

Leave of Absence

Tuesday, January 25, 2005

SENATE

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The Senate met at 1.30 p.m.

PRAYERS

[MADAM PRESIDENT *in the Chair*]

LEAVE OF ABSENCE

Madam President: Hon. Senators, I have granted leave of absence to Sen. The Hon. Rennie Dumas for the period January 22, 2005 to February 01, 2005.

SENATOR'S APPOINTMENT

Madam President: Hon. Senators, I have received the following 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 Rennie Dumas is incapable of performing his duties as a Senator 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, JOAN HACKSHAW-MARSLIN, to be temporarily a member of the Senate, with effect from 25th January, 2005 and continuing during the absence from Trinidad and Tobago of the said Senator Rennie Dumas.

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 17th day of January, 2005.”

Oath of Allegiance

Tuesday, January 25, 2005

OATH OF ALLEGIANCE

Sen. Joan Hackshaw-Marslin took and subscribed the Oath of Allegiance as required by law.

TOURISM DEVELOPMENT (AMDT.) BILL

Bill to amend the Tourism Development Act, 2000, brought from the House of Representatives [*The Minister of Tourism*]; read the first time.

**CARONI (1975) LIMITED AND ORANGE GROVE NATIONAL COMPANY LIMITED
(DIVESTMENT AND BUSINESS DEVELOPMENT) (NO. 2) BILL**

Bill to provide for the vesting of the operational undertakings of Caroni (1975) Limited in another company and the vesting of the real estate undertakings of Caroni (1975) Limited and Orange Grove National Company Limited in the Republic of Trinidad and Tobago and to provide for the management of and for the development of those real estate undertakings, brought from the House of Representatives [*The Minister in the Ministry of Finance*]; read the first time.

PAPERS LAID

1. Report of the Auditor General of the Republic of Trinidad and Tobago on the financial statements of the Penal/Debe Regional Corporation for the year ended September 30, 1999. [*The Minister in the Ministry of Finance (Sen. The Hon. Conrad Enill)*]
2. Annual audited financial statements of Trinidad and Tobago Free Zones Company Limited for the year ended December 31, 2003. [*Sen. The Hon. C. Enill*]
3. Report on the Secondary Entrance Assessment (SEA) for the period 2001—2004. [*The Minister of Education (Sen. The Hon. Hazel Manning)*]
4. Report on the National Test 2004. [*Sen. The Hon. H. Manning*]
5. The budget and planned activities for the year ending December 31, 2005 of the Regulated Industries Commission (RCI). [*The Minister of Public Administration and Information (Sen. The Hon. Dr. Lenny Saith)*]
6. The Civil Aviation [(No.1) General Application and Personnel Licensing] (Amdt.) Regulations, 2005. [*Sen. The Hon. Dr. L. Saith*]
7. The Civil Aviation [(No. 2) Operations] (Amdt.) Regulations, 2005. [*Sen. The Hon. Dr. L. Saith*]

8. The Civil Aviation [(No.3) Air Operator Certification and Administration] (Amdt.) Regulations, 2005. [*Sen. The Hon. Dr. L. Saith*]
9. The Civil Aviation [(No. 5) Airworthiness] (Amdt.) Regulations, 2005. [*Sen. The Hon. Dr. L. Saith*]
10. The Civil Aviation [(No. 6) Approved Maintenance Organization] (Amdt.) Regulations, 2005. [*Sen. The Hon. Dr. L. Saith*]
11. The Civil Aviation [(No. 7) Instruments and Equipment] (Amdt.) Regulations, 2005. [*Sen. The Hon. Dr. L. Saith*]
12. The Civil Aviation [(No. 9) Aviation Training Organization] (Amdt.) Regulations, 2005. [*Sen. The Hon. Dr. L. Saith*]
13. The Civil Aviation [(No. 10) Foreign Operator] (Amdt.) Regulations, 2005. [*Sen. The Hon. Dr. L. Saith*]
14. The Civil Aviation [(No. 11) Aerial Works] (Amdt.) Regulations, 2005. [*Sen. The Hon. Dr. L. Saith*]
15. The Civil Aviation [(No. 12) Aerodrome Licensing] (Amdt.) Regulations, 2005. [*Sen. The Hon. Dr. L. Saith*]

Statutory Instruments Committee

The Minister of Public Administration and Information (Sen The Hon. Dr. Lenny Saith): Madam President, I wish to advise that the Statutory Instruments Committee considered these regulations and found that there is nothing which the Senate's attention should be specially drawn to. The Minutes of the committee was circulated.

ORAL ANSWERS TO QUESTIONS

Market and Opinion Research International (Details of Contract)

- 22. Sen. Wade Mark** asked the hon. Minister of Public Administration and Information:
- A. Could the Minister inform the Senate of the terms and conditions and duration of the contract between the Government of the Republic of Trinidad and Tobago and the United Kingdom-based research firm, Market and Opinion Research International (MORI)?
 - B. (i) Could the Minister state whether this contract was publicly advertised and tendered for;

- (ii) It the answer to (i) is in the affirmative, could the Minister provide the Senate with the relevant evidence from the print and electronic media; and
- (iii) Could the Minister inform the Senate how many surveys have been conducted by MORI, from the inception of the contract to the present time?

The Minister of Public Administration and Information (Sen. The Hon. Dr. Lenny Saith): Madam President, the Market and Opinion Research International (MORI) was contracted by the Government of Trinidad and Tobago to conduct research studies of citizen and stakeholder feedback on the delivery of public services to facilitate development of evidenced-based public policy. Such policy will contribute to the overall strategic direction for the Government leading to:

- the provision of high quality, modern and responsive services for the benefit of the citizen;
- better use of technology to allow the Government to become more accessible and to respond at a faster rate; and
- the empowerment of and partnership with public officers by providing them with the necessary tools, skills and capacity to deliver public services with excellence and with a focus on the needs of the client.

The contract is for a period of three years from 2002 to 2005, on the following terms and conditions:

- the payment of a monthly fee of TT \$54,250 per month to MORI;
- the payment of travel, accommodation, meals and in-land travel expenses;
- the payment of local field work fees;
- the payment for publication of reports and other publicity materials, and the hosting of feedback meetings to various stakeholder groups;
- office accommodation and support personnel; and
- any other costs associated with the research studies to be mutually agreed by both parties.

The following are the deliverables to be provided by MORI:

- The establishment of a citizens' panel of 2,800 randomly selected persons representative of all the diverse and demographical factors of Trinidad and Tobago to obtain citizen feedback on the delivery of public services. The panel known as the Opinion Leaders Panel (OLP) was established in July 2002 and comprised 2,747 persons.
- Recalls of the panel to cover three different types of questions:
 - Benchmarking questions: to detect trends in public attitudes and perceptions over time.
 - Probing questions: to provide a better understanding of areas covered in the baseline survey.
 - Emerging areas: to provide data on issues arising out of public feedback or intended government policy.
- Sampling and questionnaire wording.
- Provision of reports and presentation of findings to stakeholder groups.
- Production of computer tabulations.
- Training for staff of the MPAI or its nominees.

MORI was the only agency considered for the activity given its consistent position as a "world leader" in government consultation with the public through instruments such as the Opinion Leaders Panel. The local panel is modelled after the United Kingdom's People's Panel which was the first of its kind in the world and which was established in the United Kingdom by MORI in 1988.

Based on the above, there is no evidence to be provided from print or electronic media.

The following surveys have been conducted to date:

- Baseline survey of the entire OLP conducted from July to August 2002.
- Recall of approximately one-third of the OLP (Wave 2) conducted from June to July 2003.
- Recall of approximately another one-third of the OLP (Wave 3) conducted in December 2003.
- Conduct of survey in April 2004 related to the provision of media services by the State.

- Conduct of the Public Service Employee Survey—June 07, 2004 to June 25, 2004 and ongoing.

Madam President, Senators are asked to note that information relating to the establishment of the Opinion Leaders Panel and the results of Baseline and Wave 2 Surveys have been disseminated through various open and public mechanisms to stakeholder groups including:

- ministries, departments and the executives;
- representatives of the private sector;
- representatives of the academic fraternity;
- trade unions;
- media representatives; and
- the general public.

The mechanisms included:

- group presentations;
- posting of information on the Opinion Leaders Panel website;
- production and airing of a television feature; and
- publication and distribution of reports and newsletters.

In this regard, the following documents have been lodged with the Clerk of the Senate, and Senators may wish to peruse these documents at their convenience:

- list of recipients of the presentation of the establishment of the Opinion Leaders Panel;
- list of research areas for the Baseline and Waves 2 and 3 Surveys;
- list of presentations to stakeholder groups of the research findings for the Baseline, Wave 2 and Wave 3 surveys;
- distribution lists of the reports and newsletters for the Baseline and Wave 2 surveys;
- copies of the Opinion Leaders Panel Baseline and Wave 2 reports; and
- Opinion Leaders Panel website information

Senators have been supplied with individual copies of newsletters for the Baseline and Wave 2 findings and are invited to peruse or download copies of the full reports from the Opinion Leaders Panel website at www.opinionleaders.gov.tt. Senators are also invited to provide feedback on the initiative via the feedback form on the website.

Senators are asked to note that the final report on the Wave 3 findings will be submitted to Cabinet shortly, and will thereafter be publicized and distributed in print and electronic formats, as appropriate.

Madam President, thank you.

Sen. Mark: Madam President, could the hon. Minister indicate how often this particular Opinion Leaders Panel which is headed Opinion Leaders News is published by this particular organization?

Sen. The Hon. Dr. L. Saith: This is published by the Ministry at the conclusion of every wave that is done. We have done the Baseline Survey which was published; we have done Wave 1 which was published; and Wave 2 was also published. With respect to Wave 3, we are now taking it to Cabinet and one will be published. When the waves are completed and the surveys are finished, the results are then made available both on our website in presentation and through the newsletter.

Sen. Mark: Madam President, through you, could the Minister indicate whether he is aware that these findings are in stark contrast to that of the Ansa MCAL opinion poll?

Sen. The Hon. Dr. L. Saith: Madam President, I did not get the question.

Sen. Mark: Is the Minister aware that some of these findings in this particular document are in stark contrast and in contradiction to that of the Ansa MCAL Poll particularly with respect to the Government's performance on crime?

Sen. The Hon. Dr. L. Saith: I am not aware of the differences, but if you look at the method that is being used in the two polls, whereas the Ansa MCAL — I am subject to correction—poll is a telephone poll, this is a more scientific poll where a wider group of persons are being tested. I am sure that there will be differences, and I am sure that your own poll will be different.

