

*Leave of Absence**Tuesday, June 08, 2004***SENATE***Tuesday, June 08, 2004*

The Senate met at 1.30 p.m.

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

Mr. Vice-President: Hon. Senators, I wish to inform you that due to illness, Sen. The Hon. Dr. Linda Baboolal is unable to perform her duties as President of the Senate. During the absence of the President, the Vice-President of the Senate will preside over the sittings.

I have granted leave of absence to Sen. The Hon. John Jeremie, Sen. The Hon. Knowlson Gift and Sen. Mary King from today's sitting of the Senate.

SENATORS' APPOINTMENT

Mr. Vice-President: Hon. Senators, I have received correspondence from His Excellency, the President, Prof. George Maxwell Richards:

“THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

By His Excellency Professor GEORGE MAXWELL RICHARDS, T.C., C.M.T., Ph.D., President and Commander-in-Chief of the Republic of Trinidad and Tobago.

/s/ G. Richards
President.

TO: MRS. JOAN HACKSHAW-MARSLIN

WHEREAS Senator Dr. Linda Savitri Baboolal is incapable of performing her duties as a Senator by reason of illness:

NOW, THEREFORE, I, GEORGE MAXWELL RICHARDS, 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, JOAN HACKSHAW-MARSLIN, to be temporarily a member of the Senate, with effect from 8th June, 2004 and continuing during the illness of the said Senator Dr. Linda Savitri Baboolal.

Senators' Appointment
[MR. VICE-PRESIDENT]

Tuesday, June 08, 2004

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 7th day of June, 2004."

"THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

By His Excellency Professor GEORGE MAXWELL RICHARDS, T.C., C.M.T., Ph.D., President and Commander-in-Chief of the Republic of Trinidad and Tobago.

/s/ G. Richards
President.

TO: MRS. MAGNA WILLIAMS-SMITH

WHEREAS Senator Knowlson Gift is incapable of performing his duties by reason of his absence from Trinidad and Tobago:

NOW, THEREFORE, I, GEORGE MAXWELL RICHARDS, 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, MAGNA WILLIAMS-SMITH, to be temporarily a member of the Senate, with effect from 8th June, 2004 and continuing during the absence from Trinidad and Tobago of the said Senator Knowlson Gift.

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 7th day of June, 2004."

"THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

By His Excellency Professor GEORGE MAXWELL RICHARDS, T.C., C.M.T., Ph.D., President and Commander-in-Chief of the Republic of Trinidad and Tobago.

/s/ G. Richards
President.

TO: MR. FRANCIS PAU

WHEREAS Senator John Jeremie is incapable of performing his duties by reason of his absence from Trinidad and Tobago:

NOW, THEREFORE, I, GEORGE MAXWELL RICHARDS, 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, FRANCIS PAU, to be temporarily a member of the Senate, with effect from the 8th June, 2004 and continuing during the absence from Trinidad and Tobago of the said Senator John Jeremie.

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 7th day of June, 2004."

“THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

By His Excellency Professor GEORGE MAXWELL RICHARDS, T.C., C.M.T., Ph.D., President and Commander-in-Chief of the Republic of Trinidad and Tobago.

/s/ G. Richards
President.

TO: MR. WALTON FRANCIS JAMES

WHEREAS Senator Mary K. King is incapable of performing her duties by reason of her absence from Trinidad and Tobago:

NOW, THEREFORE, I, GEORGE MAXWELL RICHARDS, President as aforesaid, acting in accordance with the advice of the Prime Minister, in exercise of the power vested in me by section 40(2)(c) and section 40 of the Constitution of the Republic of Trinidad and Tobago, do hereby appoint you, WALTON FRANCIS JAMES, to be temporarily a member of the Senate, with effect from 8th June, 2004 and continuing during the absence from Trinidad and Tobago of the said Senator Mary K. King.

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 7th day of June, 2004."

**COMMONWEALTH PARLIAMENTARY ASSOCIATION
(ESSAY COMPETITION WINNERS)**

Mr. Vice-President: Hon. Senators, I would like to inform the Senate that visiting with us today in the gallery are some young people from Trinidad and Tobago along with their guardians. I will explain why I use the word “guardians” in a little while.

The Trinidad and Tobago leg of the Commonwealth Parliamentary Association ran an essay competition with the theme, “Building a Commonwealth of Freedom” and the winners were announced recently. The prize giving function was held this morning. On my left we have from Naparima College, the principal and the recipient of the first place, Riad Khan; from St. Joseph’s Convent, second place winner, Shivani Tacklalsingh and from St. Benedict’s College, Robert O’Brien, along with his principal. [*Desk thumping*] They are going to be observers with us today.

Sen. R. Montano: Mr. Vice-President, may I ask as a result of this that the Senate extend an invitation to these young people and their guardians to tea with us, because normally strangers are not permitted in the tea room. I think that their accomplishments are great and we should honour them by inviting them to join us in our tea room. We would need the consent of the Senate for that. [*Laughter*]

Mr. Vice-President: Sen. R. Montano, whereas that is an extremely fine gesture, I would like to inform you that they had lunch with the Senators who were here. The presentation part took place this morning and they would like to leave about 3.00 p.m. [*Laughter*] It was a fine gesture and I appreciate it.

PAPERS LAID

1. Report of the Auditor General of the Republic of Trinidad and Tobago on the financial statements of the Caroni County Council for the period January 01, 1991 to September 30, 1991. [*The Minister in the Ministry of Finance (Sen. The Hon. Conrad Enill)*]
2. Report of the Auditor General of the Republic of Trinidad and Tobago on the financial statements of the Chaguanas Borough Corporation for the year ended December 31, 1997. [*Sen. The Hon. C. Enill*]
3. Report of the Auditor General of the Republic of Trinidad and Tobago on the financial statements of the Chaguanas Borough Corporation for the nine-month period January 01, 1998 to September 30, 1998. [*Sen. The Hon. C. Enill*]

4. Report of the Auditor General of the Republic of Trinidad and Tobago on the financial statements of the Chaguaramas Development Authority for the year ended December 31, 1997. [*Sen. The Hon. C. Enill*]
5. Report of the Auditor General of the Republic of Trinidad and Tobago on the financial statements of the National Broadcasting Network Limited for the period September 01, 1999 to December 31, 2000. [*Sen. The Hon. C. Enill*]
6. Report of the Auditor General of the Republic of Trinidad and Tobago on the financial statements of the National Broadcasting Network Limited for the year ended December 31, 2001. [*Sen. The Hon. C. Enill*]

ORAL ANSWERS TO QUESTIONS

National Lotteries Control Board

54. Sen. Wade Mark asked the hon. Minister in the Ministry of Finance:

A. Could the Minister provide:

- (i) a detailed breakdown on the number of events sponsored by the National Lotteries Control Board during the period January, 2002 to March, 2004;
- (ii) the costs of those events for the same period?

- B. (i) the precise procedures adopted by the National Lotteries Control Board in granting sponsorship or financial support to the various individuals/groups and organizations;
- (ii) the total amount of money paid to the firm of Alexander, Jeremie and Company in respect of its investigation into the operations of the National Lotteries Control Board for the period 1998 to 2001?

The Minister in the Ministry of Finance (Sen. The Hon. Conrad Enill): Mr. Vice-President, there are two parts to this question. Concerning part A, a total of 164 events or groups were sponsored at a cost of \$3,504,996 by the National Lotteries Control Board during the period January 2002 to March 2004. Sponsorships were provided for carnival and calypso events, steelbands, Phagwa groups, Divali and Indian Arrival Day groups. The details incorporating the recipient, date, the particulars and the associated amount of sponsorship are as follows:—because of the number of events, 164, earlier this afternoon I provided the Clerk with a copy of the document, which I hope the hon. Senator would accept in its written form.

However, just to give you an idea of some beneficiaries—[*Interruption*]

Sen. Mark: If the hon. Minister is going to give examples, I would suggest that he reads out all or he could just circulate it. To give examples would be indiscreet, on his part.

Sen. The Hon. C. Enill: Mr. Vice-President, on the list that has been circulated are beneficiaries such as the Trinidad and Tobago Cancer Society, one newsletter of upcoming events and developments in the society, \$25,000; Desmond Adams training programme in upholstery and furniture, \$25,000; Crime Stoppers Trinidad and Tobago, brochures, fight against cancer, \$30,000; Hindu Credit Union Junior Cooperative, Kids' Day 2003, first anniversary of Massala Radio, \$11,005; SDMS National Hindu Youth Organization, Hindu National Games 2003, \$10,000; Laventille Youth Development Organization, eight trophies—[*Interruption*]

Mr. Vice-President: You cannot both be standing at the same time.

Sen. Mark: On a point of clarification. Mr. Vice-President, I sought your earlier engagement, because what my hon. friend is doing is carefully selecting some sections. I told him if he wished he could read the entire 164 names; I have no problem with that. Is he going to read the entire 164 names or is he going to select in a very discriminatory manner? This is what I was trying to get some guidance on. I thought he said that he circulated it because it was too lengthy, and I agreed with him. [*Crosstalk*]

Mr. Vice-President: Hon. Minister, which are you going to do? Are you going to read the entire list or are you going to provide certain information?

Sen. The Hon. C. Enill: Mr. Vice-President, last week there was a similar request made and I thought that what I would do today is instead of using the Senate's time to read the 164 items, which is what was required, I would do two things: one, I would circulate the information with that part of the answer, but since it represents the answer to a question that is given orally, I thought it might interest the Senate to understand some of the elements of this particular answer. [*Desk thumping*] Therefore, all I was seeking to do was to provide an answer that was complete in its delivery. [*Crosstalk*] This is how I would like to answer the question.

Sen. Mark: You cannot answer it that way.

Hon. Senator: That is his answer. What is wrong with you? [*Crosstalk*]

Mr. Vice-President: Please!

Sen. The Hon. C. Enill: For example, again, Kulture Klub, Talk Calypso, \$12,500; Sanatan Dharma Maha Sabha Inc., annual Phagwa celebrations, \$25,000; Trinidad and Tobago Cricket Board, Division 2 North Zone Council of Cricket Board, \$20,000.

Sponsorship of events in summary, therefore, by the National Lotteries Control Board for the period January 2002 to March 2004 amounted to \$3,504,996.

With respect to part B of the question, all requests for sponsorships received by the board are logged by the registry clerk. Requests are then submitted to the Marketing and Public Relations Officer for assessment on terms based on the following criteria:

- (1) a brief detailed description of the sponsorship
- (2) contact information or telephone number
- (3) budget for the event or project showing all costs, including the level of sponsorship required; promotional fees
- (4) signage
- (5) literature
- (6) printing costs
- (7) creative production costs
- (8) equipment
- (9) merchandizing
- (10) direct on site sales opportunities, including product sales as well as projected product sales
- (11) NLCB benefits, including items such as complimentary tickets, hospitality, access to special events at the property, radio, television and newspaper exposure and quantify, as appropriate
- (12) marketing opportunities on site such as co-sponsored promotional activities
- (13) NLCB customer/retailer channel promotion
- (14) a list of other sponsors, indicating whether they are potential or committed and at what level

- (15) term, whether single, annual, two-year, et cetera
- (16) attendance
- (17) annual ticket sales, paid and unpaid
- (18) trend history for the last three years
- (19) future projections for three years; and
- (20) demographics: age, gender and any other applicable information

For groups: minutes of the last meeting, a list of its committee members and other pertinent information. Events do not necessarily have to satisfy all the above criteria, but those are the specifics.

The Marketing and Public Relations Officer forwards requests for sponsorship up to \$5,000, which have satisfied the relevant criteria, to a sponsorship committee for consideration. This particular committee comprises three individuals: one board member, the Executive Director and the secretary to the board. The Marketing and Public Relations Officer forwards requests for sponsorship in excess of \$5,000, which have satisfied the relevant criteria, to another committee for consideration. This particular committee comprises three board members, the Executive Director and the secretary to the board.

Each committee meets monthly or when required to consider applications within its domain. The following criteria are used as a guide in granting approvals:

- (1) the budgetary allocations for the financial year
- (2) the availability of funds
- (3) the reasonableness of the sums requested, compared with the project or activities to be undertaken
- (4) the critical needs and merits of each request; and mileage received by the National Lotteries Control Board.

The board reserves the right to deny any unsuitable requests for sponsorship.

Mr. Vice-President, the total amount of moneys paid to the firm of Alexander, Jeremie and Company in respect of its investigations into the operations of the National Lotteries Control Board for the period 1998 to 2001, inclusive of outside counsel was \$362,250. The firm Alexander, Jeremie and Company was one of two firms retained by the NLCB to investigate certain matters connected with the operations of the board for the years 1998—2001.

Alexander, Jeremie and Company is a firm of solicitors that provided advice on procedures adopted by the board of directors and other related parties during the years selected for review against the powers set out in the governing statute for the National Lotteries Control Board as amended. The investigations flagged several instances of breaches of the Act by officers of the board, which are, at present, under investigation by the relevant authorities.

Sen. Mark: Mr. Vice-President, I have a supplemental question. If you look at my question I asked for the amount paid to the firm. I did not want to get “inclusive of” some other firm. I asked specifically for the total amount of money paid to the firm of Alexander, Jeremie and Company, in respect of its investigation. Could the Minister indicate to this Senate how much money was paid?

Sen. The Hon. C. Enill: The total amount of moneys paid to the firm of Alexander, Jeremie and Company in respect of its investigations into the operations of the NLCB for the period 1998—2001, inclusive of outside counsel, was \$362,250.

Sen. R. Montano: Mr. Vice-President, having regard to his answer, is the Minister satisfied that the funding referred to in his list has been distributed evenly across the board for the people of Trinidad and Tobago?

Sen. D. Montano: Mr. Vice-President, on a point of order. That calls for an opinion that is clearly outside the Standing Orders.

Sen. Mark: You are not the Minister.

Sen. R. Montano: Very well, I will ask a question within the Standing Orders. Is the Minister aware that in this list there are many donations for carnival and calypso contests in excess of \$100,000? I saw one for \$200,000 for the Trinidad and Tobago Unified Calypsonians Organization. I beg your pardon, I see one here for \$225,000. In looking through the list I have not seen one Indian festival: Divali, Hosay or any other festival or function for anything close to that. The highest I have seen is to Balroop’s Sound Systems for a system for the National Chutney Monarch Competition for \$23,000. Is the Minister aware of this?

Sen. The Hon. C. Enill: Let me correct the statement. The Senator talked about donations; these are not donations, this represents sponsorships provided as part of the business of the institution. *[Interruption]* No, it is not the same thing. The question asked: Is the Minister satisfied about the distribution? *[Interruption]* As far as I am aware, the question of the procedures established to grant

sponsorships have been identified and followed. Whatever conclusions you seek so arrive at, as a consequence of that, clearly, I am in no position to deal with them. There is a procedure, and I have articulated it. It is involved with three specific classifications and that is the procedure that is followed by the organization in dealing with its sponsorship requests; that is reflected in the results.

Sen. R. Montano: Mr. Vice-President, would the Minister also state whether this Citadel Limited that received \$11,500, in what he termed “sponsorship”, is the same Citadel Limited effectively owned by the Chairman of the National Lotteries Control Board? If the answer is yes, would the Minister please state whether or not there was any declaration of any conflict of interest and if so would he please give the date of that conflict of interest declaration.

Sen. The Hon. C. Enill: Absolutely, Mr. Vice-president. I do not have that information, at this point in time, but what the Senator did not say is that the sponsorship was for a UTC/FCB symposium.

Sen. Montano: So it went to Citadel Limited?

Sen. The Hon. C. Enill: Yes.

Sen. Prof. Ramchand: Mr. Vice-President, could the Minister confuse people with common sense by telling us why NLCB has to sponsor Carib Brewery?

Sen. The Hon. C. Enill: Willingly. The NLCB is an institution that gets a significant amount of its revenue by being involved and being associated with events. For example, if there is a big show taking place, the NLCB buys sponsorship. It is in buying sponsorship that it is able to promote its products. This is simply a case, in some instances, of trying to do what they do best, which is to sponsor certain shows so that it gets the sponsorship offer.

Vide end of sitting for written part of the answer.

National Lotteries Control Board (Sponsorship of Events)

55. Sen. Wade Mark asked the Minister of Finance:

- A. (i) Could the hon. Minister state whether the National Lotteries Control Board has appointed a special team to fully investigate requests for donations before they are granted by the Board;
- (ii) If the answer is in the affirmative, could the Minister provide the names of the team members and the criteria, if any, used by the team to determine the bases for the granting of donations?

- B. Could the Minister provide a detailed monthly account on the number of legal briefs, retainer costs and legal fees paid to the firm of Alexander, Jeremie and Company by the National Lotteries Control Board for the period January 2002 to March 2004?

The Minister in the Ministry of Finance (Sen. The Hon. Conrad Enill): Mr. Vice-President, the NLCB has advised that all requests for donations under \$25,000 are investigated by a donations subcommittee which submits recommendations to the board for action. In addition, where required, donations are sent to the Marketing and Public Relations Officer for investigation and the provision of additional documented evidence.

The names of the team members and the criteria used by the team to determine the basis for the granting of donations are as follows: Requests for donations up to \$5,000 are submitted to a donations subcommittee for consideration. The committee comprises one board member, the Executive Director and the secretary to the board.

Requests for donations in excess of \$5,000 are submitted to a similar committee for its consideration. This committee comprises three board members, the Executive Director and the secretary to the board. The procedure for donations over \$25,000 is that the Board of Directors submits a request to the Minister of Finance with a recommendation for approval. Each committee meets bi-monthly or when required to consider applications for approval.

The following criteria are used in granting approval: The budgetary allocation for the financial year; the availability of funds; the reasonableness of the sums requested compared with the project of activities to be undertaken; the critical needs and merits of each request; the mileage received by the NLCB, where applicable, in fostering development and upliftment of individuals and groups who further contribute to society. Consideration is also given to referring requests to the Sports and Culture Fund, where necessary. All decisions are made by the Board of Directors based on the recommendations of these committees.

With respect to the second part of the question: The number of legal briefs handled by Alexander, Jeremie and Company are as follows: There were 10 legal briefs for 22 matters during the period: For 2002, one legal brief at a cost of \$1,380; one investigation, inclusive of outside counsel at a cost of \$362,250; for 2003, seven briefs covering 19 matters at a cost of \$309,236; for 2004, two briefs for two matters at a cost of \$7,689.

A detailed monthly account of money paid to Alexander, Jeremie and Company for the period January 2002—March 2004 is as follows: October 2002, legal brief for one matter, \$1,380; March 2003, legal briefs for two matters, \$11,851; May 2003, legal brief for one matter, \$2,070; June 2003, legal briefs and costs for six matters, \$29,670; August 2003, legal briefs for two matters, \$3,213; September 2003, legal cost for one matter, \$126,500; November 2003, legal briefs and costs for two matters, \$40,710 and December 2003, legal briefs and costs for seven matters, \$94,204. The total paid for the period January 2002 to March 2004, therefore, amounted to \$672,866 comprising legal briefs amounting to \$310,616 and one investigation into the operations of NLCB at a cost of \$362,250.

No retainer costs were paid to the firm of Alexander, Jeremie and Company by the NLCB during the period January 2002 to March 2004. The firm was briefed on two matters: one concerned an investigation by the Anticorruption Investigations Bureau in September 2003 into a series of short-term deposits of funds owned by the NLCB with Fidelity Finance and Leasing. The sums so deposited amounted to \$138 million and the legal question was whether the board had power to make any of those deposits, in view of the provisions of the National Lotteries Control Board Act, which required certain of the board's funds to be paid into the Consolidated Fund. Of concern to the bureau was the presence on the National Lotteries Control Board, as a director, a person accused in relation to the airport project.

The second matter that the firm was briefed in concerned the question of the power of NLCB to make donations. The cost to the NLCB of the two briefs, in terms of moneys paid to Alexander, Jeremie and Company, was \$94,204, which was included in the amount.

Sen. Mark: Mr. Vice-President, could the hon. Minister indicate to us whether the firm of Alexander, Jeremie and Company has been officially retained by the NLCB for legal matters? Has it been officially retained?

Sen. The Hon. C. Enill: Mr. Vice President, I do not understand the question. Do you mean if the firm is legally retained?

Sen. Mark: Has it been officially retained?

Sen. The Hon. C. Enill: What does that mean? [*Crosstalk*] Are they on retainer? The answer is no. [*Crosstalk*] As far as I am aware, they are one of a group of lawyers used.

Sen. Mark: Mr. Vice-President, is the Minister aware that under section 23 of the National Lotteries Control Board Act all outstanding credit of the NLCB, after allowing for all expenses and the amount reserved for prizes, should be deposited in the Consolidated Fund of Trinidad and Tobago?

Sen. The Hon. C. Enill: Yes, Mr. Vice-President, that is, in fact, so. That was precisely what was being addressed in this investigation, whether the amounts that should have been credited to the Consolidated Fund were, in fact, credited.

Sen. Mark: Could the hon. Minister indicate to us whether the donations being distributed and/or sponsorship are legal? Is the NLCB in violation of section 23 of the National Lotteries Control Board Act?

Sen. The Hon. C. Enill: That is a matter that came to my attention and, in fact, there is a letter on file giving the NLCB authority to do donations by a former finance minister; I do not have the date. Part of the issue was whether, in fact, that authority and the way it was conferred was in violation of the Act. [*Crosstalk*]

Mr. Vice-President: Hon. Senators, we have expired our time for questions for some time now and, as such, we have to bring this to an end. Any questions not answered today would automatically go over to the next day.

Sen. Mark, it seems that you have another question to ask, because you are slanting in that direction. I would like you to consider that. [*Interruption*] You seem to be asking another question. I would like you to consider that.

