

SENATE*Tuesday, July 26, 2005*

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 from today's sitting of the Senate to Sen. The Hon. Martin Joseph, Sen. The Hon. Conrad Enill and Sen. Rawle Titus who are all out of the country.

SENATORS' 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 Prof. 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 Martin Joseph 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 immediate effect and continuing during the absence from Trinidad and Tobago of the said Senator Martin Joseph.

Tuesday, July 26, 2005

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 26th day of July, 2005."

"THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

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

/s/ G. Richards
President.

TO: MRS. MAGNA WILLIAMS-SMITH

WHEREAS Senator Rawle Titus 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, MAGNA WILLIAMS-SMITH, to be temporarily a member of the Senate, with immediate effect and continuing during the absence from Trinidad and Tobago of the said Senator Rawle Titus.

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 26th day of July, 2005."

"THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

By Her Excellency Dr. LINDA SAVITRI BABOOLAL, Acting President and Commander-in-Chief of the Republic of Trinidad and Tobago.

/s/ Linda Baboolal
Acting President.

TO: MS. ROSE JANNEIRE

WHEREAS Senator Conrad Enill is incapable of performing his duties as a Senator by reason of his absence from Trinidad and Tobago:

NOW, THEREFORE, I, LINDA SAVITRI BABOOLAL, Acting 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, ROSE JANNEIRE, to be temporarily a member of the Senate with effect from July 26th, 2005 and continuing during the absence from Trinidad and Tobago of the said Senator Conrad Enill.

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 25th day of July, 2005."

OATH OF ALLEGIANCE

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

Joan Hackshaw-Marslin, Magna Williams-Smith, Rose Janneire.

FAIR TRADING BILL

Bill to provide for the establishment of a Fair Trading Commission, to promote and maintain fair competition in the economy, and for related matters, brought from the House of Representatives [*The Minister of Trade and Industry*]; read the first time.

PAPERS LAID

1. Annual report of the Telecommunications Authority of Trinidad and Tobago for the period July, 2002 to September, 2003. [*The Minister of Public Administration and Information (Sen. The Hon. Dr. Lenny Saith)*]
2. Annual report of the Telecommunications Authority of Trinidad and Tobago for the period October 2003 to June 2004. [*Sen. The Hon. Dr. L. Saith*]

3. Annual report of the Telecommunications Authority of Trinidad and Tobago for the period July, 2004 to September, 2004. [*Sen. The Hon. Dr. L. Saith*]
4. The Summary Courts (Service of Summons) (Family Court) Order, 2005. [*The Attorney General (Sen. The Hon. John Jeremie)*]
5. The Family Proceedings (Amdt.) Rules, 2005. [*Sen. The Hon. J. Jeremie*]

Family Proceedings (Amdt.) Rules

Sen. The Hon. J. Jeremie: Madam President, may I also advise that the Statutory Instruments Committee considered the Family Proceedings (Amdt.) Rules and found that there is nothing to which the attention of the Senate should be specifically drawn.

6. The Twenty-seventh Annual Report of the Ombudsman for the period January 01, 2004 to December 31, 2004. [*Sen. The Hon. Dr. L. Saith*]
7. Financial statements of Trinidad Nitrogen Company Limited for the year ended December 31, 2005. [*Sen. The Hon. Dr. L. Saith*]

ANTI-TERRORISM BILL

Special Select Committee Report (Presentation)

The Minister of Labour, Small and Micro Enterprise Development (Sen. The Hon. Danny Montano): Madam President, I beg to present the First Interim Report of the Special Select Committee of the Senate appointed to consider and report on the Anti-Terrorism Bill.

MUNICIPAL CORPORATIONS AND SERVICE COMMISSIONS WITH THE EXCEPTION OF THE JUDICIAL AND LEGAL SERVICE COMMISSION

Joint Select Committee Report (Presentation)

Sen. Prof. Ramesh Deosaran: Madam President, in accordance with the provision of Standing Orders 71B and 75, I beg to lay on the Table the First Report of the Joint Select Committee of Parliament appointed to enquire into and

report to Parliament on Municipal Corporations and Service Commissions with the exception of the Judicial and Legal Service Commission.

ORAL ANSWERS TO QUESTIONS

Sen. Wade Mark: Madam President, before I ask my question, may I seek your indulgence to guide this Parliament on the written responses to a number of questions which are now overdue by one month and beyond?

We got a commitment from the hon. Leader of Government Business to take steps to have these written responses submitted about two weeks ago, and it is now over a month since you had given a deadline for submission of these written responses. So I would like you to guide us on this matter at the end of the question period.

Chancery and High Commissioner's Residence (Detailed Cost of Refurbishment)

88. Sen. Wade Mark asked the hon. Minister of Foreign Affairs:

- (a) Could the Minister provide to the Senate a detailed estimate of both the original estimate, revised estimate, and final cost in respect of the refurbishment of the Chancery and the High Commissioner's residence in London; and
- (b) Could the Minister further provide the rationale for the variation of costs between the original estimates and the final cost?

The Minister of Foreign Affairs (Sen. The Hon. Knowlson Gift): Madam President, work began in September 2003 on the repair and refurbishment of the Chancery of the Trinidad and Tobago High Commission and in January 2004 on the official residence of the High Commissioner. At the commencement of the projects, the total cost was estimated to be £1,027,436.45.

Sen. Mark: That is million or billion?

Sen. The Hon. K. Gift: It is million.

Sen. Mark: Okay.

Sen. The Hon. K. Gift: Once work on the repair and refurbishment of the Chancery and the High Commissioner's residence was under way, it became apparent that further remedial works not included in the original scope of works

were necessary, due in large part to the long period over which no proper repairs and maintenance were undertaken on the two buildings.

A revised estimate was therefore submitted for a further £987,567.33 bringing the estimated cost of the project to £2,015,003.78. The final cost of the project will be known when all bills have been reconciled and all claims for payment have been settled.

Detailed lists of the repairs and alterations for the London Chancery/Residence projects, including costs, have been circulated to all Members of the Senate.

Sen. Mark: We have not received anything.

Sen. The Hon. K. Gift: Lists of the main variations and elements that were not previously priced in the original estimates and which were subsequently included in the revised estimates have also been circulated.

Madam President, I was given the assurance that this would have been circulated.

Madam President: I think it is coming.

Sen. The Hon. K. Gift: In response to part (b) of the question, in addressing the issue of the variation of costs between the original and the revised estimates for the project, one has to look at the interval of maintenance of the premises.

As I had indicated to the Senate in my response to question No. 44 in January of this year, no major maintenance had been performed on the official residence of the High Commissioner, London since the purchase of that building in May 1969, 36 years ago. In the case of the High Commission, no in-depth maintenance was done since 1968 and no adequate maintenance was done for over 20 years.

May I also add that there were three different administrations during this period. Indeed, arrangements were being made by the last administration to release funds for these very projects on a phased basis.

In both cases, this lack of maintenance together with the age of the buildings themselves necessitated variations in the original scope of work to address the underlying decay and faults that were not apparent from an initial examination, and which therefore only became apparent once work had commenced on the project.

In the case of the residence, no provision was made initially for extended works and upgrading of the 30-year-old security systems in the original quotation.

Madam President, both buildings by reason of their location, are classified as “listed” or “historic” according to the British Property Inventory in this area of London. In addition, as a result of the continuing deterioration of both properties, the projects were concerned primarily with restoration rather than basic redecoration.

Members of the Senate can be assured that as a result of the extent of the works carried out, these properties would require only periodic redecorating for at least 20 years, and would do Trinidad and Tobago proud.

Thank you, Madam President.

Madam President: Minister, nothing was received by the Secretariat.

Sen. The Hon. K. Gift: Madam President, I was given the assurance that it would be circulated.

Sen. Mark: Madam President, this is not the first time as you would recall when questions are responded to, we are told that these matters are in circulation. We are clearly at a disadvantage to ask supplemental questions and I would like to ask if it is possible that we defer supplemental questions on this question until we are able to get the relevant data to which the Minister referred in his contribution.

Madam President: Mr. Minister, will you be able to get us that information before the end of the sitting?

Sen. The Hon. K. Gift: Yes, Madam President.

Madam President: So we will defer the supplemental questions.

Vide end of sitting for written part of the answer.

Trinidad and Tobago Overseas Embassies (Repairs and/or Alterations to)

89. Sen. Wade Mark asked the hon. Minister of Foreign Affairs:

Could the Minister inform this Senate whether any repairs and/or alterations were done or proposed to be executed to any other Trinidad and Tobago Missions/Embassies overseas and the accompanying costs involved during the period January 01, 2002 to the present time?

The Minister of Foreign Affairs (Sen. The Hon. Knowlson Gift): Madam President, several of Trinidad and Tobago’s overseas diplomatic missions are owned by the Government of Trinidad and Tobago. The maintenance and upkeep of these properties have often been minimal and have not traditionally been

undertaken in a holistic manner. As a consequence, many chanceries are in need of urgent attention.

With this in mind, the period January 01, 2002 to present has seen repairs and/or alterations done or proposed for a number of Trinidad and Tobago Overseas Missions and Embassies/High Commissions. The amount spent or committed in this regard during the period under review has been:

2002—TT \$258,543.35

2003—TT \$995,087.47

2004—TT \$2,406,137.09

2005—TT \$5,394,330.21

A detailed list of these repairs and alterations and their cost has again been circulated to all Members of the Senate.

Madam President, may I add that it is the Government's view that well-maintained, modern and fully functional overseas diplomatic missions greatly improve the status and image of Trinidad and Tobago in the eyes of foreign governments and investors, in keeping with the principle of value for money that has been adopted by the Government of Trinidad and Tobago as one of its core values.

A breakdown of some of these figures for the period January—December 2002 is as follows:

Mission/Embassy	Total Repairs/alterations (TT\$)	Observations/Breakdown
Embassy, Brasilia	8,169.04	Repairs to switchboard
Embassy, Brussels	88,677.88	Repairs to roof
Embassy, Washington D.C.	48,104.73	Repairs to heating system, electrical fixtures/fittings
High Commission, Ottawa	59,946.48	Structural and electrical repairs

Mission/Embassy	Total Repairs/alterations (TT\$)	Observations/Breakdown
High Commission, Abuja	38,496.49	Structural alterations, electrical repairs and plumbing
High Commission, New Delhi	15,148.75	Electrical repairs and plumbing

January—December 2003

Consul General, New York	948,610.15	These expenses were incurred with respect to the relocation of the Consulate General's office.
Embassy, Brussels	32,867.59	Electrical repairs
High Commission, Abuja	9,955.95	Electrical repairs and other minor repairs
High Commission, New Delhi	3,653.78	Repairs to elevator

January—December 2004

Consul General, New York	2,195,369.98	These expenses were incurred with respect to relocation of the Consulate General. It involved some structural repairs, contracting services, repairs to telephone system, electrical repairs, plumbing repairs, air conditioning repairs and repairs to elevator.
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Mission/Embassy	Total Repairs/alterations (TT\$)	Observations/Breakdown
Embassy, Brussels	35,774.46	Electrical repairs and repairs to shutters.
Embassy, Washington	19,393.45	Electrical repairs and repairs to offices.
High Commission, New Delhi	7,183.10	Plumbing repairs, repairs to offices and toilet facilities.
High Commission, Ottawa	120,082.52	Structural repairs to offices, repairs to the roof, and electrical repairs.
High Commission, Kingston	362.25	Minor repairs to offices.
Permanent Mission to the United Nations, Geneva	27,971.33	Repairs to the ceiling, as well as electrical repairs.

Madam President, this more or less gives a summary of the expenditure to date.

Sen. Mark: Madam President, again, we are at a disadvantage and I think you need to make a ruling on this matter that in future when Ministers are responding to these questions, they must have the responsibility of ensuring that the written—

Madam President: Are you asking a supplemental, Senator?

Sen. Mark: I am asking you to rule on the matter, it is either we defer this question because we do not have any written responses.

Madam President: Senator, maybe I am confused here. I do not think that asked for a written answer.

Sen. Mark: The Minister said it was circulated and it never came.

Madam President: That was the first one.

Sen. Mark: The second one as well. He said he circulated something.

Sen. Dr. Saith: Madam President, I have the details for the first question, it is a question for oral answer and I am prepared to read the details from it if they so wish. It would finish at 2.15 p.m. I made the point last time that these questions require a substantial amount of information and to ask them by way of oral question then you cannot expect—I think the Minister was trying to be helpful in saying that he would circulate it.

I apologize that it did not get here on time, but we are quite prepared to answer them orally.

Sen. Mark: The arrogance of your intervention—

Madam President: Senator! If the question is available orally, then maybe we should go ahead and have it read orally since we do not have the written part now.

Minister, maybe you can pass it to the Minister of Foreign Affairs for him to read it out.

Sen. Mark: Madam President, before you go to oral, you will recall that you had agreed to defer question No. 88.

Madam President: That was when I thought there was no answer in the Senate.

Sen. Mark: Well, we have gone to question No. 89 and I have some supplemental questions.

Madam President: Well, they are going to read the answer.

Sen. Mark: No, they are going to question No. 88.

Madam President: So you want to ask supplemental questions on the oral answer that was given?

Sen. Mark: To question No. 89.

Madam President: All right Senator, go ahead and we will return to question No. 88 after.

Sen. Mark: Madam President, I want to ask the hon. Minister of Foreign Affairs who quoted a lot of figures: Were they in TT, US, pounds, or yen?

Sen. The Hon. K. Gift: They were in Trinidad and Tobago dollars.

Sen. R. Montano: Madam President, could the Minister in relation to question No. 89 say who were the contractors who did all these various things? Were any of them, for example, NH International?

Madam President: Mr. Minister, do you have an answer?

Sen. The Hon. K. Gift: Madam President, I want to reassure the distinguished Senator that the contractor in no case was NH International. [Laughter]

Sen. R. Montano: Madam President, could the Minister also state whether any of these contracts were given out via a tender? If so, was each the lowest tender?

Sen. The Hon. K. Gift: Madam President, I have always tried to urge some realism here. I wonder when you look at repairs to the switchboard for example, costing \$8,100, if it is expected that this should be contracted out on the basis of a bid. These are the situations with which we are dealing.

There is another quotation of \$9,000 and another for \$3,000. These are really ongoing repairs to elevators and things like that, and I am wondering what process one might use to select a contractor through bidding to repair an elevator for \$3,000.

Sen. R. Montano: Given the sense in that, I have also heard the Minister talk about \$900,000 here and \$5 million there. My question was, were there any tenders given out because in my mind \$900,000 and \$5 million are a lot of money.

2.00 p.m.

Madam President: Okay, Mr. Minister, do you have an answer to that?

Sen. The Hon. K. Gift: In a lot of these instances the discretion is left to the missions. In fact, I want to reassure the Senator that on no occasion would the missions give out contracts of this magnitude without having gone through a selection process insofar as the evaluation is concerned.

Madam President: Okay. So we go back then to question 88 since we have the answer here available in oral form and I would get the Minister to read it.

Sen. R. Montano: Before you do that, I had not quite finished—

Madam President: I am very sorry. I thought you were.

Sen. R. Montano: Having regard to what has fallen from the Minister's lips, do I understand him, therefore, to be saying that there was no tendering for any of these jobs? Is that what I understand? Yes or no.

Sen. The Hon. K. Gift: Madam President, I did not say that there was no tendering. What I did say was that in the event of a job being done, the mission undertakes to evaluate the estimates that are given and make their choices. *[Interruption]*

Madam President: Please, I think we are just wasting time here. The Minister has said that the mission, if it is anything, tenders. I gather from that, the Minister does not have any information here. *[Crosstalk]*

Sen. R. Montano: With respect, Madam President, it is a simple question that I am trying to elicit from the Minister. Perhaps if I ask the question another way: Could the Minister state the names of the various officers who were responsible for handing out these contracts and what processes, if any, they went through to determine who should get them?

Madam President: Okay. Mr. Minister, you have got the—*[Interruption]* Can I have some silence, please? Mr. Minister, you have the question in more detail. Maybe you can answer.

Sen. Dr. Saith: Madam President, perhaps I could help, because I think the Senator is trying to—

The missions operate under the financial regulations of the Government of Trinidad and Tobago which set out how contracts are procured. So the missions in New York or Washington, using those financial procedures, seek tenders if they are necessary in accordance with those regulations. The missions are subject to audit by the Auditor General of Trinidad and Tobago to make sure that they correspond to financial regulations. I think it is difficult just off the cuff to say who were the tenderers and where the contracts were awarded. There are financial procedures laid down. The Auditor General's reports come to this Parliament after they have audited the accounts. I just want to assure the hon. Senator that there are financial regulations and they are subject to the same financial regulations as departments of ministries are in Trinidad and Tobago.