Sen. Prof. Ramchand: Madam President, could the Minister state whether the regulations concerning the granting of work permits were followed before the selection of the United Kingdom-based research firm rather than a local firm? If

that is so, can we assume that there were no Trinidadian firms capable of performing the task?

Sen. The Hon. Dr. L. Saith: The work permit regulations were adhered to. This is a specialized form of polling. We had MORI working with local firms in the exercise. They brought their expertise of sample selection and analysis in the development of questions. All the fieldwork was done locally. The processing part of it was done locally, part offshore, and there was a constant exchange of information. To the extent that local firms could have been used, they were used and with respect to technologies being transferred, they are being transferred. This is a rather specialized form of polling.

Sen. Dr. Kernahan: Madam President, based on the findings of this poll, especially with respect to crime and safety, it said that three-quarters of the population continue to feel safe in their own home and so forth. Will the Government's future policy on crime and projects and programmes to control crime be based on this survey? If not, the Government has nothing to do because everyone feels very safe.

Sen. The Hon. Dr. L. Saith: Madam President, the results of the poll of the panel are being made available to Ministries, the public and to stakeholders. That result represents a particular point in time. Part of what this does is to keep a track of what is going on. There was a Baseline Survey which was done in 2002, and one could see where things are improving and where things are not improving. This also measures how the public is being served by the public service. This is a continuous arrangement.

Sen. Mark: Could the hon. Minister indicate whether he is aware that this particular agency has been engaged by a political organization to conduct tracking polls in the country and whether he is aware that the PNM has been using this agency for tracking poll purposes?

Sen. The Hon. Dr. L. Saith: I am not aware that the PNM is using this agency for tracking purposes. If the PNM is using this firm for work it is entirely separate from whatever work is being done for the Government.

Sen. Mark: Madam President, through you, I just wanted to ask whether the Minister could explain to us or provide this Senate with the basis or reasons for overlooking or bypassing the normal Central Tenders Board Procedures and going for a sole selective tender arrangement.

Sen. The Hon. Dr. L. Saith: Madam President, I have already answered that question.

**Market and Opinion Research International
(Details of)**

23. Sen. Wade Mark asked the hon. Minister of Public Administration and Information:

- A. Could the Minister inform the Senate of the names, addresses and occupations of all the directors of the United Kingdom-based research firm Market and Opinion Research International (MORI)?
- B. Could the Minister provide the Senate with a detailed breakdown on a monthly basis of all monies paid to MORI to date, in both pounds and \$TT dollars?

The Minister of Public Administration and Information (Sen. The Hon. Dr. Lenny Saith): Madam President, the following persons comprise the directorship of MORI.

Name	Occupation	Address
Prof. Robert Worcester	Chairman, MORI	MORI House 79-81 Borough Road London SE1 1FY
Mr. Brian Gosschalk	Chief Executive	as above
Mr. Mike Everett	Manager Director	as above
Mr. John Searle	Chief Financial Officer	as above
Ms. Tanya Shamlian	Company Secretary In-house Lawyer	as above
Mr. Adam Holloway	Head Portfolio Management	ISIS Equity Partners plc, 100 Wood Street London, EC2V 7AN
Dr. Keith Burgess	Chairman and CEO	QA plc. St. James' House 10 Rosebury Avenue London EC1R 4TF

Sir Andrew Likierman	Professor of Management Practice	London Business School Regent's Park, London, NW1 4SA
Mr. Will Wyatt	Non-Executive Director	Caledonia Investments plc 30 Buckingham Gate London SW1E 6NN

Hon. Senators are directed to MORI's website for additional information on that agency, and the address is www.mori.com.

A total sum of TT \$2,525,288.68 or £240,503.68 has been paid to MORI to date. I will now give details of the payments made.

Month	Cost Item	TT\$	GBD
Sep-02	Fees, airfare, out of pocket expenses	198,299.40	18,885.66
Oct-02	Airfare	82,434.76	7,850.93
Nov-02	Consultancy fees	39,062.50	3,720.24
Feb-03	Consultancy fees	257,070.00	24,482.86
Jun-03	Consultancy fees	127,229.30	12,117.08
Sep-03	Consultancy fees	213,628.89	20,345.61
Oct-03	Consultancy fees	574,189.89	54,684.75
Nov-03	Consultancy fees Airfare	124,116.58	11,820.63
Jan-04	Consultancy fees	162,750.00	15,500.00
Feb-04	-	-	-
Mar-04	Consultancy fees	162,750.00	15,500.00
Apr-04	Consultancy fees, airfare, computer tabulations	120,061.28	11,434.41

May-04	Consultancy fees	54,250.00	5,166.67
Jun-04	Consultancy fees	155,017.87	14,763.61
Jul-04	Consultancy fees	54,250.00	5,166.67
Aug-04	Consultancy fees	54,250.00	5,166.67
Sep-04	Consultancy fees	145,928.21	13,897.92
Total		2,525,288.68	240,503.68

Sen. Mark: Madam President, through you, could the hon. Minister indicate whether Members of this particular organization are based in the Republic of Trinidad and Tobago or do they come and go from time to time? Is the Minister satisfied that the Government is receiving value for this \$2.5 million investment? Could the Minister translate that into some concrete material goals or benefits?

Sen. The Hon. Dr. L. Saith: Madam President, as far as I know the persons who are working on these surveys are not based in Trinidad and Tobago, but they do come as required. Given the ability of communications, a lot of work is done by email, and a lot of the information is being transmitted electronically to the United Kingdom and back.

The Government is convinced that it is getting value for money. If the Government was not getting value for money then the Government would not do the surveys. The information is very pertinent to Public Service Reform; it is very pertinent to the population getting an opportunity to vent or convey their feelings to the Government in this fashion.

One of the problems of previous attempts to reform and transform the Public Service was the lack of hard information. There are many persons who believe they know what is out there. For the first time, we are seeking through a scientific way to really test what is happening and also to test—when the Public Service begins to change—if there is an effect in the way that the Public Service is delivering service. The only way one could measure that is by continuously measuring how this group of persons is preserving what is going on. Senator, you know only too well that politicians have their own view of what is happening outside there but, generally, that is not based on sound scientific information.

Sen. Mark: Madam President, could the Minister indicate to this honourable House whether anyone has been assigned to study or understudy these professionals so that they could have a transfer of training?

Sen. The Hon. Dr. L. Saith: Madam President, I indicated that in addition to working with local companies, in terms of some of the work, there are persons in the Ministry who have been trained and they have been put on this project. In fact, one of the things that we did was send these persons to the United Kingdom for training. Ultimately, this is something that the Ministry should be doing on its own. Therefore, we are training a cadre of persons who would be able to do this.

Sen. Prof. Ramchand: Madam President, I am really not satisfied with the answer to my question about whether work permit procedures were followed in the appointment of MORI. I do not know if the Minister could please answer the question.

Sen. The Hon. Dr. L. Saith: Madam President, work permits are not given to firms, work permits are given to individuals. At present, the law says that if you are working for less than 30 days you do not need a work permit, and none of these assignments go beyond 30 days. If, in fact, they need work permits, then we would make the necessary application for the work permits for the period required. Work permits are not given to companies, they are given to individuals. I hope that I have answered your question.

**National Lotteries Control Board
(Details of Audit Reports)**

24. Sen. Wade Mark asked the hon. Minister of Finance:

- A. Could the hon. Minister inform this Senate if any audit reports were prepared by any law firm in Trinidad and Tobago on behalf of the National Lotteries Control Board during the period January 2002 to May 26, 2004?
- B. If the answer to (A) is in the affirmative, could the Minister state:
 - (i) the names and addresses of the law firms; and
 - (ii) provide the Senate with copies of the audit reports?

The Minister in the Ministry of Finance (Sen. The Hon. Conrad Enill): Madam President, yes. The firm of Alexander Jeremie and Company Limited was retained to investigate certain matters connected with the operation and to provide advice on procedures adopted by the board during the period 1998 to 2001. In this regard, I refer to my oral response to question No. 54 which was posed by Sen. Mark sometime ago.

The investigation flagged several instances of alleged misconduct and breaches of the Act by certain directors of the National Lotteries Control Board (NLCB) which have been referred to the relevant authorities for investigation.

In the circumstances, the report would be laid in Parliament at the appropriate time.

Sen. Mark: Could the hon. Minister indicate what was the sum paid to this particular law firm?

Sen. The Hon. E. Enill: Madam President, that would have been an excellent question to answer, if I had known about it. Quite frankly, I focused on the specific issue and that is whether the firm did work and what happened to the work. [*Interruption*]

Madam President, I was advised that I answered that question already. I really do recall that it was answered within the context of a number of other questions.

Sen. Mark: Well, if you have answered the question already that is no problem. Madam President, through you, could the hon. Minister indicate whether this firm continues to receive contracts or jobs at the moment with the NLCB, and whether there is a conflict of interest between one of the principal owners of that firm in the Republic of Trinidad and Tobago and the person's public duties at this time?

Sen. The Hon. C. Enill: Madam President, as I understand it, for conflict to exist there must be some interest. As far as I can recall—I have heard the principal say this—there is no relationship at this point in time since that principal got into government. With regard to whether the firm actually does work, I do not know.

Sen. Mark: As the line Minister with responsibility for the NLCB, are you telling the Senate that you are not aware that this particular firm is still engaged with the NLCB on a daily basis? Are you saying that you are not aware of this matter?

Sen. The Hon C. Enill: Madam President, I think I will put it in English. A question has been asked to which I do not have an answer. If the Senator wants me to find out then I could find out for him but, at this point in time, there is no requirement for me to find out whether this firm is, in the normal course of that office's activity. If you need to know I will find out but, at this point in time, I do not know.

Sen. Seepersad-Bachan: Madam President, through you, I would like to be enlightened as to how a law firm gets involved in an audit exercise. On what basis do you engage a law firm to do an audit exercise? I would imagine that it would have been an auditing firm that should have been engaged to do an audit exercise.

Sen. The Hon. C. Enill: That is absolutely correct and that is a lovely question. The issue of the remit had to do with procedures being followed as they relate to the Act. What is a different remit as opposed to financial matters? In the context of financial matters, we also did that.

Sen. Mark: Madam President, could the hon. Minister indicate whether the law firm has been retained to conduct any investigation into wrongdoings involving the current NLCB during the period January 2002 to the present time?

Sen. The Hon. C. Enill: Whether the law firm has been contracted?

Sen. Mark: Whether the law firm has been retained to conduct any irregularities and corrupt activities involving the NLCB, particularly donations to questionable characters?