The following questions stood on the Order Paper:

**National Lotteries Control Board/I 95.5 FM
(Status of Relationship)**

- 57.** (i) Could the hon. Minister of Finance state whether any relationship exists between I 95.5 FM Radio and the National Lotteries Control Board?
- (ii) If the answer is in the affirmative, could he indicate whether a conflict of interest exists given the fact that the Chairman of the NLCB is the same person as the Chief Executive Officer/Chairman of the I 95.5 FM Radio? [*Sen. W. Mark*]

**Sewer Treatment Plants
(Status of)**

- 81. A.** Could the hon. Minister of Housing inform this House of the status of sewer treatment plants at all new government housing sites throughout Trinidad and Tobago?

- B Could the Minister give an assurance to this House that all sewer plants will be operational before the allocation of the new housing units? [*Sen. S. Baksh*]

**Karl Hudson-Phillip and/or Alliance Capital Markets Limited
(Details of Retention)**

82. A. Could the hon. Prime Minister inform this House whether the services of Karl Hudson-Phillip and or Alliance Capital Markets Limited were retained to investigate a transaction in which Citibank and/or the Ministry of Finance were involved during the period January 01, 1996 to December 31, 2003?
- B. If the answer is in the affirmative, could the Prime Minister state:
- (i) by whom and for what purpose was Karl Hudson-Phillip and/or Alliance Capital Markets Limited engaged on each occasion;
 - (ii) the amount of moneys paid to Karl Hudson-Phillip and/or Alliance Capital Markets Limited for each transaction?
- C. (i) Could the Prime Minister indicate whether any reports and/or recommendations were made by Karl Hudson-Phillip and/or Alliance Capital Markets Limited on any of the occasions for which the company was engaged?
- (ii) If the answer is in the affirmative, could the Minister state:
- (a) to whom and on what dates were these reports and/or recommendations made; and
 - (b) the details of any such reports and/or recommendations? [*Sen. S. Baksh*]

**Piarco Airport Runway Overlay Project
(Details of)**

83. A. Could the hon. Minister of Works and Transport confirm that the last day for the submission of tenders for the Piarco Airport Runway Overlay Project was March 20, 2003?
- B. Could the Minister inform the Senate when and to which contractor was the contract for this project awarded?

- C. Could the Minister also inform the Senate when the “Notice to Proceed” was given to the contractor and if the completion date was stipulated as sixty (60) days after “Notice to Proceed” was given?
- D. Could the Minister further inform the Senate if the work was completed? And if not, why not?

Question time having expired, questions Nos. 57, 81, 82 and 83 were not dealt with.

ARRANGEMENT OF BUSINESS

The Minister of Public Administration and Information (Sen. The Hon. Dr. Lenny Saith): Mr. Vice-President, I seek leave of the Senate to deal with Motion No. 1 under “Private Business” and at the completion of the debate on that Motion, to proceed with debate on the second reading of the Venture Capital (Amdt.) Bill, which falls under Government Business.

Agreed to.

FREEDOM OF INFORMATION (EXEMPTION) (NO. 2) ORDER NEGATIVE RESOLUTION

Sen. Wade Mark: Mr. Vice-President, I beg to move,

Whereas by virtue of section 5(1)(c) of the Freedom of Information Act, No. 26 of 1999, the President may by Order subject to the negative resolution of Parliament determine such public authority or function of a public authority to which the Act shall not apply;

Whereas the Freedom of Information (Exemption) (No. 2) Order, 2003 exempting the Central Bank of Trinidad and Tobago from application of the Freedom of Information Act was made by the President dated the 31st day of December 2003 and laid in the Senate on the 14th day of May 2004;

Whereas the said Exemption (No. 2) Order, 2003 is contrary to transparency, accountability and good governance and for diverse other good causes and reasons;

Be it resolved that the said Freedom of Information (Exemption) (No. 2) Order, 2003 be annulled.

Mr. Vice-President, good and proper governance requires a system of transparency, accountability and openness and, at the same time, a deepening of

the democratic process. Any government committed to the democratic process should be focusing on widening and expanding the access to information and not whittling away, contracting or further narrowing access to information.

It has been said that aggregate growth in any economy should impact or affect human welfare in a positive way. Indeed, aggregate growth of a nation is one of the most important factors affecting human welfare. Therefore, positive growth rates in any country should be associated with a number of factors, including the improvement in freedom, civil liberties and democracy.

Today will go down in the annals of our parliamentary history as a day of shame and disgrace. This Freedom of Information (Exemption) (No. 2) Order is not only an affront to our democracy, but it represents an assault on our liberties, freedoms and human rights. It also represents a subtle, if not an open attack, on freedom of the press in Trinidad and Tobago. This Order is a backward, retrograde and reactionary step by a bankrupt, increasingly corrupt, secretive, unaccountable and virtually closed-shop PNM administration. This Order should be tossed in the rubbish bin of history by this Senate today.

Mr. Vice-President, the Order has to be placed in its proper perspective. You are aware that the Maha Sabha applied for information on the role, duties and functions of a director of the Central Bank of Trinidad and Tobago. He is a well-known director, Dr. Selwyn Cudjoe. Of course, the Governor of the Central Bank, in his wisdom, decided not to comply with the request for information on this particular director. This same Governor was a former employee of the International Monetary Fund, an institution that promotes accountability, transparency and openness in public affairs. It is now history that the Governor refused.

The matter was taken to the courts of this country and a hearing is carded for June 16, 2004. What we are doing here today, based on the Exemption Order that the PNM has introduced in order to protect their agent at the Central Bank, is manipulating, abusing, and misusing this Parliament to frustrate the judicial process in the Republic of Trinidad and Tobago, thereby undermining the rights of the citizens of this Republic.

The Exemption Order is dated December 2003. It was around that same time that the Maha Sabha applied to the Central Bank for information on the duties of Dr. Selwyn Cudjoe. This debate is taking place at a time when the courts of Trinidad and Tobago are supposed to begin hearing this matter for judicial review in order to determine whether the Central Bank will or will not supply the said information.

The frustration of the judicial process by this Government represents the second attack, in a very short space of time, on the Judiciary of this country. We were hoodwinked by the Attorney General of this country when we debated the Extradition (Commonwealth and Foreign Territories) (Amdt.) Bill sometime ago. We were fooled into believing that we could have retroactive legislation, dating back to 1985, in order to identify certain offences. Mr. Vice-President, you would recall that I raised an objection at that time and was informed by my colleagues on that side and on the Independent Bench that nothing was wrong with retroactive legislation. Today, that same legislation that we were hoodwinked into believing that we were doing something proper, is being used by the State in order to extradite an individual to the United States. That is an abuse of the parliamentary process. *[Interruption]*

Sen. D. Montano: Mr. Vice-President, on a point of order. The issue that the Senator raised has not been adjudicated upon. He has implied improper motives to the hon. Attorney General. He said that they were fooled and hoodwinked; that has not been established and is completely out of order. He suggested that the legislation was improper; that has not been adjudicated upon. The good Senator is out of order.

Mr. Vice-President: Sen. Mark, would you please stick to the Motion and try not to impute any improper motives.

2.30 p.m.

Sen. W. Mark: Thank you very much, Mr. Vice-President.

It was in 2003 that the PNM, this regime that talks about transparency, integrity and accountability, like a bandit entering your home in the dark hours of the night, slipped through an exemption order on February 18, 2003. It was a pattern that had developed where they brought to the Parliament and it slipped, and do you know what was the result? Twelve institutions that were under the Freedom of Information Act were exempted as a result of this order that was laid on February 18, 2003. Among those institutions that were exempted were the National Entrepreneurship Development Company Limited (NEDCO), and you had a number of others that were exempt—First Citizens Bank. They came back, like a bandit in the dark hours of the night and sought to focus this Parliament on an order which, when you examine it carefully, you would see the implications for Trinidad and Tobago. This time it did not escape the Parliament and that is why we are debating it today.

Why is the Government seeking at this time to deny the citizens of this country the right to access to information at the level of the Central Bank? Does

the Government have something to hide? Does the Governor of the Central Bank have something to hide? Why is the Government seeking to exempt the Central Bank from the purview of the Freedom of Information Act? Is Dr. Selwyn Cudjoe so powerful that he can recruit the whole of the PNM Senate and the Cabinet of Trinidad and Tobago in order to have the Central Bank exempted from the Freedom of Information Act? We are not surprised, because the track record of the PNM on freedom, and particularly freedom of information, is extremely poor and I would show in my contribution where this regime, when they were on this side of the House, voted against the Freedom of Information Bill.

Every progressive measure that was introduced by the UNC government was opposed by the PNM in opposition and, today, the hon. Minister of National Security tells the country for the first time—

Sen. D. Montano: Mr. Vice-President, the good Senator is misleading the Senate. He said every progressive measure that was brought by the UNC, we opposed. That is not true at all. I was on that side for six years and we supported many bits of legislation. We were not there just to oppose for the sake of opposing; we were there to assist in the governance of the country for the benefit of all the people.

Sen. W. Mark: Mr. Vice-President, the Minister has not said anything. He took my time, that is all, and I hope you would not allow him again because I will stand my ground.

What is the reality? The UNC is a visionary, progressive, all-inclusive and united political organization. [*Desk thumping*] That is why we are in the majority. That is why in the year 2000, 307,000 citizens voted for the United National Congress. We are in the majority in Trinidad and Tobago and if the election was not stolen by the PNM, history would have been different. But we would deal with that on the hustings. That is coming very shortly. This Government is in a state of semi-collapse, as you can see.

We, in the UNC, in opposition, supported freedom of information. We brought a private bill to promote that particular position. It was also manifested in our manifesto of 1995 and as soon as the masses of people voted out the PNM and voted in the UNC, along with the NAR, one of the first things that we did was to introduce the Freedom of Information Act, No. 1. It took four years of widespread, large-scale consultation with all segments and sections of this society to bring into being the final version which you know today as the Freedom of Information (No. 2) Act of 1999.

That Freedom of Information Act covers all public officers: Central Bank employees; workers in state enterprises and statutory agencies and authorities. We ask the question: Why is the Governor of the Central Bank seeking to have that bank exempted from public access as it relates to information? Why? Is the Central Bank not accountable to you and to the people of this country?

I would like to share with you some objectives as outlined in the Freedom of Information Act in order to really provide you with an understanding of the importance of this historic and landmark legislation which was introduced by a progressive, visionary and all-inclusive United National Congress.

Section 3(1) of this Act says:

“The object of this Act is to extend the right of members of the public to access to information in the possession of public authorities by—

- (a) making available to the public information about the operations of public authorities and, in particular, ensuring that the authorisations, policies, rules and practices affecting members of the public in their dealings with public authorities are readily available to persons affected by those authorisations, policies, rules and practices.
- (b) creating a general right of access to information in documentary form in the possession of public authorities...”

with the exception of certain documents that would be in the interest of the public. So the objective of this Act was to provide the citizens of this country with access to information. This is why we do not understand why the Government at this time would want to remove that particular freedom that our population enjoys as it relates to accessing information from the Central Bank.

I recall just a short while ago, the hon. Minister in the Ministry of Finance, Sen. The Hon. Conrad Enill, when we were debating the Insurance (Amdt.) Act, we were indicating to him on this side that, here it is, the Central Bank is being given more power; they are now responsible for the supervision of insurance companies and pension plans and, therefore, we needed to have greater access to information. Whilst we are saying this, the Government brings an order to exempt the Central Bank from the public in accessing information.

I would like the hon. Minister of Finance to tell us: How does that particular development square with his thinking in terms of the Central Bank, given the new responsibilities that it has been given? There was an article in which the hon. Minister was quoted as saying that the intention was not really to disallow

information insofar as the public is concerned as it relates to the Freedom of Information Act, but our research has shown that both the Bank of England and the Federal Reserve Board fall under the Freedom of Information Act. So while there would be exemptions, they are under the purview of the Freedom of Information Act. Why do we want to exclude the Central Bank?

We would like the hon. Minister to rethink the Government's position on this matter, because where you do not have access to information, you are going to get all sorts of rumours. If you want a democracy to flourish; if you want the masses of people to participate in the decision-making process; if you want to have proper governance in a society, then we need to have that ability to access information. That freedom fighter, Nelson Mandela of South Africa, when they created a new constitution in South Africa, not only did he bring into being freedom of information that allowed the public of South Africa to access the public authorities, but he also extended it to private institutions and to private persons. That is the extent of democracy in South Africa. But you have a Government that is seeking to close the society and not expand it. It is seeking to narrow democracy and not to widen democracy in this country.

I would like the hon. Minister who is acting as Minister of Foreign Affairs—because information has reached me—to investigate a spending spree that is taking place at the level of the High Commission in Ottawa. I would like the acting Minister of Foreign Affairs to investigate this matter. I understand that there was a spending spree in that particular mission. A cell phone was purchased for US \$800.00, when you do not have freedom of information, you get these kinds of things coming through. It is for the Minister who is acting Minister of Foreign Affairs—I think it is the Hon. Danny Montano—to investigate this matter.

Would you believe at that particular mission—we are talking about freedom of information and the Government is seeking to clamp the Opposition and the people of this country. We would like the acting Minister of Foreign Affairs to investigate the purchase of an SUV Armada, Pathfinder, Nissan vehicle for Can. \$80,000 to be driven by the High Commissioner exclusively, even though he has an Audi 8 which cost Can. \$102,000. He has bought exclusively for himself, at taxpayers' expense, another vehicle which he got only last week. I would like the Minister, acting as Minister of Foreign Affairs, to investigate this spending spree and this scandal that is taking place in the High Commission in Canada.

We cannot allow a PNM secret order to take place. If we do not have information we cannot act in the manner that we would like to. When we thought

the Statutory Authorities Service Commission was acting on proper information to have the CEO of the San Fernando Corporation removed or transferred to Point Fortin, court documents have revealed it was more than just an ordinary transfer; it was vicious, vindictiveness and spite on the part of the Prime Minister of this country and he is yet to deny that and it is on the records of the courts of this country.

Sen. D. Montano: Mr. Vice-President, that clearly is out of order and he must withdraw that statement, and I will keep objecting until he withdraws it.

Sen. W. Mark: No. I have it in my bag here. Do you want me to bring it out?

Mr. Vice-President: Sen. Mark, I am on my feet. Sen. Mark, I have to agree with Sen. Montano that you went out of order there to refer in such a manner to the Prime Minister. *[Interruption]* Sen. Mark, I shall ask you to desist from making such references. *[Interruption]* No, you cannot.

Sen. W. Mark: So you are telling me, Mr. Vice-President, if I have a document—

Mr. Vice-President: Sen. Mark, we are dealing with the Freedom of Information Act and I would like you to stick to that, please.

Sen. W. Mark: Yes, Sir. I am sticking to it.

I said to you and to this honourable Senate that the rationale for the legislation lay in the fact that there was need for public participation in the decision-making process. The right to access information is a fundamental human right. It was contained in the UN Assembly Declaration of 1946. It was enshrined under Article 19 of the Universal Declaration on Human Rights. So this particular right that we have, that the PNM is seeking to take away from us, is not something that is trivial; it is something that people have died for in order to gain that right, and we cannot allow the PNM Government to just snatch and whittle away the rights of the citizens, because, as you know, freedoms are not lost in one fell swoop; freedom is taken away bit by bit, metre by metre, yard by yard, inch by inch and what this Government is doing is snatching our rights on a gradual basis. That is wrong! The PNM is kidnapping, abducting, snatching the rights of the people on a daily basis and this Parliament should be debating a bill to widen and to expand the rights of the citizens of this country. That is how a civilized society is supposed to operate and function. But those who forget the past are doomed to repeat the mistakes of that past.

You must never forget that the PNM, for 30 years, allowed only two media houses to operate in this country, denying the citizens of this country the right to

freedom of access to information. Do you remember Trinidad and Tobago Television (TTT), now National Broadcasting Network (NBN)? And tomorrow it might be PBN because Dr. Lenny Saith is making sure that NBN is no longer in existence in a couple of months. But for 30 years we had one radio station and one television station under this regime. It was the NAR and the United National Congress that opened the airwaves of this country. Today there are about 20 radio stations, so many newspapers, so many television stations and cable outlets. It was the UNC and the NAR that brought about those changes. The only licence granted by the PNM since they came into power was when they gave their big “sawartee” friend, Louis Lee Sing, a licence for Citadel.

So that Government has a history of oppressing the people. I want to quote a statement by a famous writer of the 19th Century, John Stuart Mill. He was speaking about the proper functioning of a representative government.

Mr. Vice-President: You are telling us the author?

Sen. W. Mark: I am saying there is a statement that he made. I am just paraphrasing. I am not quoting exactly.

Mr. Vice-President: Where is the statement to be found?

Sen. W. Mark: I am saying that I am paraphrasing a statement; I am not quoting it exactly. I cannot, because I do not have the book before me. I am paraphrasing the statement. [*Interruption*] I do not have the book before me so I cannot quote; I have to paraphrase.

Mr. Vice-President: You did say you were quoting.

Sen. W. Mark: Yes, I know, but I am trying to summarize the view of this famous writer, John Stuart Mill. He said, among other things, to watch and control the government. It falls on us in the Opposition and the people to watch and control the government, to throw light of publicity on all its acts, to compel full exposition and justification of all of them which anyone considers questionable; to ensure that any acts that are found to be contrary to the public interest must be condemned.

The Government abused their trust to fulfil in a manner which conflicts with the deliberate sense of a nation. He said that any government that seeks to deliberately undermine the freedoms of a citizenry, in the final analysis that government should be expelled from office.

Today, the PNM is calling on this Parliament, through this Order, to exempt the Central Bank from public scrutiny. I would like to share with you—you know,

we have statements. I do not think my honourable colleague and friend, Sen. Danny Montano was in the country at that time because he seems to be a very frequent traveller, but I recall a very sterling and rich contribution made by my dear friend—at times I call her Madam Hilton Hotel, but I cannot say that because I would have to withdraw that. I withdraw that; I beg your pardon.

I understand from a source that the shareholding of Trinidad Hilton shows a number of occupational shares allotted to that particular Minister that would reap rich benefits and dividends to the population at the end of the process. I want to quote extensively for you and for this honourable Senate, my dear friend, the Hon. Joan Yuille-Williams. When we had in the legislation a number of exemptions, the PNM was totally opposed to those exemptions. In fact, the hon. Senator even called for the public to access Cabinet notes and she was supported by Muhammad Shabazz, then a Senator. Sen. Joan Yuille-Williams, then an Opposition member of the PNM called for Cabinet documents to be made public and to allow the population to access these things without any limitations. Today she calls for the removal and for the exemption—the same Member who is now a Minister, at that time was advocating too many exemptions, now is in the forefront of exemptions. How contradictory; how ironic!

The hon. Minister at that time did not support the Bill. She said there was no support for this Bill. I want to quote for you from page 14 of her contribution, on Friday, August 27, 1999:

“Let us look at exempt documents, I feel that we need not put in that section.”

I want to quote again, Mr. Vice-President, just in case you did not hear me. The hon. Joan Yuille Williams, when on the Opposition Bench, said:

“Let us look at exempt documents, I feel that we need not put in that section.”

She said further:

“Who decides which documents are exempt?”

Now I am seeing that Cabinet documents are under ‘exempt documents’.”

And she went on. You know, I am her good friend, so she quoted me extensively. She said I used to come here every Tuesday with Cabinet notes and I used to be quoting and that is how I used to get information and that is how I used to weaken them and get rid of them, and I agreed with her. Why all this exemption? But the hon. Senator was saying throughout her contribution that there should be no exemption whatsoever. She was totally against that. Everywhere in her contribution she spoke about not having exemptions at all.

I quote again:

“We are saying, therefore, that we feel that some of those documents should be made available and they should not be considered as exempt documents. In fact, I think, every one should be taken in on its own merit and I would like the Attorney General to tell me where he includes minutes of boards on anything at all, in this whole business of Internal working documents.”

The hon. Minister was saying then that Internal working documents that lay the basis for the formulation of Cabinet notes should also be exempt. So what I am saying is that Sen. Joan Yuille-Williams was calling on the UNC to reduce the number of exemptions in the Freedom of Information Act. I quote, speaking on behalf of the PNM:

“We say, therefore, there are so many exemptions in this Bill that it needs to be opened up.”

The hon. Joan Yuille-Williams was saying that there were too many exemptions and here I would like to see the hon. Minister vote against this Order today. This Order is reprehensible! It is against her conscience! I think her conscience is actually hurting her at this time and I am looking forward to seeing Sen. Joan Yuille-Williams vote against this Order. This is against her conscience! I do not understand that! Even national security, the hon. Minister went so far as to say:

“National security privacy, yes, we say exempt but I think it is much too close, there are too many exemptions and where there are not exemptions there are too many exceptions.”

The hon. Minister said, where there were too many exemptions, there were also too many exceptions and even national security matters we should exempt.

So I would like to see the hon. Minister vote against this today. I would want to see that. [*Interruption*] I think the hon. Minister at that time voted against the Bill because she felt it was too restrictive. She condemned the Bill because she felt there were too many exemptions. She was not in support of the Bill because the hon. Minister felt at that time that there were too many exceptions. I await her verdict at the appropriate time of the proceedings. I would like to know how this hon. Minister would sleep tonight. [*Interruption*] I “cyar” go there. You have to have money to go by her. That is Hilton Hotel! I cannot go to Hilton Hotel. That is too expensive for me. I have to go to in my humble abode in the East. I do not have \$8,000 per month in housing allowance and staying in a hotel, you know.

I am saying to the honourable Senate that this particular Exemption Order is undemocratic. We believe that it is wrong for the Government of this country to

allow a single individual, to allow a director of that bank whose duties and functions the public would like to know—I have a Curriculum Vitae (CV) or the bio-data of this individual and, as you know, you can go on the website, Wellesley College, and pick it up.