Sen. R. Montano: Madam President, just last night on my television I heard the Prime Minister of Trinidad and Tobago say that—

Madam President: Are you asking a supplemental question?

Sen. R. Montano: Yes, Madam President.

Madam President: Let us hear the supplemental question.

Sen. R. Montano: Would the Minister not agree that in the light of the Prime Minister's statement last night on television in which he urged opposition parties in Trinidad and Tobago and the Caribbean, to make the Government accountable, that the questions I am asking this afternoon are designed for precisely that purpose, to make the Government accountable? [*Desk thumping*] Would he further now agree that in refusing to answer the questions, he is doing precisely what his boss, the Prime Minister, has said to do?

Sen. Dumas: Nonsense; contradiction by definition.

Madam President: Mr. Minister, do you want to give an answer?

Sen. The Hon. K. Gift: Madam President, I have nothing further to add on this matter.

Madam President: All right. [*Interruption*] We are going back to question 88. We have the answer.

Sen. Mark: I believe in the interest of time, based on what Dr. Saith has said, we are yet to receive the written response. You have already ruled that you would make it available to us before the end of the sitting, so I would like to suggest that we go on to question 90 and the rest of the questions.

Sen. Dr. Saith: Madam President, I am glad to see that good sense has prevailed and I have no objection to us proceeding with the other questions while we wait for the oral answer to be circulated.

Madam President: All right. We will go on the question No. 90.

Honorary Consul (Details of)

- 90. Sen. Wade Mark** asked the hon. Minister of Foreign Affairs:
- (a) Could the hon. Minister state whether there is an Honorary Consul for Trinidad and Tobago in South Africa;
 - (b) If the answer is in the affirmative, could the Minister indicate the period of tenure of the same Honorary Consul; and
 - (c) Could the Minister further state the name of the Honorary Consul, address in South Africa during his/her tenure as well as the terms and conditions governing his/her appointment?

The Minister of Foreign Affairs (Sen. The Hon. Knowlson Gift): Madam President, Mr. Hugh Russell Ian Roach was appointed Honorary Consul of the Republic of Trinidad and Tobago in South Africa. His letter of commission was signed by the Minister of Foreign Affairs, the hon. Ralph Maraj, on September 15, 1999. The Exequatur was signed by the President and the Minister of Foreign Affairs of the Republic of South Africa on December 20, 1999. His tenure of office continues. His address continues to be:

Mr. Hugh Russell Ian Roach,
#73 Maude Street,
Suite 21, North Block,
Sandown 2199,
Republic of South Africa.

The functions of the office are in accordance with the Vienna Convention on consular relations. Article 5 of the Vienna Convention on Consular Relations is particularly relevant. May I add, honorary consuls are not in receipt of salaries nor are they paid an honorarium.

Please note that it is not unusual for a country to have an honorary consulate in the same country in which it has a high commission or embassy.

Sen. Mark: Madam President, through you, could the hon. Minister of Foreign Affairs indicate whether the appointment of this honorary consul has been revoked since the appointment of Her Excellency Donna Carter as High Commissioner to South Africa?

Sen. The Hon. K. Gift: Madam President, I read very clearly the wording: "His tenure of office continues."

Sen. Mark: Madam President, could the hon. Minister indicate whether this is consistent with normal protocol arrangements where you have a serving—*[Interruption]* Even though you have a high commissioner, you still have a consul general who is located in South Africa. Does he operate out of Port of Spain as well as South Africa? Is the Minister aware that he has an address also in Port of Spain and is he more in Port of Spain than in South Africa, as the honorary consul?

Sen. The Hon. K. Gift: Madam President, I am aware that the Honorary Consul travels to and from South Africa regularly. I am not aware that he operates an office out of Port of Spain.

Hon. Senator: He does.

Madam President: Member, may I suggest that you listen when the answer is being read so that sometimes you would not be missing some of the information.

Sen. Mark: The terms and conditions of the honorary consul are gratis? Do you pay him?

Madam President: I think you missed that information too. But the Minister may repeat it.

Sen. Mark: No, I am asking. I want to get some answers.

Madam President: Repeat it, Mr. Minister.

Sen. The Hon. K. Gift: Madam President, I wonder if the goodly Senator is listening.

Madam President: No, I do not think so.

Sen. The Hon. K. Gift: I believe I have made it quite clear. Again, for the record, I will read the part for him.

Hon. Senator: Read the whole thing.

Sen. The Hon. K. Gift: Mr. Hugh Russell Ian Roach was appointed honorary consul of the Republic of Trinidad and Tobago in South Africa. His letter of commission was signed by the Minister of Foreign Affairs, the hon. Ralph Maraj, on September 15, 1999.

And may I add that I believe Sen. Mark was in the Cabinet at that time. He probably was even the Minister of Information. I continue:

The Exequatur was signed by the President and the Minister of Foreign Affairs of the Republic of South Africa on December 20, 1999. His tenure of office continues, so that he has not been terminated. Then I went on to read the address which is:

Mr. Hugh Russell Ian Roach,
#73 Maude Street,
Suite 21, North Block,
Sandown 2199,
Republic of South Africa.

I also went on to clarify that it is not unusual for countries having resident missions in a particular country to also operate a functional consulate. This is a case in point. I also made the point—I think this responds directly to his enquiry—that honorary consuls are not in receipt of salaries nor are they paid honorarium. I think that is very clear.

Sen. Mark: Could the hon. Minister indicate to this Senate whether he is aware that the Ministry of Foreign Affairs—his Ministry—has been paying this honorary consul to travel to South Africa and back and he has been given certain stipends that he is not entitled to, based on what you have said? Is the Minister aware that his Ministry has made payments to this so-called honorary consul?

Sen. The Hon. K. Gift: Madam President, if any such sums of money were paid out, it should have been by way of reimbursements. We have had to use Mr. Roach from time to time when we were acquiring the properties in South Africa, from a standpoint of advice. Mr. Roach, therefore, was reimbursed certain sums of money in terms of expenditure that he would have undertaken in carrying out the Government's business. But, again, these are honoraria; these are not salaries; these are not sums expended in terms of a monthly allowance.

Sen. Mark: Madam President, a final question, through you. Is the Minister prepared to take action against the honorary consul if he is made aware that it was never a reimbursement that he was given? There was an entitlement. I want to find out from the hon. Minister of Foreign Affairs whether he is prepared to take action if fraud and other illegal activities have taken place under his watch, involving this so-called honorary consul, based on what he has just admitted, that he is not entitled to any kinds of benefits?

Sen. The Hon. K. Gift: Madam President, I am not quite aware as to what response the Senator is expecting to that question.

Madam President: You do not have a response?

Sen. The Hon. K. Gift: No.

Madam President: All right, then. Could we move on to question No. 94 from Sen. Robin Montano.

**Port Authority of Trinidad and Tobago
(Details of Tenders or Proposals)**

- 94. Sen. Robin Montano** asked the hon. Minister of Works and Transport:
Could the Minister state:

- A. With specific reference to the takeover of the supply of labour and/or to carry out any of the functions and/or services currently being provided by the Port Authority of Trinidad and Tobago, would the Minister inform the Senate whether any tenders or proposals:
- (i) have been invited and/or received by the Port Authority of Trinidad and Tobago (PATT) from the Seamen and Waterfront Workers' Trade Union (SWWTU) and/or any of its officers;
 - (ii) are being considered by or are intended to be considered by the PATT from the SWWTU and/or any of its officers; and
 - (iii) have been invited and/or received and/or are being considered and/or are intended to be considered from any private company and/or any of its representatives in which the SWWTU and/or any of its officers have a direct or indirect interest?
- B. If the answer to any of the above is in the affirmative, would the Minister state:
- (i) the names of the SWWTU officers and/or affiliated company and/or its representatives that submitted the said tenders and/or proposals;
 - (ii) the dates of the tenders and/or proposals; and
 - (iii) the nature and value of the contracts under consideration?

The Minister of Works and Transport (Hon. Colm Imbert): Madam President, with specific reference to the takeover of the supply of labour and/or to carry out any of the functions or services currently being provided by the Port Authority of Trinidad and Tobago, the Port Authority has advised that no tenders or proposals have been invited from or received by the Authority from the Seamen and Waterfront Workers' Trade Union or any of its officers.

With specific reference to the same preamble—with specific reference to the takeover of the supply of labour and/or to carry out any of the functions or services currently being provided by the Port Authority of Trinidad and Tobago, the Port Authority has advised that no tenders or proposals are being considered by the Authority from the Seamen and Waterfront Workers' Trade Union or any of its officers.

With specific reference to the takeover of the supply of labour and/or to carry out any of the functions and/or services currently being provided by the Port Authority of Trinidad and Tobago, the Port Authority has advised that no tenders or proposals have been invited or received from any private company or any of its representatives in which the Seamen and Waterfront Workers' Trade Union or any of its officers have a direct or indirect interest.

As a result, the other parts of the question are not applicable.

Sen. R. Montano: Only one supplemental. It is an (A) and (B) question. Is the Minister aware that there is a company called Port and Maritime Services Limited in which the SWWTU has an interest? And would he be prepared to undertake to let this Senate know at any given time, if and when such a proposal as has been asked here, is received?

Hon. C. Imbert: I would have to look into that company that you have referred to. I would most certainly check on it. With respect to the undertaking that you are seeking, I would have to be guided by Cabinet, but I really do not see any issue there.

Sen. Seepersad-Bachan: You do not see a problem?

Hon. C. Imbert: No. We are giving you the undertaking.

Madam President: There is one more question on the Order Paper. We are now past the time. We can do it with the pleasure of the Senate. We will continue as we have the Minister here.

Port Authority of Trinidad and Tobago (Details of Agreement)

95. Sen. Robin Montano asked the hon. Minister of Works and Transport:
Could the hon. Minister state:

- A. With specific reference to the takeover of the supply of labour and/or to carry out any of the functions and/or services currently being provided by the Port Authority of Trinidad and Tobago, would the Minister state whether any agreement has been made or undertaken given:
 - (i) by the Port Authority of Trinidad and Tobago (PATT) to the Seamen and Waterfront Workers' Trade Union (SWWTU) and/or any of its officers; and

- (ii) by the PATT to any private company and/or any of its representatives in which the SWWTU and/or any of its officers have a direct or indirect interest?
- B. If the answer to (i) or (ii) is in the affirmative, will the Minister provide:
 - (i) the names of the SWWTU officers and/or affiliated companies and/or its representatives with whom discussions have been held;
 - (ii) the dates of these discussions; and
 - (iii) the nature and value of the contracts under consideration?

The Minister of Works and Transport (Hon. Colm Imbert): Similarly, Madam President, with specific reference to the takeover of the supply of labour and the carrying out of any of the functions and/or services currently being provided by the Port Authority of Trinidad and Tobago, the Port Authority has advised that no agreement has been made nor any undertaking given by the Port Authority to the Seamen and Waterfront Workers' Trade Union or any of its officers. That is the answer to part one.

With respect to part two, again, with specific reference to the takeover of the supply of labour or the carrying out of any of the functions or services currently being provided by the Port Authority of Trinidad and Tobago, the Port Authority has advised that no agreement has been made or any undertaking given by the Port Authority to any private company or its representatives in which the SWWTU or any of its officers have a direct or indirect interest.

The other parts of the question are therefore not applicable.

ARRANGEMENT OF BUSINESS

The Minister of Public Administration and Information (Sen. The Hon. Dr. Lenny Saith): Madam President, I seek the leave of the Senate to deal with "Government Business" before "Private Business". It is merely to deal with an amendment to the Education Act which came from the other place.

Agreed to.

EDUCATION (AMDT.) BILL

House of Representatives Amendment

The Minister of Education (Sen. The Hon. Hazel Manning): Madam President, I beg to move the following Motion standing in my name on the Supplemental Order Paper:

Be it resolved that the House of Representatives amendment to the Education (Amdt.) Bill, 2005 listed in Appendix I, be now considered.

Question proposed.

Question put and agreed to.

Clause 5.

Senate amendment read as follows:

A. Delete proposed section 74M and substitute the following new section:

“Representing association	“74M The existing association representative of the holders of offices listed in the Third Schedule shall continue to represent those officers until such time as the Registration, Recognition and Certification Board certifies otherwise”.
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B. In proposed section 74N:

- (a) Delete the words “under Part III of the Industrial Relations Act”, and substitute the words “under section 72”; and
- (b) Delete the words “section 38(2) and (3) of the Industrial Relations Act” and substitute the words “section 74(2) and (3)”.

Sen. Manning: Madam President, I beg to move that the Senate agree with the House of Representatives in the said amendment.

As you are aware, the Education (Amdt.) Bill, 2005 was tabled and passed in the Senate. However, following the submissions from the Public Services Association and discussions among officials of the Ministry of Education and the Chief Parliamentary Counsel, it was decided that sections 74M and 74N be further amended. The rationale for further amendment was grounded simply in the fact that the procedures detailed under Part II of the Industrial Relations Act, Chap. 88:01 for recognition, registration and certification of recognized majority associations and unions referred to at sections 74M and 74N of the said Bill, already have been incorporated into the subsisting Education Act, Chap. 39:01 effectively, to provide the administrative resources to the Minister of Finance to enable him to exercise his authority of affording recognition to the recognized majority association or union in the teaching service—section 74(1). As a result, the statutory references in the proposed amendment Bill should be to the

corresponding references in the Education Act and not the Industrial Relations Act.

I beg to move.

Question proposed.

Sen. Mark: Madam President, we have no disagreement with the amendment.

Sen. Prof. Ramchand: Madam President, I would just like an explanation. As I read 74M, it implies that the holders of offices listed in the Third Schedule who are now being transferred to the teaching service, as it were, are not automatically represented by TTUTA, which is the union representing teachers. Why is TTUTA not automatically representing the holders of these offices, and would this constitute an infringement of the right of these officers to belong to a union of their choice?

Madam President: Is there anybody else before the Minister replies?

Sen. Ali: Madam President, with respect to the amendment proposed for 74N (b), I am wondering whether the substitution should be section 74(2) and (3) because in the Act, as I have seen it so far, there is no (3). So I am wondering whether it is a typo or otherwise.

Madam President: Anybody else?

Sen. Manning: Madam President, with respect to the Public Services Association, section 24(5) of the Civil Service Act, Chap 23:52 disallows for registration as a union. Moreover, the ambit of applicability of Part III of the Industrial Relations Act, Chap. 88:01 is confined to trade unions—sections 32(2) and 34. Trade unions under the Industrial Relations Act are registered associations and organizations—subsection (2)(1)(w) of the IRA.

In addition, in consideration of the concerns that hon. Members of the House of Representatives expressed during the debate on the Bill, an additional phrase was included at the end on section 74N and that phrase was “until such time as the Registration, Recognition and Certification Board certifies otherwise.”

It was felt that this further amendment could serve to highlight more vividly the transitional nature of the retention of the PSA as the recognized majority association for the delinked public servants. Indeed, without the retention of the PSA as the recognized majority association for such officers, it would appear that upon promulgation of the amendments to the Education Act, these officers effectively would be without any representation, except perhaps by default. The

subsisting representative association for existing members of the teaching service is the Trinidad and Tobago Unified Teachers' Association.

In addition, it should be noted that section 74N provides an avenue for the speedy removal of the delinked officers of the PSA if they so desire. Accordingly, in order to reflect the foregoing considerations, the Education (Amdt.) Bill, 2005 as tabled and passed in the Senate was further amended as witnessed here.

Sen. Ali: Madam President, the question I have asked has not been answered as regards (b): "Delete the words 'section 38(2) and (3) of the Industrial Relations Act' and substitute the words 'section 74(2) and (3)'." There is no 74(3) in the Act, as far as I could see. So it must be either a typo or some other section they are referring to. I am not a lawyer so I am asking a question.

Sen. Manning: Madam President, could I do some research and take it after?

Madam President: All right. We will have to do that if there is a problem. Sen. Prof. Ramchand, are you not clear with your answer either?

Sen. Prof. Ramchand: No, I am three-quarters clear. I just wanted to spell out what I understand now: That a holder of office listed in the Third Schedule cannot apply to TTUTA at the moment to be a member of TTUTA; that there will come a time when the Registration, Recognition and Certification Board will certify that TTUTA can represent these members. I want to know if there is a process that has to be gone through to get the Registration, Recognition and Certification Board to so certify and what is the process and how long would it last.

