide more openness and information from government to the people and exposure of corruption. The PNM is on record that they are not prepared to support parliamentary committees to monitor government and investigate governmental corruption. That Opposition is interested in having laws to prevent corruption? No!

Senator Montano, I quote:

“There is nothing in the Bill which says that a concerned citizen can write the Commission and the Commission will investigate.”

Mr. President, if he were so serious about that, would he not have drafted an amendment and put it in? Look at what clause 36 says: clause 36 provides that the commission may act on its own initiative and consider any matter which affects the public interest. The clause pre-supposes that the commission will be open to receiving information from any public body or person. So you have an Integrity Commission: an independent commission, it has the power to act on its own initiative. And a big point! He wants a special clause to say that the public could make complaints when that is covered in the Bill.

This shows the kind of superficial way that this hon. Senator has dealt with this matter, but he is constrained by a party policy which is not in favour of exposing corruption.

**5.30 p.m.**

Mr. President, let us look to see how the international community has recognized that we should deal with corruption. This administration is saying that

it has been recognized, since 1994, that the integrity laws are not sufficient to protect the public interest in respect of public officials. The way the world has gone is that public officials can find all kinds of ways and means of hiding corrupt motives and corrupt ways. This has been recognized worldwide. So, the international community has said that the only way to deal with this, or one of the most important ways of dealing with this, is to provide machinery so there will be more openness and transparency in governance.

For example, if there is the allegation that a government Minister is involved in some shady deal, there must be some institution to be able to investigate. Under the existing law, a law which the PNM knew about and did nothing about, the Integrity Commission is like a toothless tiger. It cannot investigate. This Bill gives the power to the Integrity Commission to investigate.

Now, if it is that the Joint Select Committee agreed to it, if it is that as some of the Independent Senators have said, “We want to look at that again to see whether the institution should not be an Integrity Commission but a parliamentary institution”; yes, let us look at it; I have no problem with that. But, Mr. President, what I am on is that the only way that you can deal with corruption as far as getting to the legal side of it, is to be able to have institutions so that people can get more information and have laws where you can prosecute people. That recognizes that you cannot legislate for integrity in the sense that by legislation, lack of integrity or integrity and all the problems associated with integrity would stop.

In the same way, if you have a drug problem, legislation would not solve it because you have to go hand in hand with drug prevention programmes, education, moral and spiritual values teachings in schools, in churches or wherever it is, but legislation and legal framework are important.

So, when the Opposition comes and says, “You cannot deal with integrity with legislation”, and, “We are against it”, they have not come up with any alternative. Up to today, up to now, they have not come up with any alternative to these measures. The Independents have; the Opposition has not.

I have a document here from the Jimmy Carter Institute and there was a statement issued following a Council of Presidents and Prime Ministers of the Americas entitled “Transparency for Growth”, issued on May 5, 1999. These are some of the ways in which the Jimmy Carter Institute recommended that the question of integrity in public life and official corruption be dealt with.

Enforcing existing laws and strengthening regulation, oversight institutions and audit capacity.

Well, that means the laws that you have, you enforce, but you strengthen them and you also have oversight institutions as parliamentary committees, and you also have laws like freedom of information.

Financial disclosure requirements for public officials elected and appointed to avoid conflict of interest and elicit enrichment with monitoring by a special office.

That is what we have in this Bill. We have a requirement for disclosure by public officials of their financial affairs. We have that so you are dealing with conflict of interest and elicit enrichment and there is the monitoring by the Integrity Commission. You have national laws prohibiting bribery which might be developed via a model statute process, and there are other measures, too.

Then it says, transparency is the first step in combatting corruption but it requires a media and civil society capable of accessing information and then using it to demand accountability from their government.

Well, if the first step in combatting corruption is transparency and if when a government takes the first step and the Opposition opposes it, then the ordinary conclusion must be that the Opposition is not interested for the Government to take the first step. That is why everything to do with transparency, the Opposition is against. It is the easiest thing for anybody to say X is corrupt; Y is corrupt; Z is corrupt; and if one goes on in a society like this, what will happen is that apart from people's names being smeared, members of the public will suffer, because the public will not be protected. You would not have institutions and laws. Public officials would be able to steal, would be able to be corrupt, would be able to break all integrity laws and get away with it. That is why this administration has decided that it is going that route.

Now, Mr. President, we look, therefore to see what were some of the criticisms of the measure by the Opposition. A big point is made that they do not want people to lose their office as parliamentarians. Well, let us understand that the Joint Select Committee Report agreed upon that. That is in the Bill, therefore, I would have thought that they would have studied this before they came here to make those objections. The Opposition asked: How could we trust this Government? How could we trust them? They are so corrupt. They are involved in the airport deal, in this deal and that deal.