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

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

Question put and agreed to.

Sen. W. Mark: Mr. Vice-President, I went on the internet and saw Wellesley College and I got the CV of Selwyn R. Cudjoe. He is a Professor of Afrikaner Studies at this particular college where he teaches courses on the African/American Literary Tradition, African literature, black women writers and Caribbean literature. So he is a literary personality. I looked at the Central Bank Act; I looked at the qualifications required to be a director on that board and nowhere did I see that one of the criteria for entry on that board that you are required to have a doctorate in the literary tradition. I saw where you had to be very efficient and proficient and knowledgeable in law, in economics, in accountancy. But nowhere did I see African literary.

So even on that simple basis, I do not understand why the PNM would want to protect such an individual, when the person does not even qualify to be a member of the board of directors. Therefore, I would like the hon. Minister in the Ministry of Finance to tell us why the Government is seeking to exempt the Central Bank from the Freedom of Information Act. We are not convinced. We believe that the PNM is seeking on a gradual basis, to overthrow ultimately the Freedom of Information Act. They are opposed to freedom of information. They have always been opposed to freedom of information.

Mr. Vice-President, when I hear my hon. friend, Sen. the hon. Martin Joseph calling out for help, drowning at the deep end of the pool, throwing his hands in the air, literally, and saying: "I have done everything I could have done", all he did not say was to "pull up my pants and go home".

But the PNM, after fooling the population that they have all the answers to their problems, after 30 months in office, have failed to deliver. So do you know what? We are being told that we are responsible. Without us the PNM cannot run the country. They want our support so that they can run the country. They do not

want the UNC to help them run the country, otherwise they would engage in power-sharing. They do not want power-sharing. They want support; they want a “bobolee” called the UNC, to beat.

This is a very serious matter. We call on the Senate this afternoon to give deep reflection and consideration to this matter. The press, for some strange reason, has remained silent on this matter. Mr. Vice-President, maybe as a young democracy the press in this country either does not recognize the importance of this particular Act and all the measures that are being taken by this regime to whittle away the rights of the citizens, or they are just disinterested in what happens in this country, particularly when it affects the rights of ordinary citizens. All the exemptions that are required by the Central Bank can be located in section 30 of this Act. We know that the Central Bank has its own Act; we know that they have a kind of secrecy arrangement for employees; we know people have to take a secret oath to enter the Central Bank, but you do not have to throw out the baby with the bath water at the same time. We are saying that if the Central Bank is unable to provide you with information that you request, you can challenge them. You have a right to do that. Why can the Central Bank not go to the court and justify its position? Why does it want to use this Parliament to undermine the rights of citizens? Why?

I would like the hon. Minister of Finance to tell us: How will the citizens be able to access information on their insurance policies, on their pension plans that are now under the purview of the Central Bank of Trinidad and Tobago as a result of the recent amendment to the Insurance Act? They now have more power. With more power you are supposed to be more accountable to the people. But what we have here is an order that is closing up the Central Bank to the citizens of this country. Fifty billion dollars in pension funds and insurance premiums that they have under their control, the citizens’ money, but still no accountability, no transparency, no openness, a secret order, a lodge at the Central Bank, and the Government of Trinidad and Tobago that is supposed to be protecting the Constitution of this country and ensuring that the rights of our citizens are not infringed and violated, protecting and advancing it. They come here in the last few weeks and tabled an order to have the Central Bank of Trinidad and Tobago exempted from public scrutiny. How can that be fair? How can that be just?

It is not fair! I cannot support it! We cannot support it. The First Citizens Bank group is no longer under public scrutiny. It is your money and my money, you know, but we cannot access information. The First Citizens Holding Limited is out of bounds. You cannot access information. The First Citizens Bank

Limited, no information, no access. The First Citizens Corporate Services Limited, you cannot get information from that institution. The First Citizens Bank Mortgage and Trust Company Limited, no information from that institution. The Trinidad and Tobago Unit Trust Corporation, a rich institution, no information, and all those institutions were under the Freedom of Information Act. We had access to information before the Government brought this Exemption Order.

3.15 p.m.

The Export-Import Bank, no access. They talk about democracy. With the National Entrepreneurship Development Company (NEDCO), if you are lucky and you want a loan of about \$60,000, or \$100,000, no collateral or security! All you have to say is that you are a PNM member. That is the only criterion to get \$60,000 and you are not paying it back. That is why they have removed NEDCO from public and parliamentary scrutiny. We would never have information. It is a spending spree.

In 30 months, they spent \$65 billion. They got about \$2.5 billion from the oil bonanza so far. The hon. Senator has brought no accountability to this Parliament to tell us how this money would be utilized. They want us to support them. Our responsibility is to remove the PNM! We are not supporting the PNM! We are not here to support the PNM! We are here to get rid of the PNM and all their crooked ways! Oppressors! That is what they are. We will never support them!

This hon. Minister of National Security does not understand his job. He cannot perform his job. The police do not have cars. They do not have resources. "But he saying law. Law go help he." Help who? He wants law so he could lock you up. He wants more power so that he and the Prime Minister of this country could determine how they would terrorize the population. They want us to support them. The only responsibility we have in this Parliament and country is to mobilize the people as quickly and largely as possible to get rid of this regime, that is oppressing, exploiting, victimizing and discriminating against the majority of the population of this country.

I beg to move.

Question Proposed.

The Minister in the Ministry of Finance (Sen the Hon. Conrad Enill): Mr. Vice-President, the Motion before us by Sen. Wade Mark states:

"Whereas by virtue of section 5(1)(c) of the Freedom of Information Act No. 26 of 1999, the President may by Order subject to the negative resolution of Parliament determine such public authority or function of a public authority to which the Act shall not apply; and

Freedom of Information Order
[SEN. THE HON. C. ENILL]

Tuesday, June 08, 2004

Whereas the Freedom of Information (Exemption) (No. 2) Order, 2003, exempting the Central Bank of Trinidad and Tobago from application of the Freedom of Information Act was made by the President dated the 31st day of December 2003 and laid in the Senate on the 4th day of May, 2004; and

Whereas the said Exemption (No. 2) Order, 2003 is contrary to transparency, accountability and good governance and for diverse other good causes and reasons;

Be it resolved that the said Freedom of Information (Exemption) (No. 2) Order, 2003 be annulled.”

Senators may not be aware that there is a strict provision imposed by the Central Bank Act on every director, officer and employee of the bank, to preserve and aid in preserving secrecy with regard to all matters relating to the affairs of the bank, or any financial institution, or any customers thereof, that may come to his knowledge in the course of his duties. This is a strict statutory provision on pain of punishment including mandatory imprisonment to every such director, officer or employee who is found guilty of breaching this secrecy provision. It is against this background of the strict secrecy provision that the Central Bank has declined to provide information requested by members of the public under the Freedom of Information Act. The Freedom of Information Act establishes a legally enforceable right by any member of the public to access information held by public authorities.

My Government has recognized and continues to support the principal objective of the Freedom of Information Act which is to allow for a degree of accountability and transparency, by all public authorities through dissemination of information. The Freedom of Information Act does not apply to documents to which secrecy provisions apply. This is specifically stated in section 34 of the Freedom of Information Act except in certain public interest circumstances set out in section 35.

The Central Bank is the repository of some of the most sensitive information that if disclosed could adversely affect the economic well-being of the country. The framers of both the Central Bank Act and the Freedom of Information Act recognized the need for confidentiality in certain circumstances particularly with respect to protecting the economic interest of the State. The Central Bank has been attacked in the media for not disclosing information requested under the Freedom of Information Act.

I wish to take this opportunity to express my full confidence in the Central Bank and its contribution to the economic development of our country. The

Central Bank has been an exemplar institution in all aspects. It has operated in a fair, consistent and even-handed manner whether on economic, financial, regulatory, cultural or socio-economic matters.

Questions have been asked of the Central Bank which it has declined to answer because of its inability to so respond, as a result of the statutory secrecy provisions embodied in its guided legislation. At this point I think it is necessary for me to address these issues since they directly attack the integrity of the Central Bank. The information that I am about to give, I gave in the other place. I say again that I am volunteering it grudgingly and without prejudice to the fact that this would not set a precedent in the future. I feel it is necessary to make an exception in this case because when the information is presented, Senators would see that the Central Bank has nothing to hide and all its actions have been fair and without preference or bias. I consider it to be of utmost importance that this information be disclosed to show the impartial nature and independence of the institution.

I refer in particular to issues which have appeared in the media and the Senate regarding a director of the bank and some that have not been mentioned, but other financial issues which have been the subject of several media publications. Specifically, the questions that have been raised among others are: the role and duties of Dr. Cudjoe at the Central Bank; expenses associated with Dr. Cudjoe in relation to transport, airfare and accommodation. Dr. Cudjoe was appointed in April 2003 by the President as a director of the Central Bank of Trinidad and Tobago. I have heard statements being made that are unfortunate. For the record, let me say that it is being alleged that Dr. Cudjoe as a historian does not meet the criteria specified in the legislation which require directors to have experience in economics, accounting, law, business or administration.

I would argue that Dr. Cudjoe has experience in administration and at a very high level. He was chairman of the Afro American Studies Department at his university; he was selected by the Governor of the State as a member of the Massachusetts Board of Education and the chairman of the Adult Education Programme of that State. He was also a member of the W. Dooby Committee of Harvard University. This committee was charged with the responsibility for selecting fellows in African American History.

Generally, the spirit of the legislation is to arrive at a Central Bank board comprising members with various competences. It is not the intention of the legislation to have board members all of whom are skilled in economics or finance. Thus, we have a board member with a background in law; another with a

background in business; an accountant and two economists. Dr. Cudjoe brings to the board his expertise in administration and significant experience in institutional view of governance which allow him to provide an informed judgment as to how the policies of the Central Bank are impacting on the community at large.

He was appointed in April 2003 and like all directors he is entitled to receive certain remunerations which specifically are: a director's fee of \$3600 per month; a meeting fee of \$1,500; local travel expense of \$400 per month; a board committee fee of \$1,000 per meeting, as well as group medical insurance. The only additional travel payment is made where a board member resides in Tobago and in that instance the bank would meet the cost of airfare, car rental and where applicable, the cost of one night's hotel accommodation.

With regard to the role and duties of Dr. Cudjoe at the Central Bank, his duties fall within the general duties of directors of the Central Bank. He is also a member of the audit committee. As we have said, the Central Bank is the regulator of banks and non financial institutions. As regulator, it calls upon its regulated licensees to follow strict guidelines regarding corporate governance. It seems to us that the Central Bank, as a regulator of financial institutions, cannot have a provision that is less than that which exists for its licensees. To the extent that these institutions which it regulates such as the First Citizens Bank group; First Citizens Bank Holdings; Trinidad and Tobago Unit Trust Corporation; Trinidad and Tobago Mortgage Finance Corporation; Taurus Services Limited and the Agricultural Development Bank, they are exempt under the Freedom of Information Act, it seems to me that the regulator must also be protected because this information that it regulates cannot be given to any one. As regulator it calls upon its regulated licensees to follow strict guidelines regarding corporate governance. The Central Bank imposes the same standard on itself and its board of directors. One of the guiding principles in good corporate governance is that there is need for the oversight role of a board, but understanding that they are not to be involved in the day-to-day management of the organization. One obligation of the board is to meet regularly with senior management and internal audit to establish and approve policies; establish communication lines and monitor progress towards corporate objectives.

I thought it necessary to give you this information because Dr. Cudjoe, who is carrying out public duty with some sacrifice, has been pummelled for being a director of the bank and like the bank, he cannot respond to these criticisms because of the strict statutory provisions of the Central Bank Act.

Another matter that has been raised in the media is the financial assistance and similar support given by the Central Bank to alleged partisan organizations. Here

again, accusations have been levelled against the Central Bank for spending money to promote one aspect of Trinidad and Tobago's culture. As far as I can recall going back many years from the performances the Central Bank has hosted, many of which I have attended, the Central Bank has observed and given support to a variety of national festivals in recognition of the diverse nature of our country, be it Carnival, Emancipation Day, Divali or parang. From the establishment of the bank's auditorium it has always been available to a wide cross section of cultural activities. It has given support to the arts and has hosted cultural and educational activities.

The bank first started Divali celebrations in 1991 and Emancipation celebrations in 2000. Expenditure on these festivals over the last five years are as follows:

Year	Festival	Expenditure (\$)
1999	Divali	19,866
2000	Divali	24,695
	Emancipation	4,900
2001	Divali	78,312
	Emancipation	24,746
2002	Indian Arrival Day	35,523
	Divali	51,003
	Emancipation	86,041
2003	Divali	75,729
	Emancipation	39,855

With regard to donations, it has always been the Central Bank's policy that donations would not be given to individuals or groups, given that it manages public funds. However, the Central Bank recognizes part of its mandate was to undertake economic, financial and monetary research and in this regard contributions were given to various conferences, seminars, scholarships and research programmes. I thought it necessary to give this background before treating with the matter at hand.

The Freedom of Information (Exemption) (No. 2) Order, 2003, was presented to this honourable Senate out of an abundance of caution, to make it absolutely

clear and beyond all doubt that the Freedom of Information Act does not apply to the Central Bank of Trinidad and Tobago. I have been advised that even without this Order the bank is exempt from the Freedom of Information Act except in the rare circumstances as stated in section 35, where the public interest overrides the secrecy provisions.

Section 56 of the Central Bank Act preserves without a doubt the secrecy requirement. Similarly, section 36 of the Financial Institutions Act also makes it an offence for persons receiving information under the Financial Institutions Act to disclose information without the consent of the persons to whom it relates and anyone who is found guilty of the breach of this provision is liable to a heavy and mandatory sentence. The Central Bank is exempt from the Freedom of Information Act for good reasons. It manages the monetary and economic interests of the country. Ours is a small society. The use and abuse of information could seriously endanger the stakeholders in the financial system and the economic life of the country. To allow the Order to be negated would be to open the floodgates to litigation every time an application is made and refused by the bank. Further, in order to avoid multiplicity of actions, it was determined that an order for exemption of the Central Bank from the Freedom of Information Act should be made.

I had been at pains to give examples which show the impartiality of the Central Bank and with the information provided, it is evident that the Central Bank has nothing to hide. Our country and parliamentarians should be concerned that the Central Bank is allowed to manage the country's economic affairs in a credible and professional manner consistent with its role as regulator of the major financial sector in the region. It behooves all Senators of this honourable Senate to support and promote the independence and integrity of the Central Bank, one of our country's most distinguished and important institutions and the bedrock of our economy. We believe that the exemption as currently exists, for the reasons that we have outlined, should remain.

Thank you.

Sen. Prof. Ramesh Deosaran: Mr. Vice-President, at the end of this debate I believe I would have to cast a vote. It is a matter that far exceeds the apparent simplicity of the relevant documentation which is known as the Freedom of Information (Exemption) (No. 2) Order, 2003. This debate is important not only for the substantive issue at hand, and as I listened to the debate so far, I believe because of the current climate in the country with respect to ethnicity, political differences and what is becoming justifiably or not an epidemic of suspiciousness.

I say justifiably or unjustifiably because I would like to make a few remarks in that regard.

When the United National Congress was in power I think they did a significant improvement for our public life by bringing the particular Freedom of Information Act into being. They must be congratulated for that. Speaking frankly once again, recently, perhaps by accident or design—it is important for the Government side to know this from an interested observer like me. This is the climate which perhaps obstructs the intention of the Government in introducing this particular Order. Perhaps, that is why they seem to be having a difficulty. It seems that wittingly or unwittingly, the Government seems to be closing the doors towards a full democracy in this country. Again, I say wittingly or unwittingly. I submit with respect it is advice they may or may not care to take. I have some understanding of the pulse of the country in matters of a civic and political nature. That impression is increasingly being given, a government whose difficulty otherwise is well-known with respect to matters of poverty alleviation, crime management and reduction and the question of the vicissitudes of an oil economy and matters of that kind.

I listened with utmost attention to the Minister in the Ministry of Finance. Strictly speaking, what he has said within the parameters of the secrecy legislation, especially section 65 of the Central Bank Act and section 56 of the Financial Institutions Act and the provisions for exemption in the existing Freedom of Information Act makes good sense. That sense faces a serious challenge by the issue which my colleague Sen. Mark raised. The context in which Sen. The Hon. Enill put his argument did not take into consideration the recently expanded powers of the Central Bank, in terms of pensions and matters of insurance. If those things were not there I would of course be more moved to support the Order, almost spontaneously, without much reflection.

Certainly and with a balanced judgment and an open mind, I think matters of workers' pensions and the operations of insurance companies with respect to the supervision of those bodies by the Central Bank, creates an obligation for information to be given upon public request. [*Desk thumping*] Putting all the politics aside, which might be an impossible challenge given the current circumstances of the country, on this critical matter we should not allow undiluted politics to distract us from an exceedingly serious issue, in terms of banking privacy and its connection to our economic fortunes. Speaking about the current circumstances, there is a wave of democracy rushing across our country that Trinidad and Tobago would try to stop at its peril. That is why I gave initial

advice free to the Government, that it has to be careful about what symbols or acts it conveys, in terms of keeping the doors of democracy closed or half open, otherwise, given rising expectations for increased democracy across the world and the Caribbean and the diminished confidence at the same time that people are having in politicians, one has to move very carefully. Subject to what the other Senators might say, the Government through the Minister's contribution made a good case for the Order. At the same time because of the climate of opinion and the additions to which Sen. Mark referred, it put us in a dilemma in terms of making a judgment.

Democracy could produce a number of inconveniences. Your privacy becomes vulnerable if you are in public life. Many of us would remark privately that we are not quite happy to declare our assets. It is not that people have stolen things. Privacy is a cherished commodity in people's lives. When you expose people sometimes for political and even malicious purposes, to scrutiny which perhaps, allows Peter to pay for Paul, and you expose the assets of hardworking people unduly to public glare, you are creating an area of risk that we could do without. Having said that, I understand the requirements for such disclosures. As I said in a previous debate, we have looked for it because quite too often, we have created dark clouds of suspicion, sometimes justifiably so over the heads of several politicians. We are in the realm of infectious suspiciousness.

We are creating a culture of political paranoia that almost every politician is guilty until proven innocent. The popular culture, meaning the talk shows and letters to the editor, is that every politician is a crook until he or she could prove otherwise. Just move around and listen. They tell you that we would invite so and so but we would keep out the politicians. This unfair development is part of the particular debate. You have integrity legislation and judicial review which have arisen over the years because of the problem of fairness in administrative law. Because of the question of fairness in administrative law from America to the United Kingdom and more recently in the Caribbean, we have had to produce judicial review by 2000 legislation. We have the joint parliamentary select committees trying to get a balance such as the Order is trying to get for us today.

What is the position which has been taken and would possibly take up a substantial part of the debate? What is the position of Selwyn Cudjoe in this debate? What sin has Dr. Cudjoe committed—he might be asking that—so that he would be put up on the cross of public opinion? Of course, he did reply over the weekend. By accident I saw him giving reply in a very artistic way to Mr. Sat Maharaj. I do not know if he has violated the Central Bank Act in that respect.

That is for others to decide. Perhaps, his literary skill is required because of the fine print and artistry of the dollar bill to understand how to create a more attractive dollar bill. The governors of this bank would have to decide that matter.

The other issue with this director is the Order coming at a time when there is a case before the court. It leads one to ask whether it is an unhappy coincidence or the Government is trying to hide something. I do not think that in this case it is a strong argument to say that the Government is trying to hide something in Selwyn Cudjoe's case, not after hearing the Minister give the disclosures which were being sought from other quarters in terms of the financial support and the allocations given to him. To the extent that that was a subject of enquiry or curiosity and the information has been given, the rest is a non issue, unless there are other things involved.

We have to be careful. Sen. Mark is very persuasive. He alluded to the culture of secrecy in a way and the need to break new ground to give the public information which is a main artery of democracy. You realize that more when you are in opposition. It is always very intriguing to me as I see the rotation from government to opposition and opposition to government. When people are on the opposition side the clarity of thought and quality of persuasion in terms of information acquisition and accountability are very sharp and clear. They must be commended for that because in the Westminster system an opposition sits as the alternative government, always waiting in challenge to the government. At the same time when the people in opposition go in the government, I have seen them and it is very intriguing. I mean no disrespect because I think something is responsible for that. The door seems to be well guarded. There is a different set of operations in place and the reluctance to be accountable. Even if there is accountability, it is very jealously given. Perhaps, that is the culture of the bureaucracy and how it works, whichever government is in power.

The classic case to which Sen. Mark referred, which I remember quite well with misery and deep regret, is the role of Trinidad and Tobago Television (TTT) in those years. TTT was a medium of oppression and suppression. People now having those memories are sensitive to any orders or bills that seek to deprive them of information. The sad thing about this particular Order is that over 90 per cent of the country do not know those things to which Sen. The Hon. Enill referred, in terms of the particular legislation and the existence of statutory protection as required by any banking industry.

I make that point for a deliberate purpose. Ignorance breeds suspicion. Unless it be missed as I am quite sure it might be missed. I have no peccadillos to

pronounce or juicy tidbits about any scandal so people would not even hear what I am saying. I would not be surprised and so the ignorance would grow one layer upon another. I have nothing sensational to disclose so few people outside this Chamber are likely to hear what I say. This is not only from my point of view but also from other people who have displayed a similar tendency.