Sen. Manning: Madam President, I need to say that these are transitional systems being put in place and we need to allow time for members of the teaching service to move from one trade union to the other. The maximum time period here is approximately two years. We feel that the movement will take place before the two years. We have put this in place to ensure that there is some foundation, some system, to support that movement. If it is not there, they would find themselves at a loss.

Madam President: Before we defer, I am just looking at some information the Clerk has here. I do not know whether his is different from yours, Madam Minister.

Sen. Manning: Could I ask that the matter be stood down so that it could be studied?

Madam President: Do we need to, with this?

Sen. Dr. Saith: Yes.

Madam President: All right. We stand it down to about 4.00 p.m. or so.

**FREEDOM OF INFORMATION (EXEMPTION) (NO. 2) ORDER
(ANNULMENT OF)**

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

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

Whereas the Freedom of Information (Exemption) (No. 2) Order, 2005 which was laid in the Senate on Tuesday June 21, 2005 exempts “The Integrity Commission established under the Integrity in Public Life Act, 2000” from the application of the Freedom of Information Act, 1999; and

Whereas the said Freedom of Information (Exemption) (No. 2) Order, 2005 is contrary to transparency, accountability, good governance and for diverse other good cause and reasons;

Be it resolved that the Freedom of Information (Exemption) (No. 2) Order, 2005 be annulled.

Madam President, it is said that freedom, once granted, cannot be taken away by anyone, including a regime of the nature and type that we currently have. Good governance requires a system of transparency, accountability and openness. It requires a deepening, widening and expanding of the access to information and not a whittling away, a narrowing or contracting of access to information.

Today our Parliament marks another sad episode in a consistent pattern of undemocratic conduct and behaviour by a regime whose history has been characterized by injustice and opposition to freedom in this nation. Today, the PNM regime seeks to annul an order to exempt the Integrity Commission from public scrutiny and access on, what I can only describe as, flimsy excuses. This order represents another hammer blow at our nation's freedom and democracy. It represents a direct assault on the Judiciary and the power ascribed to it by our Constitution, by this regime that has brought this particular order.

We are debating an order today to exempt, as I said, the Integrity Commission from public access via application through the Freedom of Information Act at a time when there are several matters involving the Integrity Commission before the courts of Trinidad and Tobago. I find it strange that the Attorney General of this country who is supposed to be the guardian of our democracy, would want to bring an order to exempt the Integrity Commission from public scrutiny and access in accordance with the laws of this country when he is fully conscious of the fact that there are several cases before the High Court and the Court of Appeal. Why would the Attorney General and the Government seek to introduce a measure to have the public of Trinidad and Tobago debarred from accessing information from the Integrity Commission?

I would like to say that it was the United National Congress, both in opposition as well as in government, which was responsible for sponsoring this legislation. First it was a Private Members' Motion and later it was legislation to enact the Freedom of Information Act. This particular piece of legislation came about after several years of widespread, large-scale consultation with all segments and sections of the population and today, we have the final version manifested in an Act called the Freedom of Information Act, 1999. This Freedom of Information Act covers all public officers and public authorities. It must be noted that the PNM regime that speaks to public accountability, transparency and openness, voted against the Freedom of Information Act when it was first deliberated in 1999 in the House of Representatives and it also voted against it in the Senate of this Parliament.

Since the PNM came to office in a very underhand fashion back in December of 2001, the regime has brought several exemption orders seeking to deny the population access to public information. It was on February 20, 2003 that the PNM tabled in this Parliament during the week of Carnival in a very surreptitious style so that many people were caught offside—they ambushed the Parliament on February 20, and during that period I want to let you know what they did. The population was clamouring for information on the loans that were being granted by the National Entrepreneurship Development Company (Nedco) which was set up by the PNM in 2002, and when we sought information under the Freedom of Information Act, it was denied. When we posed questions in this Parliament in both Houses, we were also denied information on Nedco.

The next thing that was done by the Attorney General on behalf of the Government was to table Legal Notice No. 21 and they were successful then in exempting the following organizations which were captured under the Freedom of

Information Act as public authorities. They removed the following organizations unknowing to the Parliament because it was done surreptitiously. These are: the First Citizens Holdings Limited; the First Citizens Bank; the First Citizens Cooperative Services Limited; the First Citizens Mortgage and Trust Company Limited. That was not enough. This so-called regime that speaks about transparency, accountability, openness and integrity went further and exempted the Trinidad and Tobago Unit Trust Corporation; the Export/Import Bank; the Agricultural Development Bank; the Trinidad and Tobago Mortgage Finance Company Limited; Taurus Services Limited; the Business Development Company, formerly the Small Business Development Company Limited; the National Enterprises Limited; and guess which other organization was exempted: Nedco, the National Entrepreneurship Development Company Limited.

Whenever the population seeks information on matters of public interest the PNM, under the Attorney General, uses these orders to deny access to the public to critical information. That was not enough. The PNM, in its oppressive style of governance—and I am always ashamed now at the Attorney General, because I always thought the gentleman to be a decent citizen, but he is the person who is leading the charge to deny the public of Trinidad and Tobago access to public information. [*Desk thumping*]

A matter was before the High Court of this country involving a director of the Central Bank called Selwyn Cudjoe, a PNM big “sawatee”, and the Maha Sabha. The matter was in progress. Do you know what this Attorney General did? It was John Jeremie, because it was done on May 06. He became the Attorney General in November 2003. He brought this and tabled it in the Parliament.

The Central Bank of Trinidad and Tobago was exempt from the application of the Freedom of Information Act by the Attorney General and this was dated, as I said, December 31, 2003. We debated this matter and we were defeated. The Attorney General was not satisfied with the exemption of the Central Bank. He proceeded to introduce another exemption. This time he wanted information held by all public authorities relating to a matter that is subject to an investigation by the authority to be exempt from the application of the Freedom of Information Act. This is where he was seeking to effectively repeal the Freedom of Information Act. I understand it was withdrawn in the other place.

The latest hammer blow; the latest assault on our democracy is the latest exemption order. Again, there are several matters at the level of the High Court and the Court of Appeal in Trinidad and Tobago concerning the Integrity

Commission, and the Attorney General who is supposed to be the guardian of the Constitution, is conscious that there are several matters pending in the High Court. In the face of these court matters, this exemption order ought not to be on the table of the Senate. The courts of Trinidad and Tobago ought to have been given the opportunity to deliberate on these matters. The Attorney General has tabled this order to exempt the Integrity Commission from public access.

We ask the question: Why is this Government that boasts about freedom of speech and accountability, seeking to do this kind of exercise? The Government is attempting to undermine the freedom and democracy of our nation. This is not only appearing as it relates to exemption orders, but as you are aware on the Order Paper of this Senate there is a Judicial Review (Amdt.) Bill where the Government is seeking to deny ordinary people, on a class action basis, access to the courts of Trinidad and Tobago. And everyone in this country who knows about freedom and democracy has told the Government to withdraw that particular measure, but they still have it on the Order Paper.

The Freedom of Information Act, as I said, was passed in both Houses of Parliament and is now law, and I would like to share with you some of the provisions in the Integrity in Public Life Act, because the argument that is going to be advanced today is that the reason the Government is interested in exempting the Integrity Commission from public access has to do with provision 20 of the Integrity in Public Life Act. I have many judgments here on the Integrity Commission under this new leadership of Gordon Deane. It is the first time an Integrity Commission appointed in this country has had to face the court on several occasions because of political bias; because of a perception of bias on the part of the Integrity Commission. [*Desk thumping*] All the Integrity Commissioners have been politically appointed by the regime—all of them. I would have more to say on that matter later on in my contribution but I would like to confine myself to some sections of the law.

Why is the Attorney General seeking to exempt the public from access to information? I will tell you why. I want to refer you to section 14(1) of the Integrity in Public Life Act, which says:

“A person in public life shall file with his declaration under section 11, an additional statement of registrable interests in the prescribed form, which shall contain the information required by subsection (3).

(2) The Registrar of the Commission shall compile and cause to be entered in a Register of Interests, all information furnished pursuant to subsection (1) and shall at the request of any member of the public,...

This is what the law says: “any member of the public”:

“permit the inspection of such Register.

(3) A statement of registrable interests filed under subsection (1) shall contain information relating to a person in public life in respect of—

- (a) particulars of any directorships held in any company or other corporate body;
- (b) particulars of any contract made with the State;
- (c) the name or description of any company, partnership or association in which the person is an investor;
- (d) a concise description of any trust to which the person is a beneficiary or trustee;
- (e) beneficial interest held in any land;
- (f) any fund to which the person contributes;
- (g) particulars of any political, trade or professional association to which the person belongs;
- (h) particulars relating to sources of income; and
- (i) any other substantial interest whether of a pecuniary nature or not, which he considers may appear to raise a material conflict between his private interests and his public duty.”

What this section says, in essence, is that any member of the public can go to the Integrity Commission's office and seek access to what is called, registrable interest of any public official who falls under the purview of the Integrity in Public Life Act.

That is Form B of your declaration. Why is the Attorney General attempting to exempt the population from accessing this information?

Sen. Jeremie: Madam President, on a point of order. It is to clarify the point. Would the Senator give way?

Sen. W. Mark: Yes.

Sen. Jeremie: The order is not designed in any way to shut the doors of the Integrity Commission with respect to Part B. Part B is a part of the Integrity in

Public Life Act and all that this order seeks to do is to exempt the Integrity Commission from disclosure under the Freedom of Information Act. So you have access under the Integrity in Public Life Act. So the Senator is misleading the Senate.

Sen. W. Mark: Madam President, what I am saying is that this order is out of order—[*Desk thumping*] and I would respectfully call on the Attorney General to withdraw this order. You do not whittle down people's rights; [*Desk thumping*] you do not contract people's freedom; you do not whittle and narrow people's rights and privileges. And they talk about 2020. How can you be talking about 2020 vision and you are seeking to curtail the freedoms and rights of the citizens of Trinidad and Tobago? [*Desk thumping*] This order is out of order!

If we go to section 20 of the said Act, which is the Integrity in Public Life Act, you would see both under the Freedom of Information Act as well as the Integrity in Public Life Act that the Integrity Commission, under duty as to secrecy cannot give to the population any information outside of Form B of the registrable interest. There is a law that says that. There is a provision that protects the Integrity Commission, and the Freedom of Information Act also talks about areas where you cannot apply for information via these public authorities. It is clear.

So there is a link, I agree with my hon. friend, between the Freedom of Information Act and this Integrity in Public Life Act. I refer you to section 20(1) of this Act:

“Declarations filed with the Commission and the records of the Commission in respect of those declarations are secret...”

When you and I submit our declarations to the Integrity Commission concerning our assets, liabilities and income, no member of the public can apply under the Freedom of Information Act to access our information. You are exempt; you are protected under section 20(1). So how can the Attorney General come here and mamaguy the population and this Parliament to tell us, “No, somebody could apply under the Freedom of Information Act to get information that they are not entitled to?”

Where is that in the law? Could he bring to our attention any examples involving any member of the public applying for information under the Freedom of Information Act and getting information that they are not entitled to? I am

challenging the Attorney General to produce in this Parliament any examples of such a development. He cannot do it! So I am arguing that under section 20(1):

“Declarations are secret and confidential and shall...”

not “may”, but “shall”:

“not be made public, except where a particular declaration or record is required to be produced for the purpose of or in connection with any court proceedings against, or enquiry in respect of a declarant under this Act, the Perjury Act, the Prevention of Corruption Act, the Exchange Control Act or the Commissions of Enquiry Act.”

I am aghast; I am amazed that the Attorney General could bring to this Parliament, an order to exempt the public from accessing information via the Freedom of Information Act. As I said, there are clear provisions stipulated in the Freedom of Information Act that would deny me and you access to secret or confidential information. So I do not understand the argument that the Attorney General is seeking to advance in defence of this indefensible order that he has brought to this honourable Chamber.

What the Attorney General is attempting to do is to cover up corruption that is taking place in the PNM. He does not want the public to access information under the relevant sections of the Act that I have just identified, because he dares not tell you and me, and also this Parliament the other areas that the public has sought access to which were confidential and secret as under the relevant provisions of the Act that I have just mentioned.

I go to section 32(1) of this particular piece of legislation. It says:

“POWER OF INVESTIGATION

A member of the public who wishes to allege or make a complaint that a person in public life or any person exercising a public function—

- (a) is in contravention of this Act;
- (b) in relation to the Register of Interests, has a conflict of interest; or
- (c) is committing or has committed an offence under the Prevention of Corruption Act,

may do so in writing to the Commission.”

And the Commission can investigate these matters. Only these matters they can investigate. It goes on in clause 33 to say:

“The Commission—

(a) may on its own initiative; or

(b) shall upon the complaint of any member of the public,

consider and enquire into any alleged breaches of the Act or any allegations of corrupt or dishonest conduct.”

So under this particular provision the Integrity in Public Life Act gives the commissioners the power to investigate and to initiate any matter that is brought to their attention by the public in the form of a complaint and they can enquire into any breaches of the Act or allegations of corrupt or dishonest conduct.

Since this Integrity Commission came into being under this regime and they appointed new members of the commission, several matters are now before the Integrity Commission, and we would like to know whether these are the matters that the Attorney General believes that members of the public would seek information on; wrongly I would say, because it cannot be captured in the relevant section of the Act.

3.00 p.m.

As we speak, two senior Ministers are before the Integrity Commission as a result of the Dansam Dhansook matter; Eric Williams for allegedly receiving \$75,000 in bribe. I say “alleged”. The other person who is before the Integrity Commission is the former Minister of Works and Transport and the chairman of the PNM, Franklin Khan. PNM is before the Integrity Commission. Louis Lee Sing is before the Integrity Commission today. The matter with Petrotrin involving a chap called Cudjoe who ripped off the population and the taxpayers is now before the Integrity Commission and involving the Chairman of that company, Malcolm Jones. John Rahael is before the Integrity Commission on the Chronic Disease Assistance Programme (CDAP) scandal involving the Public Services Association (PSA) under this section of the Act. Dr. Keith Rowley is before the Integrity Commission in the Landate scandal. There are some other names that I have to enquire into a little more before I share them with you.

Why has the Attorney General brought this matter to the Parliament? We want to know. We believe that the Integrity Commission does not have the resources to carry out its function. It is one law for the UNC and another law for the PNM. I want to share a situation in which within a period of three months the Integrity Commission was so efficient in investigating a trans Atlantic and international matter involving a former prime minister of this country. It took the

Integrity Commission three months from May 02, 2002, when Mr. Karl Hudson-Phillips who was then advisor to the Anti-Corruption Bureau wrote to the Director of Public Prosecutions (DPP) to the time when charges were laid against the former prime minister.

When “fellas” were going abroad they were being “photoed” going on the tarmac to the aircraft to England, the United States and all parts of the world. Within three months they were able to make a case and send it to the Integrity Commission. It is almost one year or more. What has happened to the Dhansook matter? [*Cellphone rings*]

Madam President: Somebody’s cellphone.

Sen. W. Mark: I think that is Laqtel. That is the new phone on the market. I think she is a big, big director of Laqtel.

I was interrupted by that Laqtel call, let me continue. Why is the Government seeking to deny the population access to information? Why has it brought this particular Order to exempt the Integrity Commission? This Government should have been providing the Integrity Commission with more resources and personnel to speed up their investigations and decisions in respect of these matters that are now before them. Instead, I saw in the *Sunday Guardian* [*Interruption*] the guardian of democracy although Ansa McAL fed you for a little while. On Sunday July 24, the sub headline was, “Dhansook Bribe Probe Runs Cold Integrity Commission, DPP Under Fire”. [*Cellphone rings*] Laqtel again? “Laquis calling you, girl. Yuh better go and see him outside. Talk to him outside.”

Page 3 of this report says:

“Investigations into bribery allegations involving two senior officials of the PNM administration have reportedly come to a standstill, three months after a lead player in the matter gave investigators a statement.”

This is three months. “It gone cold.” This is a local matter. This is where a man wrote a letter; telephone calls were made; they retrieved all the records and still nobody is charged. “Sweetbread eh charge yet!”

“Dhansook’s claims are the subject of two different probes—an Integrity Commission investigation commissioned by Prime Minister Patrick Manning and Attorney General John Jeremie in June 2004...”

This has been going on since June 2004 and we are in July 2005.

“and the other, a police probe into attempts by senior PNM officials to pervert the course of justice for their alleged involvement in a plan to cover up the entire incident.”

Sources said last week the commission's probe climaxed recently, when the investigators were given the go-ahead by the commission to summon the telephone records of all individuals alleged to have been involved in the issue.