Sen. The Hon. C. Enill: Madam President, I am not aware that the firm has been so engaged.

Sen. R. Montano: Madam President, having regard to what has fallen from the Minister's lips about possible wrongdoings of certain directors, can the Minister say whether this audit law firm of Alexander Jeremie and Company paid attention to the well-known rule *audi alteram partem*—that is to say that the other side must have a chance to be heard—and whether the persons allegedly being investigated were, in fact, given an opportunity to reply to any of the allegations against them?

Sen. The Hon. C. Enill: Madam President, the remit was to determine whether or not, during that particular period, the action taken by the board was consistent with the Act. So it was simply a statement of trying to understand what had occurred and, in those circumstances, what were flagged were several instances in which there was a departure from procedure. That is what the report did.

ADVERTISING CAMPAIGN EXPENDITURE REPAYMENT

Sen. Robin Montano: Madam President, I beg to move the following Motion standing in my name:

Whereas the Government of Trinidad and Tobago has recently spent in excess of \$1.9 million on an advertising campaign to persuade the general public to

put pressure on Members of Parliament to support three Bills, namely the Police Service Reform Bill, 2004, the Police Complaints Authority Bill, 2004, and the Constitution (Amdt) Bill, 2004;

And whereas the objective of this advertising campaign was clearly political in that it was designed with the end in mind being that UNC Members of Parliament would be pressured directly or indirectly by their constituents to support the said Bills;

And whereas it has never been contemplated that public funds lawfully made available for use by the Government of Trinidad and Tobago ought to be used by the Government to further its effective political agenda; that is to say, to secure by intimidation, pressure or otherwise the vote of Opposition Members of Parliament to pass any Bills;

And whereas the said advertisements accordingly may constitute contempt of the Parliament;

Be it hereby resolved that this House condemns the use of State funds for party political purposes by the Government of Trinidad and Tobago;

And be it further resolved that this House recommends to the Government that steps be taken to have all those persons responsible for ordering and/or allowing the use of State funds for the said advertisements repay same to the Treasury forthwith failing which this debt shall attach to their persons and property jointly and severally and be enforceable in the same way as if it were a judgment enforceable by the High Court of Justice.

Madam President, let me tell you in advance what this Motion is not about. This Motion is not about a rehash of the merits or demerits of the various bills; this Motion is not about whether it was a good thing for the bills to have passed or a bad thing for the bills to have passed. This Motion is about whether it is right, proper, just and moral for any government to use its position to dip into the State's Treasury to use advertisements that can promote its party's political agenda. That is the *raison d'être*, the reason to be of this Motion.

It is my view that it was wrong. It is my personal opinion, as well as the opinion of my political party, that it was unfair. It is my opinion and the position of my party that it was hypocritical, immoral, unjust, unfair and undemocratic for a political party in power to go and dip into the Treasury to use the Treasury for its own political agenda. That is what this Motion is about.

Now, I should say in advance that in order for this Motion to succeed, at least 16 Senators have to vote for it. This Motion will fail if only 15 or less Senators

vote for it. In other words, this Motion cannot succeed if the Government votes against it. As is well known, you are bound, by convention, to vote to keep the status quo. So, if the 15 Government Members vote against this Motion, you will be bound to cast your vote against it, regardless of whatever personal opinion you may have. I say this at the outset so that everybody in this country can understand—

2.15 p.m.

Madam President: Let me make it very clear, at the onset that you do not have to instruct me as to what my duties are, if and when I have to cast a vote. [*Desk thumping*]

Sen. R. Montano: Madam President, I should hope not. I should hope that I do not have to instruct you.

Madam President: Please get back to the Motion.

Sen. R. Montano: Yes, Madam President, but allow me. I was not instructing as to your duties. I was explaining to the Senate and basically to the greater community who listens to these debates, as to what will happen. Now, Madam President, and I was explaining to the country, not to your good self, and if I appeared to be doing so, then let me humbly apologize. Because I had absolutely no intention of doing so.

What I wish to point put out, Madam President, through you, to the Senate, and accordingly to the greater community, is that what we are going to see here in this debate will be a question of the integrity of Senators, when it comes to their vote because I intend to ask for a division on this and at the end of the day, every individual Senator is going to have to vote and we are going to see whether or not my point is valid. Of course, as the debate goes on, we would hear the arguments, pros and cons. But basically, this as I see, is a black and white issue. It is either this is acceptable or it is not. If this is not acceptable then it is right and meet that hon. Senators should say unequivocally from both sides, this is not acceptable.

I do not wish to turn this debate—and I would hope that this debate does not turn into any kind of criticism of the Government, that is not my intention. As far as I am concerned, what has happened is water under the bridge. But we are a young nation, Madam President. This year we will be what, 43 years old. In terms of nationhood, that is like a baby, four-and-a half-months old, or fours years and three months. When we set precedence, if we get it right, my cousin who was murdered almost eight years ago [*Interruption*] and do not stueps. My cousin was murdered.

Madam President: Senator. Sen. Montano, you are going very well, there is no need to misbehave like that.

Sen. Mark: Warn Martin Joseph not to stueps when people are speaking, it is very insulting.

Madam President: Sen. Mark, please. Just continue with the Motion.

Sen. R. Montano: Thank you, Madam President, but you should know that in a few days' time it would be the eighth anniversary of my cousin's murder, and I resent strongly, when the Minister of National Security—when I mention his murder, he stueps. It hurts, Madam President, I feel the murder as if it was yesterday. So do not stueps when I mention his murder, especially when he knows who did it, or he ought to know. Now, if I might get back on to the record, this is a serious thing, it is my family, I loved him like a brother. I apologize for my outburst, Madam President, but it hurts, I am trembling. Now, if I might get back.

As I was saying before I was so rudely interrupted by the stueps, this debate is not, or ought not to be a criticism of the Government. If we hon. Senators are serious about building a country, then we ought to look very carefully at the precedence that we are setting. If we defeat my Motion it means that it is all right. It means that we can, any government in power, not just this one, but the government of tomorrow, the day after tomorrow, next week, next month, next year, whenever; any government will be able to do this, because the precedent has been set. I am not dealing, and I am really trying to rise today above partisanship. Maybe we will not succeed, but I am really trying to rise above partisanship this afternoon, and I am trying to appeal to this Senate, to this Parliament and to the nation as a whole to rise above it. There is a principle involved here, there is a serious principle, because either it is right or it is wrong and we are going to decide when this debate is finished—whether it finishes this afternoon or it finishes on the next occasion, or the occasion after that—we are going to decide whether this precedent is acceptable. If it is not acceptable, then we should come and we should say so.

As I have said, I am trying hard to rise above political partisanship this afternoon. I will, in a short space of time, be criticizing the advertisements that were made, but I will attempt to do so, not in a partisan fashion, but in a fashion that underscores my argument, which basically is that it is wrong. Madam President, understand something, I have not seen—and I will accept it that there may have been—but I personally have not seen one editorial on this point. I have not seen one major newspaper stand up and say, “you know what, Montano is right, this is

Advertising Campaign Repayment
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wrong.” I would like, if it is possible—of course it may be that people might think that this is not important. After all, what does it matter if a Government uses funds for its party political purpose?

Well, I beg to differ. It has to have been wrong, you only have to look at it to see that it is wrong. That is the way of a fascistic government, that is the way of governments of those dictatorships. The public purse does not belong to the political party of the day. The public purse belongs to all of us and the Government of the day is the custodian or trustee of that purse. It is in these circumstances that any democrat, any person who loves his country, must turn and say, “people of Trinidad and Tobago, we must ensure that no Government spends money from the public purse for its own political agenda.” It has to be wrong; this is the thrust of my argument.

Before I get to the advertisements themselves, I would like to refer you to Erskine May's *Treatise on The Law, Privileges, Proceedings and Usage of Parliament*, Twenty-first Edition, and in particular I would like to refer you to pages 126 and 127, thereof. There is a great deal of learning and I would invite you, Madam President, in your spare time, to read the entire chapter on contempt of Parliament. But I would refer you in particular to the last paragraph on page 126 and the first two paragraphs on page 127, which read from the second sentence:

"Correspondence with Members of an insulting character in reference to their conduct in Parliament or reflecting on their conduct as Members, threatening a Member with the possibility of a trial at some future time for a question asked in the House, calling for his arrest as an arch traitor, offering to contradict a Member from the gallery, or proposing to visit a pecuniary loss on him on account of conduct in Parliament have all been considered contempts. The Committee of Privileges has made the same judgment..."

And this is the point, Madam President:

"The Committee of Privileges has made the same judgment on those who incited the readers of a national newspaper to telephone a Member and complain of a question of which he had given notice."

I want you to remember that.

"Analogous to molestation of Members on account of their behaviour in Parliament are speeches and writings reflecting upon their conduct as Members. On 26 February 1702 the House of Commons resolved that to print

or publish any libels reflecting upon any Member of the House for or relating to his service therein, was a high violation of the rights and privileges of the House.

Written imputations, as affecting a Member of Parliament, may amount to a breach of privilege, without, perhaps, being libels at common law, but to constitute a breach of privilege a libel upon a Member must concern the character or conduct of the Member in that capacity."

The May's goes on, at page 128:

"Attempts by improper means to influence Members in their parliamentary conduct may be considered contempts."

And at page 129:

"Conduct not amounting to a direct attempt improperly to influence Members in the discharge of their duties but having a tendency to impair their independence in the future performance of their duty may be treated as contempt. An example of such a case is the Speaker's ruling that a letter sent by a parliamentary agent to a Member informing him that the promoters of a private bill would agree to certain amendments provided that he and other members refrained from further opposition to the bill constituted (under the procedure then in force) a *prima facie* breach of privilege.

Influence by private solicitation in certain circumstances has also been found objectionable. The Lords have resolved that the private solicitation of Members on matters of claims to honours or other judicial proceedings was a breach of privilege. Upon the same principle, it would be a breach of privilege when Members are acting in a judicial or quasi-judicial capacity, eg when serving on committees on private bills, to attempt, by letters, anonymous or other, to influence them in the discharge of their duties."

Now that we have the learning on the subject, if I can refer to the bills in my Motion as the anti-crime legislation, you will recall that there was a blitz of advertising in both electronic and print media about the anti-crime legislation, by the Government. For example, I have here a copy of one such advertisement published in the *Sunday Mirror* of June 13, 2004:

"The Anti-crime Legislation. What does it mean?"