Well, if I adopt that attitude, I could say: How would I trust the Opposition? Can I trust the Opposition if, for example, an Opposition in government knew, as

it is published all about, of murders committed but no action was taken against that. How could I trust the Opposition when as the Opposition in government, its leader sold a car to a drug dealer? I could say that, but this is not the kind of debate that we want for a matter like this. We want a debate in which we would show that there are serious issues.

If the Opposition comes here and says, "Listen, you see with respect to this matter of people losing their seat in Parliament, we think that it should not be that way, therefore, we would like you to look at this again and see whether we would not be able to have a different system." But, unless my memory is inaccurate, there is crossing of the floor law in Trinidad and Tobago. The National Alliance for Reconstruction did not pass that law; the United National Congress did not pass that law, and the only other government to have passed it was a PNM administration.

That law provides for someone to lose his seat without having the constituents deciding upon it. So how is it, all of a sudden, the PNM is against that principle? That shows that the PNM is not really against the principle; the PNM is against having any laws in which the people would be able to go back and see, and to investigate on a continuous basis: Who had a blind trust? What they did with the blind trust? What money they collected? What bribe they took? What gifts they took? What insider trading they were involved in? When they leave office, what company they get employed in? That is what these measures are about. These measures are for people in public life, Ministers of Government, Chairmen of political and governing political parties who occupied high positions in the country, to be able to know that for the future, nobody would be able to get away with this. This is what this is about.

Mr. President, I feel very strongly about this issue, and the reason I feel very strongly about this issue is that Trinidad and Tobago will not be saved if we continue like this, making a political football of matters involving integrity and corruption in public office. Therefore, I ask the Opposition to consider their duty to the population. If they have evidence against any one of the Ministers here, including the Attorney General, bring it in a Motion to Parliament; send it to the Commissioner of Police; send it to the Director of Public Prosecutions.

The Standing Orders of the Senate provide that if there is evidence about misconduct of any Minister of Government, it could be argued here. The law provides that the Director of Public Prosecutions is an independent office holder and that quite apart from the police, he can look at evidence and he can determine what he is going to do.

**5.45 p.m.**

The only people who will benefit from that is Tom, Dick, and Harry on the street, so Mr. President, why does the Opposition not want this?

**Hon. Members:** Cocoa in the sun!

**Hon. R. L. Maharaj:** Mr. President, I do not think I want to deal with Sen. Shabazz or Sen. Yuille-Williams' comments. I would not descend to that level, this debate is too much of an important debate. We have done all that we could have to bring this matter in this way to this Senate. This is really now on the conscience of Parliament. We cannot get through these measures without the support of the Opposition and the Independent Senators. I know that the Independent Senators have made legitimate points, and out of deference to what they have said, I think I would adopt a certain course, in that, we would refer this matter—at the appropriate stage I will move a Motion—to a Select Committee of the Senate, to consider these Bills, because I am convinced that the Independent Senators are genuine.

Mr. President, I want to say, with the greatest regret, I am convinced that the Opposition is not genuine [*Desk thumping*] and that they want to obstruct. Whether they support this Bill or not, as long as the Independent Senators support it, the people of Trinidad and Tobago would have a law to deal with corruption and the lack of integrity. [*Desk thumping*]

Mr. President, why is it that the Opposition wants to tell us that this Integrity Bill is a waste of time? I do not want to go into all the responses, I have them here, but in light of the course that I am going to adopt in this matter, the Independent Senators would forgive me if I do not respond to what they have said, because there would be an opportunity at the committee stage. The Government has shown, by the history of this matter, that when it was in Opposition it moved a motion in this Parliament which the hon. Leader of the Senate has shown was watered down by the then government. On this Government taking office, a study was done by the Law Commission and a Green Paper was published. History shows that a Joint Select Committee was appointed which consisted of all the representatives in the Parliament. The Joint Select Committee had before it, the Green Paper, draft Bills and all the necessary developments internationally on this matter. The Bills which are before this Senate reflect what that Joint Select Committee agreed upon.

Mr. President, it must be a matter of serious concern—and I say this not only for this matter—but as I understand it one can expect Independent Senators, under

our system, taking a certain position because they do not have a political party. They are independent of each other. They come to the Senate and express their views as they see it. They do not have a leader officially, they are independent. But where we have a system based on political parties, and a political party in the Senate and in the House of Representatives is represented on a Joint Select Committee and those in the party agree on something, then come to this Senate and give no explanation as to why they are not going ahead with it, that is what is serious in this matter!

Mr. President, I have the Joint Select Committee Report here, I read it to you. The party which they represent which is in Parliament, agreed to all these measures, and they have come to this honourable Senate and have distanced themselves, washed their hands, as if they do not know about it, and criticized it! And they are talking about integrity ! Imagine that!

**Hon. Members:** Shame on them!

**Hon. R. L. Maharaj:** Here it is, they sat, read it and signed it; they had a party caucus and agreed on it, and they come here—[*Interruption*] yes, they signed it—to an important institution like Parliament and they would not talk about that at all! They want to talk about everything on this side, “all dem allegations that yuh reading in some a dem weekly papers and thing”. They want to talk about all that, but they would not talk about the serious matters!