It is alleged that these records identify a specific telephone call that was made to a member of an independent investigating body, among other things.

Sources said the records identified who was the ultimate "fix it man" alleged to have been contacted by one of the men under probe to grant immunity to Dhansook if he retracted his allegations."

I raise this matter because we want to know the basis for the Attorney General bringing this matter. Is this a sign of what is to come? I call on the Attorney General who is always quick on the draw when it comes to the UNC because he and the Prime Minister have the Anti-Corruption Bureau under their control. He does what is necessary to track down the UNC. Here are matters involving their own.

Sen. Jeremie: On a point of order. The Senator is misleading the Senate. On a number of occasions I have pointed out to Sen. Mark that the Anti-Corruption Bureau is not under the control of the Attorney General. It is not in the Office of the Attorney General.

Sen. W. Mark: Madam President, I will bring the legal notice for you and this Senate. Under the portfolio and assignments of the Attorney General, he is in charge. Just as Dr. Saith is in charge of TSTT this hon. Attorney General is in charge of the Anti-Corruption Investigation Bureau.

Madam President: May I remind Senators that when you move a point of order, you need to quote which part so it would be easier then for me to decide.

Sen. R. Montano: Madam President, may I remind you that you have held both with me and Sen. Seepersad-Bachan that misleading the Senate is not a point of order.

Sen. Seepersad-Bachan: Misleading the House is not a point of order. You have corrected us several times.

Madam President: Sen. Seepersad-Bachan, we have one person on the floor.

Sen. R. Montano: If misleading the House is not a point of order, then with the greatest respect, the Attorney General is not allowed to raise that point.

Sen. W. Mark: I am simply indicating to the honourable Senate that the Government seems to be very quick on the draw when it comes to applying pressure to the Opposition, the United National Congress, but slow to act when it comes to its own. These matters are pending before the Integrity Commission and they are crying out for resources. They do not have resources. Instead of the PNM attempting to give more resources to the Integrity Commission to speed up their work, what do they do? They bring an order to the Senate to exempt the Integrity Commission from public access to information. That does not make sense. The hon. Attorney General should be seeking to provide that institution with the necessary support. Why would the Attorney General bring an order to the Senate?

Sen. Jeremie: On a point of order, 35(5). The Senator is imputing improper motives to the Attorney General. He is suggesting that the Attorney General is starving the Integrity Commission of resources necessary to fight corruption. That is not within his purview.

Madam President: I am afraid Attorney General, that is a weak point of order.

Sen. W. Mark: Madam President, thank you. I think that you have to save him from himself. He is really a weak person these days; he is very fragile. You can see that he is on his way out. You are well. You look very well.

I raise these matters to show you that instead of the Attorney General and the Government providing the Integrity Commission with the necessary resources for them to take action on the matters before them, they are not doing so. Instead, they bring an order to exempt the public from accessing information under the Freedom of Information Act as it relates to the Integrity Commission. That is wrong.

I made reference to section 33 of the Integrity in Public Life Act where the commission may on its own initiative consider and enquire into any alleged breaches of the Act or any allegation of corruption or dishonest conduct. I have done research on this matter. There is not one instance where the Integrity Commission has initiated action on its own since it came into force under the PNM. Every action had to come from a member of the public or a citizen of this country. There are so many things that the Integrity Commission could address.

Let us go to the *Express* dated Sunday, July 10, 2005, on page 6. Camini Marajh, that prolific research investigative reporter ought to be given a national award in this country. She should be nominated. I will ask Dr. McKenzie to help me too. The reason I raise this is that this young lady who works with the *Express*

has been bringing to the PNM's and our attention and also the international community's attention, the activities that have been taking place in an area called Valencia. The criminal forces who are in charge even threatened her.

Madam President: Look at me.

Sen. W. Mark: I am talking to you, Madam President, of course. I cannot look at you all the time. I have to bend so, otherwise I would get a stiff neck. [Laughter]

Since August 2004, a series of articles were written by this young lady pointing out the illegal activities taking place in this particular area of the country. The Government of Trinidad and Tobago has taken no steps to address this matter. Do you know what is the latest? The latest is dated July 10, 2005. It says, "An industry under siege". The sub headline is "Illegal quarrying costs Government \$190 million in revenue".

Under the Integrity in Public Life Act the Integrity Commission can initiate action on its own on any matter. This is corruption! This is illegal activities! This is misconduct! The link here is with the Minister of Energy and Energy Industries. The Minister of Energy and Energy Industries is saying that after three years, he cannot bring simple regulations to Parliament to give effect to the Minerals Act, 2000.

Do you know what has been the result of his inaction? An organization that was involved in the 1990—today is the eve of July 27, 1990. Tomorrow will be 27th July. It is a sad day that this same criminal bunch is able to collect \$190 million in illegal quarrying because the Government has allowed this group to run mad. Are the PNM and the Jamaat in alliance? Are they funding the PNM for the next general election? I ask these questions because it hurts me. This is going international. The Integrity Commission ought to take action against the Minister of Energy and Energy Industries. This is a dereliction of duty and they have allowed this particular organization to get away with murder in this country.

The Attorney General, the hon. John Jeremie came to Parliament either a year ago or a year and a half ago and said that the Jamaat al Muslimeen owes this country over \$30 million. He cannot collect the money, but he is taking steps to get the money. Two years later the Attorney General has given the Jamaat al Muslimeen more money. They owe the country \$30 million and here the newspaper is saying that they have collected \$190 million in taxpayers' money that we are supposed to be enjoying. What is the Attorney General of this country doing about this? This is a scandal. I am saying that you must be held accountable for this madness that is taking place in this country.

Do you know what I found interesting? They buy blimp flying in the air; they say that they are spying on people. They buy a \$60 million Israeli spy equipment and hear what Brig. Joseph said. It is jokey people that we have running this country. He is a big Brigadier. He says, "the situation at Valencia was not an easy one." Men are illegally quarrying and selling our gravel and sand to Unemployment Relief Programme (URP), Community-based Environmental Protection and Enhancement Programme (CEPEP) and other governmental organizations; collecting money illegally, \$190 million and we are being told by Brig. Peter Joseph that this is not an easy problem. Why is it not an easy problem? It is pay back time. That is why it is not easy. The Muslimeen helped the PNM win the general election in 2002. That is why it is not an easy problem. I understand it. They are in trouble.

This Government, while it is in bed with the Jamaat, brings Orders to Parliament to suppress and oppress the people's rights and freedoms in this country. It wants us to sit and allow this to happen. We cannot allow this to happen. This is why I have asked the Attorney General to explain the basis for this action. What is the basis for bringing this exemption order? You got away twice with the Central Bank and a number of other organizations including the National Entrepreneurship Development Company Limited (NEDCO). You come now for the Integrity Commission. Where is this thing going to end? I challenge the Attorney General to tell this Parliament which country in the world where there is a Freedom of Information Act and a similar body like the Integrity Commission, the Freedom of Information Act does not apply to the Integrity Commission. Let him give us one example of a country where this is happening.

This Integrity Commission has violated the Freedom of Information Act. Under Part II, section 7 of the Freedom of Information Act, this Integrity Commission is supposed to publish a number of things like what the Ministries of Legal Affairs, Foreign Affairs and Education have done. It is detailed in section 7(1) of the Act. The Integrity Commission is supposed to publish a statement setting out the particulars and functions of the public authority indicating as far as practicable decision making powers; other powers affecting members of the public, and it goes on.

The Attorney General who can meet with the judges when he wants and get advice from Hamel-Smith when he is ready to get advice, cannot go or he has refused to go in the context of this matter to seek the involvement of the Integrity Commission to ask Mr. Gordon Deane, Chairman of that commission, why they have not been publishing in accordance with section 7 of the Freedom of

Information Act, the relevant provisions in terms of information to the public. How come? They have not done that.

In a High Court decision a judge said that the Cabinet must assign someone responsibility for the Integrity Commission. At present, no one in the Cabinet is held accountable in any way for the Integrity Commission. The judge said appoint somebody which I believe will be the Attorney General. If people do not want to interact too much with the Integrity Commission they can come to the hon. Attorney General. We do not interact with the Anti-Corruption Bureau when we want information so we come to you because we know that you have in your head all the information about what instructions you give from time to time to the Anti-Corruption Bureau.

On this side, we are advancing that there is need for the Government to pull back. This Government behaves like Robert Mugabe. The same behaviour that Robert Mugabe, the President of Zimbabwe displays in Zimbabwe is the same behaviour this regime is displaying against the population of this country. I want to warn the Attorney General. You cannot push people too far. All these rights and freedoms that you are seeking to curtail you will get a backlash. You cannot oppress people for too long. They will revolt and rebel and you will have an uprising in this country.

The Integrity Commission is a body created under section 138 of the Constitution. It has the responsibility of supervising and monitoring the standards of ethical conduct presented by Parliament for persons in public life. The Integrity in Public Life Act was assented to on October 27, 2000. This Act provides *inter alia* for the establishment of the Integrity Commission to make new provisions for the prevention of corruption of persons in public life.

I quote from part of a judgment delivered by Justice Narine on April 20, 2005. He said in part:

“It seems to me that the primary function of the Commission is to receive and examine declarations and statements regarding the financial affairs of persons in public life, and to take follow-up action where necessary, by way of enquiry or prosecution. This is the very *raison d’être* of the Commission. To make a decision not to require persons to file declarations on the misapprehension that a new form was required, is unreasonable, and in direct contradiction to the very purpose for which the Commission was set up.

The unreasonableness of the decision is patent when one considers the vital role the institution plays in the context of the politics of Trinidad and

Tobago, where the issue of corruption occupies centre stage. In such a context, the Commission must be seen to be politically neutral and independent. It must not appear to be making decisions which favour or are convenient to any particular party. In the case at hand, the income year for which the purported exemption was granted was a year in which there was a change of government and persons would have entered public life for the first time. It is important in these circumstances for the Commission to carry out the constitutional functions for which it was created.

The Commission in fact derives its existence from the Constitution itself. Section 138(1) of the Constitution creates the Commission.”

That is the statement that came out of the judgment I quoted from the court.

In closing, I will share with you a very important statement that was made by a former Speaker in the Parliament of Ghana. I thought that it was a very interesting quote. He said:

Opening windows for more freedom to access information has enabled civil society to prevent the misuse and waste of public funds and prevented governments from gravitating towards despotism.

I urge the Attorney General and the Government to discontinue going down the slippery slope that would carry this country into an abyss. I will like the Attorney General and the Government to reconsider this Order to exempt the Integrity Commission from access to public information. I hope that we will be able to withdraw this Order today, so that we can continue to breed that kind of freedom that is required for our continued development and growth.

I beg to move.

Seconded by Sen. Sadiq Baksh.

3.30 p.m.

Madam President: Hon. Senators, before I put the question to the Senate, I believe the Minister of Education has the relevant information so we will let her speak at this time.

EDUCATION (AMDT.) BILL

House of Representatives Amendment

Sen. Manning: Madam President, our investigations have shown that there was a typographical error in clause 5(B)(b), the letter “t” was left out.

Question put and agreed to.

**FREEDOM OF INFORMATION (EXEMPTION) (NO. 2) ORDER
(ANNULMENT OF)**

Question proposed.

The Minister of Legal Affairs (Sen The Hon. Christine Kangaloo):
Madam President, I rise to speak on this Motion and in so doing I hope to show Members of this Senate why this Motion should be rejected.

The Order that was published with respect to the Integrity in Public Life Act and the Freedom of Information Act does not seek, as my friend Sen. Mark said, to whittle down people's rights. The Order does not seek to suppress or oppress people's rights. This Order is seeking to maintain faith with the underlying principle upon which the Integrity in Public Life Act was founded—the underlying principle of secrecy. This Order is seeking to preserve the intention that lay behind that Integrity in Public Life Act.

Madam President, at the outset let me say that I have to go into some detail, into the Integrity in Public Life Act as well as the Freedom of Information Act. I ask that you understand that I do not mean to be as legalistic as I would sound, but I need to go into the details of both Acts for Senators to understand how the Acts were passed. One was passed with a special majority and one was not and, as I said, that is what I want Senators to understand at the very outset.

The Integrity Commission is created under section 138(1) of the Constitution. At 138(2) the functions of the commission are set out and it says:

“The Commission shall be charged with the duty of—

- (a) receiving from time to time, declarations in writing of the assets, liabilities and income of members of the House of Representatives, Senators, Judges, Magistrates, Permanent Secretaries, Chief Technical Officers...
- (b) the supervision of all matters connected therewith as may be prescribed;
- (c) the supervision and monitoring of standards of ethical conduct prescribed by Parliament to be observed by the holders of offices referred to...
- (d) the monitoring and investigating of conduct, practices and procedures which are dishonest or corrupt.”

In section 139 of the Constitution, Parliament is conferred with the power to make laws:

- “(a) the procedure in accordance with which the Commission is to perform its functions;
- (b) conferring such powers on the Commission and imposing such duties on persons concerned as are necessary to enable the Commission to carry out effectively the purposes of section 138;
- (c) the proper custody of declarations and other documents delivered to the Commission;”

Madam President, this is the section that I must stress, where the Constitution confers on Parliament at 139:

- “(d) the maintenance of secrecy in respect of all information received by the Commission in the course of its duties with respect to the assets, liabilities and income of any member of Parliament and any other person;”

Sections 138 and 139 were, and are constitutionally entrenched sections. Under section 54(2)(a) of the Constitution a two-thirds majority vote of all the Members of each House of Parliament is required to amend either of these two sections. I am stressing that because it is showing that it was the intention of the Constitution to protect the Commission from the political vagaries of any society, to give it an independent status and to protect it from implied legislative interference. I must point out that this comes in the Constitution, which is our supreme law.

The rationale for the disclosure and secrecy provisions is simply that complete disclosure is necessary for the Commission to do its work. Hand-in-hand with that, Madam President, no public dissemination of the information in the possession of the Commission is warranted. In this regard, the secrecy provisions are not simply extensive; they are remarkable. The Commission is also not accountable to any Minister or the Executive. It accounts to the Legislature by reporting directly to Parliament.

Clearly, the intention of the Constitution and the Integrity in Public Life Act is to protect the information held by the Commission from disclosure and to secure the independence of the Commission.

I have already said that the Integrity in Public Life Act was passed in accordance with section 13 of the Constitution. Section 3 of that Act clearly states that the Act applies to every person in public life and to persons exercising public functions.

Section 2 of the Act defines the person in public life to mean a person referred to or listed in the Schedule of the Act. There are 10 different categories listed in the Schedule, I will not go into all of them, but they comprise of Members of the House of Representatives, Ministers of Government, parliamentary secretaries, Senators and it goes on at 10 to permanent secretaries and chief technical officers.

Section 2 of the Act also defines the persons exercising public functions to include all persons holding office under the public service, the judicial and legal service, the police service, the teaching service, statutory authorities, service commissions, members of the diplomatic service and advisors to Government. The duty to file annual declarations is imposed only on persons in public life; those are the 10 categories I have already called.

Essentially, a person in public life must, therefore, file with the integrity declaration on the prescribed form, the declaration of the asset, income, liabilities of himself, his spouse, dependent children for the year in which he becomes a person in public life and for each succeeding year. This duty does not apply to persons exercising public functions.

Under section 11(6) of the Act, if a person fails to file a declaration, the Integrity Commission must publish that fact in the *Gazette* and at least in one local daily newspaper. After the publication, the Commission can apply to the High Court for an Order.

Sen. Prof. Deosaran: Madam President, I wonder if I could interrupt the Minister—with deep apologies—because I think we are learning what has been some of the complications that we did not understand. Could you tell me, Madam Minister, why, in view of what you have said, the judges and the magistrates have not yet filed declarations as required by the Constitution? [*Desk thumping*]

Sen. The Hon. C. Kangaloo: Madam President, I think the Senator knows that I cannot speak for the judges and the magistrates but the Government had signalled its intention to seek to amend the legislation so that they would not be persons who would be filing declarations but that, as you know, has not been done as yet. [*Crosstalk*]

Madam President: Please!

Sen. The Hon. C. Kangaloo: Thank you, Prof. Deosaran. Madam President. I have already spoken about the publication in the *Gazette* and the Commission applying to the High Court for an Order to make the person comply with the Act. A failure to obey that Order would attract an offence punishable by a fine of \$150,000.

Under section 21 of the Act, numerous summary offences are created and these are punishable by fines of \$250,000 and 10 years imprisonment.

Section 20(1) of the Act imposes a duty of secrecy on members and employees of the Commission in the following terms: declarations filed with the Commission are secret and confidential and shall not be made public.