The Government has to open the flow of information with respect to not only this issue but also other issues. Do not wait until you are challenged. You must have a proper system of public education and a number of mechanisms which I am quite surprised and sometimes disappointed, that you have neither the wisdom nor the vision as a government to exploit to your full benefit in terms of governance. I come back to the old story of the parliamentary joint select committee. That is a medium you have to use for accountability without being in the frontline and to demand information which would serve your higher purpose of government. Given what Sen. Mark said and the response by the Minister I would wait a while again before deciding how to cast my vote. When it comes to banking and the little I know about the Central Bank Act and given the exemptions already provided for in blanket form without specifying certain agencies in the Freedom of Information Act, I think the Minister has a fairly good case, except that somebody has to tell us how you would handle the request for information pertaining to pensions and insurance companies and other such aspects of the Central Bank operations which have departed significantly from its primary mandate. I must thank Sen. Mark for reminding me about that because I would have let that slip by.

I wanted to hear from the Government how this matter would be handled. My vote would make no difference. I am not ignorant of that fact. I could say yea, nay or abstain. It might be that one vote could make a difference. Sometimes you cannot take chances that you do not wish to take.

I close my contribution in the context of the debate and the culture of secrecy as against the political exhibitionism that we seem to be craving for. We want to know everybody's business as it were. You can go from one extreme to another. John Stewart Mill, I think the book was on liberty published in 1859, is a very good reference. While the call for information is justifiable, you ask not to be promiscuous about it otherwise you would prostitute democracy. There has to be a check and balance such as in section 4 of the Constitution on people's privacy and more so to the Central Bank Act. The Minister rightly pointed out that that is the guardian of other banks. If you want the children to obey a particular law, the father of those children should also be put in a position to obey that particular law.

I encourage the national community and my political colleagues, including my good friend Sen. Robin Montano, that we should not create a culture of peeping Toms and political exhibitionism at every step of the way. Restrained civic judgment and bureaucratic balance must also play a role in spite of the heavy pressures for information and disclosures of private citizens that may be overboard. I do not want to be misunderstood. I am one of those like my colleagues, who would insist on the delivery of information to keep the public alive to their interest and to let them understand the function of Parliament and the intention of bills and orders such as the one at hand today. Every step of the way requests for such information or the Order as the Minister tried to justify must rest on reason and have justifiable reach without going unnecessarily overboard.

Thank you.

Mr. Vice-President: Sen. Ramchand.

Sen. Prof. Ramchand: I stood because I did not see anybody from the Opposition stand. I am quite willing to give way if they have a speaker.

Sen. Gary Griffith: Mr. Vice-President, I wish to kindly thank you for allowing me the opportunity to make my maiden speech. I am honoured to be among the well-respected and dedicated Senators. Luckily for all Senators in the Upper House I would not be discussing matters pertaining to my pet subject, that being national security issues. Had that been the case it would have been my desire to speak for the rest of the afternoon, especially on the interesting, for want of a better word, standard of performance of the Government on that particular subject. Not wanting to digress in true military style, I would be brief and to the point in regard to the issue involving the Freedom of Information (Exemption) (No. 2) Order, exempting the Central Bank of Trinidad and Tobago from application of the Freedom of Information Act.

Simply put, we are opening a Pandora's box by allowing the Central Bank a virtual type of immunity by allowing it to conduct matters involving the State without any opportunity for scrutiny. Apart from denying the people of Trinidad and Tobago of their constitutional right, since they are being denied access to information, it also infringes and compromises the democracy that is enshrined in the Constitution. The concept of exempting the Central Bank from rights of access to information from the public can basically allow them to conduct their affairs with only the Government being aware of the activities. It makes one wonder what is the real reason for the Order being passed. Initially, it may have been to protect the nation for its good by not allowing everyone to be privy to

sensitive information as the Minister in the Ministry of Finance stated. It can also allow possible clandestine operations in the Central Bank involving possible large-scale corrupt practices.

Whereas I fully understand and agree that certain sensitive documents need to be confidential, there can be no conceivable rationale to debar the public from knowing the basic information of the Central Bank, especially involving the revenue and disbursement of funds from the Central Bank. The question is: How do we identify what level of classification should be considered secret and unrestricted? In other words, where do we draw the line in confidentiality?

As stipulated in Part IV of the Freedom of Information Act, sections 11, and 26 to 35 allow for certain restrictions. What is the need for incorporating a special Order specifically for the Central Bank to protect it from all its transactions? The Central Bank represents the core of Government funding and is responsible for the setting up of interest rates at the start of every fiscal year. This means that it is the central flow of cash. The Government controls the flow of cash depending on the state of liquidity. If information regarding the central cash flow through the Central Bank is debarred, it would mean that the Government can only be accountable for what is dispersed because no one can realistically know what is being received. How can there be any accountability in any financial institution if there is only transparency involving expenditure and not income? Our country can be considered with a managed float where we have \$6.29 to the US dollar. It is the role and function of the Central Bank to pump or pull back the cash flow from the economy to keep the dollar at that fixed rate. This in turn sets the interest rate which in turn attracts investors. You get the domino effect. However, if you do not know how the float is being managed, then it would obviously act as a major deterrent to possible investment to the detriment of the economy.

Because of this present untidy situation, the only way we can track down the expenditure is by going from ministry to ministry to confirm funds being distributed to them from the Central Bank. The budget presentation is definitely not an option. This total exemption opens the doors for possible corrupt practices, since crime is a product of opportunity. If a person realizes that he can conduct transactions without them being properly monitored and queried, it would give him the perception that he can commit a crime successfully.

I am humbly bringing this to the attention of the Senate to protect the Government from itself, since apart from opening doors of possible corrupt practices developing in the Central Bank due to lack of transparency and accountability, it can also allow other organizations the right to ask for the same

type of exemption. Where would it end? Giving organizations exclusive rights of exemptions sets a dangerous precedent, as absolute power corrupts, as it provides them the opportunity of being a law unto themselves and they can then conduct their operations contrary to what they are appointed for. The anti-crime unit and several other organizations and law enforcement agencies already have this type of exemption and are not accountable to the people of Trinidad and Tobago. They are protected under section 25 of the Freedom of Information Act which provides exemption for national events purposes.

If one is not guarding the guards, how can we verify whether the activities are above board and not illegally or politically motivated? Even the FBI and the CIA do not have exclusive rights of secrecy and they must have some level of accountability to the public.

To conclude, I hope that my brief contribution would be taken as constructive criticism and considered accordingly. I take this opportunity to state that it is and would always be my intention to serve the people of Trinidad and Tobago in and out of the Senate. I am fully aware that the true enemy is not those on the other side of the parliamentary Bench, but those who actually try to destroy the democracy of the country. It is hoped that each Senator would also think about and remember this fact. Hopefully, we can put the bulk of our resources not in trying to destroy each other, or trying to “steups” when I stand to make a statement, but in destroying the real enemies that plague our society.

The country has heard from both the Government and the Opposition of the need for collaboration to effectively deal with the ongoing major problems affecting our society. We must stop talking the talk. People continue to make statements and blame everybody else. It reminds me of the band Milli Vanilli, *Blame it on the rain*. People try to blame everybody but they cannot see the man in the mirror. Let us try to stop passing the buck and blaming everyone else for our problems. Let meaningful dialogue start now. It is to be noted that meaningful dialogue for any major venture must start with those in command and authority. Here, I humbly remind the Government that the ball is in its court and not the Opposition as the nation eagerly waits to exhale.

Thank you.

Sen. Prof. Kenneth Ramchand: Mr. Vice-President, I have a brief contribution. I want to thank Sen. Mark for making it clear that the Exemption Order applying to the Central Bank involves not only the Central Bank, but also a number of other institutions and as such it is very alarming. I want to speak on this subject not with reference to persons or particular contentious issues, but to

certain principles that the society should be organized by. We need to decide and be very clear to ourselves about what kind of information about the country's business should be available freely to citizens. We need to be very clear about that. I have not heard about any discussion where we have tried to work out that one. We also need to be clear about what kind of information would need to be kept secret and confidential, not forever, but for some time. I do not believe that any of the country's business should be kept confidential and secret forever and ever.

I might as well say at this point that I am on record as believing that in view of the fact, that Cabinet has usurped the powers and privileges of Parliament, Minutes of Cabinet meetings should be available to the public so we would know how the country is being run. The exemption of Cabinet information from the Freedom of Information Act is something I feel we should look at and argue about.

I agree and accept that there may be good cause for certain kinds of information not to be available all in the national interest. I support the right of the public to have full access unless there is good self-evident ground for withholding the information. Whenever such an occasion arises, the reasons have to be given. In the case of the Central Bank, there is the Central Bank Act that already provides for a certain amount of secrecy. If the Government is refusing to give information because the Central Bank Act prevents it from doing so and individuals and organizations want to use the Freedom of Information Act as a way of getting around that secrecy provision, we have to realize that we now have a clash between the Freedom of Information Act and regulations that exist in a number of institutions about secrecy. This clash that has just occurred would happen again and again. Since we have the Freedom of Information Act, we have to try to work out the relationship between the Freedom of Information Act and the regulations pertaining to particular institutions. If we do not do that piece of homework we would make legislation that would involve us in controversy and confusion.

4.15 p.m.

Mr. Vice-President, I said I was only concerned about the principles and I am going to stick to that. I am returning to the particular subject. I support the Motion that the Central Bank should not be exempt from the Freedom of Information Act. I support it with the suggestions I have given about our need to decide what should be available and what should be secret and about the relationship between the Freedom of Information Act and the regulation of a number of institutions in the society.

I thank you.

Sen. Brother Noble S. A. Khan: Mr. Vice-President, I would like to share a few words and thoughts on what is before us—the Motion that the Freedom of Information (Exemption) (No. 2) Order, 2003 be annulled. It does bring to our minds an institution which we have seen within recent times going beyond the bounds, which, we considered when it first appeared on the scene as part of the trappings of independence.

My mind too is not yet quiet as far as the concept or feeling of an amount of chaos that exists within our systems and institutions. This definitely will cause in my humble mind, too, where can we address this? Obviously, it has been before us for some time and that is the question of reviewing the whole system and seeing where we can actually put in the plugs or revise or make our changes.

These would be necessary because we are in a dynamic situation and any form of governance, particularly at this time, not only in our country, but in the world, the whole concept of collaboration and I have mentioned these before, participation and partnership are very important elements. Obviously, they have heard the whole question of democracy and we know democracy depends on where we are, but there is a question of answerability and a question of removing darkness; that element of opaqueness that could obviously darken our sights. It also seems historically to be a way of keeping us in that system. These little bits of handouts, salt fish skin, that we see coming our way at times could definitely be something that we should honour and cherish. Obviously, any attempt to reduce these elements of what we may perceive as something cherishable ought definitely to be met with an element of resistance.

I made allusion to the question of the Central Bank and the position it has obtained when first constructed and the question of answerability has arisen and of course this law that was promulgated some time ago, I think in the early days, 1964 or thereabouts, and where the first central banker was someone from outside our country. I would take it that a great amount of thought had gone into it and the law too and so far as the concept is concerned, one could definitely say that a good job has been done.

One could also think in terms, when we look back to where it originated—and I am sure that particularly our young students could make reference to 1944 and the Bretton Woods Agreement et cetera, the IMF and these institutions that were perceived at that time and still continue to occupy an important position in our country. So when the question of accountability comes, whom would we in these institutions, as we in these newly independent nations are, be answerable to? I have no doubt that when the IMF and the World Bank come here, especially on the

question of seeking loans, that you will find everything open, bare to them, insofar as secrecy and what-have-you.

This is one area we can think of. If it is not so, I would take it that the perception, particularly of the dispossessed and when we think in terms of the economic system, we have heard it said that the Central Bank occupies a focal point in this and obviously we just have to step out of here and maybe inside here too to see the deliverables we are receiving from the Central Bank. To be kept in this area of darkness will raise, what past colleagues have mentioned, that area of suspicion that is on the operations of the Central Bank per se and even for what it was created how it has fed down into the society.

When we think in terms of that element particularly to which I have made mention, within recent times, when some of the other institutions were there, there was an element of answerability but there seems to be too not a proper will to make those institutions work, to staff them and give them their needs. I am making particular reference to the area of insurance and those pension funds to which allusions had been made before, which were just hived off into the area of the Central Bank, where an area of cloudiness exists. One wonders why.

You have also heard not too long ago questions of where substantial financial resources—and I do recall questions of the Unit Trust Corporation of Trinidad and Tobago, an institution created, I humbly feel to give people like myself a little toe-hold in the system where there was an attempt to put it all together. It raises that suspicion of bringing all these things and here we have an umbrella of secrecy. You heard it said that it is part of the bureaucratic system to keep information away and we also know that if we are to make proper decisions, be it in an area of decision making where we are thinking first of advancing the country or even in our own personal way; or even in taking decisions at the national level and where I would take it that the question of democracy stands at our very centre, the question of having information so that better decisions can be made is one that will definitely arise.

The removal from answering: I think I have made mention of that already of not being subject to scrutiny. The utterances of some time ago with respect to the operations of this honourable Senate, I think some mention was made of that; the select committees, the frustration of answering.

Now it would seem to me that all these are intertwined before us because we are dealing with information flow. Here we are seeing areas where we have established systems not being allowed to work; not operating in the way they are meant and here now you are going into this other area. Of course, we could have

said that at one time everything was dark, but as we progressed the question of the opening of the door, the question of the focus of some form of light, there is therefore a question of why we go back into that area where the information would seem to be and where the law provides for certain checks and balances.

I mentioned before that when first the Central Bank law was made, it was a good law. Of course, we are dynamic and we change, but all this question of secrecy and the things that are definitely required for banking would have been taken care of.

Some would say why open the door wide, but with these checks and allowing people to have that confidence to come and ask questions, one would think that this is the progress that one would make. The question of data, not only in this area of which we are speaking, but even in the regular government system, many decisions—I think I have made mention of this already—are made not on the writing of the paper or it is there in the files, but what may be taking place orally and it takes place. So the question of footprints, the question of what has taken place being recorded does not exist. This is another area of cloudiness taking place where we may see the hidden and unseen being kept that way—the question of answerability.

These are some of the points I would like to bring to our attention. Revelation seems to be a necessity in your time and if there is not that flow of information even without having to extract it, there is the question of suspicion, the question of disgust, the question of looking at people in a very arrogant and insolent way because freedom is based on trust and if we do not have that, and this document is very far-reaching, I would think in terms, particularly with the areas under a total umbrella, we will be kept in that area of darkness, I would be very hesitant when the time comes.

Mr. Vice-President, I thank you.

Mr. Vice-President: Hon. Senators, it is almost 4.30 p.m., at which time we shall take the tea break. Before I suspend the sitting, I compliment Sen. Griffith for his first contribution in the Senate. You were here before; I do not think you got a chance to participate.

Sen. Griffith: Yes, Mr. Vice-President. The first time I was here, I spent all of five minutes. It was a short stay at the crease.

Mr. Vice-President: So we congratulate you in getting through your first contribution and hope that you will make meaningful contributions to the business of the Senate in future.

Senators, we shall take the tea break and return at 5.10 p.m.

4.28 p.m.: *Sitting suspended.*

5.10 p.m.: *Sitting resumed.*

Sen. Dr. Jennifer Kernahan: Mr. Vice-President, thank you for giving me this opportunity to make a brief intervention on this very important Motion before us today, that the Freedom of Information (Exemption) (No. 2) Order be annulled.

I want to deal with this very quickly as a matter of principle. I wish that in the Senate today, as exhorted by my colleague Sen. Griffith, that we would deal with reason, logic and the public good, and not the politics, one-upmanship and brute force; “I can do it because I can”. This is such an important issue; the whole question of democracy, freedom of information and transparency; such important concepts at this stage of our development, that I wish for once that the Government would take that high moral road and understand what the Opposition is saying today and, by extension, the 375,000 persons we represent.

I said this because the people are at a critical stage of development. We are a relatively young democracy. We are only 42 years into independence and that whole democratic process is expanding and developing. As we go along, we learn and we take our baby steps forward. Ours is not an experienced democracy like other countries, such as England, our former master.

We have had to fight every inch of the way for all the democratic rights and freedoms that we enjoy today. Nothing was handed to us on a platter. We are a former colony and we have had to fight for everything we enjoy today—the right to strike; the right to vote; the right of women to vote; the right to freedom of expression; the right to demonstrate; even the right to be innocent until proven guilty. All these rights today are under serious attack by this regime. The people of this country are not disposed to giving up so lightly the rights that we enjoy today. This, therefore, is the context in which we must look at this Motion.

As I said before, we are growing, developing and learning and we have to understand that the successful implementation of a democratic system of governance is a two-way street. We have a system whereby we elect our leaders and they are there to implement policies and programmes for the development of the country, but at the same time our people have to take the responsibility to be alert; to be aware of what is happening; to be aware of the laws and of the institutions that govern this democracy.

The basis for that alertness, awareness, knowledge and involvement in that democratic process, which is indispensable if democracy is really to work for us, has to be information. We speak of democracy—and there are all types of democracies—it started in Greece, which was the first democratic state. I do not

remember hearing of women being part of the members of that Greek democracy, which would come together to decide on the laws and the rules of that state; neither do I remember slaves being part of that.

So there are all types of democracies, but the type that we have, whatever its deficiencies, we have to fight to preserve it. We have to fight to protect it until we change it to suit our emerging needs. Such as it is, our vigilance must be at the highest level. Based on that, what is necessary for the expansion and preservation of the democracy that we hold dear and the system of governance that we hold dear at this point is, one, access to information, especially by the young people of the country, who are growing into the environment and whose knowledge of the environment is limited. They must have access to information about their environment, their democracy and their governance; about leadership and about institutions.

Secondly, after having as perfect an access to information as we can have, because access to information is never perfect, there will always be gaps at every level of the society. It is very challenging when you meet young educated people who have gone through secondary school, who at this point in time when you speak to them they still do not know the difference between the Upper House and the Lower House; they do not know the role of the Senate; they do not know the role of Parliament; they do not know the role and function of local government and of their parliamentarians. This ignorance and lack of knowledge and information breeds a lot of the frustration, anger and impotence that young people feel and this is why they react in an unchannelled manner. They do not know how to react in an organized manner.

Mr. Vice-President, if they had access to information about governance, about society and about who is responsible for what and where they should look for information and redress if they have problems, then they would organize their rebellion or their protest in a more channelled fashion. They would know to whom to go, to whom to talk for redress and the steps to take. When they do not know that, they feel impotent and angry and then they act violently. That is part of the problem.

If we do not see access to information, knowledge about governance and about institutions in our society as being basic to our democracy, we will always have the problem of spontaneous protests, anger and violence in our society. So one of the things we have to be careful about is access to information and access to knowledge and the transparency that comes with that.

Apart from the maximum access to information and transparency and knowledge of what is happening in our society, the other requirement for expansion and the restoration of our democracy has to be the ability for critical analysis on the part of people and that also has to come with education, training and practice. If you are not accustomed to accessing information, then you are not going to be accustomed to analyzing that information critically. It follows therefore that our people are many times handicapped by lack of information and the ability to analyze information critically and in an objective, non-partisan manner, and that is a serious flaw in our democracy. If we do not look at these things very seriously, correct them and foster the whole atmosphere of enquiry, of learning what is around us, of transparency, confronting and accountability, we will always do things in an ad hoc manner.

After the whole question of our population being able to get the information and critically analyze it, then we come to rational conclusions after we are able to debate the issues and analyze them. We see this every day when we hear people, especially older people, making allegiances to political parties “until they are dead”. This is the manifestation of a very low level of political and cultural maturity in our people and a low level of access to information and the ability to analyze, rationalize and come to a conclusion. Even if you are “that”, you should be “that” based on information and analyses that you have made. Ninety per cent of the time, there is no information, no analysis; you are just “that”. That is very sad. That sort of mentality has kept our people in political bondage.

Even though we celebrate emancipation each year, even though we are 42 years old in terms of independence and there is all this hype about education, knowledge-based society, interconnectivity and all that, unless we can come to the root cause of the sort of laissez-faire irrational responses that we see in our society sometimes, then we will always be a couple steps behind where we should be.

These are the three issues I believe are important—the access to information, the ability to analyze and the ability to come to rational conclusions. This has to be the basis of our discussions today with respect to this Motion. I have listened to previous speakers and I am very clear that it is necessary for confidentiality and protection of information in certain institutions in our country. I am also very clear that it is even more important for people to access pertinent information, especially with respect to very important institutions in this society. There can be no development of our democracy; there can be no development of our people in terms of their ability to analyze and rationalize and come to proper conclusions

about the political and economic phenomena that we are faced with every day and issues on which we have to take decisions; there can be no better way to do that if you do not open up the society to debate. There is absolutely no need for the sort of secrecy, containment, isolation of knowledge and information on which this particular regime seems to thrive.

They thrive on secrecy and this clouds the simplest issues because out of that comes ignorance on the part of the population and out of that ignorance comes the ability to control the minds of the population with propaganda, innuendoes and half-truths. These are the only reasons why any administration would want to curtail unnecessarily that flow of information to the population, especially to the young people, who have a vested interest in the future of this country.

You cannot have a population of young people who do not know, for example, the importance of the functions of the Central Bank and who are not able to access vital information with respect to what is happening with their tax dollars that are vested in the Central Bank. Sen. Wade Mark spoke about the expanded functions of the Central Bank, with respect to pensions, with respect to insurance and other banking facilities.

If you are going to make the Central Bank such a powerful, all-encompassing institution, Mr. Vice-President, which is then going to be shrouded in secrecy and hidden behind a veil of confidentiality and so on, it augurs very badly for the future of this country and for the development of the democracy and the whole intellectual development of our youth. This is what we want. We want our people to be alert, to be enquiring, to be able to challenge and confront its leadership with information and based on their knowledge of what is proper, fit and right.