The Government in this thing sets out its position but, the point of the matter is that the Opposition also had a position. And the Opposition's position—because I

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was part of that Opposition, and I articulated in this Senate the reasons that we were refusing and pointed out that we had serious concerns and serious fears. As we lawyers would say, it was sort of like a *quia timet*, I fear, he who fears. We had serious fears about the results of this legislation. But again, the issue is not whether we had fears or not. The issue is not whether the Government felt that it was right or not. The issue is, is this right? Now, you will recall, Madam President, the learnings from May's that I read and here is the point that I want to read from the advertisement:

"If you want an EFFECTIVE POLICE SERVICE geared for the job of winning the War on Crime...

Contact your M.P.

Demand that they vote for this legislation.

For the sake of our future...LET THE BILLS PASS"

Now, go back to May's, on page 126:

"The Committee of Privileges has made the same judgment on those who incited the readers of a national newspaper to telephone a Member and complain of a question of which he had given...

and now:

"...to molestation of Members...are speeches and writings reflecting upon their conduct as Members."

I do not think this afternoon that it is important or would really take us very far, for us to go into the issue of whether or not and to get into an argument about it, whether it was a contempt or not. But I do believe with my heart and with my soul, that this was wrong in two regards. It was wrong in that it promoted a party political objective and it was wrong in that it said, contact your MP, demand that they vote for this legislation.

As I said, at the end of the day this is a simple matter. If this Motion is defeated tomorrow, next week, next month, next year, 20 years from now, another government will get it, and this other government would say, okay. The new government decides to take this sort of behaviour to the extreme—where do you stop?—and that government when it is criticized, says, but look at that debate a long time ago in January, 2005 in the Senate where it was held, because the Senate threw down a Motion criticizing this and the Senate threw it down and

said, no. This behaviour was acceptable. It is the precedent we are setting; it is a serious precedent and it is vital to our fledgling democracy.

If we allow this Motion to be defeated, then we are opening the door for this Government as well as any other government, to use the State funds to promote its party political agenda, and that is the point. I am certain that there is no Senator who will disagree with the proposition that State funds ought not to be used for party political purposes. To make the point, I have here a double page, coloured advertisement on the *Express*, section 2, page 12, dated Monday, October 04, 2004:

"The Honourable Patrick Manning, Prime Minister of Trinidad and Tobago,
Dedicated to the cause of Caribbean Integration."

And here you have a picture of the Prime Minister meeting with US Ambassador Kofer Black in New York, and a courtesy call on His Excellency Mr. Kofi Annan, and the centre pictures, the Prime Minister Patrick Manning addresses the UN General Assembly; Prime Minister, Patrick Manning meeting with Dr. Henry Kissinger in New York, and so on. How does this advance the policies of the Government and is this not really a PNM advertisement, using State funds, and I presume that the State paid for it, because I see here, on the top of page 12, I see the Coat of Arms of Trinidad and Tobago, and I see nothing marked PNM. So how does this promote the policies of the Government of Trinidad and Tobago, as opposed to party political purposes? And this is the point, it cannot be right. This is the kind of behaviour that developed nations do not indulge in. This is the kind of behaviour, that if we had a vision 2020—which after God knows how many years we still have not got it out—would say, no, this is wrong.

I wish to reiterate, if you ever want to understand a problem, go back to basics. It is either that this behaviour is acceptable or it is not, and in this debate—whether this debate ends today or another day—we hon. Senators have got to set the precedent. For example, for 10 months this Government ran the country without calling Parliament. For the life of me I cannot see that that is right, for the life of me I cannot understand that. But I never saw any criticisms. It was as if it was acceptable. I know that I complained bitterly, but I know that my complaints were not heard. I personally never saw any editorials and if there were, there were probably a handful in the 10 months. Now is that right?

So if the UNC, for example, were to get into power tomorrow and run the country for 10 months that would be acceptable? If the UNC got into power tomorrow morning and ran an advertisement like this one, that would be

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acceptable? I am personally of the opinion that it is not. But who am I? I am not Jesus Christ; I am not Sai Baba; I am not the Prophet Muhammed and I am certainly not the Oracle of Delphi. I am a man and I have the privilege of being wrong. My friends on the other side would say that I am wrong all the time. If I am wrong on this point, then do not complain if tomorrow morning, when it is our turn and the shoe is on our foot, we turn around and say, well you know what, you are right, we were wrong. Are you then going to tell us, no, no, no, you were right all the time and we were wrong all the time? That would have to be hypocrisy of the highest order. Will the press then tell us, you were right all the time, it is perfectly true that we did not support you and it is perfectly true that we never commented on it, and it is perfectly true that we never said anything about it and we never supported you. But you know what, you were right at the time and you are wrong for doing it now. You cannot win, Madam President. It has to be wrong.

I am personally of the view that it would be a sad day for the democratic process in Trinidad and Tobago. The defeat of this Motion would effectively mean that this kind of behaviour is acceptable. It will mean, not only this Government, and I want to stress, this Motion is not a Motion critical of this Government. I do not want this to be a partisan debate. I believe the Senate of Trinidad and Tobago, this great little Republic of Trinidad and Tobago, and it is true, just a little dot in the ocean, but it is a great little country and our people are good people and the truth of the matter is, there is more that unites the people of Trinidad and Tobago than disunites them. The coming festival of Carnival will show it. The religious festivals of Eid ul-Fitr, Divali and Christmas also show it. There is much more that unites us than divides us.

We are a little baby in terms of the age of countries. We must get it right, now. Failure to get it right will mean paying for all of us on both sides lower down. There is an old saying—I cannot remember who said it—the same stream from which comfort seems to swell, discomfort shall flow. Comfort seems to be swelling right now on the PNM side, but it is an axiomatic rule, an inflexible rule of nature that what goes up must come down, whether it takes a day, a year, 10 years, 100 years, it does not matter. What goes up, comes down and my father—God bless him—he always told me, he said, when you are at the top of the ladder, never forget there is only one way to come down, and come down you will, sooner or later, come down you will. I have asked in my Motion that this House recommends to the Government that steps be taken to have all those responsible for ordering and/or allowing the use of State funds for the said

advertisements repay same to the Treasury forthwith, failing which the debt shall be attached to the persons improperly, jointly and separately and be enforceable in the same way as if it were a judgment enforceable by the High Court.

I have asked this on the assumption and the hope that my Motion will pass and I have asked it because, if this honourable House agrees with me and if this honourable House agrees that what took place was wrong, then we should send a very clear message, not just to the perpetrators of these advertisements, the persons who ordered them, but we should send a clear message to all future persons, and it is a message that ought to come down. You cannot mess with the public purse. You cannot and ought not to go and do things that are wrong. That is why I am asking for this.

In England there was a case recently which is known as the House Padding Case, in which the Conservative chairman of a local council was ordered to repay something like £27 million to the public Treasury because she ordered houses built in a marginal constituency, for the purpose of what became known in England, as house padding, and the English House of Lords, which is equivalent to the Privy Council said no, no, no, no, no, you cannot mess with the public purse like this.

I would like for this little country of ours to show our citizenry and to show the world that we are deadly serious about integrity in public life; that we are serious about honesty; that we are not hypocritical; that we are open; we are transparent and that we understand the name of the game, the trust that is placed upon us when we enter Government, whoever we happen to be, the “we” of the day.

What happens if we do not do this, what happens if we turn around and we say, you know what, we agree with you that we should not use this, but we do not agree that people should pay? Well then, all right, but what happens then, will those anonymous persons—I mean, was there a Government Minister or Ministers who ordered these advertisements? If so, would it not be right and proper, open and transparent, for the Government in answering this debate to say which Government Ministers? Was this a Cabinet decision? And what will be so dangerous in telling us whose bright idea was this?

2.45 p.m.

Surely the public of Trinidad and Tobago ought to know because we were told it was \$1.9 million and last week in the other place, papers were filed by the Government showing that it was in fact more than \$5 million that was spent on

this. Whether the figure is \$1.9 million, \$5 million or a million million, that is not the point. It is the principle we are talking about.

As I said, I do not want to spend time saying yes, you lied about the quantum. That is not the point. The point is, is it right? And assuming, but always not accepting that the Senate, and more importantly, the country agrees with me, what are we going to do about it? Are we going to set a precedent and demand the money back, or are we just going to say: “Naughty boys, you should not do it again?” Are we going to be told? In fact, I will pause now to ask through you, Madam President, are we going to be told in this debate who ordered this advertisement? I pause.

[Sen. R. Montano sits]

Sen. Dr. Saith: Madam President, I propose to intervene in this debate and I will have much to say including an answer to what is being asked.

Sen. R. Montano: Good, I take it that is an undertaking to give us the names of the persons responsible and I am delighted to hear that.

Sen. Dr. Saith: Madam President, I think the Senator has a habit of determining what other people say and do. Like you, Madam President, I will do what is necessary to put my case. I am giving no undertaking to provide names, or otherwise.

Sen. R. Montano: What a pity, Madam President, what a pity! You see, the Minister’s answer was a classic case of doublespeak. When you examine his second statement carefully, you will see that it makes a nonsense of his first statement, except I would take it to mean, that I am going to defend the Government, but it will not deal with who did it. I suppose he may or may not answer me, and he may or may not say it is unreasonable to say who. Assuming he says, whether by omission or by—

Madam President: Senator, you cannot presume what somebody else is going to say. Why do you not wait and hear what the Minister will say, and in the meantime you tell us your facts please?

Sen. R. Montano: You are correct, Madam President. What I was trying to say is that we need to be clear and straight with the people of Trinidad and Tobago, and we ought not as leaders in the society, because each and every one of us is a leader, and as leaders, when we speak, we ought to be absolutely clear so—

Sen. Dr. Saith: Madam President, on a point of order. Not only is the Senator debating an imaginary conversation with himself and myself, but he is also imputing improper motives as part of that conversation.

Sen. R. Montano: If I did so, I apologize.

Madam President: As I said Senator, get back to the debate and do not try to put words into the mouth of the Minister or anybody else. I know that is not what you want to do, but that is how it is sounding.

Sen. R. Montano: Madam President, that was not what I was trying to do, and if I did that, I humbly apologize. What I am trying to say as clearly as I can and I will try again, is that we, this Senate, all Senators, ought to be absolutely clear. We ought not to try to hide behind doublespeak; we ought not to try to say one thing and skirt to the edge and come back. We ought to be clear, we ought to be able to say yes, I am going to do this, or no, I am not going to do that, so the people of Trinidad and Tobago can understand. Failure to do that does not serve the people of Trinidad and Tobago whom we are here to serve, and it certainly does no credit to this honourable Senate.