Under section 20(4), every Member of the Commission and every person performing any function shall treat all declarations and records and information relating to such declarations and information as secret and confidential and shall make and subscribe to an oath of secrecy to that effect before a justice of the peace.

Madam President, that is what I wanted to point out about the Integrity in Public Life Act, the fact that the provisions are constitutionally entrenched and safeguarded by the fact that the declarations have to be secret and the penalties that are attracted for failure to comply with certain provisions of the Act.

I will now speak about the Freedom of Information Act, Madam President. The Freedom of Information Act, 1999 governs the right of members of the public to access information held by public authorities. Section 3(1) of the Freedom of Information Act sets out the purpose of the Act, which is to confer on the public a right of access to information in the possession of public authorities by:

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

I have to emphasize this, Madam President.

“limited only by exceptions and exemptions necessary for the protection of essential public interests and the private and business affairs of persons in respect of whom information is collected and held by public authorities.”

It is to be noted that the general right to access public information is limited first, by the protection of the essential public interest and second, by the private and business affairs of persons in respect of whom information is collected and held by public authorities.

Section 4 of the Freedom of Information Act defines the term “public authority” to mean Parliament, a committee of either House, the courts, Cabinet, ministries, municipal corporations, service commissions, et cetera.

The Integrity Commission is not listed as a public authority under section 4. Notwithstanding this, however, in the case of Chandresh Sharma and the Integrity Commission the court ruled, amongst other things, that the Commission was a public authority for the purpose of the Freedom of Information Act.

Section 11 of this Act gives to the public a general right to access information held by public authorities with the specified exceptions or exemptions. If the request does not fall under any of the specified exceptions or exemptions then the information must be disclosed. The person making the request is not required to give any reason for the request nor is any fee payable on making the request.

Under Part IV of the Freedom of Information Act the exempt documents include documents in relation to Cabinet, defence and security, international relations, law enforcement, trade secrets, et cetera.

Under section 30 of the Act documents affecting personal privacy are also exempt from disclosure.

Section 30(1) states that a document is exempt from public disclosure by a public authority if its disclosure, under the Freedom of Information Act, would result in the unreasonable disclosure of personal information of a person.

The term “personal information” is defined in section 4 of the Act to mean information about an individual, including correspondence sent to a public authority by the individual that is implicitly or explicitly of a private or confidential nature and replies to that correspondence that would reveal the contents of the original correspondence, the individual’s name where it appears with other personal information relating to the individual or where the disclosure of the name would reveal other personal information about the individual.

Under section 34 of the Act, documents to which secrecy provisions in existing laws apply are exempted from disclosure.

Section 34 also sets out that:

“A document is an exempt document if there is in force a written law applying specifically to information of a kind contained in the document and prohibiting persons referred to in the written law from disclosing information of that kind, whether the prohibition is absolute or is subject to exceptions or qualifications.”

It is to be noted that the disclosure of personal information may be made under section 35 of the Freedom of Information Act if the applicant could prove that there is reasonable evidence that significant abuse, injustice or danger would occur if the information were not disclosed.

Madam President, after I have given—I am feeling as if I am back in law school and I am also feeling exactly how I felt when I was writing exams in law school, that I would not want to see the grade.

Madam President, in both Acts, section 12(1) of the Integrity in Public Life Act mandates that the contents of the declaration include particulars of the person's income, assets and liabilities and that of his spouse and dependant children.

Under section 13(2), the Integrity Commission has the power to require that person to provide further particulars of his financial affairs.

Under section 14 of the Act, the person must file, with his declaration, a statement of registrable interest which includes matters such as any directorship he holds in any corporate body, state contracts, beneficial interest in lands, and sources of income. It is clear that the nature of the information required of a person under the Freedom of Information Act is personal.

Section 139(d) of the Constitution recognizes the need to maintain the secrecy of the information received by the Integrity Commission in the performance of its duties. Although section 11(6) of the Integrity in Public Life Act allows the Integrity Commission to publish in the *Gazette* and, at least, in one local daily newspaper the fact that a person has failed to file a declaration, neither sections 11 nor 13 authorizes the Commission to disclose any personal information about the person, except his name.

Further, section 20(1) and (4) of the Integrity in Public Life Act imposes a duty of secrecy on both members and employees of the Commission to keep the declarations filed with the Commission and the records of the Commission secret and confidential, except for the purpose of criminal proceedings under a specified written law.

In fact, Madam President, members and employees of the Commission are to this end required to take an oath of the secrecy. When you read sections 138 and 139 of the Constitution together with the relevant provisions of the Integrity in Public Life Act, it is quite clear that both the Constitution framers and the Legislature intended to ensure that the information held by the Integrity Commission should be kept secret and confidential both by members and employees of the Commission; disclosure was to occur only within a specified and limited ambit.

Sen. Seetahal: I did not hear the Minister say that if there is a breach of those confidentiality that the penalty is five years or \$250,000. I do not think you said that.

Sen. The Hon. C. Kangaloo: No.

Sen. Seetahal: I thought it would be important to indicate that.

Sen. The Hon. C. Kangaloo: Yes. Thank you, Sen. Seetahal, that also adds to the point, the duties imposed on persons pursuant to this Act.

Madam President, the disclosure requirements under the Integrity in Public Life Act are very narrowly drawn by constitutional fiat; it is very clear about that. Under the Freedom of Information Act certain documents affecting personal privacy are also exempt from disclosure and I have spoken about that.

It is clear that both the Constitution and the Integrity in Public Life Act are within the intent of section 34 of the Freedom of Information Act, written laws which contain comprehensive provisions relevant to secrecy. To allow access to documents which are deemed to be secret by virtue of the Integrity in Public Life Act and the Constitution by the provisions of the Freedom of Information Act would have the effect of subverting the code established by the Integrity in Public Life Act.

It must be recognized that section 4(c) of the Constitution guarantees “the right of the individual to respect for his private and family life”.

Section 5(1) of the Constitution states that a law can abrogate or infringe this right only if the law is passed in accordance with section 54.

The Freedom of Information Act was not passed with a special majority as required by section 54. [*Desk thumping*] Since the Constitution is the supreme law then every other law must be read subject to the Constitution, hence what we on this side are saying is that the provisions of the Constitution and the Integrity in Public Life Act must supersede those of the Freedom of Information Act.

Madam President, because of the comprehensive secrecy and confidentiality provisions applicable to the Integrity Commission under the Constitution and the Integrity in Public Life Act, the implied recognition of such provisions by sections 30 and 34 of the Freedom of Information Act, and the right to privacy as set out in section 4 of the Constitution, it is quite clear that the Integrity Commission should be expressly made exempt from the provisions of the

Freedom of Information Act, to do what I said at the outset, maintain faith with the underlying rationale to secrecy in the Integrity in Public Life Act. [*Desk thumping*] This is what this Order is seeking to do.

This Order is seeking to preserve what was the original intention of the Act. It is seeking to not allow the work of the Commission to be undermined in any way. As I have already said, to promote full compliance with the Act, you have to preserve the absolute confidentiality provisions of the Act; that is the only way it would work and that is what this Order is about. It is seeking to ensure that the Integrity in Public Life Act would operate in the way it is supposed to operate.

Madam President, what I seek to say, again, at the end of my submissions to this honourable Senate is that we are not seeking to whittle down anybody's rights. We are not seeking to oppress anyone. [*Interruption*] We are seeking to preserve what the Integrity in Public Life Act sought to do. The only way we could get proper and full compliance with the Act is to ensure that persons who are filing in accordance with the Act, their confidentiality could be protected and preserved. [*Desk thumping*]

I hope I have been of assistance to all Members of this Senate and I therefore ask that this Motion, which has been brought before the Senate—as you would say in court—be dismissed.

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

Sen. Dr. Eastlyn McKenzie: Madam President, I rise to make a brief contribution. For those of us who have to comply with the rules to file our forms with the Integrity Commission, we have two forms: a Form B and a Form A. Personally, I feel that I should not have to file any forms, declaring anything about my assets to anybody, far less any commission.

The Form B is a public document, as it stands now, and I think that it tells the world enough. It says that I have to give every basic thing about myself: my name, where I live, the office I hold, whether I hold directorships in companies, the name of the company and the address, whether I have any contracts with the State, the date of contract, the particulars of obligations, whether I have any investments in any companies. I have to put all these things in Form B and file with the Integrity Commission. If I hold the position of trustee in any trust; if I hold the position of beneficiary in any trust, beneficial interest in lands; contributions to funds; if I am a member of any political organization; trade union, et cetera; receipt of income from sources and all sorts of things.

Madam President, on Friday last I received a document querying my 2003 declaration, Form B. They said I did not put in the address and the name: “You said you had investments in the following companies; you need to state the name and address of these companies.” Who are the companies, Madam President? They are Scotia Trust and RBTT Financial Holdings and it goes down the line. “You have put this in Form A and you did not put this in Form B.” I have to cross-reference it when I am finished. Madam President, I think already the public has enough in form B to know what I have and what I do not have.

4.00 p.m.

The Integrity Commission has a form A which details if I have \$5 in my credit union, \$10 in the bank or what I owe, how old my car is and everything; and not only of myself but of my 18-year old daughter who probably does not want me to know if she is getting \$20 more than she is getting and I have to ask her, her salary and put it down on the form. I think enough is already disclosed especially for me—I do not have anything and with these days of kidnapping. Last year I read in one of the newspapers, the media went in and they examined people’s forms and then it was published. I remember seeing the Chief Secretary of Tobago’s name. He probably did not sign his form; somebody has to give an excuse, I will file that next week. Somebody else has this—and it was published and that was form B. Can you imagine if you had to file form A?

Madam President, I do not support the Motion because I do not feel that more information than what is already available under the Freedom of Information Act should be necessary for anything. Who have “cocoa in de sun,” look out for rain. I do not have any “cocoa in de sun” so I could definitely say what I am not in agreement with.

I do not know about the legal aspect but, I am talking about the socioeconomic and personal aspects of it for myself.

Madam President, I think in choosing the members of the Commission, whoever has to do this, because I note the composition of the Commission. I know there has to be a legal officer of so many years standing and so forth but I think that careful scrutiny should be made of the persons who fill the positions on the Integrity Commission. But for me, I do not support the Motion. Thank you very much.

Sen. Dana Seetahal: Madam President, essentially what this Motion reveals to me, and based on what the hon. Minister Kangaloo responded, really is that some of us have conflicting concerns. I take, by example, Sen. Dr. McKenzie. We

are concerned with people out there and we call them possible kidnappers, and other people knowing the details of our business and knowing what we have in our bank accounts and so forth. We do not want that and I do not think any one of us here wants that to be disclosed. On the other hand, some of us are concerned with the fact that the Government appears to be encroaching as it were, on the law which provides for public information about the operations of public authorities, that public information being disseminated which was only made available then in 1999 when the Freedom of Information Act was passed.

Madam President, in other words, we have a culture of keeping things under the carpet and hiding everything and we do not know what is going on and nobody has information. This Act was passed which created a general right of access to information in documentary form. So for the last three or four years that people have known and the power has been exercised to request information probably to an extent that it is excessive one may say, from public authorities, massive details people are being asked to provide. But I suppose this is because it is new.

It is said that the only exception to that kind of request for information is where it is necessary for the protection of public interest and private affairs of persons and businesses. So there is this legislation which gives each of us the right to go to the relevant authority and request all this information about public authorities and why that is so, it is because we have an interest. It is the country's money that is being spent, our taxpayers' money, and our resources, what we have to leave for our children so we want to know what is happening there. We also want that information in order to protect ourselves, in order to bring possible action. It is something that is to the good and, of course, no right is absolute and you have to ensure that people's trade secrets, people's confidential information, for instance, would not be disclosed. And as a result of that, in the Act itself, there are specified exemptions and previous speakers talked about them. But there is also this provision which conveys to the Minister under section 5—he can say that any public authority is exempt from the Act. In other words, you have various other specified and then every so often there can come an order from the President, which would be on the advice of a specific Minister, and different bodies would be exempt, and this is what is happening.

We have to decide whether we think it is right that the Integrity Commission should be exempt from the Freedom of Information Act, whether or not it is right that they should not be asked to provide information to us.

Madam President, there are two things we have to deal with. Firstly, whether it is necessary to exempt the Commission, and, I think, Sen. Mark went into that

in detail. His points were that under the current law there are specific provisions for secrecy already, and Minister Kangaloo went into those provisions. It was pointed out that, in fact, there are penalties if employees and other people disclose information about declarations. If there is this legislation already, in the Integrity in Public Life Act, there are specific provisions saying you cannot disclose people's business and if you do, you will be liable to \$250,000 and five years. If that is so, then as Sen. Mark, I think, asked: Why do we now have to exempt the entire Integrity Commission from the Freedom of Information Act? In other words, inherent in the Integrity in Public Life Act, there are provisions saying that people's business is protected already and I will just allude to a provision which says that. That is clearly in section 20 which says—I think it was read out by Minister Kangaloo. It says:

“Declarations filed by the Commission...are secret and confidential and shall not be made public...”

It will not be made public and under 24 if it is made public then there is this liability. Of course, the exception is if you want it for a court of law, or if you want it for a case and that is the usual exception. If these declarations shall not be made public, I do not think the Government has really made it clear to us why there is need for that further protection.

I listened to Minister Kangaloo, and her logic which was good but up to a point; I thought there was a missing link. Why under sections 20 and 35, because you have additional information: where there is an investigation you may be required, or I or Sen. Dr. McKenzie to produce additional information? That too, is protected in the Integrity in Public Life Act. It is secret and so forth. If we assume that the Integrity Commission is a public authority, if we do not agree with the judge—I do not agree because I have looked at the definition of service commissions—I have looked at it in the Constitution and it was not amended when the Integrity Commission was constituted. It is not really, in my view, a service commission. But let us assume for now that because it performs public functions, it is a public authority. Let us assume therefore, you can request information from it because it is only public authorities—you cannot go to Neal and Massy and request information; it is only public authorities you can request. So assuming you can request that information from the Integrity Commission, what information can the Government want to protect other than what is already protected? I think that is the nub of the whole thing. [*Desk thumping*] I have really not seen anything, in my respectful view, and with respect to the Minister, I

do not think she has made out that case. She has gone through everything, but why do we need this additional exemption?

One may say that—and I heard Sen. Dr. McKenzie saying that we do not want the members of the public and people out there going into our business and having it published in the news and people saying, “Ha, look, that is so much you earn and that is what you own” and so forth. But as it stands now, that cannot be disclosed. I emphasize this at the risk of boring Senators, but the point is it cannot be disclosed already.

When you request information under the Freedom of Information Act it cannot be disclosed as well, because the Freedom of Information Act also says that exempt information is information that is exempt already under other laws. That is stated there. What is the problem?

Sen. Kangaloo: One of the reasons is the decision of the court. The decision of the court set out that the Integrity Commission is a public authority and that in and of itself, notwithstanding the fact that you have exempt information under the Integrity in Public Life Act, that decision may lead to further erosions of the Integrity in Public Life Act; further things taking place which may undermine the practices of the Commission.

Sen. D. Seetahal: I understand what the Minister is saying and I thank her. But basically she is saying that the court may have erred, maybe, by saying this is a commission and being a commission it is a public authority.

Sen. Jeremie: Thank you very much, Sen. Seetahal. I am just illustrating the point. You said you did not agree with the judgment of the court. It is precisely because we have a difficulty with the judgment of the court and the Commission itself has a difficulty with the judgment of the court that the exemption order is before us. What happened was that the instant the court decided that the Integrity Commission was a public authority they were faced with a flood of requests under the Freedom of Information Act. They found themselves doing things and there was consultation—so Sen. Mark asked whether there was consultation—there was consultation. The Chairman of the Integrity Commission himself came to me and requested that we bring an order to protect the Integrity Commission. The Order is there because the Integrity Commission was not able to do its work and felt that it was under siege with requests which they had to take on the merits made under the Freedom of Information Act. They were inundated with these requests so that we brought the order to make it absolutely clear, which is the point my colleague was making, that the secrecy provisions of the Integrity in Public Life Act apply and that the Integrity Commission is an exempt authority with respect to all of the

information contained in part A of the declarations, so that the Commission would be as it was intended to be, a creature of the Integrity in Public Life Act functioning pursuant to the terms of the Act and not subject to ancillary attack by the applications under the Freedom of Information Act.

Sen. D. Seetahal: I understand the Attorney General to be saying, if I may just summarize: Basically, it is because the judge says this is a commission which means it is a public authority and people have been coming, and whereas before they would not come for the information.