The records of this Senate would reflect that each one of them who spoke has not up to today, gotten up and given an explanation as to why each one agrees or disagrees. The records would reflect—and let the records speak for themselves—that they agreed, but they come now and attack the same thing that the party agreed to. If anybody wants proof that these hon. Senators are not interested in helping the country, the population, to deal with corruption, that is ample proof.

One of the hon. Senators said, "It shows a lack of integrity that this Bill was introduced to be debated during an election, and on the election campaign a Government Minister said that the Opposition is against these measures." Mr. President, I want to find out: according to them, when election time comes, you must not talk the truth? The truth is that they said they were against it, but they want the Government Members to say that the Opposition supported it. Mr. President, is that integrity? That is the kind of contribution we had in a matter like that.

Let us rise a little above that now. Let us say that the Government would hope that the Opposition would see the errors they have made and recognize their



*Integrity In Public Life Bill*

*Tuesday, July 27, 1999*

serious duty to the population. We are not asking them to make any big, big, apology—[*Laughter*—]but what we would want them to do is to, at least, consider that the public and the institution is entitled, for history, to say that these people really made an error. I would hope that even now they would get up and apologize, but I know they would not.

After these Bills are individually read a second time, I would move the appropriate Motion for the matters to be referred to a select committee of the Senate. Thank you.

*Question put and agreed to.*

*Bill accordingly read a second time.*

**The Attorney General (Hon. Ramesh Lawrence Maharaj):** Mr. President, in accordance with Standing Order 51(1), I beg to move,

That the Integrity in Public Life Bill be referred to a Select Committee and that this committee be required to consider this Bill and other related Bills and report by September 28, 1999.

*Question put and agreed to.*

**CONSTITUTION (AMDT.) (NO. 4) BILL**

**(The Integrity Commission)**

*Order for second reading read*

**The Attorney General (Hon. Ramesh Lawrence Maharaj):** Mr. President, I beg to move,

That a Bill to amend the Constitution of the Republic of Trinidad and Tobago be read a second time.

*Question put and agreed to.*

*Bill accordingly read a second time.*

**CONSTITUTION (AMDT.) (NO. 6) BILL**

**(The Public Service, Police Service, and Teaching Service)**

*Order for second reading read.*

**The Attorney General (Hon. Ramesh Lawrence Maharaj):** Mr. President, I beg to move,

That a Bill to amend the Constitution of the Republic of Trinidad and Tobago be read a second time.

*Question put and agreed to.*

*Bill accordingly read a second time.*

**The Attorney General (Hon. Ramesh Lawrence Maharaj):** Mr. President, in accordance with Standing Order 51(1), I beg to move,

That the Constitution (Amdt.) (No. 4) Bill, be referred to a Select Committee and that this committee be required to consider this Bill and other related Bills and report by September 28, 1999.

*Question put and agreed to.*

*Bills referred to a Special Select Committee of the Senate as follows:*

Sen. Brig. The Hon. Joseph Theodore; Sen. Philip Marshall; Sen. Agnes Williams; Sen. Dr. Eastlyn Mc Kenzie and Sen. Nafeesa Mohammed.

#### ADJOURNMENT

**The Minister of Public Administration (Sen. The Hon. Wade Mark):** Mr. President, before moving to adjourn this honourable Senate, I take this opportunity to inform fellow Senators that next Tuesday we are going to focus on some amendments that are going to come to this Senate, very shortly, on the Sawmills (Amdt.) (No. 2) Bill and the Forest (Amdt.) (No. 2) Bill, that will be the first matter. We will then proceed to a Motion dealing with the Development Loans Act, that is the second matter we are going to address, and then deal with the Tourism Development Bill. After that we intend to proceed with the Freedom of Information Bill. Those are the Bills that we intend to deal with at the next sitting of the Senate.

Mr. President, may I take this opportunity on behalf of the Government of Trinidad and Tobago and the Government Benches—seeing that the next time we are going to meet here would be after August 1, Emancipation Day, which on Sunday, 1 August, 1999 would represent some 165 years since the first Emancipation event took place in 1834, and 15 years since Emancipation Day was declared a public holiday and we witnessed the discontinuation of Discovery Day in Trinidad and Tobago—to wish the entire national community a very happy Emancipation celebration 1999. I hope that, for instance, Emancipation would continue to deepen the bond among our people, as we seek to grow and develop into one nation.

*Adjournment*

*Tuesday, July 27, 1999*

Mr. President, I beg to move that the Senate do now adjourn to Tuesday, August 3, 1999, at 10.30 a.m.

*Question put and agreed to.*

*Senate adjourned accordingly.*

*Adjourned at 6.02 p.m.*