We are young yes, but we have reached a level of sophistication, openness and demand for transparency that can no longer be denied by this regime. This regime is fighting a rearguard battle to take this country back to the colonial days when it was a “no-dog-bark type” of mentality. It is really fighting a rearguard battle because young people will not tolerate it. Perhaps, they are not as focused or as explicit in their thoughts and the way they manifest this anger, impotence and frustration that they feel, as were the younger people of previous generations, but this is the basis of it.

If you can engage the young people in comprehensive discussions on how their society functions, where they are in their society, where they want to be, how governments function, how they can fit in and make an input into the governance of this country, you would see a radical change in the way young people approach the institutions in this country.

This should be brought into the curriculum of schools and there should be that sort of discussion taking place every day—encouraging people to ask questions and to think about why we need certain institutions, what functions they have in our life; are they necessary and can they be dispensed with; what type of governance they want to see. This should be the daily diet in our schools. This should be part of the whole educational process so that when young people come out of secondary schools, they are well-educated social beings, not just people into whom we have stuffed a lot of information—science, mathematics, chemistry and literature. We need young people who are well grounded in their history—where they have come from, what type of societies existed previously, how we have evolved, what we have to do to evolve to this stage and where we want to go.

This is the sort of individual that we need to cultivate and we are not going to cultivate him in an atmosphere of secrecy, of cloudiness, of every Monday you are bringing a new exemption to this Parliament to shield NEDCO, to shield the Central Bank, to shield other important financial institutions. This is not the way to go. This is not the way of development. This is not the way of freedom. This is not the way of democracy. This is not the way of peace. This is not the way of justice in this country.

I think that this Patrick Manning regime should really go into retreat. At this point they are total runaways. They have lost perspective with respect to what is good for this country and for the Patrick Manning regime. Once you get those two issues mixed up, there is very little you will do right, and at this point they are doing everything wrong. They have lost perspective totally.

They have to get right what is good for the country and what is good for them. They have to strike a balance. Every political party has to do what is right to ensure its stability and continuity. That is a given, but Mr. Vice-President we also have the higher good—what they have elected to do. The oath they have taken is to serve the people, not to serve their party or their membership or the people who support the PNM. They took an oath to serve the people of Trinidad and Tobago and they have to take the high ground sometimes. They have to take the high moral road. This is where the PNM Government is falling down very badly.

Every fork in the road they come to, where they have to take a decision, they take it based on what is best for the party; how it will serve the party to stay another 30 years in government. This is what mashed up this country. One party stayed in power for 30 years, with no effective shaking up and no effective transparency; no effective investigation and debate.

These are the basic issues. These are what the people are confronted with at this time—a government that always takes the low road, one of self-preservation. They are not taking the high ground of what is good for the young people and the future development of the country. The Freedom of Information Act, which was introduced by the UNC government, was an important step forward in the process of developing and deepening our democracy; our people's ability to know that they can get information.

Mr. Vice-President, you would be surprised at the level of ignorance that people have. They do not even know where they can get the information to make their lives better and when you continually put barriers in their way, that makes it worse. This Freedom of Information Act was a very important piece of information; a tiny step forward in the march away from neo-colonialism and a step forward into a brighter future for the people of this country.

What we are doing today in this Senate, Mr. Vice-President, because “we can” and because brute force will always prevail over reason and sober judgment and over the cries of 375,000 persons, is that you are going to preside over a giant step backward in this country where the people’s democracy will be eroded little by little; whittled away. If we do not sit up and take notice and tell this PNM Government where to get off, very soon we will find ourselves right back where we started with maybe a governor general and reporting to some imperial majesty.

Someone will crown himself king eventually, you know. This is something we have seen right here in the hemisphere. We have seen tyrants and dictators arise in countries right here in the Caribbean. We saw it in Haiti; we saw it in Grenada; we saw it in Guyana, and Trinidad and Tobago is going to be no exception if we do not take a very firm stand against this.

This is what the UNC is saying this afternoon. We are taking a firm stand against this total backward step of taking this country back 50 years by exempting important institutions from the Freedom of Information Act. We are very firm in our belief that they are totally wrong, that they are totally self-serving and that the people of Trinidad and Tobago will not forgive this regime.

I thank you.

Sen. Dana Seetahal: We have heard from the other speakers, and it is also my view, that historically in Trinidad and Tobago we have maintained a culture of non-disclosure, of giving as little information as possible. The police actually call that, in their investigative machinery, the need to know. So the need to know in the society has prevailed so that it was considered a triumph, even in court, to give as little information as possible.

I can tell you from my experience that when I was a prosecutor several years ago, it was part of the culture that we keep a lot of information away from the defence. We thought that we were not supposed to divulge this information. Of course, since then the law has developed and we all know now that there must be full disclosure of any material that we seek to use in a criminal prosecution; and we probably would know that from the number of cases that are going before the court and the reams of material that must be disclosed.

Mr. Vice-President, in 1999, when the Freedom of Information Act was passed, it was consistent with the developing culture at the time in this country, which prevailed in most developed countries. It was based, I assume, on the premise that a corollary to freedom of expression was freedom of access to information. In order to give proper expression to one's view, one must have information. One must make informed decisions and, hopefully, informed statements, although from the quality of talk shows we hear in this country, one recognizes that that does not happen as often as it should.

When this Act was passed, its stated objective was two-fold: to make available to the public, information about the operation of public authorities, in particular to ensure people access to policies, rules, practices and whatnot that would affect members of the public. That is the first thing—you are making available to them this type of information.

The second objective was to create a general right of access to information in documentary form in possession of public authorities. The exception was then recognized that in cases where it was necessary for the protection of essential public interest and for the protection of private and business affairs of persons, that should not have such freedom of information—free disclosure in other words. That is reasonable public—in the public interest and to protect citizens.

Mr. Vice-President, if we are to consider whether or not this Exemption Order is good; whether it ought to be accepted, one should consider whether or not it satisfies the test; that to exempt the Central Bank—put it among the number of public authorities, which is about 13 already and this would be the fourteenth—is in the public interest. That would be the overriding test in my respectful opinion.

It seems to me that under this Act there are two ways that the State can avoid divulging information at large and one is if specific documents are exempt under Part IV of the Act; and the second is if any public authority and by public authority I mean, Parliament, the Executive, the Judiciary, ministries or any one of those and including state companies, is the beneficiary of an Order.

Section 5 specifically states that the Act does not apply to such institutions that are the beneficiary of Orders like that, apart from the President and a commission of enquiry. It does not apply to legal persons who would be exempted under the Order.

Is it in the public interest that the Central Bank should be so excepted? The hon. Minister of Finance has given his perspective and the Leader of the Opposition has given another. It is my opinion that the protection that the Central Bank seeks, to protect its financial integrity, can be gotten from Part IV of the Act. It would seem to me that, in particular, under section 33 of the Act where documents affecting the economy/commercial affairs and other matters concerning the operations of public authorities, there is protection in the Act that documents of that nature would be exempt. It seems to me an extreme step to take a wholesale position; an overarching position, as it were, to exempt an entire public authority, or enter a public authority that we have already exempted from the Act, just so that we can protect certain interests. I have not yet heard an explanation why that wholesale exemption is necessary.

If we go this way—and we appear to be going this way in terms of having already passed the Order—it would be consistent with some attitudes that I have noticed of late, which I regret. One such attitude was vented recently by the Mayor of San Fernando when he said—and I have seen no correction, so I imagine it is true; it was carried in the media—that he thinks Parliament should pass legislation requiring newspapers not to print on their front page any crime stories.

5.40 p.m.

This is an amazing proposition. I do not know if we would call it the Second Page Crime Bill. That was legislation he proposed. He proposed that Parliament, which means us, should pass that type of legislation so that, in his opinion, we would not have all that crime on the first page. That would be a direct infringement, not only on the freedom of the press but, on freedom of expression. It is a dangerous thinking for someone in that position. If you were to express an opinion that, perhaps, it is not a wise idea to always press crime on the front page, you would say that criminals want their names in the front page so that prisoner could say: “I am one of them.”

On Friday, a group of us went behind the walls of the State Prison, with the approval of the hon. Minister. A prisoner told me: “I am one of the Thackoor Boodram convicts.” That was something in the prison. Ten men were convicted

of killing Thackoor Boodram and he was one. People get some kind of recognition, maybe, from seeing their name. I do not know. Another one told me: “Do you know who I am? I am Keron Thomas. That means I am the person whom the Privy Council affirmed the conviction for murder in a certain way.” We expect that in the prison. We expect that from people who are not as educated or exposed. They are living in a subculture. You do not play to that. You do not say: “We do not publish crime. We do not keep the public informed.” We do not say: “This is what is going on. Let us pull up our socks. Children and young people, this is where you can go.” We do not take the message from the subculture and refuse to have crime on the front page, like some other countries in the Caribbean. I would not mention the countries. When things are happening people would ask: “Where is that coming from?” One would think there was never the crime of rape in that sunny island of sand and sun.

Mr. Vice-President, we have to guard our rights jealously. We have emerged from a colonial era. We are now testing ourselves. We are seeing how far we can develop our constitutional and individual rights. We are now becoming aware of what we are, what rights we have and what we can do. People can go to a police station and not be afraid to speak their mind. People can write to the newspapers, or call and say things. Of course, there are the extremes. We need to have the people of our country feel confident that they can speak their mind, get information and write to the relevant ministry that divulges information.

One of my Senate colleagues found out the sum the lawyers were paid. They can get any other information of that kind. We need to have that information to inform statements. You need to feel that you can access information, not that it is all clutched to the breast of the public authorities never to be revealed.

That is what happens in the police service right now. This is probably one of the few countries that do not have an annual report. I mentioned that two years ago and I was told that we would soon have it. Little Bahamas, with a population of 250,000, has annual reports. You can look at it and see the statistics. We have it in all the states of the United States. Our police service does not tell us anything about that. They do not have any pie charts or any information about race. We cannot see what is happening with crime; whether there are more people—People like to make statements such as: “Indians being this way, or that percentage of people.” We would never get it from the prisons if we do not have it from the police. The police are usually ahead. We do not get the kind of thing that we want and the kind of information that we would need. We need to get it somehow. We need to force these institutions to divulge. If we keep exempting institutions, where will we be going? Eventually, the Act will be toothless.

I think I do not need to belabour the point, that there is too much of a continuous, existing culture of nondisclosure of information. Right now, it takes months to get anything from the public service. I have had that experience which I mentioned before. We need to get, not just the people of the country, the authorities: Parliament, the Judiciary, the Executive, Cabinet and the Ministries, to realize that it is the public's right to have that information. I do not think if we continue along this way we will be making that known. We need to get the police to realize that they need to tell us what is going on there. We need to find out from the prisons, the number of prisoners. We should not have to wait until we pose a question for the Minister to give us that information. The public, the media, everyone should have this.

That brings me to the end of my contribution. Thank you, very much.

Sen. Robin Montano: Mr. Vice-President, as I have been fond of saying in this Senate on a number of different occasions, if you want to understand a problem go back to basics. Go back to the beginning. This debate begins with the question of freedom of information. It has been the practice of governments the world over, from time immemorial—particularly in dictatorial governments but even in democratic governments—to try and keep secret as much as possible.

In the colonial times, in this country, the colonial masters held the view that: “You are not entitled to have any information. We are not going to tell you what we are doing. What we are doing is for the benefit of Mother England. You go to the back of the bus.” When we allow self-governing and then independent persons, to a large extent, in the civil service, who have been trained by the British to continue with this British attitude; which is: “try and keep everything secret and you have no right to information”—even today in the civil service, with very notable exception, you still find pockets of this in the civil service, where they do not want you to know what is going on.

Governments always find—I believe it was Sen. Prof. Deosaran who said it—democracy messy. It means that awkward and, very often, embarrassing questions are asked. They find it inconvenient to have to answer the questions. Frequently, the questions are asked of a political nature and frequently the answers to the questions can be embarrassing. It is the unfortunate minister of the day who squirms and tries to get off the hook. That is a fact. You know what? That is healthy, because it does tend to keep—regardless of whether it is PNM, UNC, ABC or the LMNOP government—ministers in check. The name of the game is: if you do not keep the Ministers in check, sure as night follows day, if you are UNC, PNM, ABC or LMNOP you know that there is going to be a tendency to move to the

right; to move towards dictatorship, which is why the Freedom of Information Act, imperfect as it is, is so important. This is a device whereby the citizenry gets to keep government and its various organizations, for example the Central Bank, in check.

Again, let us look at the thing from both sides of the fence. I understand the argument of the Minister in the Ministry of Finance. Basically, I beg him to correct me if I misrepresent his argument in any way. What he is saying, in a sentence or two, is that the Central Bank is the repository of very confidential financial information. If this information has to be given out, it can cause serious damage to the country's economy and the various institutions such as the banks and insurance companies that it regulates. Anybody can understand the sense of that argument. No right-thinking person can disagree with the sense of that argument. On the other side of the coin though, it forces the argument: What about non-sensitive information? Why can non-sensitive information not be involved in that? Let me give an example of what I mean. I have here the *Sunday Guardian* of November 02, 2003. There was a big story entitled: Special investigation, Startling findings. There is story 1 and story 2.

“Story 2:

Maha Sabha sues Central Bank:

“the Maha Sabha wrote to the bank asking for the following information under the Freedom of Information Act:

- what are the roles and duties of Cudjoe at the bank;”

They are talking about Prof. Cudjoe. I am quoting. Let us pause for a moment. How can giving out that information be prejudicial or in any way hurt the secrecy of the Central Bank? The answer is, it cannot. It simply cannot!

- “• what are the expenses incurred with his directorship on the bank—airfare, hotel accommodation, ground transport;”

Is that a state secret? You cannot tell people that? Why? In the name of heaven, what is secret about that?

- “• what was the bank's funding for Indian Arrival Day and Emancipation Day celebrations at its offices;”

Let us pause for a second. Obviously, the Maha Sabha has an axe to grind. Obviously, the Maha Sabha is trying to see whether the Central Bank of Trinidad and Tobago is treating with both sides of the political or racial divide in an

equitable fashion. Is there something wrong with that? What is the big secret about that? Obviously, one does not have to be a genius to understand what is behind that question. What is so secret about that? Is that going to damage the economy irretrievably? How? Listen to the next question.

“• what levels of donations and sponsorship did the bank give to any NGOs for the last two years;”

Again, one understands the politics behind what the Maha Sabha is doing.

Let us assume for the sake of argument, but not accept, that in fact, the levels of donation at the Central Bank are rather similar to the levels of sponsorship of the NLCB, which we found out earlier. One only has to look at the list that the Minister provided us with earlier this afternoon to see that non-Indian functions and people asking for sponsorship received an awful lot more money than sponsorship for Indian Arrival Day or Divali celebrations. That is a fact. Let us assume that the Central Bank has in fact been operating in this way, this would show that there is a bias in the Central Bank, which we cannot afford. Will that irretrievably damage the economy of this country? How? What is so secret about that? What is the final question that they asked?

“• copies of the lists of all people who were employed by the CB over the last two years; the people who applied, were interviewed and were hired.”

Again, one only has to look at who is asking this question, to understand precisely what the Maha Sabha is driving at. Again, what is wrong with that?

Let us assume, for the sake of argument, but not accept, because I do not know, that the Maha Sabha asked this question because the Maha Sabha knows that there is discrimination at the Central Bank; that Indians are in fact being discriminated against, is that not important for the country? Put it another way, let us assume that the Maha Sabha believes that, but the facts and figures show completely to the contrary, is that not important? At least one ugly, nasty suspicion could be put firmly to rest. What is wrong with that? Why should this kind of information be kept secret? Why should the ordinary citizens not have access to this kind of information. This is the kind of information that is being sought.

I listened with interest to the Minister's quasi-legal argument about section 56 of the Central Bank Act. I would like to read the relevant section into the record.

“(1) Except in so far as may be necessary for the due performance of its objects, every officer and employee of the Bank shall preserve and aid

in preserving secrecy with regard to all matters relating to the affairs of the bank or of any commercial bank or of any customers thereof that may come to his knowledge in the course of his duties.”

When you are talking about the affairs of the Bank, you must use ordinary English. This is how statutes are interpreted. What are we talking about when we say: “the affairs of the Bank”? Obviously, we are talking about the financial affairs of the bank. Obviously, we are talking about matters that are specifically referred to in the Freedom of Information Act.

If you look at section 33 it states:

“A document is an exempt document if—

- (a) its premature disclosure under this Act would be contrary to the public interest by reason that the disclosure would be reasonably likely to have a substantial adverse effect on the economy of Trinidad and Tobago,”

That makes a lot of sense, but how does it affect asking about the roles and duties of a director of the Central Bank? That is obviously not an important matter.

- “(b) its disclosure under this Act will be contrary to the financial interests of the public authority by giving an unreasonable advantage to any person in relation to a contract which that person is seeking to enter into with the public authority for the acquisition or disposal of property or the supply of goods or services;
- (c) its disclosure under this Act, by revealing information to a competitor of the public authority, would be likely to prejudice the lawful commercial activities of the public authority;
- (e) its disclosure under this Act will be contrary to the public interest by reason that it would disclose instructions issued to, or provided for the use or guidance of officers of a public authority...”

In other words, the framers of the Freedom of Information Act recognized that there is need for a certain amount of exemption. The exemption is not a blanket exemption. The exemption is, if I might use the word, a responsible exemption. When you are asked a question such as: “What was the bank’s funding for Indian Arrival Day and Emancipation Day celebrations at its offices?” that is a reasonable question. Why should that be a secret? I can think of no good reason why that should be a secret, especially considering the fact that at the end of the day, there ought to be in this modern world, this 21st Century, no such thing as an ivory tower.

I have had enough people feeling—because they occupy a position of authority, be it a service commission or in the Judiciary, wherever—they are in an ivory tower and are beyond criticism. I heard Vice-President Gore, when the Supreme Court of the United States ruled against him, on television. Sad that he could not disagree more with the Supreme Court, but he accepted their decision. It was a severe criticism of the Supreme Court, but an acceptance of their role and authority. There was nothing wrong with that. As a practising lawyer, I have, on many different occasions, disagreed strongly with rulings of the court on one issue or another. By the court I mean all the way to the Privy Council and back, but I obeyed their decisions, unless and until they are overturned one way or the other. There is nothing wrong with that. Nobody lives in an ivory tower anymore and nobody ought to. We are no longer little colonials running around saying: “Yes boss. No boss. Three bags full boss.” We are independent men and women of the Republic of Trinidad and Tobago. That is who we are.

It cannot be right that we should—in this modern day of the 21st Century of 2004—be arguing and saying: “Well you know some men are equal, but some are more equal than others. We believe in freedom of information but this institution is a sacred cow. This is an ivory tower. Let us leave this sacred cow and that ivory tower alone. The Central Bank can do no wrong.” Like the Minister, I too have a great deal of respect for the Central Bank. Like the Minister, I believe that most of the people there—I am only saying most because I do not know of any who are not good—are good people and are doing their job.

The Central Bank has a fairly good, if not very good, reputation, both locally and internationally. Does that mean that they are an ivory tower or a sacred cow? They have a good reputation, so what! Why must we not allow them to be accountable? Is it unreasonable to ask what levels of donations and sponsorship they gave to any NGOs over the last two years? Is that an unreasonable question? Why? In one sentence, why? If anybody can tell me why that is an unreasonable question I will sit down and be quiet, but you have to say it in one sentence. My university professor told me: “If you cannot make your point in one sentence, you cannot make it at all.” He was absolutely right.

The *Sunday Guardian* of May 16, 2004 states:

“Freedom of Information a fading right?”

This is a not so nice picture of my friend. He must really speak to them. I have seen nicer pictures of him. I do not mean that he is not a nice person. The photograph is not a nice one. The Minister is quoted as saying:

“Freedom not in danger

Government’s principle at present is that any State-owned institution that is involved in transactions of a financial nature are in fact confidential.”

Nobody wants to argue with that. Nobody is trying to say that confidential, financial information should be given. Certainly, we are not trying to say that. If you feel that there is doubt, an Exemption Order could be made saying that the Freedom of Information Act does not apply—to be absolutely crystal clear—to confidential, financial information. Who is going to argue with that? Not me. This Exemption Order that is being proposed by the Government—if we do not negative it, it would come up—will prevent us from finding out what was the bank's funding for Indian Arrival Day and Emancipation Day celebrations. Why should we not be able to find that out? The Minister said that it deals with highly sensitive, monetary and fiscal policies. I agree. The Minister dismissed the bank’s legal battle as political rather than liberal. I completely disagree with that. The Minister said:

“The Central Bank should be above politics.”

I agree. None of us here wants to politicize the Central Bank. We do not want to destroy the bank's financial creditability. If you can show me how, forcing the bank to answer a question about the roles and duties of Prof. Cudjoe at the bank—

Speaking of Prof. Cudjoe, through you, Mr. Vice-President, I would like to tell my friend, Sen. Mark if he had spoken to me before, I would have told him why Prof. Cudjoe was a Director of the Central Bank. Everybody knows he is the Minister of Education’s *saarooobhai*—brother-in-law—that is why.

Sen. Manning: Mr. Vice-President, I would like to state I do not know how Sen. Montano knows about my family line. As far as I am concerned, Professor Cudjoe is of no relationship to me. *[Interruption]* No way! *[Laughter]*

Sen. R. Montano: I am astounded because my information is that, I read it, Prof. Cudjoe is on record as saying just the opposite. We know the Minister would not mislead the honourable Senate. Obviously, the learned professor has misled the country. Let us leave it like that. I do not regard that issue as a big one. Obviously, I did not get this from the sky. I got it from Prof. Cudjoe. If Prof. Cudjoe is not telling the truth about that, then I seriously question his—why would a director of the Central Bank lie? Maybe he has the wrong sister. In any event—

Mr. Vice-President, there is another article from the same newspaper, *Sunday Guardian* of May 16, 2004 which states:

“Lennox Grant: FOIA serves the public interest

...the sad thing about the possible repealing of the FOIA is that it may go relatively unnoticed, by both the public and especially journalists.