My answer to that is clearly, according to Minister Kangaloo, and, the fact is the Integrity in Public Life Act is an Act passed by a special majority. It is superior if you like, to the Freedom of Information Act, and under section 34 of that same Freedom of Information Act, it says:

“A document is an exempt document if there is in force a written law applying specifically to information of a kind contained in the document and prohibiting persons referred to in the written law from disclosing information of that kind, whether the prohibition is absolute or is subject to exceptions or qualifications.”

Madam President, the Freedom of Information Act recognizes that all documents that by other written law provides a penalty when there is a disclosure, it is exempt. That is my understanding. I have read it twice. Maybe, you have another interpretation but it seems reasonably clear to me. If, in fact, the Freedom of Information Act says that documents under any other law, and in this case, the Integrity in Public Life Act, which protects the secrecy of it, would be exempt so the Act itself that the judge is saying applies to the Integrity Commission, the Freedom of Information Act, is now applying to the Integrity Commission even if we think that that is wrong and, therefore, people are getting applications. But the Freedom of Information Act says that where documents are secret, by another legislation, we have just talked about that and that Act prohibits persons from disclosing that—that would be the employees. We talked about section 20(4) and section 35(4), then all those kinds of secret documents and that would include the declarations. If I may read it:

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

Section 20(4) says if you disclose you are liable.

The Freedom of Information Act says a document is an exempt document if there is a law saying that it is secret and prohibiting people from disclosing.

In other words, reading the two things together it is so clear that people can fill in what I did not say. It is clear that all of our declarations are already protected by this.

I do not see the need, and even if you want to say “out of an abundance of caution”, I think that is a weak position, because it is conveying that we know we have the law but we are just doing this to ensure this and it would mean that you have no faith in the legislation that you already have. I also think that this extreme position could be used to exempt the Integrity Commission from things that we do not want them to be exempted from. Firstly, the names of persons who have not declared, which they are required to disclose. [*Interruption*] Have they published it?

Hon. Members: Yes.

Sen. D. Seetahal: I have not seen it for all of the years they have published it and they have not done it in time. Secondly, I would like to know, under what law they disclose—Sen. Prof. Deosaran asked the question already. I know it is the intention of the State to forgive judges and magistrates from having to disclose. Other people can extend it to Independent Senators, but my point is the law is the law, and until the law is changed, it must be followed. I do not think any integrity commission with respect, could exempt anybody. The Integrity Commission sought to exempt all of us from declaring in 2002 because they believed that because the Integrity Commission under a different management failed to create certain documents—lazily I would say; they had years to create this document and they failed to do that—they said, okay, take an exemption for 2002 and the courts have said you cannot do that. You are here to administer the Act, you cannot just willy-nilly do this thing. The same way they cannot willy-nilly—I have many friends who are judges and magistrates and I am sure they will be angry with me, but the Integrity Commission has no business exempting or excusing anyone from this.

If it is the intention of the Legislature to do so, if it is the intention of the State, the Government, to exempt in the future, I want some really good reasons because in the past there were instances of magistrates—and one was convicted of accepting bribes. The purpose of this legislation is not to show all our declarations one year and the next year they compare it and then show if you got this much more money and you did not spend it or your income did not increase, how come you came by it? So there is no business to exempt that. I want some answers from

the Integrity Commission and I do not want them to say we got an exemption by the Freedom of Information Act.

In summary, my point is, bottom line, that I understand the concern about the judge's judgment and the concern really, I think is overrated. I think he is wrong in saying the Integrity Commission is a public authority but I think there is no big deal, no problem with that anyway because the only thing that the Integrity Commission could disclose is semi-confidential, is that Form B which has a general statement of what we have and that could be found out anyway. I think that for the rest, the present law as exists, is good enough. Thank you very much, Madam President.

Sen. Prof. Kenneth Ramchand: Madam President, just a very brief contribution. The question of exemption from the Freedom of Information Act is a troublesome one and I can agree in general with Sen. Mark.

The Freedom of Information Act would be quite useless, and would not serve the purpose intended if governments continue to add to the list of the exemptions and for the life of me, I cannot understand why exemptions have been granted to bodies like the Central Bank, First Citizens Bank, Unit Trust and the Agricultural Development Bank. It seems to me that it is in the public interest that one should be able to obtain information from those bodies.

Like Sen. Seetahal, I really wanted to know the purpose of the Order against which Sen. Mark spoke. I agree that given the provisions for secrecy in the Constitution and in the Integrity in Public Life Act, we are well protected; the secrecy is well protected. So I have this question and, in fact, I wrote a note to the Attorney General, asking: "What is the purpose of the Order?" But when I listened to Sen. The Hon. Christine Kangaloo, the point I am taking is that in spite of all the provisions for secrecy, the Government is still afraid of breaches. Incidentally, if I may digress about the secrecy, I would really prefer to put my forms on a CD and give it to the Integrity Commission and when they want to open it I will come and unlock it for them. When they are finished I will lock it back. If you want secrecy, that is what I call secrecy.

I do not like the fact that on Form A, I have to disclose assets which I might have earned since I was a child or inherited or whatever. The form is asking for too much and I am willing to give it but I prefer to give it on CD and when the Commission wants to open I will open it for them. That was just a digression.

I am confident that the Integrity in Public Life Act and the Constitution are superior to the Freedom of Information Act and, therefore, nobody should be able to use the Freedom of Information Act to break in and, therefore, that judge in the case referred to was in error. The question is, what is there to stop other judges from

making the same error? I do not know if the Government has considered what options there are to prevent—is the Order the only option? Could we have amended the Integrity in Public Life Act to make it absolutely clear that nobody can make that kind of judgment? Was that an option? There is the Order, but could there not have been an amendment to the Integrity in Public Life Act? Did we really sit and think about it? All I am saying is—[*Interruption*]

Madam President: Sen. Mark, can I listen to what the Senator is saying?

Sen. Prof. K. Ramchand: If the matter has been considered fully, and the only option is the Order, then I would have to support the Order.

Sen. Brother Noble A. Khan: Madam President, just a short intervention. I know that much of what I have heard here has dealt with legalism. I do not claim to be a lawyer so it would be something as a layman in my own simple mind. What concerns me is that integrity is a most important form for a good society and it is one of the bulwarks upon which our society stands, also too, the Judiciary.

The latest one that is coming through from what I have heard—I am putting this in a sort of juxtaposition—is that the judge made an error and my first reaction to that was why was there no appeal under the judicial system. It seems that the legislative part of the system is now looking to interact where a judge is alleged to have made an error, but that is by the way. It does bring the whole system to my mind in a sort of, for want of a better expression, a “coki-eye”

To get back to the question of what my small contribution will be towards, is that within recent times, and that is, this modern age so to speak, the question of information flows, the question of questions and answers seem to be occupying the forefront of nations, not the least our own. And if there are questions to be asked, there must be answers to be given and we have already started to form a system whereby this has become institutionalized and we are going deeper and deeper that way.

It seems to me, as has been said by past speakers, that there has been an apparent attack on that system whereby instead of going out, meeting and incorporating the new challenges of the time, we are taking a reverse action and spinning backwards towards a focal point, which to my mind could lead us into a great, big black hole.

Points have been made that within the Integrity Commission Act there are sufficient loopholes or means by which you can deal with the questions that are, maybe, relevant or sensitive. You can deal with it within the law but to come, just

as I have said before, with a blanket piece of legislation to block out a major principle as I have tried to illustrate before, the question of answers, the question of questions themselves and also to have more participation, more cooperation, more collaboration within the society—and I am sure Madam President, that I feel very strong on this as how governance should go. This matter that has been brought before us and which the Motion seems to put back, that in itself is something which we should view very strongly.

Madam President: Senator, I am very sorry to interrupt you, but I think we are at the tea break now, and I am sure you have a few minutes more to go, so we will take the tea and return at 5.00 p.m., and you will continue.

4.30 p.m.: *Sitting suspended.*

5.00 p.m.: *Sitting resumed.*

Sen. Bro. N. A. Khan: Madam President, when we had taken the break, I was making my contribution on the Motion before us and I was on the point of indicating that, insofar as the Motion is concerned, it seems to nullify a matter that was presented to us before—the question of exempting the Integrity Commission from being under the Freedom of Information Act. I sought to make the point that, as a part of governance, the participation of the wider community, to my mind, is a very important input and, having access to information via the Freedom of Information Act forms part of that mechanism whereby information could be accessed.

I would think that what is before us here today seeks to stem what I refer to as the continuous flow that seeks to railroad one of the powers of the citizenry in the participation of governance, that is, that they would be able to ask questions outside of the control of their elected representatives—by themselves or their organization—of Members of the Parliament or within organizations such as the Integrity Commission and other commissions as the case may be.

I view this removal as undesirable because it touches the heart of the democratic process, if I can borrow those words, and of the electoral system. The question of transparency, answerability and accountability hinges much on questions being asked and answers being given. To my mind, if this Order which exempts the Integrity Commission from being answerable under the Freedom of Information Act were to take place, I think that would not be a good thing.

To that end, I would definitely not agree that the Order should continue to exist and I strongly think that we should give consideration to the Motion. As I indicated before, the removal of this right or power that exists at the moment

would be hitting at a very fundamental form of the system of governance we are under. To that end, I think that I support the Motion before us.

Thank you.

Sen. Carolyn Seepersad-Bachan: Thank you, Madam President. It was not my intention to speak on this Motion, but after hearing some of the contributions, I thought I should make a brief intervention of no more than five minutes.

I compliment Sen. Wade Mark for bringing this important Motion before this Senate. I listened to Independent Senators and to Sen. The Hon. Christine Kangaloo and I just want to ask two questions. First of all, I think Sen. Seetahal went into quite some detail to assure us of the secrecy, at least to improve our confidence. I am confident that when it comes to the matter of secrecy of private information, this is protected under the Act; not only in section 20 of the Integrity in Public Life Act, but also under section 34 of the Freedom of Information Act. Madam President, I recall that even while operating as chairman of National Petroleum, it was pointed out to us several times, for this very reason, that wherever there may be private, personal and confidential information, that information would be protected.

Sen. Kangaloo gave us a very good overview of the Integrity in Public Life Act and then she went on to talk about the Constitution and put in the links. However, somewhere down the road, there was a missing link; the missing link being how the secrecy, privacy and confidentiality of personal information would be compromised. I understand the court judgment, meaning that the judge declared this to be a public authority, but nowhere in there, because a judge declared this to be a public authority, did it indicate to me that at the end of the day anybody could come forward and violate section 20 of the Integrity in Public Life Act or section 34 of the Freedom of Information Act.

When I listened again, I heard the Attorney General say that the concern raised by the Integrity Commission is that they became bogged down with the number of requests they were receiving. I could not understand, if you are bogged down with work, how that could compromise the privacy and confidentiality of people's information, which is the concern being raised by Senators who are not in support of the Motion at this time.

Bogged down with work means that you need more resources—you have a human resource problem. I must point out that even the Integrity in Public Life Act, section 41, allows the Integrity Commission to outline regulations and procedures to determine how to make requests for information. If the Commission

feels that it is becoming bogged down and ineffective because of the number of requests with which it is being bombarded, it has the right, under section 41, to make regulations and prescribe the manner in which enquiries may be carried out and so on. I really could not understand how, because they are becoming bogged down with work, it compromises the privacy, security and confidentiality of information.

Moreso let me get to the gist of this. We are here talking about the Integrity Commission. We have been talking about the Freedom of Information Act for the longest time. We hear the buzz words “accountability” and “transparency”. We heard the Prime Minister yesterday say that the Opposition must lead in the role of getting the Government to account; but when they keep taking away the tools and mechanisms for accountability available to the Opposition and the citizens, what are we left with? There is very little with which we can continue to do our work.

For this reason, every time we have an exemption from the Freedom of Information Act, we have a serious concern. I think the Integrity Commission is no different from many of the other institutions that have been exempted. Let me start with the Integrity Commission. If they are so concerned about confidentiality, which I am saying is protected, what happens on the other side? This Integrity Commission is supposed to be above all. It is supposed to be independent of any government, whichever party may be in government at that time.

When we want information about the Integrity Commission, it is not about people's confidential files. It may be, for example, who are the commissioners; what are their salaries, who are paying for advertisements, what are the policies of the Commission or what are the human resource policies. Remember the Integrity Commission is still being supported by taxpayers' money. Taxpayers' money is paying salaries. Are there discriminatory practices in terms of hiring and engaging people? We need to know these things. So the operational aspects of the Commission must still be open to the public domain. These are the issues we need to know about when we apply for information about the Integrity Commission.

I will carry this straight across. For example, they started exempting all these other entities—the First Citizens Bank group and the Central Bank. Yes, we know that the information in the people's bank accounts is confidential information, yet under the Freedom of Information Act, it is protected. But what happens to the other aspects of information of the FCB? What are the HR policies that are being employed? What governance is being used by the bank? What are the policies

for debt forgiveness? What is the taxation like? These are the issues because, again, the First Citizens Bank is wholly owned by the citizens of this country and it is taxpayers' money and the taxpayers want to know, at the end of the day, if it could be more profitable than it is. It is for this reason that we have them under the Freedom of Information Act. We know it is the Central Bank, but we want to know whether Mr. Cudjoe alone on the board is being given large sums of money to put into one type of NGO and not another type. The citizens need to know that. I have this problem—and I am seeing a trend with this Government—every time they run into some problem and do not want to reveal information, they exempt the entity under the Freedom of Information Act.

I address Sen. Dr. McKenzie's and Sen. Prof. Ramchand's issues. Sen. Dr. McKenzie's issue, in terms of whether Independent Senators should be filing, should be under the Integrity Act and the Constitution. Further, the method by which we keep confidentiality can only be strengthened, if we need to strengthen it, under the Integrity Act itself. Change the clauses or prescribe new rules and regulations of how this information is actually filed.

I cannot see how, by passing this exemption Order, we would deal with this particular issue. From what I am hearing, the concerns are really in terms of people's information and the confidentiality and privacy of that information. Probably what the Government needs to come forward with is strengthening the Integrity in Public Life Act to ensure that privacy and confidentiality is maintained. Probably, too, new procedures need to be put in place on how we file our declaration, especially the Form A, and not necessarily that we pass an exemption order.

This has always been the trend with this Government. Across the board, the Integrity Commission must be equal to all. We do not want a situation where, if only the Senators on this side do not file, we hear that in the public domain; but if Government Ministers do not file, we do not hear about that. It must be equal across the board and this is why this entity cannot be exempted under the Freedom of Information Act, to ensure that we have that level of transparency.

This is how this Government operates. We talk about the Valencia operation. All that is required is for them to bring the regulations and, even so, I maintain that the regulations are not the problem. They have enough to muzzle and deal with the problem in Valencia. However, they refuse to, so they hide behind the regulations. They do not want the Integrity Commission to become more transparent, so they hide behind an exemption order and legislation in the name of transparency. That is what we must stop.

I am in full support of this Motion. I feel that if we continue to do what we are doing, we will continue to send a signal that we are not interested in transparency and accountability. I ask those on that side to recall that it was their leader who said that the Opposition and the people must call on them to be accountable.

I thank you, Madam President.

The Attorney General (Sen. The Hon. John Jeremie): Madam President, I rise to speak against the Motion and I, too, will be very brief this afternoon. I just want to pick up on a couple points, which I do not think were amplified by my colleague, Sen. The Hon. Kangaloo, in the course of her regime. [*Interruption*] She did a wonderful job.

In relation to the necessity for the Order, a number of speakers before me have recognized that the judgment in the case of Chandresh Sharma v. the Integrity Commission, 2004 sets us on a dangerous and slippery slope. I say that because it is a good thing to speak of transparency. One cannot speak in the context of integrity without speaking of transparency.

The point is that the Integrity in Public Life Act, 2004 solicits declarations as part and parcel of the machinery of promoting integrity in public life. The declarations are sought on the basis of an understanding that secrecy will be maintained. Now if we say to people in advance that we are going to maintain secrecy; that we are going to have a public register; that we want them to come into public life and that the only condition is that they would file a declaration of income and assets; and that they would file in respect of their spouse. These are onerous, but they are made known in advance and, in respect of the registrable interest, that is Part B, we would put that on a public register, that is fine. But what persons in public life ought not to be subjected to—and the Government says this without fear of contradiction—are ancillary attacks on the process, which have the effect, intended or not, of undermining the independence of the Integrity Commission.

The suggestion from Sen. Mark that the Integrity Commission should report to a minister is dangerous. You do not want to have that. The position as it is now is that the Integrity Commission reports to the Parliament. It does not report to a minister. There is no need for that.