Madam President, I was surprised to receive this afternoon a document, *Opinion Leaders News* published by the Ministry of Public Administration and Information because the document appears to go to the root of my Motion and it appears to be a self-serving one indeed. For example, under the heading “Feelings of safety” there is a question asked:

“How safe do you feel walking alone in or around this area during the day?”

And the graph shows that 66 per cent say very safe. It also says:

“Three quarters of the population continue to feel safe in their own home alone after dark and six in ten people say they feel safe walking alone after dark.”

I would like to know who are the 10 persons they asked because they could not be people whom I know. This is a classic example of the point I am making. On the face of it, it is an unrealistic survey. It is a party political survey, and money that was clearly spent to promote a party political advantage to try to promote the Government’s view that crime is not as bad because 66 per cent of the people say it is not as bad, and three quarters say they do not have a problem.

Really? Who are the ten persons you spoke to? I cannot believe it, and again, it goes to the root of the problem. The issue really is not whether this is accurate, inaccurate, or otherwise. The issue is, is it right for Government moneys to be spent in this fashion? That is the question.

Madam President, I do not need to belabour this point much longer. I believe I have made my case and I believe that hon. Senators understand me well. At least I

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hope so. I know that I will get a chance to reply to all that is said and I sincerely hope that hon. Senators on both sides do listen to my plea which is, that we rise above political partisanship this afternoon, that we say to the people of Trinidad and Tobago we are here to debate an issue that is important to their well-being, that we are dealing with a precedent here and we are going to discuss whether or not this type of behaviour—for want of a better word—and these types of advertisements are in fact acceptable. They are either acceptable or they are not. If you think that they are, then tell me why without resorting to insults and political partisanship.

If you tell me that the UNC did it yesterday when they were in office, then I would say the UNC was wrong. Let us set the precedent. Let us get it right. I am not interested in what was done wrong yesterday, and I have refrained as much as I am able to—and believe me, if I wanted to, this honourable Senate knows full well that I am well able to descend into the politics and throw boulders from the top of El Tucuche should I so desire and make an issue like this political. I have tried very hard to stay away from that.

I am trying to deal with a principle and I am hoping that the national community will listen seriously. I know full well that the newspapers and electronic media have a financial interest in these kinds of advertisements. That is a fact. But I am also hoping that they will have the integrity, the honesty and the forthrightness to comment on it. If they think I am wrong, then I invite them to write an editorial and say: “Montano, you are wrong, there is nothing wrong about this.” Let us as a Parliament, and as a community discuss this issue. I hold my views honestly because I believe they are in the best interest of this great Republic of ours. God bless Trinidad and Tobago and God bless the people of Trinidad and Tobago. I beg to move.

Thank you.

Sen. Roy Augustus: Madam President, I rise to second the Motion as proposed by my colleague, and I ask to defer my contribution to later in the debate.

Question proposed.

The Minister of Public Administration and Information (Sen. The Hon. Dr. Lenny Saith): Madam President, before I get into the debate, may I say to Sen. Montano that I understand his reaction earlier on in the debate. His cousin was a good friend of mine, as you know, they had a shop next to my drugstore and every Saturday morning we would meet and talk. So I understand and I hope

that one day there will be a solving of what was obviously a crime that weighs heavily on his mind.

Madam President, before I get into the Motion itself, let me take the opportunity to respond to a few things which Sen. Montano raised. His first point was: Is it morally right and just for advertisements to be put in respect of a government's position or as he called it, a party's position? And that somehow what happened in the case of the police bills was setting precedent and he was very concerned that this would be used by succeeding governments.

I want to tell Sen. Montano, I was not sure whether he was a Member of the UNC in 1998—2001, but in 1998 the previous government spent substantial sums to advertise its position on the Constitution (Amdt.) Bill, I think it was called the Hanging Bill and—

Sen. R. Montano: Would you give way for a moment? Madam President, I am most grateful to the Senator for giving way, and I thank him for that information which, quite frankly, I had forgotten. If I had remembered it and if it had been brought to my attention, I assure you I would have brought it. My point is, just because it was done yesterday does not make it right and I said if the UNC did it, it was wrong. I will not defend it if the UNC did it yesterday, and as far as I am concerned, I think it was wrong.

My next point is that I am trying to set a precedent here and to undo the wrongs of yesterday.

Sen. The Hon. Dr. L. Saith: Madam President, the point I am trying to make—and I have much more to say—is that the precedent was already set. I am not at this point making a judgment on whether it was right or wrong.

In 1998, substantial sums were expended by that government in respect of the Constitution (Amdt.) Bill or the Hanging Bill, and in 2000 substantial sums were expended in respect of the independence of the Judiciary. I hope you remember the advertisements that went into them. In 2001, when there was an appointment of defeated candidates as Senators and Ministers, there was a concerted advertising programme. That was political; the other two I wish to say I feel were purely party.

The point I am trying to make is that we did not accuse the then government of using State funds to advance party political interests, we had never complained because we recognized that the government of the day felt it had a position to put forward to the people on Bills and issues they considered important and they did

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so. What I am trying to say is that it is ironic; it is almost a touch of hypocrisy that the same people who did that between 1995 and 2000 now find this difficult.

Madam President, between that period NBN lost its credibility, and one of the frequent appearances on that station was the hon. Sen. R. Montano and Hamid Ghany in what we then referred to as the Hansley Ajodha Television because every day they were there to put forward the views of the UNC.

Sen. R. Montano: Madam President, may I object on a point of order? The Minister is imputing improper motives. First of all, I was not a member of the UNC at that time.

Secondly, when I appeared I was always careful to put forward my independent views and, in fact, I can recite at least one occasion when I walked off the set because there was an attempt to use the broadcast for party political purposes. So to accuse me of that is wrong and unfair, and I demand a withdrawal of the statement.

Madam President: Hon. Minister, please do not impute improper motives.

Sen. The Hon. Dr. L. Saith: Madam President, if I did in fact accuse the Senator of something he did not do, I apologize, but it is remarkable how those independent views coincided with the views of the UNC, but I take it that they were independent.

Madam President, two other things that he raised and he held up an advertisement which he said the Government had put out to advance its policy. A government puts out information not only to let the population know of its policy, but to let the population know of its achievements because that is where the population will know if the Government is performing and how it is performing. It needs to put out information of what it has achieved, and if the hon. Senator would take his mind back to previous governments, he would see it is an accepted way of government communicating with the people as it does on political platforms for political purposes; as a government through the Government Information Unit through advertisements, radio, television and newspapers. It communicates to the public its achievements and performances especially where there is a tendency for a lot of what is being done not finding its way into the public domain, because what normally finds its way into the public domain is one side of the story and I will give you an example.

On Friday last in the other place, there was a Motion on the Adjournment, the Member who moved the Motion spoke for 15 minutes from 6.45 p.m. to 7.00

p.m., I replied from 7.00 p.m. to 7.15 p.m. and there was a report in the newspapers on Sunday which gave all that was said by the Opposition Member and nothing that I said. I came to the conclusion that either the reporter was not there and somebody gave him one contribution which he put in the press, or he was there which is even worse, and decided he was only going to report one side. So that any government, whether it is this one, or governments to come will always find it necessary to put its position to the people.

Madam President, we all agree that the country has an unacceptable high level of crime and criminal activity. I do not think anybody denies that. The Government, recognizing that this is not a sudden occurrence and that it transcends various administrations and doing an analysis of the things that it has to do or can do to alleviate the situation decided among other things, that its package of legislation which dealt with the Police Service Reform was important.

More than that, it had made the effort, even while in Opposition, to work with the then government to get this legislation passed and had reached the point where it felt that this package of legislation was important as one of the elements that should be used in its fight against crime, decided to bring it to Parliament. Having done so, we felt it was important enough to embark on an information and education campaign so that the public could understand what the Bills were about, why we considered them important and to get them involved in the process.

Madam President, you know as well as I do that a lot of the legislation that we debate here, in many cases the general public is not aware of them, and do not have an opportunity to understand or read and they rely on us, as representatives, to convey what we think are their views on these things. With something as fundamental as this, we felt because of the serious impact crime was having on the population and their own views that they should be informed.

We never threatened or intimidated anyone, we never curtailed their freedom or violated their constitutional right and privileges, and we never attempted to put pressure on anybody. We intended to persuade citizens if they felt strongly about the legislation to make their voices heard, and since the way their voices are heard in this Parliament is through their representatives, we indicated that that was one way of ensuring that it was done and made available to the Parliament.

Madam President, in a democracy the art of persuasion is the key to success. If it were a dictatorship, we would not have to persuade anybody, we would not have to put out a single advertisement except perhaps where the prisons are. In a democracy, it is the ability to put ideas out there and have them accepted by the

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population. It is to persuade people and in this instance, especially fundamental legislation such as the one we had proposed, we felt it necessary to educate and persuade people.

So that, if as a result of this exercise, people in constituencies approached their Members of Parliament to support the Bill or to vote against it as a result of our education campaign, that cannot be intimidation. It is, in my view, the way you get an exchange of free flows of ideas. How would some of these Members know how their constituents feel and that the position they were taking was in fact, consistent with the majority views of the people they represent? That, Madam President, is an exercise of consultation and information which I believe to be the essence of a democratic system.

In that sense, I find the Motion somewhat irrational, and based on completely false assumptions. Because if the assumption is that the campaign was to intimidate people, then that is false. I indicated that we felt this was a matter of national importance—crime is a serious matter—and, therefore, we felt in this instance where the matter was serious, and it had national importance then our campaign was legitimate. We were trying to tell the people that we had legislation which purpose was to create an efficient police service and among other things, to reform the management structure of the police because the way they operate, the conditions under which they operate, and the structure of the force are essential to crime prevention and detection.

Our campaign also pointed out that with the existing constraints, change in the police service would be difficult, time consuming and in some cases impossible in certain areas.

3.15 p.m.

We wanted the population to understand that. So that I submit, because the matter was so important, that what we did was legitimate. Is the hon. Senator, in his Motion, indicating that to do so was somehow illegal? That ties into his final part of his Motion where he wants to surcharge people. Just for your information, Senator, the accounting officer who certified this is the permanent secretary in the Ministry with responsibility. So the officer you will have to surcharge is the permanent secretary.

Sen. R. Montano: Actually, you got what I was saying wrong but I will leave it at that.

Sen. The Hon. Dr. L. Saith: Madam President, if we looked at the advertisement put out, there was nothing in the advertisement which, in my view,

was political in the sense of party politics. It was political in the sense that all issues of governance are political. But it was not seeking to advance the cause of the People's National Movement; it was seeking to advance the cause of the Government of Trinidad and Tobago in its responsibility of governance.