‘The FOIA hasn’t been in force long enough to have changed the ‘culture’ of journalism in this country,’ he said in an interview last week.

Grant further warned that the public at large would also suffer.”

if the Act was repealed. He said:

“‘I suspect the aim of the Manning administration is to hobble or hamstring those they see as legal and other troublemakers such as the Maha Sahba and Anand Ramlogan, because the FOIA serves the public as well.

‘The activist type of people with political or other missions who wish to use the FOIA to liberate other information are being seen by the Government as being more of a threat than media,’”

Interesting, coming from a most experienced journalist.

“‘The activist type of people with political or other missions who wish to use the FOIA to liberate other information are being seen by the Government as being more of a threat than media,’”

This particular Government, more than most, has been anxious to clamp down on the media. You have seen the recent statement by the Prime Minister where he hit out at talk show hosts. It was strange that he did not do that at a time when he was in opposition. It was strange that the Prime Minister did not stand for freedom of information and for what is right when, during the election campaign, in October 2002, on national television, a Rasta man from Laventille, in his presence—I saw it on the television—turned to the Prime Minister and said: “If UNC wins this election we go have war and it go be blacks against Indians dread.”

Sen. Mark: That is a fact.

Sen. R. Montano: The Prime Minister kept absolutely silent. What sort of leadership is that? What kind of interest in democracy is that? If it had been someone on my side who said that, I do not care who would have said it, I would have stood up and said to him: “You are absolutely wrong and I would not have that kind of talk.” I would have walked out on him—leadership, integrity, freedom of information. We need to understand clearly, if we do not guard our rights and if we do not look out for them, we will lose them. It is critical.

I urge my fellow Senators this afternoon, please, this has nothing to do with UNC or PNM. At the end of the day, it has everything to do with the democratic process and the democracy of Trinidad and Tobago.

If we do not do this, another nail will be hammered into the coffin of our rights. When one nail goes in nobody notices. When two nails go in still, nobody notices. You can still lift the lid. Three nails, no big thing. Three becomes four, four becomes 40 and 40 becomes 400. It is a dangerous thing that we are doing here this afternoon. We must understand it clearly.

My friend, Sen. Prof. Deosaran wrote a book: *A Society under Siege*. It deals with the political and legal confusion that arose from the 1990 coup. I have not had a chance to read the book. I just received it. In glancing through the book, there were four words by Prof. L. Becker. Dr. Becker is a Professor and former Head of the Department of Political Science at Auburn University, USA. On page 8 he says:

“Deosaran’s analysis points to the folly of continuing to use courts as a process of first and last resort in such a traumatic and critical situation.”

He is talking about political pressures and their actions having a major political impact. He says:

“It is a warning that applies to the rest of the world as well: rely on the legal system as the primary method to resolve the major socio-economic political maladies of Western democracies and the paralysis of the body politic would only worsen.”

If we exempt the Central Bank from this Order we are going to help create the malaise that is seeping into our body politic. We are going to find ourselves in serious problems. One nail will lead to two. Two nails would lead to 20. Do you know the old saw: For want of a nail, a shoe was lost. For want of a shoe, a horse was lost. For want of a horse, the kingdom was lost. I do not want to lose the kingdom. I do not want to lose the kingdom at all because of one nail.

I do not want to become political in my speech this evening. I do not want to make political comments about the evil PNM Government and how they are trying to destroy democracy. I want to leave that rhetoric alone this evening. I want to appeal to the Government and my fellow Senators. I want to say to them, Senators, we are citizens of Trinidad and Tobago. We live here. Our children live here and hopefully our grandchildren would live here. Let us not do anything, whereby tomorrow, 10 years or 100 years from now our grandchildren would

look back and say: “Look at the nonsense that they could have and should have prevented.” This is one of the things that we could, should and must prevent.

Senators, I strongly urge all of you please, in keeping the Central Bank on the hook, as it were, in this Act, it will not damage the integrity of the Central Bank. If the Government believes that it might, then bring an Exemption Order that is narrow and makes it quite clear. In my legal mind it is quite clear now. If what you are worried about is confidential and financial information, then bring an Exemption Order that says confidential and financial information and stop it in its track. I will support you on that, but not this. Senators, I urge your support of this Motion. Thank you.

The Minister of Legal Affairs (Sen. The Hon. Danny Montano): Mr. Vice-President, I have only two minutes to say something. I would make a very brief intervention to respond to some allegations and comments that Sen. Mark made in his presentation. I would remind Senators that he was talking about a spending spree taking place in Ottawa. He said a motorcar had been bought for \$80,000. Let me just give you the facts of the matter. Between then and now I had the office on the telephone and got all the facts. We have them straight. These are the facts. In December 2001, under the UNC administration, there was an Audi motorcar that was purchased by the then High Commissioner to be used as the official vehicle for the office. It was purchased under a five-year lease arrangement that cost Can. \$1,276 a month for five years. This is equivalent to \$76,560. That was the number they gave me, even though the maths is not exact. That is the nearest number that comes anywhere close to \$80,000.

The SUV that he was referring to, which is a Nissan Pathfinder, was leased by the Ministry in May of this year, a couple of weeks ago, under a four-year lease. There is a vehicle, which is on its way out, for the use of the office in administrative matters. All the High Commissions have at least one of these general-purpose vehicles. It was a Chevrolet Cutlass. It is now eight years old. The SUV is to replace that vehicle. It is a seven-seater which can accommodate passengers who may be picked up at the airport with luggage. I have seen it in London. They have something that is similar, for the same purpose, to accommodate much luggage as well as passengers. It is also intended for office use. That is also under a lease arrangement. The lease arrangement is \$859 for four years. The total lease arrangement is Can. \$41,261. There is no \$80,000. That lease premium on this one includes the insurance and the full maintenance of the vehicle over the four-year period. The only cost to the High Commission in Ottawa is gasoline.

As I understand it, they have no other costs. That cost is \$41,000, a far cry from the situation, which existed in October 2000, under the auspices of Sen. Mark, when he was the Minister of Public Administration. He gave full authority to the then High Commissioner to purchase a property for \$1.3 million.

Sen. Mark: When you say I gave full authority—On a point of clarification. I would not want the hon. Minister to impute any improper motives. It is wrong for him to assume that. I challenge him to bring any evidence to this Parliament to support what he is saying. Do not impute improper motives.

PROCEDURAL MOTION

The Minister of Public Administration and Information (Sen. The Hon. Dr. Lenny Saith): Mr. Vice-President, I beg to move that the Senate continue its sitting until the completion of the debate on this Motion.

Question put and agreed to.

FREEDOM OF INFORMATION (EXEMPTION) (NO. 2) ORDER (NEGATIVE RESOLUTION)

Sen. The Hon. D. Montano: The facts are that the High Commissioner was given full authority to negotiate and purchase this building. During the negotiations, they were informed that there was an environmental hazard in the basement of the building. This was for the chancery. Some time later, the neighbour sued the State and the result is that the State had to pay \$300,000 in legal costs and Can. \$675,000, to repair the damage to both properties.

Sen. Mark: What about the cell phone?

Sen. The Hon. D. Montano: They have now spent \$975,000 on a property that cost \$1.3 million and they talk about wasting money. Mr. Vice-President, cheek.

With respect to the cell phone for \$800, I was just in London. You do not know what the prices of things are in London. I just bought a cell phone for my own personal use and it cost me Can. \$800. Thank you very much, Mr. Vice-President.

6.25 p.m.

Sen. Carolyn Seepersad-Bachan: Mr. Vice-President, thank you for allowing me to make a brief contribution on this Motion which was moved by my colleague, Sen. Wade Mark: “Be it Resolved that the said Freedom of Information (Exemption) (No. 2) Order, 2003 be annulled.”

Mr. Vice-President, Sen. Mark made a statement—and I think it is something that we should take cognizance of in everything that we do—that the right to access information is a public right. All over the world, we are seeing more access being provided for public information. State agencies and public authorities have made it their business to get out there and provide the information—not because they want to be transparent—but they want to demonstrate that they are accountable.

One of the other issues is that even here in Trinidad, under the UNC administration, there was a trend that even public access to information was becoming more cost effective and more cost efficient. We invested in technology to assist with this process. I say this because being a chairman of a state board, when we knew the Freedom of Information Act was coming—like the consultation that would usually take place before these Bills; not like the Metrology Bill that we had here last week—we were asked to be prepared knowing the requirements of this Bill. As a result of that, we educated the organization about the Bill and the stakeholders of the state enterprise about this Bill. We also invested in systems, procedures and technologies to allow us to be compliant with the requirements of this Bill in a cost efficient and cost effective manner.

As a result of that, I think this may have been the impetus that drove the whole process of opening up all the ministries and state enterprises by having websites. By having these websites then the information was going to be public, and it meant therefore that the public did not need to make requests for information because it was easily accessible. It reduced the number of requests, and in so doing it also reduced the cost to the citizens, state enterprises and the Government.

Mr. Vice-President, when the UNC went into government—I am sure that this also happened when the NAR went into government—there was this culture and mindset, especially among the public service and state enterprises, that information was private and confidential. The more the information was private and confidential; the more it was outside there in somebody's hand. So the whole thing about this was to open up this whole process and to open up all this information. Why the public cannot have access to this information? Why is it only in the domain of some—those privileged few who could come in and make a back-door deal to get information? That required a culture change because it was a culture shock.

I remember many state enterprises saying: “How could we open up all our procedures for tendering—our bid documents like the minutes for opening up

tenders and so forth? This would now become a public document, meaning that there would now be public access to these documents.” I remember the first time when I passed the Bill to management and asked them to prepare a list of all the documents that they would like to be exempted, they came back with everything. I thought how interesting that everything in there was exempted and private and confidential. Nothing there was open to the public domain.

Mr. Vice-President, eventually, through discussion, consultation, education, understanding and getting that paradigm shift within the organization, we were able to at least identify that the majority of the information could be accessible by the public. That was the culture change that the UNC started with respect to openness and transparency. The UNC had no problem as a government, standing on that side and making the legislative changes to the Constitution to ensure the committee system was set up so that we could have this kind of accountability from public enterprises.

Since the PNM has come back into government—Sometimes I listen to the Ministers complaining about the public servants. They also complained about the culture of the public service. We have to ask the question whether or not they are encouraging it instead of trying to be the drivers in this changed process, and in trying to drive this culture change that is required. I am afraid to say that where we have made successful strides, we are now making retroactive strides. We are now regressing rather than progressing.

Let me just say that information must be widely accessible if a nation is to progress in this global village. We must understand that. This brings me to this Motion that is before us. I was not here this afternoon for a part of it because I had to attend my daughter’s graduation. I hope that I am not repeating anything. Senators could tell me if I am repeating anything. This Motion that we are currently debating was as a result of a decision of the PNM Government to exempt the Central Bank from the Freedom of Information Act. What prompted this action was amazing. This action was as a result of the Maha Sabha requesting certain information from the Central Bank.

Hon. Senators: We went through all of that.

Sen. C. Seepersad-Bachan: The Maha Sabha requested information from the Central Bank and they were refused. The Maha Sabha took the Central Bank to court and they have received approval for the judicial review, and because the courts got involved in the system, we suddenly see this (Exemption) (No. 2) Order appearing before us. When we talk about constitutional reform everyone

gets annoyed, but this is where the Government is using the legislative hammer. I know that Senators on the other side would always find their arguments.

Mr. Vice-President, when I saw the Maha Sabha asking for this information, the first thought that came to my mind was: Why did the Central Bank Governor not give out the information freely? The information requested had nothing to do with monetary policy; it had nothing to do with confidential information pertaining to the bank's business; it had nothing that would affect the economic interest of this country or the economic interest of any of the commercial banks. The information requested did not fall within that domain, so why withhold the information? If I were the Central Bank Governor, I would have been quick to remove all the perception and controversy that were going on outside there. I would have said what were the facts.

Just two weeks ago, the Minister in the Ministry of Finance, Sen. The Hon. Conrad Enill, did just that in the House when they were debating this said Motion.

Sen. Prof. Deosaran: This is an important point and the Senator may be right. For the benefit of the Senate—the Minister could advise us on this matter—I believe that the Central Bank Governor could not release the information because he is constrained by an existing statute, but the Minister could because he is not bound by that restraint. Am I right?

Sen. Enill: Yes.

Sen. Prof. Deosaran: I thought that was an important point to note.

Sen. C. Seepersad-Bachan: Mr. Vice-President, I beg to differ on that point. What happened is that the section the Minister referred to was section 56 of the Central Bank Act, which deals with the secrecy and penalty for disclosing information. I would just read section 56 which says:

“Except in so far as may be necessary for the due performance of its objects, every officer and employee of the Bank shall preserve and aid in preserving secrecy with regard to all matters relating to the affairs of the Bank or of any commercial bank or of any customers thereof that may come to his knowledge in the course of his duties.”

It went on to talk about the offence and so forth. Hon. Senator, if you read this section of the Act you would understand that the matters that we are dealing with here are matters that would impact on the financial issues of the bank.

Sen. Enill: The interpretation that the Senator is placing on this matter is not the interpretation that was given to the Governor by the Legal Affairs Division of

the Central Bank. In the Governor's letter to the Maha Sabha—I do not have it here—it simply stated that based on the secrecy provisions he could not have given the information. Those are the facts. The interpretation by Senators and how they interpret the Act is not consistent with the advice of the Legal Division of the Central Bank and whose advice the Governor must take. I just wanted to make that clear.

Sen. C. Seepersad-Bachan: Mr. Vice-President, this is why sometimes when we are using the legislation, we have to use it within the context. Recently, a Senator was saying to me that probably one of the things that we must bring to this Senate is legislation to change the Standing Orders so that Ministers must answer questions and they must be relevant. I find that is ridiculous. I do not think that you should tell someone that they must answer a question and how they must answer it. It is a responsibility on the Minister's part to do that.

Similarly, anybody who reads this section of the Act and understands the nature and the business of the bank would understand that they are talking here about the economic interest of the country at large and confidential information that relates to commercial banks. Telling me how many donations the Central Bank gave to Indian Arrival Day, or how many donations the Central Bank gave to any other organization, I cannot understand how that would impact in any way on the affairs of the bank. It cannot negatively impact on the affairs of the bank.

Sen. Dr. Saith: We could get embroiled in this matter. I think what is being said to you is that the interpretation with respect to the affairs of the bank covered everything. I guess the problem that the Governor would have had is at what point would the question of what I say or what I should not say about the Central Bank would fall into his hands as an individual. They have asked him to make a valued judgment as to whether this was something that he should say or should not say. I guess that is where it came about. I do not think that you should ascribe to that—You were going well until you began to get very political. I do not think that you should ascribe motives, simply on the basis of the fact of what your interpretation suggests. You should be charitable enough to look on the other side.

Sen. C. Seepersad-Bachan: Hon. Senator, it is not that I am trying to ascribe motives as you put it but I am trying to say that in that position, as a Governor of a Central Bank—I backed this argument before the Senator started to ask the question. The reason I said that if I were the Central Bank Governor that I would have made this information public is that I know very well that if I release this information, it would not impact negatively in any way on the affairs of the Central Bank. This is why you have ended up now with a bigger problem. You

have ended up with a perception outside there that there is something to hide. Anybody could interpret this section of the Act and others would say: "Why hide behind section 56 of the Act?"

Mr. Vice-President, when I saw this matter on the newspaper where the Central Bank Governor spoke about this particular section of the Act and he said that he was bound by the secrecy of this particular section and so on, I wondered to myself, when one reads it and puts it into the context, that is what the meaning is all about, and that is it should not impact negatively, because you would then end up releasing no information, even information that may be for the public interest. This is where the discretion will come in. Of course, no one is going to penalize him for doing that.

I am saying this because we are in the 21st Century and the more that Trinidad and Tobago gets involved in this whole process of corporate governance issues of being transparent, open and accountable, this is one of the areas where the Central Bank of Trinidad and Tobago is being deemed as an independent institution. That is the reason they decided to take the supervisory function and put it under the Central Bank. For example, what we did last week with the insurance companies. These companies are now being regulated and they are now under the Central Bank Supervisory and Regulatory Framework.

Similarly, with respect to other institutions, there are some deliberations going on in terms of moving the credit union sector under the Central Bank. So, if the Central Bank is going to take up a role of being supervisory and regulatory and asking these companies to institute proper governance within their institutions and to be accountable, open and transparent, then the Central Bank would have to lead by example. [*Desk thumping*] They should take every opportunity to become open, transparent and accountable. They should be the first to provide the information.

Mr. Vice-President, with all due respect to Senators on that side, that is one of the matters where even in their own ministries they should start to encourage it. Do not let the controversy fester on the outside; do not let the perceptions gain credence, but nip it in the bud. If there was nothing wrong and there was no discriminatory issue, it would have served the Governor better to come out and make this information public. As a senior person, among his board members, he would have had that discretion. That is the point that I wanted to make. You have to lead by example. We cannot be telling ourselves that the Central Bank cannot take on the approach and release the information because it is bound by section 56 of the Act, and then the Central Bank is asking all the institutions that have to

report to them to be open, accountable, transparent and they must comply with this, or they must comply with that. That was the problem I had. I wanted to make that point.

I know the Minister in the Ministry of Finance would have dealt with the issues with respect to the importance of the documents and the kind of information that would pass through the Central Bank. We know that. That is the role of other central banks all over the world. They would have access to very confidential and private information and also information that is crucial and would impact on the economic interest and on the public interest. We have recognized that because the Central Bank is supervising the banking sector.

However, under the Freedom of Information Act, there are so many clauses in here that allows the Central Bank from the first day to say what information was exempted. I was looking at section 21 of the Freedom of Information Act, which says that if the information that you are asking for in any way utilizes so much of the resources that it is going to take away from the main function, the Governor could refuse access to it.

Under Part IV of the Act there are the various categories for the exempt documents. Any of the information that the Minister is referring to must fall under that, whether it is defence security, international relations that we are dealing with or internal working documents. We do not have to release any internal working documents if they are working documents towards a policy, which would eventually become stated, because we do not want a premature public statement on that policy's position.

Similarly, there are professional privileges and personal privacy. If there is any document that has information which could impact personally on anybody and create that level of damage, that document could be exempted according to this Act. Mr. Vice-President, these are the documents I think that the Minister in the Ministry of Finance was referring to and these are the documents related to the economy. I would read section 33(1) which says:

“A document is an exempt document if—

- (a) its premature disclosure under this Act would be contrary to the public interest by reason that the disclosure would be reasonably likely to have a substantial adverse effect on the economy of Trinidad and Tobago, including but not limited to, the premature disclosure of proposed introduction, abolition or variation of any tax, duty, interest rate...”

And it went on to many others. That is just subsection (a). At any point in time there is reasonable doubt that the information within that document—once it is released within the public domain—could cause that type of impact, or have that negative impact you could ask for that document to be exempted.

The Central Bank of Trinidad and Tobago is a state entity. The Board of Directors is paid from taxpayers' money. The Central Bank belongs to the people of Trinidad and Tobago like any other state entity or ministry. If we want to have public accountability in all our state institutions, we have to start at the head, otherwise it would never happen. So, you cannot tell the Central Bank that you should get away with this matter and everyone else must comply. There would be no compliance. That is the point I wanted to make.

This point came up before in this House. Before this matter was raised there was this new trend. Suddenly, if you asked a question about NEDCO it would appear on an exemption order. So we have all these enterprises as listed by Sen. Mark in the Legal Notice and they are: First Citizens Bank Holding Company Limited, First Citizens Bank; First Citizens Corporate Services; First Citizens Bank Mortgage and Trust; the Trinidad and Tobago Unit Trust Corporation, the Export-Import Bank; the Agricultural Development Bank; Trinidad and Tobago Mortgage Finance Company, Taurus Services and the Small Business Development Company Limited. We know all issues surrounded the National Entrepreneurship Development Company Limited (NEDCO) right now and the questions that are being asked.

Mr. Vice-President, do you know what is happening? What we have noticed as a trend in this Senate is that as soon as the Opposition starts asking questions about any of these entities, it goes down for exemption under the Freedom of Information Act. [*Interruption*] Do you know what happens? It is so paradoxical because we now have a situation where if we did not have the Freedom of Information Act and a question was asked about NEDCO or any of these other enterprises, we would have gotten an answer. [*Desk thumping*] Do you know that if you ask any question about any state enterprise that is listed, they would come here and say by exemption under the Freedom of Information Act, they would not be able to answer the question. That has happened across the board. We have received no answers for any of these entities, because they are now listed under the Freedom of Information (Exemption) Order. That was not the purpose of the Act.

Hon. Senators: That is true.

Sen. C. Seepersad-Bachan: I am glad to hear Senators saying that because do you know what is happening here? It is amazing to see that the very vehicle that was designed to create openness, transparency and accountability is being used to close up everything in this Senate. There is no accountability anymore. [*Desk thumping*] This is where we are talking about using the legislative hammer. Anytime a Senator asks a question and they do not want to answer or account for it, the first thing that they would do is to rush quickly and send an exemption order. They have the inherent majority in this Senate, it would be passed and that would be the end of that matter.

Immediately, after the questions were asked in the other place about NEDCO, we had this situation where it was laid and that was the end of it. When we came to the Senate the next week, the response was that in accordance with this Exemption Order, the Minister of so and so is not required to answer. That is the new ruling in this Senate. The reason I am making this point is to appeal to all Senators of this honourable Senate.