Sen. Mark: May I have a point of order? He is misleading the Senate.

Madam President: That is not a point of order.

Sen. Mark: Just clarification. Can I seek clarification from you, Sir?

Madam President: Are you going to give way?

Sen. The Hon. J. Jeremie: Madam President, I am not in a forgiving mood this afternoon. The point is that he spoke of a lack of transparency, but he wants to make the Integrity Commission report to a minister. It reports to the Parliament and it should not report to a minister. We have not followed the advice of the judge because that judgment is dangerous. It says that the Integrity Commission should report to a minister. We have not done that and we will not because it undermines the independence of the Integrity Commission.

You might say, Madam President, why not appeal the judgment? We can appeal the judgment, but in the meantime the judgment stands until it is reversed by an appellate court. The point is that the Integrity Commission must continue to do its work, and it must continue to do its work without any instruction from the Government.

My colleagues on the other side spoke of Mr. Deane, who is a distinguished member of this Commission, who is one of the longest serving members and who was appointed to the Commission when they were in government. They come here, under the cloak of parliamentary privilege, and throw words at Mr. Deane.

I have this *Principles of Integrity for Persons in Public Life*. It is a publication that was put out by the Integrity Commission when it was chaired by Justice des Isles. It shows that the membership of the Commission has not changed much over the years. Mr. John Martin is still there. Mr. Gordon Deane is now chairman of the Integrity Commission. Of course Justice des Isles has now retired. He was an elderly man; and the others, Justice Shaffeyei Shah, was a former judge.

The point is that these persons are persons of the highest integrity and we ought not to come to this place—I look for my Standing Orders every time they are subject to attack in this place because the Standing Orders protect persons who are involved in the administration of justice and the Integrity Commission is like that. It is analogous to that. They are involved in the administration of justice. If we have no faith in the Integrity Commission, we might as well pack up and go home.

The way the members are appointed to the Integrity Commission is the best way that we have worked out in this country to appoint persons to independent bodies, that is, by the President, after consultation with the Prime Minister and the Leader of the Opposition. The President decides the membership. If my

colleagues say that the President ought to be appointed differently, it is a different question—it is a question for constitutional reform. This is the best way to choose the members of a body. We cannot cure the difficulties with the judgment by way of an appeal because there is the question of what happens in the interim.

When I spoke about the Integrity Commission being bogged down, that part was unfortunate. I thought that the gist of what I said would have been understood by my colleagues on the other side. What happened was that after the successful application in Civil Appeal 2005 of 2004, the floodgates were opened and requests poured in under the Freedom of Information Act, 1999. It is a good thing we have the Freedom of Information Act and there might come a time when we need to sit and take a hard look at some of the entities we have exempted from the provisions of the Freedom of Information Act, but if there is a case for one institution, it is the Integrity Commission. It is that institution which is charged with upholding the principles of fairness in this society.

My colleagues on the other side, if there were an investigation underfoot with respect to any of my parliamentary colleagues, they would not wish the Anti-Corruption Squad to be in charge of that investigation. Why? Because they say that the Anti-Corruption Squad reports to the Attorney General and no matter how many times I come here and say it does not; it reports to the Commissioner of Police, they will say it reports to the Attorney General because there is a Legal Notice that assigns accounting responsibility for the Anti-Corruption Squad to the Attorney General. That is a different thing from saying that the Attorney General controls the Squad, which is the impression my colleagues create.

The Integrity Commission is a body by itself. There is no relationship between the Integrity Commission and the Attorney General. That is an entity that I suggest is the premier institution for corruption fighting in this society. If there is an allegation of corruption against one of my colleagues, it goes to the Integrity Commission. The Integrity Commission is also given power to use the resources of the police service so that it could use the Fraud Squad, as it did in the past. It can go to the head of the Fraud Squad. It can go to the head of the Criminal Investigation Department or it can go outside. It can do exactly as it pleases. That is the perfect system for investigating corruption with which we have been able to come up.

I would like to say, as well, that the Order is before us only because the Integrity Commission found itself, after the decision in this case, between a rock and a hard place. That is to say, under the terms of the Act, it is forbidden, under penalty of law, from disclosing certain information. Yet the judgment appears to

open the door to disclosure of that very information to members of the public. The Commission came to the Government and said: Can we have an Order exempting us from the provisions of the Freedom of Information Act; that is, not from disclosure—those are two separate things—but from disclosure pursuant to the Freedom of Information Act?

The argument is, and it cannot be otherwise, that the Integrity in Public Life Act prescribes a code in and of itself for disclosure—the circumstances in which disclosure could be made—and that the Integrity Commission, as the body charged by itself with implementing that code, should disclose, in respect of persons under Part B and should keep confidential information under Part A. So that all the Order seeks to do is to relieve the Commission of the dilemma it was placed in.

I have answered the question why no appeal and I have dealt with the question of how the members of the Integrity Commission are appointed. Those are the few words that I wish to speak during the course of this debate.

Sen. Mary King: Thank you, Madam President. Having listened to a lot of the debate, I also had no intention of speaking. But having read the Freedom of Information Act, I want to add a few items which, from my point of view, bring logic to the conclusion that the Order, as it is, should stand.

If a judge has defined the Integrity Commission as a public authority, we really have to start, perhaps, by educating the judges on what the Freedom of Information Act is about and what the Integrity Commission really means. I know there are other areas where we have problems of sentencing, so maybe education for judges should be first.

Just looking at the Freedom of Information Act and the definition of “public authority”, there are several entities covered as a public authority. We start with the Legislature; we go on to the courts, the Executive, Ministries of Government Tobago House of Assembly, Municipal Corporations and under Government, of course, we have the state entities.

5.30 p.m.

Then we go on to describe other bodies corporate and other entities over which government is in a position to exercise control. This is one area where we do not want any government to have any control over the Integrity Commission. Therefore, really and truly, we cannot agree with the Motion as it is tabled today.

We also go on to define the responsible Minister, in relation to a public authority. Having listed what are public authorities, we are now saying that in relation to a public authority, the responsible Minister means the Minister to whom responsibility for the public authority is assigned. We know that we do not want, and it does not now exist, that a Minister has control over the Integrity Commission. We believe that it should not ever be allowed to have that kind of control by any Minister.

Then, when we look at Part II, “Publication of Certain Documents”, we are saying:

“A public authority shall,”

again,

“with the approval of the Minister—

(a) cause to be published in the *Gazette*,

(i) a statement setting out particulars of the organization and functions...”

It goes on to say:

“...as far as practicable, the decision-making powers and other powers affecting members of the public that are involved in those functions...”

This certainly will not apply to the Integrity Commission.

“...for consultation with, or representation by, members of the public in relation to the formulation of policy..”

Obviously, we never intended the public to be involved in the formulation of policy. Therefore, I do not think the Freedom of Information Act ever thought of including the Integrity Commission. It would be unrealistic for anyone, including the judge, to assume that it could be brought under the Integrity Commission.

We have also stated that a “statement listing all its boards, councils, committees and other bodies constituted, that are part of or have been established for the purpose of advising the public authority; those meetings are open to the public.” Obviously, this cannot possibly apply to the Integrity Commission.

I think, based on these facts alone, I cannot support the Motion as we do not desire the Integrity Commission to come under any controls of government and logically it must remain totally independent.

I thank you very much.

Madam President: All right, if there is nobody else. You will want to wind up, or you—I am sorry. Go ahead, Senator, I did not see your light.

Sen. Angela Cropper: I thank you. The Motion before us raises a fundamental set of issues. I have to confess that I find the matters very testing indeed, because I think they require us to examine and come to some balancing of public interest and private interest and also to take some position, in relation to this Motion, based upon the role and function that we carry out or are supposed to carry out here as a Member of Parliament.

I have benefited considerably from the debate on this Motion and I find that the debate so far has been really very worthy of the Senate of the Parliament of Trinidad and Tobago. I wish to thank all colleagues who have contributed to the examination of the points on both sides. I think it is easy to see the merit and logic of both sides of the argument on this particular matter.

Let me start at the outset, I support entirely, the purposes that are inherent in both the Integrity in Public Life Act, and the Freedom of Information Act. I think where there seems to be an obvious conflict in some aspects between them, it is a very, very difficult call indeed.

I listened very carefully to Sen. The Hon. Christine Kangaloo making her appreciation of the respective Acts and taking us back into the reasoning and rationale of what lay behind the Integrity in Public Life Act. She did seek to persuade us that the Order, which seeks to exempt the Integrity Commission from the Freedom of Information Act, seeks to keep faith with the principle of the Integrity Act, namely that of secrecy.

It did occur to me that here again arises another dilemma because we speak about and we are interested in having integrity in public life and somehow that seems to be a little dichotomous with the need also for secrecy. Again, there is need for balancing out the requirement for integrity with a sufficient protection of privacy.

At the same time, I am very sympathetic to the point of view that Sen. Dr. Eastlyn McKenzie has raised because the requirement to submit the information that is required by the Integrity Commission is one that is a very high cost to individual privacy, in order to do a public duty and to be of public service. Again, as individuals, we need to balance out whether, in doing the public service or taking the opportunities to serve the public interest, we also have to give up a certain amount of our personal and private interest. Balancing needs to be done here also.

Meanwhile, we have had the court decision referred to by several Senators and we have had many explanations of that and comments made on it. It seems that there is a danger that is inherent within that decision, that some requirements that are imposed upon a public authority, ordinarily speaking, might now be imposed upon or required of the Integrity Commission. But we have also had the explanation that the Integrity in Public Life Act is one that has had the benefit of a special vote, in contrast with the Freedom of Information Act. We have also had it explained that within the Integrity Act there are provisions also to protect the privacy and confidentiality of much of the information that was submitted to the Integrity Commission.

I think what makes the debate on this Motion a bit more difficult is the fact that there is a certain amount of personal interest that is caught up also in the exercise of balancing out the risk to our private confidential information being made public, versus the risk to losing some of the character of the society that we are seeking to build: one with characteristics of transparency, accountability and integrity in public life, especially; as all of these are sorely needed in this country as they are minimally applied in all dimensions of public life.

Madam President, in trying to make this very delicate balance that we need to do here, I am of the view that we should try to preserve and ensure the 99 per cent of what the Integrity in Public Life Act seeks to do. I, therefore, cast my vote, guided by the higher requirement of the public interest for transparency, accountability and integrity. I take the risk of a possible disclosure of my confidential information, in the event that I am not already sufficiently protected by the provisions within the Integrity in Public Life Act.

Consequently, on balance, I do not feel that in serving the public interest, which is the reason that I am here as a Member of this Chamber, that I can support the Order to exempt the Integrity Commission from the Freedom of Information Act and I, therefore, support the Motion that is before us.

Thank you.

Madam President: If there is nobody else, I call upon the mover of the Motion.

Sen. Wade Mark: Thank you very much, Madam President. May I first of all record my appreciation to all of my colleagues on all sides of the Senate, who

have contributed to this debate on a Motion, which I felt duty-bound to raise, to move and to deliberate upon.

Madam President, it is my belief that what we are experiencing in this Parliament, particularly as it relates to these various orders culminating in the one we are now deliberating upon, is a clear and patent abuse of power and process by an administration that seems bent on stifling, stymieing, compromising and undermining democracy and freedom in this nation of ours.

The PNM has always survived and existed on a culture of secrecy. And, therefore, what we are experiencing is another attempt by the ruling regime to dismantle bit by bit and piece by piece, the Freedom of Information Act which, in the first instance, it voted against in both Houses of Parliament. The PNM never stood for freedom in the past and it is not in favour of standing for freedom in the present.

It is a bit shameful that a commission chairman, according to the Attorney General, could approach him, in his capacity as Attorney General and indicate to him that his commission has been flooded by a series of FOIA applications. It seems that as a result of that flood of applications he is unable to function and his commission is unable to do their duty and execute their responsibility to this country. He has called in the goodly Attorney General who is always willing to behave like a postman and a messenger, to come to this Parliament via an order, to railroad and actually try to get this honourable Senate to support the Order to exempt the Integrity Commission from public scrutiny.

Nowhere in my contribution did I say that a Minister ought to be responsible for the Integrity Commission. I do not know where the Attorney General got that from. Sen. The Hon. Dr. Lenny Saith, who has much more experience in Government than the neophyte Attorney General, would know that as Minister of Public Administration and Information—I served in that capacity at one time—the service commissions are independent institutions, yet we maintain a relationship with the service commissions. Whether it is the Public Service Commission, the Police Service Commission or the Teaching Service Commission, the Minister of Public Administration and Information has this kind of relationship with these commissions. When I was the Minister of Public Administration, I met quite frequently with the Public Service Commission because they wanted a conduit. [*Interruption*]

I am hearing some humming about dangerous. Mr. Lalla maintained an independence, whether he was under the PNM, the UNC or the NAR. He was in charge of both the Police Service Commission and the Public Service

Commission and his record is there for all to see. The important thing is that I am hearing where the Attorney General is assaulting the judgment of a particular judge, as it relates to certain elements of his ruling. The Government failed to appeal the judgment in the first instance and we ask why. If the Government felt so strongly about this particular judgment, I thought that the Attorney General would have appealed the matter. [*Sen. Jeremie stands*]

I am not giving way unless it is a point of order.

Madam President: Is it a point of order?

Sen. W. Mark: I am not giving way. I find it a bit strange that the Attorney General would come here today. I have heard no arguments from the Minister of Legal Affairs. I am not a lawyer but I want to study law because I am not convinced by the arguments that have come from both the Attorney General and his lieutenant, the Minister of Legal Affairs, Sen. The Hon. C. Kangaloo. I think he is the general and she is his lieutenant.

I want to indicate to you that under section 41(1) of the Integrity in Public Life Act, the Integrity Commission is guilty of dereliction of duty. Here we have an Attorney General being brainwashed and misled by a commission to give that commission a blanket kind of arrangement that would deny the citizens of this country access to its operations.

I want to make reference to some judgments I have before me. I want to bring to your attention that the matters that were filed in the courts of this country, compelling the Integrity Commission to produce information on a number of matters, may have never been filed had the commission taken the time to prepare the necessary regulations, as prescribed in section 41(1) of the Integrity in Public Life Act. If you look at section 41(1) of the Integrity in Public Life Act, you will see where the commission had the responsibility to make regulations, prescribing the manner in which enquiries may be carried out and any matters incidental to or consequential upon enquiries. The Integrity Commission was supposed to have established standards or criteria for the initiation of enquiries. It was supposed to have dealt with the manner in which information received from the public would be assessed and verified. It would also prescribe the form of declaration to be submitted.

What has happened in section 41(1)(a) of the legislation is that this particular organization has dealt with some elements of its responsibility. However, the Integrity Commission, under section 41(1) of the Act, has failed to provide regulations for section 41(1)(a), (b), (c), (f) and (g). Here is an institution that the

Attorney General is seeking to protect and that institution is guilty of dereliction of duty, as it relates to the public interest and the public welfare. No application may have ever been filed at the level of the High Court, had the Integrity Commission done its homework.

Would you believe that the Integrity Commission, on a simple request by Chandresh Sharma to provide a register of registrable interest, that they are compelled by law to do, could not even provide that. We have an Attorney General coming to this Parliament with an order to safeguard, insulate and allow them to continue to be inefficient and incompetent in managing the affairs of the country in that particular arena. This thing went to court. I would read parts of the judgment in 2005. I have a copy of the judgment of April 20, 2005. This is a judgment that was delivered by Justice Rajendra Narine. Up to this time, as we speak, the Integrity Commission has not provided this Parliament with the relevant regulations. Instead of the Attorney General putting this man under manners and pulling him over the coals, telling him that he is incompetent, he comes like a postman to deliver a message to this Parliament through an order. That Attorney General is supposed to be the guardian of the Constitution of our country. How can I have confidence in this fragile individual, who will break down and collapse?

Sen. D. Montano: On a point of order!

Sen. W. Mark: All right, I withdraw.

Sen. D. Montano: On a point of order.

Sen. W. Mark: I withdraw.

Madam President: I do not even want to hear your point of order.

Sen. W. Mark: I withdraw.

Madam President: Senator, I am kind of getting tired.

Sen. W. Mark: I withdraw.

Madam President: Sit down please! All right you withdraw, but I am going to warn you. You have said it often. You are constantly referring to the Attorney General's state of health: how fragile, how good looking he is, whatever, whatever, but please do not refer to his health like that. All right?

Sen. W. Mark: I withdraw. He is my friend you know.

Madam President: I know that.

Sen. W. Mark: [*Interruption*] Never. I apologize to my colleague if I did him any hurt or harm. Sorry about that. I insist that the Attorney General ought not to have allowed these people to mislead him to the point that they have.