We never asked anybody to vote for us on that campaign. We asked them to support the Government, not the PNM. We sought to deal with the issue of crime, which I think, again, as Sen. R. Montano said, should transcend politics and parties because it concerns everybody. Therefore, to accuse the Government, which this Motion seeks to do, of trying to advertise to push a political agenda, I think is wrong.

You see, to say that because we advertised in the media on this Bill to educate the people, that somehow we are using state funds to pursue a party political interest, if you take that to its logical conclusion, you could say that when a minister who is paid by the State makes speeches about Government's programmes and policies, which happens to be at the moment, the PNM Government, then he is using state funds for political propaganda or to intimidate anyone. Could you say that?

When the Treasury and this Parliament provide resources to the Leader of the Opposition to examine, to analyze and criticize all aspects of Government policies and programmes, is that state funds being used for political purposes? We do not believe so. We surely do not believe that the Leader of the Opposition is being paid to put pressure and to intimidate the Government, but the system demands that these resources be made available for people to do their jobs.

When Government ministries disseminate information in the media—press releases, interviews, advertisements—about what the Government is doing; how members of the public can access Government services, is that using state funds for party political purposes? Is that putting pressure on the Opposition? So to say, somehow, that this is using state funds for party political purposes is a stretch that I really cannot begin to visualize.

We live in an age of communications. We live in an age where it is now the norm for people to be exposed to communications and to use it to get information. Fifty years ago, if you were living in Chaguanas, as I was living at the time—country—you listened to the radio; it was WVDI at the time, the US station, and the information that we were getting was limited. Today somebody living in Chaguanas is living in an urban area. You have radio, television, newspapers, Internet, so that any government—and I hope future governments will do it as

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well—must use the communication facilities, the media, to get its message out, because you are spending taxpayers' money and, therefore, the more you can keep the taxpayers informed about what you are doing, the better it is for the taxpayer. The more you can let people know what services the Government has and how they can access it, is good for the taxpayer.

There is no point in the Ministry of Community Development, Culture and Gender Affairs having a programme and the people for whom that programme is being designed and developed, do not know what the programme is; how to access it; how to take advantage of it. We know that the Government is more complex now and has many more programmes which are available to the population. So the marketing of ideas by the Government, the marketing of its performance, of its achievements, of its way of getting what it is doing out to the people and also getting feedback, is important.

That is why I come to the *Opinion Leaders News Polls*. Sen. R. Montano takes the 2003 and if he wishes to dismiss it, fine. Other people have dismissed polls before and have lived to regret it. We have hired a professional organization whose professional reputation is on the line. We believe—and I firmly believe—that we must get to the point where dialogue with the population is a two-way street. There must be some way of measuring what people are feeling, and measuring it in a non-political way. Some people will tell you they get the feedback by the attendance at political meetings and how people react. That is part of it, but there must be a more scientific, nonpartisan, impartial way of having that dialogue going. And let the chips fall where they may.

A sensible government would take the feedback and make the changes that are necessary. A government interested in improving its public service delivery would take the feedback and make the changes in the public service delivery system and programming that is necessary.

One of the surveys that Market Opinion Research International (MORI) did for us is a survey of public servants and how they feel about their job; how they feel about the conditions under which they work. And we have been able—I think the figure was close to 50 per cent return back on that exercise. That is input into some of the programmes we are going to develop for public service reform. We are about to do it for the protective services—at least the fire services; how do they feel about themselves, about the conditions under which they work; what would they like to see different.

Too many times we believe we know the answers. It is always good to do a reality check outside there. As I say, the information that they are collecting is not

hidden. The Government is not keeping it close to its chest. The minute we get results and we are in a position, we present it to Ministers, so that they know what they are doing. It is presented to the public; presented to the media; we call in stakeholders and present it; we put it on our website.

The public knows and, therefore, if I can repeat what I said to Sen. Mark, I believe the country is getting good value for money because good information leads to good policy decisions. Bad information leads to bad policy decisions. Governments all over the world understand this. In one year alone, the Government of the UK spent £102 million in advertising. The Government of Ontario, in 2002, spent \$3.1 million Canadian on providing advertising information—one province. In Australia in 2001, the federal government spent—not the state government—\$140 million Australian in advertising. I think governments understand the need to communicate. Well, they understood. You saw their advertisements in 1995—2000 period. Sen. Baksh understood it.

Madam President, having said that, I do not think that the Government would take the same approach with every piece of legislation. As I indicated, there are some pieces of legislation where we believe that the views of the population can adequately be served by the representatives without any further education, but in this case we were dealing with fairly complex issues. We were dealing with issues that tended to move us away from existing traditions, entrenched sections of our Constitution, leaving the old comfortable way that we had and going into new uncharted waters. We were asking the population, for instance, to do away with the Police Service Commission as it now exists and to which they have grown accustomed since Independence, and to give more power to the Commissioner of Police and to a new body, the Police Management Authority.

These are major issues. This is not run-of-the-mill legislation. We know that change does not come easy and that you need to persuade people and you need to persuade them on the basis of making them educated and aware of the issues. We felt that it would almost have been irresponsible of us on such an issue not to let the population have as much information as possible, so that when the matter was ultimately debated and a decision taken, it would be done in the context of the population itself having a fair idea of what the issues were and how it was treated by the Parliament.

To do that, we did, in fact, bring in experts in the field of communications and that cost money. I believe the figure is still \$1.9 million. But was money well spent? If the population is better informed on this matter; if the population has a better grasp of the issues, then I think it was well spent. You must also understand

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that this Bill was also at a time when there were high emotions in respect of the whole crime situation. It is an emotional issue as well. It was a noisy time, back and forth across the issues, social scientists, politicians, political analysts, legal people, constitutional experts, everybody was putting in their two cents, as it should be, and we felt, and still feel, that in that kind of debate, having information is important to the population, in a sense, by putting the bills into the Parliament. We had started it and we felt that we had a responsibility to have the information as widely dispersed as possible.

I think, having put this in perspective, having also indicated that this is by no means a precedent, having, I believe, set out the rationale for doing it, you could understand why we do not believe we can support this Motion. There are Motions and suggestions sometimes from the Opposition which we occasionally find possible to accept and to support. On this one we do not think this is such a case. I would not even try to describe the final paragraph where the Motion seeks to charge people in the exercise of their responsibility; public servants mainly, to have them repay the Treasury for this work.

I thank you, Madam President. [*Desk thumping*]

Sen. Dr. Eastyln McKenzie: Madam President, there are some clauses in the Motion which I agree with and some which I cannot prove and, therefore, I cannot agree with. However, I have been one who many times advocated that when we have new bills that ask the public, or offer information to the public and we discuss them here, that we should have public education, using all forms of the media as possible. I still think that this is something that we should adhere to, that whenever we need to have the public involved and educated, we should use as many forms of the media as possible and in various ways.

I can remember myself talking about jingles, and all sorts of catchy phrases that will help us to educate the public. I remember doing this when we had the minimum wage and the national insurance and registering the people, and so on, and I still maintain that we should do this. I remember distinctly when we had all the discussion on the Police Reform Bills that Tobago, on their Radio Tambrin, actually asked Sen. Prof. Ramchand and me to come in and have an open forum, and people came in and questioned and called in about the Police Reform Bills. What was encouraging in some aspects, some people who called in actually said: "I have my pull-out of the Bills from the newspapers." They did not have the Bills as we had them, but the newspapers printed copies of the Bills and some people used that as their own Bills, and they were calling in and saying: "Look, I want to

refer to clause this and that of the Bill. What does it mean? What do we understand by it?"

So there were members of the public who were asking for information and Tobagonians asked the radio station whether they could have had members from the Independent Benches come in. That was how Sen. Prof. Ramchand came in and joined me and we went in and tried to answer as many questions as possible.

This brings me to the point which I hope the Government will take up and which I brought to this Senate years before when the UNC/NAR, Panday administration was in power. That was where people of Tobago always clamoured for copies of bills to be debated. An effort was made by our library here to have copies sent to the Treasury in Tobago where the public in Tobago could go in and buy the bills. It went on for a short period and after that, there was nothing. Just this week someone asked again: "Could you ask the Government to have copies of bills available in Tobago where we can go and buy them?"—they do not want them for free. "We will study it; we will call you; we will call the Independent Senator; we will call the Government; we will call people and say, as far as this bill is concerned, this is what we do not like; this is what is going to affect us."

I hope the Government today will take a decision, whichever ministry is responsible, for ensuring that copies of bills are sent to Tobago so that the public can buy them. I want to pay tribute to the media, the newspapers, because the proposed amendments, et cetera, people in Tobago are pulling them from the newspapers and keeping them as handouts so they can be informed.

My problem with the advertisements was this. When was it too much? At what point did we feel as a public, bombarded? At times we felt that it was a little too much, and every time you do it, it costs. I think this is one of the problems that Sen. Robin Montano has. Therefore, it makes you wonder where the line is drawn between public education and party political agenda. I think this is one of the points.

Within recent times—and I think Sen. The Hon. Dr. Lenny Saith has actually given me some idea as to why these things are happening—when I look at a newspaper, we have so much of Government's work being shown in pictures. So many of our Ministers' faces are on the newspapers saying what they are doing; handing over things, and so on. And I wonder whether the emphasis should be there, instead of the people talking and saying, "This is what I have achieved by making use of the Government programme", and so encouraging more people who need to make use of the Government programmes to talk out, rather than to have the Minister being the dominant person. So I think we need to watch that.

Again, I read recently where people have been clamouring for more information on recruits into the police service, the fire service, et cetera, and where I have seen the Government printing in the newspapers, the names of persons who are under consideration, their addresses, et cetera, and asking the public under confidential note to say, "What do you know of this person; is this a worthy person?" In other words, no longer is the Government relying on the academic achievement and the academic eligibility of the person, but it is also looking at whether the person is socially right for the type of job he is asking for. So I need to say that this is good.

I also looked at the advertisements I have been seeing about training and the availability of training in the different ministries. I see it from the Ministry of Community Development, Culture and Gender Affairs and I think that this is good. I want to say that there must be a distinction between when information is really for public education, public consultation and public information, rather than for a party political interest. I think the Government has to be sensitive to how the public feels about what they see and hear from the media.

I can tell you that some people have been questioning why the Government has to keep repeating the same thing over and over again. In fact, in some instances, for weeks you see the same pictures, the same information about Government's achievements and what they have been doing in the newspapers and at times I think it goes beyond the public information into a sort of selling the Government. I think we need to be very careful of that, and I think this bombardment of information probably is what caused Sen. R. Montano to think like that.