I know that it has been said before, and I heard it from the other side that this Parliament is about making legislation; this Parliament is not about accountability, openness and answering questions. That is for the Executive. The Minister of Legal Affairs, Sen. The Hon. Danny Montano, made that comment in one of his contributions. He indicated that we must be made to understand that this Senate is not about answering questions and this is what the Westminster system is all about. I am always making the point that we do not have the same tradition ethics as the Westminster system in the United Kingdom. That is why we need constitutional reform in this country.

What has started happening in this country is that this Parliament is of no value. Even where legislation is concerned, they just use the legislative hammer whenever they are ready because they know that they have the inherent majority and they would just pass it; whether we like it or not.

Several citizens have called for this particular Order to be annulled. This is not the first time. Sen. Prof. Deosaran made a very important point over lunch today, and that is the citizens of this country are demanding answers. They have recognized their rights to information and they have recognized their rights for accountability of the Executive. They are telling us that this is the job of the Opposition to get accountability and to get answers. This is how we keep the checks and balances in place. The problem here is that we would no longer have that opportunity.

I agree with my colleague, Sen. Dr. Kernahan, when she said that our democracy is being eroded. My colleague, Sen. Montano, has been pounding on this every day and that is we do not understand what is slipping away from us every day. Our traditions, principles, ethics and so forth are changing. I do not know when suddenly people are saying that they do not have to do this or they do not have to do that. So, what prevailed in the House before by just good commonsense, traditions, ethics and principles no longer apply.

I am appealing to all Senators—even Senators on that side—to tell this country that this Parliament is still of some value and we could still have accountability through this House, if we allow this Order to pass today without it being annulled, the value of this House would be severely eroded, and there would be minimal value. I think this is something that we need to understand. We have already seen the problem. Every day we are looking at the situation and we are seeing that our committee systems are not working, yet the committee systems are working all over the world. Why? Why the Federal Reserve, which is a bank in the United States of American, could stand up and go before a congressional committee and report?

Mr. Vice-President, about a year ago, there was a Motion before this House to extend the borrowing for the open market operations. I do not know if Members remember that particular debate which we had. In that particular debate, we spoke about the open market operations and how it was being used as a tool in monetary policies.

Mr. Vice-President, I made the call and I think an Independent Senator also made the call as to when are we going to ensure that there is a proper line between monetary policy and fiscal policy. The only way to achieve that, to ensure that monetary policy is not interfering with the fiscal policy or fiscal policy is not interfering with monetary policy, what was asked is when the Central Bank of Trinidad and Tobago will start reporting to a committee of the Parliament if they are to become a truly independent institution. We made that call about a year ago. I remember the response from that side was yes, that it is coming. Because of the kinds of functions that were being assigned to the Central Bank, in terms of its supervisory functions and regulatory roles, they were being asked to be independent of the political directorate—being independent means that the Central Bank must report to the Parliament.

Mr. Vice-President, I say this here today and I am appealing to all the Senators—my colleagues on this side and all the Senators who have gone before me. I am also appealing to the Senators on the other side that in the interest of

preserving the role, function and democracy enshrined in this particular House, we are saying do not pass this Order and that the Order should be annulled.

Mr. Vice-President, I want to ask all Senators to support Sen. Mark in this particular Motion, because if we do not support him with this Motion, I think it would be a sad day for us. I join with all the other Senators who have gone before me and say that it would be a sad day, and we would be making a wrong statement to this nation that there is no accountability; there is no openness and there is no transparency.

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

The Minister of Public Administration and Information (Sen. The Hon. Dr. Lenny Saith): Mr. Vice-President, I think it was Sen. Montano who said that if you cannot make your statement in one point or sentence then something is wrong, but I noticed that he took about half an hour. [*Laughter*]

Just to touch on a few points, I think that I should start off by what Sen. Prof. Deosaran told us, that there is a conflict inherent in the Freedom of Information Act, and the necessity, in some cases, to have information not made public in such a manner. As the Ministry with the responsibility for the Freedom of Information Act, we are seeking as far as possible to educate the public on how to use the Act, and government agencies that would have to comply with the Act to do so. Basically, we are in agreement with the notion that in theory, the more information that is provided, the less likely we would have misunderstandings, rumours and just bad information out there. I do not think that there is any position of this Government that we do not wish to make information available.

With respect to the Central Bank's case, I just want to make one more point. I am not aware—but I will check—that the fact that an institution is exempted under the Freedom of Information Act from providing information, as a result of a request under that Act, absolves it from providing information from this House. I am not aware of that. I am going to check on what the Senator has said. I could see a Minister saying that the information that a person requires is private information and it will affect individuals and he would not make it available.

I think about three weeks ago, Dr. Rowley made that point with respect to information requested from the Ministry of Housing. That Ministry is not exempted under the Freedom of Information Act. He said that he was not providing the information because he thinks it violates people's privacy. Sen. Seepersad-Bachan, I will check whether legally there is an exemption under the Freedom of Information Act which basically is an Act that allows the general

public to seek information from an agency, does in fact exempt them from the parliamentary question process. I do not believe that it does, but I will check. I am not saying yes or no.

Sen. Seepersad-Bachan: Mr. Vice-President, I thank the Senator for giving way. I do not know, if you recall, that there was a question with respect to NEDCO. There was more than one question but I remember a specific question with NEDCO, and the Minister of Labour and Small and Micro Enterprise Development kept deferring the question and then NEDCO was eventually exempted. The answer was that because NEDCO was exempted from the Freedom of Information Act they could not provide us with the information. Sen. Mark objected and there was a lot of crosstalk. As a result of that, the President of this Senate got a legal opinion. The legal opinion supported the Government's position that because NEDCO was now exempted, we do not have the right to get the information. There was a ruling on that matter.

Sen. The Hon. Dr. L. Saith: Unfortunately, I was absent from the Senate for that period. I am just saying that I will check on it. Let us come back to the matter of the Central Bank. The first argument I heard was the one put forward by Sen. Seepersad-Bachan and other Senators that somehow the Governor did not want to provide the information because he wanted to hide something. Sen. Seepersad-Bachan made the point. In fact, the information that was provided exonerates the Central Bank. Therefore, one has to ask the question if the information would have exonerated the bank, why did the Governor or the Central Bank take that position. The easiest thing in the world would have been to make the information available. Now, there is a storm in the teacup, your information is incorrect.

My own reading of this situation, including a letter that the Governor wrote to Mr. Maharaj, suggested that Mr. Maharaj was advised that the way the Central Bank Act is worded, he could not make a judgment as the Governor, as what to release and what not to release. To play in his crease, as he should, he decided that notwithstanding the fact that it would have been to his benefit, he could not make the information available, because once he opened that Pandora's box then how was he going to get out of it. If the Senator looks at all the circumstances, she would see the reason the information was not provided; as innocuous as we all know it to be, and as favourable as it turned out to be to the Central Bank, in light of what has been said, in respect of why the question had been asked..

Mr. Vice-President, fellow Senators, if that is so, then out of an abundance of caution, it would be fair to say for the moment that the Central Bank should be exempted from the Freedom of Information Act. With respect to the institutions

which are supervised by the Central Bank like the First Citizens Bank, Royal Bank—Royal Bank is supervised by the Central Bank, but no one said that Royal Bank must make its banking information available to the public, but because the First Citizens Bank is 100 per cent owned by the Government, operates in the same business environment as the Royal Bank or Republic Bank Limited, I think that it is out of that abundance of caution that one seeks to do this.

Surely, as we go along and the Freedom of Information Act begins to work—at the moment it is not working in some cases. I could tell you that we are getting requests from individuals but it has now become for certain lawyers—am I to be mother lode to be mined, in terms of asking for information, and then if you do not get the information in time, they would take the Government to court and the court would say that the Government should have done it and we would now have to pay the cost to the lawyer. In other words, it no longer becomes information to the public, but it becomes a business.

Although the Central Bank is exempted, it does in fact have the responsibility to report. The Central Bank provides documentation every year. It provides an annual economic survey; it puts out an economic bulletin; it puts out a monthly statistical digest; it produces an annual digest and an annual report, which is laid in this Parliament. As far as I know, with the appropriate Motion, it could be debated in this Parliament, if Members so feel like debating the matter. I am not sure and, perhaps, it was even referred to one of the committees of Parliament.

Sen. Seepersad-Bachan: Mr. Vice-President, the annual audited reports from the Central Bank are laid in the Public Accounts Committees. At this point in time, I am not aware of any reports being referred to any joint select committee.

Sen. The Hon. Dr. L. Saith: Well, the Public Accounts Committee is a committee of the Parliament, and it is chaired by a Member of the Opposition.

Sen. Seepersad-Bachan: But its scope is limited.

Sen. The Hon. Dr. L. Saith: Mr. Vice-President, so there are a number of reports that are put out by the Central Bank. It is not that putting it there suddenly prevents information from coming out of the Central Bank

Two points were raised in relation to the new role that the Central Bank is being asked to perform with respect to insurance and pension. The role that the Central Bank performs in respect of the insurance supervision is not performed under the Central Bank Act, but it is being performed under the Insurance Act. The reporting system under that Act, when the Supervisor was in the Ministry of

Finance, remains the same. In other words, that Act demands that annual reports be presented on the insurance industry and individual analysis of companies is also provided. This exemption does not exempt the Central Bank and the agency that is responsible for monitoring the insurance companies under that Act, to comply with that Act.

We have also indicated that when the new Insurance Act comes to the Parliament, we would ensure that in the new Act, further reporting requirements are placed with respect to these activities. I do not think that we should assume that because two weeks ago we said that instead of the Supervisor of Insurance, we now have the Central Bank monitoring insurance companies, that they are doing it under the Central Bank Act. They are not doing it under the Central Bank Act, and that is why we went through 126 clauses of a Bill merely to change the “Supervisor of Insurance” to the “Central Bank”.

I hope that I have given the assurance to Members of the Senate that this in no way removes the responsibility of the Central Bank to report in accordance with that Act, on the activities of the Supervisor of Insurance. I think those were the points I wanted to touch on. Many Senators raised the question with respect to insurance and pension aspects of the Bill.

Mr. Vice-President, there is a difference in making sure that people who are affected directly—for example, if I am a pensioner and I hold an insurance policy, the ability to get information as against a third party getting information on what is my business. I think that we should not confuse the two because of the fact that someone under the Freedom of Information Act could write to a bank and say: How many accounts do you have, is different from saying that a person has an account with a bank, and that person must be able to get that information.

I was told that consideration is being given to set up a credit bureau where any person could access information from a financial institution through the bureau, on matters related to their own business. If a person has a bad credit rating that person could access information as to why that is so. I think that is what we want to ensure, and that is that people who are directly affected do have the ability to access information, insofar as financial institutions are concerned.

With respect to how ministries operate, I would be the first to say that they should make the information available. As far as state companies are concerned, they should make the information available, but then again, we would run into a little conflict between commercial arrangements, where there are two parties involved, one of which is a state company and the other a private company. To

what extent should that information be made available and how relevant would that information be to the person who is requesting the information, in terms of the use to which it could be put?

7.10 p.m.

Mr. Vice-President, I assure this Senate that the Government is not unmindful of the need, at all times, to do its work in a transparent manner. We would be foolish not to be mindful of that. When we have taken a position, as we have done on this, it is a position out of an abundance of caution, rather than a desire not to provide information. As Sen. Mark would tell you, information keeps coming through his post box unsolicited and regularly; we know that. Therefore, we have to set some guidelines on what we want to do especially with financial institutions, and that is the sole reason for where we are today.

I thank you.

Sen. Wade Mark: Mr. Vice-President, I thank all the Senators for contributing to this very important Motion. I have a list of about 11 persons who spoke during the debate. The right of information is a fundamental human right that must be honoured and respected.

Let us look at the various provisions of this Act. I think that one of the problems we have is that in the absence of a revolution at the level of technology, the absence of a technological infrastructure, particularly in the public sector, you have difficulties, at times in accessing information in a very timely and efficient manner. Sen. Dr. Saith, having taken over the baton, I hope he can run the relay race and, at the end of his term, would be able to bring about a more efficient, technology-driven public service.

The Freedom of Information Act was passed in 1999. It was effected in 2000, so it is now some four years since this Act became law. *[Interruption]* Sen. Dr. Saith is the Minister of Public Administration and Information. There seems to be total disregard by his ministry, as it relates to ensuring that the various government agencies and ministries do their work. I recall seeing maybe a maximum of four publications of documents and information by a few ministries or government agencies. Every year there is supposed to be published in, at least, one daily newspaper and in the *Gazette*, information on the functions and operations of the particular ministry and/or agency. You have to update that information every year. I think that is observed more in the breach than in practice.

The hon. Minister has fallen down on that aspect; in other words, the particular department under his purview is not doing its job. Therefore, when he

said that a lot of training and education is taking place, we wonder where. If he cannot even get in the newspapers, on a regular basis, information in accordance with section 7(1) of this Act, you could understand where the disinterest is being generated, because nobody seems to be pushing these ministries to do what they are supposed to.

In addition, if we go to section 40(1) of the Act, you would also note that the Minister of Public Administration and Information:

“shall as soon as practicable after the end of each year...”

Four years have passed.

“prepare a report on the operation of this Act during that year and cause a copy of the report to be laid before each House of the Parliament.”

I have not seen a single report before this Parliament and I dare any Senator to show me a report that was published on the operations of the Freedom of Information Act and it was tabled in Parliament. We have not seen that for four years. The reality is that the PNM has been in power for almost 30 months; that is two years and a couple of months. Under Sen. Dr. Saith, I must say, that nothing has happened in that ministry.

With the best efforts in the world, on the part of Sen. Dr. Saith, somehow, either someone is sabotaging his efforts or something is happening why these reports are not coming. Something is happening why the information and documentation that are supposed to be published in the *Gazette* and in, at least, one daily newspaper circulating in Trinidad and Tobago are not coming out. Those documents are not coming out from the various ministries. It is detailed from clause 7(1) for almost 10 sections what these ministries are supposed to be doing. There has to be some kind of conspiracy to undermine this piece of legislation in order for it not to function and not to work, because we have seen no action taken on the part of the ministry in question. I believe when the hon. Minister said that there are some difficulties sometimes in accessing information, it has to deal with the bureaucracy. He has the responsibility to fast track that system via the application of technology.

In response to my good friend, Sen. The Hon. Enill—[*Interruption*] “nah”, I am coming to him just now—I noted, and Sen. Dr. Saith repeated it a short while ago, that the information requested was eventually given. But I also noticed that there were two questions, that were either conveniently left out or maybe they slipped him. One question asked that you provide a list of job applicants over the last three years. The second question asked for a list of successful job applicants

over the last three years. That was not answered. Neither you nor the Governor provided that information.

One of the things we have to face, and some people do not want to face the reality, is that this country is 40/40 with 20 per cent mixed. I will argue, as an African in this country—[*Interruption*] Yes, I may be even a mixed man. Mr. Vice-President, I am not going there. I advise that when people ask these questions, there should not be hesitance in supplying the answers, because you want your society to reflect the reality. This is where access to information is important, because if you do not get the facts on these matters you tend to arrive at all kinds of conclusions that could be wrong. Therefore, it is obligatory, on the part of the Government, the State, to provide the information.

I want to tell Sen. Dr. Saith that Royal Bank and Scotia Bank in South Africa are covered. There is legislation to cover Royal Bank, Scotia Bank and all these private institutions and business organizations in South Africa. So if South Africa, that was oppressed by the oppressors for so many centuries, could liberate themselves and come up with a very progressive Constitution, why can we not do the same? Instead, we get all kinds of excuses, as far as I am concerned.

Sen. R. Montano referred to an article on page 5 of the *Sunday Guardian* of May 16 by Lennox Grant. I want to quote a section from this article as well:

“Any move by Government to whittle away the Act would be a restrictive and illiberal posture by the ruling politicians because cutbacks in the Freedom of Information Act application obviously amounts to cutbacks in the possibilities for journalism that employs research and documentation.”

That is why I made the point earlier, that as far as the issue of press freedom is concerned, the press is asleep insofar as this particular Exemption Order is concerned. In this article it is being said that the Government's attempt to whittle away is an act of illiberalism on the part of the ruling PNM Government.

Mr. Vice-President, the PNM would not be there for long. We want to give the public the assurance that when the UNC, the alternative government, takes the reins of power, all these backward changes that this Government has introduced in order to stymie, stifle, handcuff and imprison the minds, souls and hearts of the people, will be liberated and we shall revert and, even more than that, we shall expand freedom. That is what we are about; we never curtail freedom, we always advance it.

I know that my friend was being ludicrous; he could not be serious. I want to say for the record, and Sen. Dr. Saith is my witness—I do not know if the hon.

Minister, who is Acting Foreign Affairs Minister today, understands how ministries function, because I understand that he does not function at his work. He leaves very early and comes in very late, so he does not understand how a ministry functions.

Mr. Vice-President, may I, through you, indicate how I functioned when I was there. I cannot say how he operates. It is totally misleading for any minister to say that this former minister gave to some consulate or high commissioner carte blanche authority to do whatever he wanted, like a blank cheque. I thought that was very disingenuous of my friend, to even attribute that to me.

Mr. Vice-President, the way I operated was that when a decision was taken or a request made, if it was of a financial nature, like purchasing a building in Ottawa, the Property and Real Estate Services Division of my former ministry, which Sen. Dr. Saith knows about, would take responsibility for that. If it involved finance, it went to the Ministry of Finance. The matter was taken to the Cabinet and the Cabinet approved or disapproved it. It was not Sen. Mark giving anybody carte blanche authority.

You let Arnold Piggott mislead you on the phone, a short while ago; that does not happen so. [*Laughter*] I do not know if he functions like that; I could not function that way. I functioned in a professional way; that is how I used to function. I just wanted to clear the air on that one, so that if my friend has any misleading thoughts— I would not tell him now, but I have a letter from some friends in Canada. I want him to investigate this one as well, for he seems to be very quick in investigating matters. I have a letter to pass on to him. I would not want you to get up and call him now, so I will give it to you in a short while. [*Laughter*] I have it here for you. [*Crosstalk*]

Mr. Vice-President, I honestly feel this is a very retrograde step that we are taking. While Sen. Dr. Saith has attempted to give to this Senate the assurance, I do not believe in assurance. These things have a way of not being carried out. We believe and I want to advise that the Government should take the decision to have this Order annulled. It should set aside the decision to exempt the Central Bank from the Freedom of Information Act. As my good friend, Sen. R. Montano said, if there are certain specifics that the Government would like to address, let them address them and bring this back.

I do not even believe Sen. Dr. Saith and Sen. The Hon. Enill would really want the removal of that total cover from the Central Bank to take place; therefore, they should not go down that particular path. I made the point in my presentation earlier, my

opening statement, that even in the United States of America, where there is a Freedom of Information Act in operation, and the recently passed Freedom of Information Act in the United Kingdom, have brought both the Federal Reserve Board, which is the Central Bank of the United States, as well as the Bank of England under the purview of the Freedom of Information Act.

Of course, there would be certain limitations. Of course, there would be certain constraints. Of course, there would be certain exemptions, because of the nature of the institutions, but they have not been exempted completely. They have not been removed completely. This is why I find it very hard to believe that the Government would want to completely remove this particular institution from the purview of the Freedom of Information Act.

All I can say and do is to make a final appeal to Senators on that side, in particular, and also Senators in general, to reconsider their position, particularly the Government. Let us withdraw this Exemption Order. Let us give the Minister of Finance and the Minister of Public Administration and Information an opportunity to have what they would like to be contained, to be exempted from access; to have that properly drafted and brought back to the Parliament. But in the meantime, we should not agree tonight to exempt that Order, not through that Exemption Order, to allow the Central Bank to escape the searchlights of the citizenry of the country.

I think that if we fail to take that measure, the PNM would have to live with that. We would certainly have to educate the population about that, but we still believe that the Government has an obligation not to pursue this Freedom of Information (Exemption) (No. 2) Order and it should abstain from voting on this matter, particularly my dear friend Sen. The Hon. Yuille-Williams. I do not think Sen. The Hon. Yuille-Williams should be sitting in this Chamber. She should absent herself, because this is a very big one for your small conscience. *[Laughter]* I think it would not be fair for her to take part in this exercise.

Mr. Vice-President, I think I have done what I was duty-bound to do. As a patriot, a democrat and a freedom-loving fighter, I have done my duty. I have brought this matter to the attention of the Government. *[Laughter]* We have had a very healthy debate on the matter; 12 persons, inclusive of your humble servant, took part in this debate. I really, honestly, believe that all I could have done is what I have done. I call on my colleagues on the other side to exercise wisdom, especially Sen. Dr. Saith. At his age, he has to exercise wisdom in this particular matter. *[Laughter]* We hope that good sense will prevail at the end of the process.

Mr. Vice-President, I beg to move.

Question put.

The Senate divided: Ayes 14 Noes 15

AYES

Mark, W.

Kernahan, Dr. J.

Montano, R.

Seepersad-Bachan, Mrs. C.

Augustus, R.

Griffith, G.

Mc Kenzie, Dr. E.

Deosaran, Prof. R.

Quamina, Dr. D.

Seetahal, Miss D.

Anmolsingh-Mahabir, Mrs. P.

Khan, Bro. N.

Ali, B.

James, W.

NOES

Saith, Hon. Dr. L.

Yuille-Williams, Hon. J.

Joseph, Hon. M.

Montano, Hon. D.

Enill, Hon. C.

Manning, Hon. H.

Chin Lee, Hon. H.

Dumas, Hon. R.

Abdul-Hamid, Hon. M.

Kangaloo, Hon. C.

Sahadeo, Hon. C.

Ramroop, Hon. S.

Hackshaw-Marslin, Mrs. J.

Williams Smith, Mrs. M.

Pau, F.

Motion negatived.