I also wondered about the cost of these advertisements when the question was asked earlier in the session, but when I listened to Sen. Dr. Saith's information about Australia and just one province in Canada, I reserve my thinking on that and I am educated about it.

So, Madam President, whereas I cannot support the Motion in its totality, there are clauses in the Motion that I support Sen. R. Montano on, and there are aspects that I cannot prove and therefore I cannot agree with him on. But I think that I should say to the Government to be very careful not to cause the public to feel that it is no longer information, because I will tell you what it does. If you see something too often, the day you change it, nobody knows, because they would say, "That is the same thing I saw last week; the same thing I am seeing this week". And the week you change it to give new information to ask for a different

type of support or to advertise a different programme, nobody looks at it because they believe it is the same thing that they have been seeing. So I think if the Government is educating, change more often, have different types of information—

Sen. R. Montano: Madam President, through you, may I ask the hon. Senator that if she feels that the basic principle upon which my Motion is grounded is acceptable, would she kindly propose an amendment to the Motion? Because as I sought to make clear this afternoon, I am about the principle, I am not wedded to the words in my Motion.

Sen. Dr. E. McKenzie: Thank you, Sen. R. Montano. Madam President, I really did not come to amend the Senator's Motion, but as we go on, probably, because I do not believe that we would wind up the Motion today but we have time.

But as I said earlier, the whole principle and the separation of where public education and information ends, and where party political interests begin, this is what it is, and the cost is what we have to look at, because if the candle is costing more than the funeral, do not have a funeral. So we have to be careful.

I still maintain what I have said, that there are certain aspects I agree with; there are certain aspects I cannot prove and that I do not agree with, but I want to warn and ask the Government to be careful not to be too repetitive in what they advertise and what they inform about, in the same manner, in the same style, in the same media, in the same way, otherwise when you bring something new, nobody would listen.

Thank you very much, Madam President. [*Desk thumping*]

Sen. Roy Augustus: Madam President, I rise to give support to my colleague, Sen. Robin Montano, on the Motion, and I must confess that I never thought I would have heard Robin approaching an issue with such soberness, if that is the term. Even after he was irritated—and I really want to put that irritation into a particular kind of context because I consider it very serious. You perhaps will notice that since I have come into the Senate I have not engaged, really, in crosstalk, in interfering with the other speakers, even though I have been interfered with at some times—even by my good friend on that side—which I enjoy, but it is because I have grown up on a diet of understanding that the Senate is the Upper House and there is a certain level of decorum, and so on, that one expects and, therefore, I do not engage—not that I cannot, but I do not.

So I was really appalled when Sen. R. Montano mentioned again—whether it is for the umpteenth time or not, is not important to me—and a Senator on the other side “steups”; more than that, the Minister of National Security. That, to me, I think, carried the House down a bit and, Madam President, I would have thought that you might have pulled him up. Maybe you did not hear him. I would take that point.

Madam President: That is exactly so, Senator, I did not hear. If I had, he would have been pulled up.

Sen. R. Augustus: I am certain you would have had, Madam President, and I am certain that you would call him aside quietly later on and remind him that that is not the kind of behaviour that is expected, particularly from the Minister of National Security.

So I go on to some of the points. First of all, let me deal with one or two of the points that were made by the Minister of Public Administration and Information and I want to begin, first of all, with his indication that there were three areas where the past government used the media to a certain extent, even though my colleague had indicated that that is not reason for negating the principle that he was putting forward this afternoon.

But I want to take issue with the third one in particular which he felt to be the most political—and he referred to me so this is why I will respond also—because it had to do with the then government carrying out a campaign in terms of the fact that the losers, as we were called then, were not appointed to the Senate and to ministries. I, for one, believe that that, more than any of the others, was not political. That particular issue more than any of the others he quoted, was not political. Because that was the issue where the President descended into the political arena, and that was a principle which the population should have been against and we had to bring the population’s awareness up to a certain extent.

In fact, during that period the country knew more about the Constitution than they knew before, I would think, because the level of debate was carried to the extent as to what was the then President doing there; whether, in fact, he was right—legally he was wrong and subsequent events proved that; but more than that, morally, it was always wrong because he had appointed people who did not even face the polls and he continued to support people who did not face the polls, and even appointed them ministers. One had to get the balance correct. You know the old-time saying: He who fights and loses is braver than he who does not fight at all. There are some people who have never fought and who continue to occupy

high positions. And I accept that, because the Constitution allows it. In fact, I have a lot of respect for many of those—not all—because they perform well and in Trinidad and Tobago it is really difficult to offer yourself for service because we have a natural penchant for picong, mauvais langue, bacchanal, and so on.

So I am not saying that I am against those people, I am just locating the principle that made that issue less political but more constitutional. In fact, at that time I argued in all kinds of quarters that there were some of us who were considered as losers but whose appearance on the slate of the winning team, in fact, enhanced the cross-pollination of the electoral flora. So that it was not that you did not contribute to the victory; you did, by virtue of your presence on the slate.

So I want to say that I disagree with my good friend—

Sen. Dr. Saith: Thank you for giving way. Perhaps I worded it wrongly. What I was trying to say is that if you wanted to look for something that could be considered political, that might have been. I made the point that we on this side, during that whole period, never raised these as issues in terms of the Government seeking to put its position forward. That is the point I really wanted to make, that even though one could have considered it political by some, we never made it, because we understood that the Government has a right to put its views across. I am sorry I may have conveyed the impression that I thought it was political.

Sen. R. Augustus: Madam President, may I close off on this point now, by just indicating that even so, I want to advance that we had not spent any fantastic sums of money on the debate on which the society was engaged. More than that, I want to take a little issue with my friend, the Minister, because even though they may not have articulated positions publicly, I remember when eventually the then President relented and we were brought into the Senate, the Opposition Members then stayed out as a mark of protest. That was even more voluble than any public statement that might have been made. So I just wanted to take care of that point that was made there.

I also want to indicate that while that debate was going on, it suggested to us—and even more debates that are taking place now; even the Police Reform Bills debate—it is always good to have the public involved and engaged in discussion, but what was being driven home by discerning members of the public is that here we have a Constitution which, in fact, may be outdated and may be in need of some kind of total renovation—not shoemaker kind of thing, half-soling; you patch a sole here or you repair a patch there. But whenever this public

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engages in this kind of debate, then what we are saying is that we need to look at the rules which govern our society, which should refashion our society. This is where we should be aiming, at refashioning our society.

We do not want, at this point—and this is the point Sen. R. Montano was making—a government to be using its resources to bludgeon the minds of the populace into a particular kind of mental behaviour. We do not want that. What we want is an opportunity for all the sides to engage in the debate. My colleague on the Independent Benches asked at what point was their level of advertising too much. She used a term I cannot remember now, but I have another term. I think we were assaulted by the level of advertising that was carried out by the Government during that period, using taxpayers' moneys. Bear that in mind.

I take the point that a government must be able to advance its position. We take the point that there must be public education. But the question is asked: When does public education move beyond that point of public education to the point of propaganda? When do we think it moves beyond that point? It moves beyond that point when the public begins to feel that their senses are being assailed by one side, using the resources of the State. That is when it begins to look like propaganda. [*Desk thumping*]

I want to remind those who hold executive positions now that I am clear in my mind that Government includes the Opposition, and that if there is a need for informing the public about the Government's position—and I am not talking about Government meaning Executive, and so on—and that side has a point of view and feels that it is so important that it needs to be sent out to the public at large, then it is absolutely necessary that some provision be made for the Opposition segment of the Government to also use some of the state resources to put their case across there, as also my Independent colleagues here. [*Desk thumping*]

If you are in Government, of course you would take the larger bit of the pie. You earned that. You may have been given it by the person who was in President's House at the time, but you have earned it, so therefore you use the larger share of the pie. But the Opposition and the Independent Members must be given an opportunity to put their case using all the media, just as you have used all the media. That is the argument. That is the crux of the argument. [*Desk thumping*]

I know the argument is, we did not do it when we were there. But we are evolving as a country; we are evolving as a society; we are developing. By 2007 we will tell you how soon we will get there. It will be before 2020, because by then we will be in charge and driving a little faster than you are driving now. But

the point is, we are evolving and, therefore, we have got to look at all these ways of correcting mistakes of the past, whether it was mistakes by the incumbents across there or it was mistakes by our people. We have got to correct those things; we have got to be broadminded and we have got to move forward.

I also want to make a comment on—and again my friend here—the question of the Motion being irrational. I always try to argue or advance that once a moot point is put up for debate in whatever forum, it cannot be considered irrational. What we have to do is to take it, strip it, move everything away from it, get right down to what the bone is, and let us deal with that. If it is no good, then we put it away. But it cannot be considered irrational because it has been the product of a person's mind—very, very important—so it could not be irrational.

I want to get to a particular point. I begin to fear. I tie in that question of propaganda, that question of assaulting the minds of the public, because the issue of the bills was not the only time when we had an assault on the minds of the populace by the incumbent Government. In fact, some people call it a PR government, lack of substance—PR. I fear it is more than a PR government. I fear it is a government that understands clearly the value of getting into people's minds and ensuring—and I think some people claim that to be politics—that as we go along we can manipulate those minds, and deal with those minds. When I look at NBN's closure, it was sad. I understand everything that was done with NCC and NLCB, and so on, in terms of trying to get it out to the rural; it is still not out to the rural areas. I understand all of that clearly, but what worried me most of all in that closure—I mean, a lot of things worried me, but the one that worried me most of all is a response that I saw from the Minister of Public Administration and Information in the newspapers—and I hope he would tell me he did not say that—when he was questioned about the legality of NCC operating NBN. He indicated, “Well that is a matter for the lawyers. But in any case, are the people not enjoying it?”

Sen. Dr. Saith: What I said was, “I am not a lawyer. The point you are raising is a matter for lawyers.” I said, “What I do know, however, is that the Carnival is being made available to the citizens of this country.”

Sen. R. Montano: Carnival what? I did not hear what he said.

Sen. Dr. Saith: Carnival shows are being made available to the citizens of the country over television. That is all I said.

Sen. R. Augustus: Again, maybe my mind is biased, but my conclusion drawn from that statement is that since there appears to be a wider good in the

end, the illegal means—if it is illegal—is justified, and my senior Minister should never give that kind of signal out to the public at large.

Sen. Dr. Saith: I know he is going to give way, Madam President, because, like he says, he is a very reasonable person. I have no knowledge whether it is illegal or legal and I made that point. I stated a fact and the fact is that at least the citizens are being able to get Carnival. It draws no conclusion about legality or illegality. If it turns out that it is legal, then it is legal; if it turns out that it is illegal, then it will be dealt with in the courts. But in the meantime the facts are, the people—and since I did not have the pleasure of going to Panorama semi-finals on Sunday, I enjoyed looking at it on television. [*Desk thumping*]

Sen. R. Augustus: It has not changed my position. You see, this is the difficulty of leadership; this is the difficulty of people who create newsletters like *Opinion Leaders News*, because they are listened to and they are read, and people interpret, and when you reach a certain level of maturity, one expects that you cover all the bases. I am saying that I am still not convinced that the goodly Minister was not indicating that the end result was more important. I am still not convinced, as much as he has tried to so convince me.

These are the things that I worry about when we begin thinking in terms of doing things illegal—not deliberately. Remember, I think everybody who gets into politics gets in to serve. Sometimes when we get in there, we tend to want to stay forever and we use a little sleight-of-hand and we bend a rule here and we bend a rule there, and those of us who are not in there at the time have got to ensure that we remain alert to educate the population.

I am still on the point made by everybody else who have spoken so far. I am saying that I am locating the assault on our minds during that particular issue; I am locating it in the context of a whole number of things. That was not the only area where propaganda was used to the full. Then I went on to the question of NBN and the goodly Minister and his response to the press. Then I look at the Prime Minister stating that even if it is his sister, he will lock her up, as though he has the powers of the Judiciary, of the DPP, or however you call it. I did not know that Prime Ministers could lock up.

But, you see, you have to listen to people to understand what is operating in their minds, and I have not heard him refute it as yet. When I hear Prime Minister Ralph Gonsalves saying throughout the Caribbean, what is happening in Trinidad and Tobago and what is going to happen with Trinidad and Tobago and St. Vincent and the Grenadines, and we do not know what is happening, you have to pinch yourself. [*Desk thumping*] That is what I am locating this whole thing into.

There is a whole number of other things. When I see schools supervisors—and I know my friend across here does not like me to keep repeating that, but I will repeat it forever and ever—beginning to say things about their position and the Minister of Education goes to two functions and refuses to acknowledge the presence of those supervisors in the gathering, I begin to wonder; I begin to pinch myself. Are we heading into a state where we cannot talk?

Sen. Manning: Madam President, I keep wondering, and I have been for the last few contributions by the Members on the opposite side—where he is getting his information and how truthful that information is. He seems to know more about what is happening in the Ministry and I really would like to support our side in making sure that more information is outside there, because when it comes from the other side it is so twisted and it is being put into the record.

Sen. R. Augustus: I keep hearing people say, point of order, but I always like to listen to people when they get up to respond to me, and I am not worried whether it is a point of order. You see, I do not go along with those niceties when I want to hear people speak. I want to tell you something. I will never divulge the source of my information, particularly since I am on a particular trend here, where I worry about the position or the direction in which this Government is going at the moment. So I will not divulge the source of my information. But I will tell you that every time I stand here and I make a statement about education, it is factual; it is true and if I am not sure I will ask a question. Many times I do not get a response, but I will ask a question. So I will repeat that there were two occasions, including a session this morning, I understand, where the Minister did not acknowledge the presence of the only supervisor who was there at the time.

Sen. Manning: Madam President, again, I would like to refute what is being said on the other side because I did acknowledge all the members of staff, and I could quote all the members of staff, headed by the school supervisor, Mr. Danny Gittens. So I do not know where they are getting their wrong information.

Sen. R. Augustus: I continue and I will stick by my statement; I will stand by my statement.

So I am saying, when I see all these things happening, when I look at the direction in which we are going, when I see some of the postures of the Prime Minister and some of the postures of the Government and some of the iron-handed actions being taken, I remember a statement—and this is a corruption of the statement—trickles grow into streams and streams grow into rivers and rivers grow into seas. Do you remember that statement—this question of a creeping

dictatorship? Why the silence now, when all around us we are beginning to see that?

It is in that context I want to fully support my colleague, Sen. Robin Montano, in terms of the use of Government funds towards brainwashing and assaulting the minds of the populace into a particular kind of malleable product which they can take to work for themselves. I fully support my good friend, Sen. Robin Montano.

Thank you, Madam President. [*Desk thumping*]

Sen. Prof. Kenneth Ramchand: Madam President, I have a brief contribution. I have listened to the presentation of the proposer of the Motion and I find his tone and content in keeping with his declaration that this is not a partisan matter, that it is a matter of principle. No government should use public funds to further its party political agenda. No government should use public funds to intimidate, pressurize or in other ways, bully the Opposition. I am sure everybody here agrees with that. [*Desk thumping*]

I agree with Sen. R. Montano that it has never been contemplated that public funds lawfully made available for use by the Government ought to be used by the Government to further its political agenda. And I would agree with him that if this has been done, then it does constitute contempt of Parliament and I regard that as a very serious issue and that is why I am speaking, because I am very concerned how over the years more and more contempt is being shown to the Parliament.

In his contribution, the Leader of Government Business virtually agrees with Sen. R. Montano on the general points we have stated. He as much as said that if it is wrong, the other side did it too, and he said that his side never complained—and here there were nuances that I could have misinterpreted—because it could still be considered that they were giving information to the public, however close the operation came to being partisan. So maybe it is a dodgy matter; maybe the present one is dodgy, I do not know. Sen. R. Montano was very quick to confess, “Yes, my side did it and it was wrong and that does not justify anybody else doing it in the future”. These are matters of principle and I am fully on the side of Sen. R. Montano so far.

I just want, briefly, to examine certain parts of the Motion and to say what I expect Members supporting the Motion to prove or to show. The first clause in the Motion is interesting and on the whole it seems acceptable:

“*Whereas* the Government of Trinidad and Tobago has recently spent in excess of \$1.9 million on an advertising campaign to persuade the general public to put pressure on Members of Parliament to support three Bills...”

I would still want to know that that figure is accurate. Was the amount spent really \$1.9 million? What is the nature of the advertising campaign to persuade the general public, and what do we mean when we say “put pressure on Members of Parliament”? What constitutes “put pressure on Members of Parliament?” How do constituents put pressure? I would like to know what is meant by “put pressure”. If I get information about a certain issue, I can call my Member of Parliament and say, “On this particular issue I feel so and so and I hope that when it comes up for debate, you would represent me.” I would not call that “put pressure”.

4.15 p.m.

If Sen. R. Montano can show that there was a campaign encouraging people to put pressure, it will strengthen his case to show that this was more than just telling them that these are the facts and talk to your MP. Talking to your MP is not putting pressure. Persuade might be kind. If it were a matter of putting pressure on, he is getting on good ground and this first “whereas” is not as unexceptionable as I think. On balance, nobody could grumble with the first “whereas”.

I would like to know about this advertising campaign. An advertising campaign has certain elements and Sen. Dr. McKenzie spoke about them. One element is that of repetition. Every time I turn on the TV, I keep getting the same images and sounds. That is not encouraging me to be rational. You cannot tell me that this is a public information campaign. If your intention is to educate, inform and encourage the public to think about the issues—if you are a real intellectual or thinking person, you will not say, “It is my purpose and intention to make you support my point of view.” If you say, “I believe that if you get all the facts and think about them, you will come to a proper conclusion,” that is what an education and information campaign would do. It would give the facts in a dispassionate and rational way and invite you to think of yourself as a thinking person.

If Sen. R. Montano wants to show that what was done on television was not public education and information, I would like him to look at those advertisements and show qualities of repetition, hectoring; not encouraging people to think for themselves and forcing people to take your point of view. That would constitute no education and information. I would like those who support the Motion to present this kind of evidence to this Parliament.

I have to ask: Was this kind of thing done? Education and information in theory is a very good thing. I think that whenever things are being done in

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[SEN. PROF. RAMCHAND]

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Parliament, an attempt should be made to get the population to understand them. I want to know if it was done in recent months in relation to other Bills. If it was done, why were these particular Bills singled out for that kind of treatment? A defence could be that these were crucial to law, order and public safety. We would need to see in the thing that appeared on television, a genuine concern for these matters and an attempt to explain to people why it mattered. It is not to criticize anybody else, but to say that we need to solve this problem and we are trying to enlist your support.

If I were arguing the Motion, I would look to see whether these advertisements were in any way conditioned or coloured by a sense that the other side had a point of view. Were these advertisements combating the point of view of the other side? If they were combating the view of the other side, it was quite unfair, that you are doing education and information and cannot be implying that other people have a wrong view. You are doing a very dispassionate and rational thing of giving information. I feel that the supporters of the Motion need to do a careful analysis and present it to the Senate.

The second “whereas” is very serious because it tells us that the objective was clearly political. It was designed with the end in mind being the UNC Members of Parliament will be pressured directly or indirectly by their constituents. That calls for a clinical demonstration. The only way I know that you can do that is to look at all the TV ads; collect the evidence and come here and present them. If that was done I will support Sen. R. Montano. I would like the supporters of the Motion to give me the evidence to support them. It was not aimed at the population or telling people to speak to their MPs. It is saying, “We are speaking to UNC constituents and we are asking UNC constituents to put pressure on UNC MPs.” If that is so, it is intolerable and we should demonstrate it here. In these advertisements, was there any reference to the position of the UNC? Were there implications that the Opposition had no right to oppose or disagree; or that those who did not agree were unpatriotic; or not nationalistic; or irresponsible or supporting crime? If those elements are to be found in the advertisement, I will have to say, “Do not come to tell me that that was public education and information.”

I am very interested in the principle in this Motion about whether the Government should use public funds for party political purposes. I have not had the time to do it. I am not the mover of the Motion. I will be interested if the supporters of the Motion could maintain the high standard set by Sen. R. Montano and continued by Sen. Augustus and proceed with what is needed now, to prove these allegations with a careful dispassionate analysis of form and content. It must

be a rational demonstration that avoids every temptation to attack the other side. It must be a demonstration that sticks to the principle. If the supporters of the Motion can make that case, they would have made a serious contribution to restoring the dignity and respect of Parliament.

Thank you.

ADJOURNMENT

The Minister of Public Administration and Information (Sen. The Hon. Dr. Lenny Saith): Madam President, I beg to move that the Senate do now adjourn to Tuesday, February 01, 2005, at 1.30 p.m. On that day, we will deal with Bills listed as (1) and (2), time permitting.

Madam President: There was a matter on the Motion for the Adjournment. Sen. Mark has agreed to wait until the return of the Minister.

Question put and agreed to.

Senate adjourned accordingly.

Adjourned at 4.25 p.m.