ADJOURNMENT

The Minister of Public Administration and Information (Sen. The Hon. Dr. Lenny Saith): Mr. Vice-President, I beg to move that the Senate do now adjourn to Tuesday 15, June, 2004, at 1.30 p.m. at which time we would like to debate the Finance (Supplemental and Variation of Appropriation) Bill 2004.

Mr. Vice-President: Hon. Senators, there are two matters to be raised on the Motion for the Adjournment of the Senate. I am advised that we will be taking one of those motions this evening.

Sen. Mark: Mr. Vice-President, there are three matters on the Motion. I think that Sen. Dr. Kernahan—*[Interruption]*—I beg your pardon, Sir, I apologize. *[Laughter]*

Sen. Sadiq Baksh (Cocaine/Missiles in Water Tank of)

Sen. Wade Mark: Mr. Vice-President, the Motion on the Adjournment deals with an issue of which you and the country are well aware. It deals with the placement of missiles and cocaine in the water tank of a Member of Parliament, Sen. Sadiq Baksh, that was discovered on July 17, 2002.

The *Guardian* headline of Thursday, July 18, 2002, read:

“Drugs, missiles at Baksh home”

I want to read the first two paragraphs of this particular story:

“Policemen and soldiers swarmed the residential community on Lazzari Street, Palmiste, yesterday, as they recovered two missiles and five kilos of cocaine at the home of San Fernando West UNC MP Sadiq Baksh.

Police estimated the street value of the cocaine at about \$1.5 million.

The blue and yellow missiles measured about two feet in length. Each bore the markings 120 MM M5 TPSR.”

This discovery shocked the entire community of San Fernando and, by extension, the nation.

In that same issue of the *Guardian* on page 3 there was the headline:

“PNM informer told me of set-up says Singh

Caroni East MP Ganga Singh said yesterday a PNM informant told him on Sunday night of the illegal items planted in a water tank at MP Sadiq Baksh’s home.

He made the disclosure at a press briefing...

Singh, who linked the police and the PNM in a plot to arrest Baksh, called for an investigation into the planting of the missiles and cocaine.

But a PNM spokesman said yesterday: ‘The PNM is not in the business of planting anything but good plans and policies to facilitate smooth, efficient running of the country—nothing more.’

Singh said: ‘The person told me five kilos of cocaine and two anti-aircraft missiles were planted in Baksh’s water tank.’”

Mr. Vice-President, in another article of the *Trinidad Guardian* of July 19, on page 4, the headline was:

“Guy: UNC claims are scandalous”

And there was a second story:

“PNM not involved in any plot—Manning

Police Commissioner Hilton Guy has described UNC claims that police officers have been in collusion with the PNM Government as ‘frivolous and scandalous’.

He said: ‘The Police Service is in no conspiracy with any known entity, whether with the PNM or any other political group in the country, to plant narcotics and explosives at the residence of anyone.’”

Then we go to the story involving the hon. Prime Minister:

“Prime Minister Patrick Manning has dismissed the UNC’s claim that the PNM planted cocaine and missiles at UNC MP Sadiq Baksh’s home.

Cocaine/Missiles in Water Tank of
[SEN. MARK]

Tuesday, June 08, 2004

Manning said the accusation was ‘...the ramblings and machinations of a frustrated political mind’...

‘Violence has never been a hallmark of PNM activity. I would like to distance the PNM very definitely from any such activity that is taking place and we propose to take every step...’

That was July 2002.

“to ensure this matter is properly investigated and anyone culpable in the matter will be brought to justice.”

It is now two years after; nothing has been done about it. I will tell you what the police who are investigating the matter had to say.

Mr. Vice-President, in the *Guardian* of Friday, May 07, 2004 it says on page 3:

“Plot to discredit former MP Baksh
Eight to ten policemen knew...”

I want to repeat that. This is a story written by a lady called Wendy Campbell:

“Eight to ten policemen knew about an alleged plot to plant missiles and cocaine in a water tank at the home of former San Fernando West UNC MP Sadiq Baksh.

This was the claim on Wednesday by a junior policeman...

He alleged that the cops conspired with officials of a political party...”

The PNM party, [*Interruption*] I say so.

“to set up Baksh, because the San Fernando West seat was a marginal one. It was felt, the informant alleged, that if members of the constituency could paint a bad picture of Baksh, then he would lose the seat.

The five kilograms of cocaine, which carried an estimated street value of \$1 million, and the two missiles, described by officials as anti-aircraft missiles, were found on Baksh’s premises...

The blue and yellow missiles measured about...

Baksh and his wife were in New York at the time of the find. Their son Dexter was the one who reportedly discovered the items in a blue knapsack in the family’s water tank, located on the western side of the residence.

In the presence of an attorney, the junior officer told reporters he did not know where the missiles and cocaine came from, but said they were given to an 'underworld civilian' to drop into Baksh's water tank.

'It was made known to Ganga Singh because it was unfair and not worth it,' the informant said, adding that a lot of underworld people knew about the plan.'

He said he received a letter from the investigator, Sr Supt Dyo Mohammed, dated February 28, 2003, which sought to update him about the investigation.

Baksh said in part that Mohammed's letter informed him that the investigation was still being pursued, and that he had checked all available information.

However, he had not unearthed anything to determine how the items were obtained.

Mohammed confirmed this when contacted yesterday.

'At this point in time, it is difficult to solve, but we are still trying,' Mohammed said.

Mr. Vice-President, here was a situation where a junior police officer is now admitting that policemen, along with a political party—I am saying it is the PNM—were involved in a conspiracy to discredit Sen. Baksh. You place cocaine in the water tank of a Member of Parliament weighing five kilos. Mr. Vice-President, if that bag had burst and the water was consumed by those children, they would have been dead today; that was the extent to which evil forces were prepared to go in an effort to destroy Sadiq Baksh, in order to capture the marginal seat of San Fernando West.

The reality of the matter is that this situation is extremely serious and the PNM Government has dragged its feet on it. We know the policemen and we want to tell the Minister of National Security that he should call in a couple of people. We have information that some of the operatives involved in this dastardly act are now located in the Office of the Prime Minister as advisors and some are now ambassadors placed in the Ministry of Foreign Affairs.

Sen. R. Montano: That is true!

Sen. W. Mark: We would like the Minister to get his hands on these people. We do not understand why after two years nobody has been arrested. I read in the

newspaper recently where one Mr. Abu Bakr said that there was a plot to assassinate him and he called the name of a former Minister of National Security, Herbert Atwell, who is attached to the Office of the Prime Minister, who is involved in a plot to assassinate him. That is the same name that keeps popping up with this cocaine.

I would like the Minister of National Security to investigate his ambassador at large in the Ministry of Foreign Affairs. We want you to investigate that “fella”, because our information and “town” is saying that this chap, who has been conducting the dirty tricks campaign against the UNC, is the main author of this particular event that took place on July 17, 2002. Cocaine seems to be the preferred drug.

It was cocaine in diplomatic pouches. It was cocaine in Sadiq Baksh’s water tank. Who were the people involved in that, Minister of National Security? Why have you and the police not taken action to bring the culprits to justice? We, today, in this Parliament, call on the Minister of National Security. We have written to the police. Mr. Baksh has also written, and the UNC will write to the police commissioner tomorrow, calling on him, to tell him that if he cannot complete these investigations, to call on the Government to bring in the Federal Bureau of Investigation and the New Scotland Yard. [*Desk thumping*]

Why after two years has nobody been held? Do you know why? Because the PNM is conscious and aware of all the parties that were involved. I want the hon. Minister of National Security to investigate the ambassador at the Ministry of Foreign Affairs who is responsible for the Caricom Single Market and Economy. We understand that he is the culprit and the person behind the whole dastardly act. We want him to investigate that particular person.

We believe that this matter is extremely serious. We believe that the Government has been dragging its feet on this matter. We believe that this is a very, very dangerous situation and this Government is conscious, just the way it was conscious of other developments, which we would talk about on another occasion, but for this moment, we believe that the PNM knows the culprits.

It involves senior police officers that were in their pockets. It involves senior party operatives, two of them advising the Prime Minister. They are two former national security ministers and they are now advising the Prime Minister in Whitehall. There are two others located in the Ministry of Foreign Affairs and there are two police officers in the Southern Police Headquarters; we know their names. We ask the Minister of National Security to take action, before we take

action in terms of taking it to another level; not to shoot people, but to give the Commissioner of Police the names and to ensure action is taken on this matter. It is a very unfortunate situation. We need action and we need action now on this particular matter.

I thank you.

The Minister of National Security (Sen. The Hon. Martin Joseph): Mr. Vice-President, Members of the honourable Senate, I am called upon to respond to the Motion:

“The failure of the Government of Trinidad and Tobago to provide the police service with the necessary foreign expertise and assistance in order to bring to a close the long outstanding investigation into the finding of illicit drugs, cocaine and missiles on June 17, 2002, at the home of a sitting Member of Parliament.”

Unfortunately I had to sit and listen to Sen. Mark calling all types of names, I guess under the cover of parliamentary privilege. I am not in a position to respond to the accusations he has made, as they relate to the naming of various individuals. I will respond specifically to the Motion, and just to put it on the record that it is unfortunate that he used parliamentary coverage to call the names of all kinds of persons and to impute motives on those persons.

Let me advise hon. Senators of the following actions taken by the police in the course of their investigations into the finding of illicit drugs and missiles at the home of Sen. Baksh on Wednesday, July 17, 2002.

A forensic analysis was conducted to identify the substance contained in the knapsack which revealed the presence of cocaine in the substance. The assistance of Interpol, Washington was sought to assist in determining the origin of the missile. The report submitted by that agency revealed that the mortars, which were manufactured in the United States of America were inert rounds specifically manufactured for training purposes. Investigations spearheaded by a senior officer of the Southern Division are ongoing to establish how the mortars arrived in Trinidad and Tobago and to ascertain the identity of the person or persons responsible for placing the substance and mortars at Sen. Baksh's home.

While it is the responsibility of this Government to ensure that justice is served when criminal offences are committed, we are guided by the professional assessment of our law enforcement agencies in determining the need for foreign expertise and/or assistance in the detection of a crime. I should point out that with

Cocaine/Missiles in Water Tank of
[SEN. THE HON. M. JOSEPH]

Tuesday, June 08, 2004

respect to this investigation, the assistance of Interpol was sought and received at an earlier stage. At this point, however, the Commissioner of Police does not consider any further foreign involvement necessary.

While I am sure that the rhetorical nature of the question has not escaped the honourable Senate, let me reiterate that investigations are continuing into this matter. I assure hon. Senators that should the need for external assistance arise, the Government will not hesitate to take the necessary steps to obtain that aid.

I thank you.

Question put and agreed to.

Senate adjourned accordingly.

Adjourned at 7.59 p.m.

WRITTEN ANSWER TO QUESTION

National Lotteries Control Board

54. Sen. Wade Mark asked the hon. Minister in the Ministry of Finance:

A. Could the Minister provide:

- (i) a detailed breakdown on the number of events sponsored by the National Lotteries Control Board during the period January, 2002 to March, 2004;
- (ii) the costs of those events for the same period?

B. (i) the precise procedures adopted by the National Lotteries Control Board in granting sponsorship or financial support to the various individuals/groups and organizations;

- (ii) the total amount of money paid to the firm of Alexander, Jeremie and Company in respect of its investigation into the operations of the National Lotteries Control Board for the period 1998 to 2001

Pursuant to his reply to question 54, earlier in the proceedings, the Ministry in the Ministry of Finance (Sen. The Hon. Conrad Enill) caused to be circulated to Members of the Senate the following statistics:

BENEFICIARY	SPONSORSHIP PROVIDED	AMOUNT
Spektakula Promotions Ltd	Asian Invasion Comedy Festival	\$10,000
Detour	Steelband FonClaire (Uniforms)	\$ 5,550

BENEFICIARY	SPONSORSHIP PROVIDED	AMOUNT
Carib Brewery	Launching (FonClaire)	\$3,133.15
Fonclaire Steel Orchestra	Steelband	\$125,000
Y.M.G	Annual World Laugh Festival 2003	\$ 25,000
Spekakula Promotions Ltd	Bronze Sponsorship Package for Calypso Spektakula promotions Ltd	\$75,000
Yangatang	Kaiso Tent 2003 Including 20 Complementary Tickets	\$25,000
Maljo Kaiso	Presentation with Science and Technology	\$25,000
Iwer's Property Promotion	Events for Carnival 2003	\$25,000
Tristar Promotion Ltd	Classic Soca For Carnival 2003	\$60,000
Caribbean Prestige Productions Ltd	Soca Monarch 2003 (50% downpayment)	\$225,000
Fonclaire Steel Orchestra	Steelband	\$125,000
Noise Production	NLCB Logo and Tag Line for Wet Fete 2003	\$5,000
D Idea Shop Ltd	Pan Fete 22.02.03	\$25,000
People of Community Action	Celebrating 20 Yrs of Hosting the Sugert Square Children Carnival 23.02.03	\$15,000
Pan Trinbago Northern Region	Prizes for Jouvert	\$60,000
Southern Games 2000	Southern Games 2003	
Screen Stars Ltd	100 Jerseys for Carnival 2003 Celebrations	\$6,000

BENEFICIARY	SPONSORSHIP PROVIDED	AMOUNT
The T&T Hospitality & Tourism Institute	6 th Annual Carnival Function	\$3,000
Paragon Sports & Cultural Club	Fundraising Carnival Fete	\$2,000
BWIA West Indies Airways Ltd	Three months programme for Odeka O'Neil	\$7,040
South Regional Assembly of D.P.I	Offset cost of fund raising concert at Naparima Bowl 08.06.03	\$4,000
T&T Cancer Society	1 st Newsletter of upcoming events & development in the society	\$25,000
The St. Augustine Chorale	Airfare to Tobago for members to perform at Grafton Beach	\$10,000
A.A. Laquis Ltd	One (1) Wheel chair for Grandson of online agent	\$2,850
Roxborough Police Youth Club	2003 Sports Competition in Tobago	\$5,000
Positive Vibes Youth Group	Youth Family Day Concert and Bazaar 2003	\$2,000
Tobago Express	Door Prizes	\$400
Point Fortin Anniversary Committee	23 rd Anniversary celebrations of the Borough	\$10,000
Desmond Adams	Training Programs in Upholstery & Furniture	\$25,000
Special Olympics T&T	Participants from T&T to enter World Summer Olympics	\$10,000

Written Answer to Question

Tuesday, June 08, 2004

BENEFICIARY	SPONSORSHIP PROVIDED	AMOUNT
Marabella Family Crisis Centre	Annual Thanksgiving Service and Fundraising Bar-B-Que	\$2,000
Trinidad Trophies Ltd	Trophy for fun and family day on 31.05.03 at Ato Boldon Stasdium	\$1,500
Newtown Boys RC School	Annual Sports Meeting on 28.05.03 at Hasley Crawford Stadium	\$2,000
The Never Dirty Village Council	Football Competition 27.04.03	\$3,500
Belmont Junior Secondary School	Annual Fun Day on 28.05.03 at Queens Park Savannah	\$1,000
Raymond Choo Kong	3 45" Column Advertisement Newspaper for Fire Hit Comedy	\$2,220
The Astor Johnson Repertory Dance Theatre	'Astor' at Queen's Hall 12 to 14.09.03	\$3,000
The Public Service Asso of T&T	P.S.A. Queen Show Pageant Extravaganza on 01.08.03 at City Hall P.O.S	\$20,000
Chapman Music Ltd	Oliver Chapman's Anniversary CD Launch	\$3,000
Alpha Engineering Star Seekers Sports Club	Netball League 2003	\$1,000
Who Graphics	"Back in Time Fete" at Point Fortin"	\$4,000
BWIA West Indies Airways Ltd	1 Return Ticket to England to launch book titled "Politics in a Half Mode Society"	\$11,231

BENEFICIARY	SPONSORSHIP PROVIDED	AMOUNT
Employers Consultative Association of T&T	International Conference	\$5,000
Laventille Steelband Festival Committee	Laventille Steelband Festival 2003	\$10,000
Mere Desh	Indian Arrival Day Celebrations	\$10,000
Beetham Gardens Organising Committee	First Prize Beauty Pageant	\$3,000
Employers Consultative Association of T&T	International Conference	\$5,000
Linus Crawford	9 Dozen T-Shirt for participants in one lap walk around Q.P.S	\$2,700
Maraval Foundation	Hosting 3 rd Annual Sports Meeting	\$5,852
Crime Stoppers Trinidad & Tobago	Brochures Fight Against Cancer	\$30,000
Trinidad & Tobago Netball Association	World Netball Championship in Jamaica	\$14,250
Little Feet Dance Group	Awards for Project entitled Celebrating Woman in South Trinidad	\$1,000
East P.O.S Cultural Alliance	First Annual Award Ceremony	\$3,000
Castara Gov.t Primary School	Prizes for Annual Sports and Family Day	\$500
Felicity Women's Group	Grand Family Day	\$1,000
NLCB Fonclair Steel Orchestra	T&T at Caribbean Junior Steelpan Festival in Antigua Fathers Day Special	\$4,000

BENEFICIARY	SPONSORSHIP PROVIDED	AMOUNT
Petrotrin Deltones Steel Orchestra	To represents T & T at Caribbean Junior Steelpan Festival in Anitgua	\$3,500
Pan Ramajay	14 Years of Ramajay	\$5,000
La Brea Police Youth Club	Clubs 5 th Annual Eldwin Noel Games	\$2,500
Arima Football League	Prizes for the open category	\$5,000
The Tobago Heritage Festival Committee	The Tobago Heritage Festival	\$10,000
Hindu Credit Union Junior Corporation	“Kids Day 2003 ” 1 st Anniversary of Massala Radio	\$11,500
Elder Associates	Commemoration of 10 th Anniversary	\$30,000
Queens Hall	“Carnival Massiah” A Theatrical Production	\$50,000
SDMS National Hindu Youth Organisation	Hindu National Games 2003	\$10,000
Association of Caribbean University Research and Institute	3 rd Annual Conference	\$2,000
National Library Information System Authority	African Conscious Day	\$1,000
Y.M.G. Production	T&T 7 th Annual Laugh Festival	\$20,000
Scotia T&T Ltd	Lian Teague to visit Washington to perform	\$13,293.29
Marabella Family Crisis Centre	To provide for the poor and needy	\$15,000

Written Answer to Question

Tuesday, June 08, 2004

BENEFICIARY	SPONSORSHIP PROVIDED	AMOUNT
Tassa Association of T&T	Prizes and Trophies for 3 rd Annual National Tassa Monarch	\$29,250
St. Dominic's Children Home	Tickets to Tobago by Boat	\$850
P-O-S Corporation Sports & Cultural Association	1 Contestant for Annual Emancipation Queen Pageant	\$500
Matrix Sports Cultural Group	Uniforms for Cricket and Football	\$1,500
Felicity Cultural Group	12 th Annual Family Day	\$5,000
Villagers in Action	Prizes and Trophies	\$1,602
Laventille Youth Development Organisation	8 Trophies and prizes for windball cricket	\$1,140
National Parang Association of T&T	First prize for Parang Festival	\$30,000
Jeanine De Bigue	Musical and Cultural Harmony	\$5,000
Balroop's Sound Systems	System for National Chutney Monarch Competition	\$23,000
Malick Community	Prizes, Medals and Trophies	\$2,150.90
T&T National Commission for UNESCO	1 Member to the 6 th Congress	\$15,289
Surujrattan Rambachan	Grant to support production of book	\$20,000
3 Star Sportwear Limited	Uniforms for the Northern International Football Team	\$3,250
National Drama Association	Creation of Annual Theatre Month	\$10,000

Written Answer to Question

Tuesday, June 08, 2004

BENEFICIARY	SPONSORSHIP PROVIDED	AMOUNT
Tidal Wave Aquatics of T&T	Trophies and Awards for East Zone Schools	\$7,130
Tarana Productions	Caribbean Tarang	\$70,000
Kailash Pati Ashram	Funds for Seven Nights Ramayan Yagna	\$5,000
Felicity Work Group	Annual Divali Celebrations	\$2,300
National Cultural Promotions of T & T	6 th Divali Celebrations	\$20,000
Central Team Pride	Divali Celebrations	\$15,000
Port of Spain Corporation	Divali Celebrations	\$2,000
Creative Parenting for the New Era	Conference	\$3,000
Victoria Education Management Committee	2 nd Annual Divali Concert	\$5,000
St. Croix Road Womens Group	4 th Annual Divali Celebrations	\$2,000
San Francique United Sports Club	Divali Celebrations	\$2,000
Dow Village Ramleela & Cultural Organisation Inc.	123 rd year of Ramleela	\$5,000
Ste. Madeline Regional Complex	Prizes for basketball	\$1,000
St. Augustine Senior Secondary School	Orchestra towards Divali Celebrations	\$4,500
Caparo Hindu Organisation	4 th Annual Divali Celebrations	\$3,000
Citadel Ltd	UTC/FCB Symposium	\$11,500
Patna Rainbow Youths	Annual Village Extravaganza	\$5,000

*Written Answer to Question**Tuesday, June 08, 2004*

BENEFICIARY	SPONSORSHIP PROVIDED	AMOUNT
T & T Cancer Society	Quarterly Newsletter	\$10,000
Queen's Park Cricket Club	Annual Masters Tournament	\$5,000
The Mas Camp Pub	Mighty Sparrow in Concert	\$3,000
Belle Garden Anglican School	Musical Instruments	\$12,000
Mob's Limited	25 th Anniversary	\$30,000
Vision Marketing Caribbean Co. Ltd	Production of E-Zone	\$100,000
T&TEC	The development of the Talent and Creative Arts Skills	\$10,000
De Nu Pub (Mas Camp Pub)	The Presentation of the Mighty Sparrow	\$3,000