The Attorney General has not provided this Senate with any instances. What were the numbers involved in this so-called floodgate that was suddenly opened, according to Mr. Gordon Deane, that was hampering his commission from doing its duty to the country? The Attorney General has not given this Parliament one iota of evidence. All we got was old talk from the Attorney General, no substance; similarly Sen. The Hon. Kangaloo, old talk, no substance. We have no evidence before us that can inform this Senate as to the real basis and the rationale for the action that they want us to embark upon or to engage in. He wants us to support? How can we support this? This is an abuse of power, because they have the majority across there.

The UNC wants the Hon. Prime Minister, Patrick Manning to call the election in December. He should not go out there and bluff and tell people that he will come like a thief in the night and that they should light their candles and all sorts of foolishness. Call the election. Madam President, we give you the commitment today, all these measures that this backward regime is introducing to reverse people's freedoms and the rights and privileges of people, we in the UNC will reverse and reintroduce because we believe in the people and in democracy and we also believe that the people should be involved in all these matters. Do you know what is sad about it? Nowhere in the Freedom of Information Act and the Integrity in Public Life Act is there any provision that would allow the commission to give you more information than is required by the law. Why is the Attorney General trying to tell us that he is anticipating, and the judgment had laid a dangerous precedent and, therefore, he is taking in front before in front takes the Integrity Commission? Is that an argument that an Attorney General brings to this Parliament? I prefer to err on the side of the people. I prefer to give the people their freedom in order to access information. I prefer the Integrity Commission to tell those persons who are applying that they are not entitled under section 21 of the Act.

Under the Freedom of Information Act, Sen. Dana Seetahal made reference to sections 34 and 35. Section 34 of the Freedom of Information Act states that:

“A document is an exempt document if there is in force a written law applying specifically to information of a kind contained in the document and prohibiting persons referred to in the written law from disclosing information of that kind...”

It is already contained in the Freedom of Information Act that there is an exemption. Even if I apply, there is a provision that says that the institution that I am applying to could say, under section 34 or section 35 and in addition in accordance with section 20(1) of the Act, you are not entitled. Why do you want to deny the population?

Do you know what is very painful in this exercise? The Attorney General has given us no evidence. I am surprised that my dear friend, Sen. The Hon. C. Kangaloo, who is an attorney at law herself—I thought that both attorneys, who are supposed to be in the know, who have access to information, would have come here and given to this honourable Senate a detailed account of what has been happening, as it relates to the Integrity Commission that has been asking for information that is inconsistent with the provisions of the Act. Has the Integrity Commission been supplying that information? If they were, why have they been supplying that information? We have gotten no evidence from the Attorney General as to what is the basis for this action by the Integrity Commission. We have a bunch of incompetent people running the Integrity Commission and the Government is asking us to support incompetence. We cannot support incompetence.

I want to refer to a judgment issued by Justice Narine. On page 6 of his 15-page judgment, he made reference to the fact that, I quote:

“No Regulations have been made to date pursuant to paragraphs (a), (b), (c), (f) and (g) of Section 41(1) of the Act. Paragraph (f) deals with prescribed fees payable by members of the public for certified copies of public declaration statements. This is no longer relevant having regard to Act. No. 88 of 2000 which repeals and replaces section 35 of the Act. The records of the Commission are not to be disclosed except for the purpose of proceedings under the Act, the Prevention of Corruption Act or any written law.”

What the judge is saying is that this particular commission has provided no regulations to the population concerning its operation, as it relates to section 41(1). He goes on to say:

“The absence of published regulations in relation to these matters may open the Commission to allegations of arbitrary conduct and unequal treatment of persons in public life. Allegations of this kind must be avoided at all costs. The

public must have confidence in the Integrity Commission itself. Loss of confidence in the Commission, in my view, would defeat the very purpose of establishing the Commission in the first place.”

We are debating an order to exempt the Integrity Commission. Having been in office for all these years, they are yet to produce regulations to guide you and the general public how to go about accessing information via the Integrity Commission, as it relates to section 41(1).

That is why Chandresh Sharma went to court. He did not go to court to violate section 20(1). We are in support of section 20(1), but what Chandresh went to court for is the failure of the Integrity Commission to provide him with a register to see the registrable interest of all the officials that he would have liked to look at. That is the reason he went to court. Do you know that the judge said? The judge ordered the Integrity Commission to prepare a register with all registrable interest and make it available to Chandresh Sharma within 21 days. Do you know that was done? The court ordered. Today, if you go to the Integrity Commission office, there is a register with registrable interests. [*Interruption*] Why did he not make it available to him? The judge says that the Act said that. You are wrong as the Attorney General and the judge is right for me.

I am submitting that there is no basis for this exemption. This is all an attempt by the PNM to abuse its power and its majority in the Parliament. Every time there is a problem, instead of trying to resolve the problem, they use the law, because they have an inbuilt majority in the Parliament, in order to frustrate the people. That is what the PNM has been doing.

I want to continue quoting from the judgment of Justice Narine:

“More than four years have passed since the Act came into operation. No further regulations have been made. They have not yet been drafted and submitted to the Commission...

The delay of more than four years in making regulations pursuant to Section 41(1) of the Act is in my view inordinate and unreasonable having regard to the circumstances. It is difficult to comprehend why the drafting of regulations dealing with the matters contained in Section 41(1) (a), (b) and (c) should take...”

Four years!

“There is no evidence in the affidavit of Mr. Alkins, as to what has transpired since the Commission took steps to enlist the assistance of consultants to draft the regulations.”

The registrar of the Integrity Commission, Mr. Alkins, admitted to the judge that they had employed consultants. Even with the employment of consultants, he could not give the judge an idea as to where they had reached in the formulation of regulations to bring to this Parliament, because it requires affirmative resolution of this Parliament.

“There is no evidence that the Commission took any further steps to facilitate or speed up the process. There is no evidence that the Commission has acted with any urgency with a view to having the regulations made and placed before the Parliament.”

This is four years of incompetence and dereliction of duty on the part of the Integrity Commission. Instead of taking the Integrity Commission as a Parliament, to task, we are going to support; the Government brings a Motion to avoid the population seeking access to information via the Integrity Commission.

Here is the classic, this is the judge:

“Accordingly, I find that there has been unreasonable delay on the part of the...”

Integrity Commission

“in making regulations under Section 41(a), (b), and (c). I will grant the declaration sought in...Motion...I will further grant an order of mandamus pursuant to paragraph (e) of the Motion, that the Commission take such steps as are necessary to lay the regulations before Parliament within three (3) months..”

This is a judgment that was handed down on April 20, 2005. April to May, May to June and June to July; today is July 26. The Integrity Commission has even defied the courts of Trinidad and Tobago. They have defied the courts of this country. The Integrity Commission, through the Attorney General has not appealed this judgment. Three months later, this Parliament still does not have before it, the regulations that the court ordered the Integrity Commission to make available to Parliament within three months.

The Attorney General brings an order to this Parliament asking us to cover up and engage in an illegality and a runaway. I have lost complete confidence in the Integrity Commission. This Integrity Commission is not working in the interest of the people. If this Integrity Commission is working in the interest of the people, why is it violating court orders and court judgments? Why, every time somebody applies for information, within the purview of the Act, which is not section 20;

basic information that you are entitled to under the law, the Integrity Commission says: “secrecy”? They pulled section 20(1) for Chandresh Sharma when they knew that Chandresh Sharma was not asking for any information as it related to section 20(1) of the Act. The court had to order them to produce that register. I do not understand how this Attorney General, in all seriousness, could come here and table this Motion just because Gordon Deane comes to him and tells him: “We are under pressure boy.” [Interruption] You tabled an order to exempt them. I tabled a Motion to annul it. The Attorney General and the Government of this country have not convinced me or us on this side.

I go to another judgment. This judgment is by Justice Peter Jamadar, dated March 23, 2005. I would just deal with the conclusion of his judgment. This is the judge speaking:

“In my opinion the IC (Integrity Commission) is a public authority for purposes of the FOIA.”

This is Peter Jamadar, a judge of the High Court. I am not saying that the judge is perfect, but if the Government of Trinidad and Tobago and the Integrity Commission have a problem with Judge Peter Jamadar's ruling, appeal it. Why do they come and use the Parliament, when the hon. Attorney General is aware that there are several matters pending in the High Court and the Court of Appeal in this country, involving the Integrity Commission? Do you know what the purpose is? The Attorney General wishes to frustrate the justice process in the country. Why would he bring an order fully conscious of the fact that there are several matters pending in the courts of Trinidad and Tobago? Let the court determine the matter. Once we pass this order and it is approved, I want the Attorney General to tell us what is going to happen to all those cases that are currently pending at the level of the Court of Appeal. What is going to happen to those cases? I am not a lawyer. I seek your indulgence. [Interruption] No, later on, not now.

Here this judge is saying, based on sound research:

“In my opinion the IC (Integrity Commission) is a public authority for the purposes of the FOIA.”

The Attorney General is not in favour of that, so what does he do? He is vex. He and Gordon Deane got vex and they formed an order and brought it to this Parliament and said: “We want the Integrity Commission exempted.” That is what they have done. Let me go on with this judgment:

“In my opinion the request for information in this case was not one in relation to information,...”

This is a matter involving Chandresh Sharma. Hear what the judge is saying”

“In my opinion the request for information in this case was not one in relation to information, documents or official documents that were or are either secret and confidential pursuant to section 20 of the IPLA or exempt pursuant to section 34 of the FOIA.”

This Attorney General of ours and the Government by extension, is fooling this Parliament. They are mamaguying this country. Because they know that what Chandresh Sharma requested had nothing to do with any confidential document or any document of secret under section 20 of the Integrity in Public Life Act, but they come here to fool the Parliament and make people in the Parliament believe that something is wrong with what was done. He is like a seer man. He is looking down the road at the dangers of what is going to happen. Madam President, is it a clairvoyant? “Danger lies ahead so let me take in front before in front takes me.” I do not understand what is the basis for that. *[Interruption]* You all set up the leader. I know that. You and the Attorney General will pay for that. Do you think I do not know that? It is a matter of time for you all. I do not know if you all would live in this country; we are living though. With all the pressure “yuh putting on we, we living here”. I hope they are all wrong because many of them will end up in jail. Let me continue:

“In my opinion the application to the IC for access to information pursuant to section 13(1) of the FOIA was not improper in the absence of any responsible Minister. The IC was therefore wrong...”

This is what Justice Peter Jamadar said.

“The IC was therefore wrong to refuse and/or deny the Applicant access to information/official document(s) sought in his request of the 14th September 2004, whether on the basis of the reason stated in its letter of October 2004 or for any of the reasons argued before this Court, and acted illegally and/or unreasonably in so doing.”

This is what a judge is saying. The judge is saying that they acted illegally and unreasonably in not giving Chandresh Sharma the information that he requested. The Attorney General comes here and does not share this information with us, all he says is that he does not like the judgment. Many people do not like the

Attorney General but that does not mean that someone will do him something. He comes here to use the Parliament in an effort to deny the people their rights and freedoms. Why must he do that? We are not supporting that. This IC called the Integrity Commission, acted illegally and unreasonably.

“In light of the above, what effect should the non-pursuit and/or non-disclosure of the alternative form of redress...In my opinion the issues raised in this case are of public importance. Of prime importance is the public's right of access pursuant to the FOIA to information held by the IC.”

The judge is recognizing that the public has a right to access.

“Also of general importance is the approach to be taken by the Courts and public authorities to the interpretation and application of the FOIA. In this context one cannot lose sight of history, reality and aspirations of the community in relation to persons in public life, public authorities, the IC and the State's needs and concerns with respect to these. In this regard the role and function of the Court includes ensuring that the intention of Parliament and the will of the people are not frustrated.”

I want to restate for the purposes of my good friend.

“In this regard the role and function of the Court includes ensuring that the intention of Parliament and the will of the people are not frustrated.”

This particular order is attempting to frustrate the will of the people.

“For these reasons, in the special circumstances of this case, this Court in the exercise of its discretion will not deem these proceedings an abuse of process and will allow the Applicant limited relief...”

He went on to indicate that they were wrong and that they should grant and disclose the information. Therefore, he ordered that the application be reconsidered. He directed the commission to reconsider same and come to a decision in accordance with the opinions stated herein within 21 days.

If the Integrity Commission, under Gordon Deane, had an objection to this matter, why did they proceed to have the register of interest prepared? This is it here. As far as we are concerned, the Government is playing fast and loose on this particular matter that is before this honourable Senate. It is a most backward decision by this regime. The regime continues to regress in terms of its—Ideationally, I do not think that this regime is in touch with the realities of the world. I think that they have concepts and words, but in terms of understanding the reality, I do not think that they are in touch with the reality. But, they can continue to frustrate the will of the people. I do not think Mugabe would last

forever in Zimbabwe, the people will take him on at the appropriate time. I do not think that you are going to last forever, because we will take you on.

I did my duty. It was my duty. It was my responsibility to bring to the attention—Do I have another 45 minutes? I will let my colleague—

PROCEDURAL MOTION

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

Question put and agreed to.

**FREEDOM OF INFORMATION (EXEMPTION)
(NO. 2) ORDER (ANNULMENT OF)**

Madam President: Senator, you have 5 minutes left from your 45 minutes.

Sen. W. Mark: So, I have another 20 minutes?

Madam President: I do not think you have much to say.

Sen. W. Mark: I would not consume all, Madam President. Even if we on this side would have concerns, we prefer to support the people. We prefer to err on the side of the masses. Whilst the Attorney General and Sen. The Hon. Christine Kangaloo have concerns, and we have to recognize their concerns, I believe that both the hon. Attorney General and the Minister of Legal Affairs should put their buckets down on the side of the masses. Put your bucket down on the side of the people. It is better you put power into the hands of the masses than put it in the hands of a clique. What the Government is doing today is giving the Integrity Commission more power than they had before. The Government is closing the Integrity Commission. Do you know what is going to happen from here on if this thing is passed this afternoon? You know how these officials abuse power. No ordinary person who is interested in accessing information—Sen. Carolyn Seepersad-Bachan made the point about discrimination and the employment practices of the Integrity Commission. If I want to get information on the employment practices at the Integrity Commission, would I be able to do that under the Freedom of Information Act if this is passed today? I would not be able to get that information because this would now close the Integrity Commission from my getting information.

The Attorney General is down a dangerous path. The Government is down a dangerous road. Leave the Integrity Commission as is. If the Government wants

to change people, change the members of the commission and put people in whom we have confidence. *[Interruption]* I am speaking to you and Madam President. Let me speak to Madam President.

I cannot support and we cannot support this decision on the part of Government to whittle down the rights of the citizens of this country. We cannot support it. They started off with all these institutions such as the Unit Trust Corporation of Trinidad and NEDCO. We hear that there is a lot of corruption in NEDCO. We cannot get information; all we can do is to make allegations. That is a dangerous thing. Had NEDCO been under the Freedom of Information Act and we applied, we would have been able to get the truth. Right now, we have to go behind the scenes, talk to people and get information. We do not know if the information is correct, but the Government has left us with no other alternative; whether it is NEDCO, the Small Business Development Company, the Unit Trust Corporation of Trinidad and Tobago or the First Citizens Bank, we do not have access any longer to freedom. The Government has poisoned the atmosphere since it has come into power. They have me stifling. I cannot breathe under this regime. The Government is stifling my oxygen to freedom.

Madam President: Senator, I am sorry to have to stifle you at this moment. Hon. Senators, the speaking time of the hon. Senator has expired.

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

[*Sen. Prof. Ramchand indicated negative*]

Question put and agreed to.

Sen. W. Mark: I know it must take a university Professor, who is now in retirement and wants to rest. He wants to sleep, but not in Parliament, please.

I am going to close off now. I would like to indicate, in closing, that today is a very sad day in this Parliament and the country. I have seen a pattern of undemocratic behaviour and conduct by this regime and we can only do our duty at this level in trying to at least cage this wild animal that is running very mad around the country. I think that the time will come, we may not be able to stop them today, but certainly we are preparing the foundation to cage them. We will cage this animal called the PNM. It is wild. We believe that they will have to face us in the "gayelle". They will have to face us in the political arena. They will have to face us on the political battlefield. I believe that the masses are not fools. We

are going to educate them and let them know what this regime has been doing. We are going to, at least, not only in Trinidad and Tobago, to begin a campaign to expose this regime; not only nationally but regionally and internationally. This regime is bent on defeating the rights and freedoms of the people that they have worked so hard to in fact win.

We hope that the Government would take heed and change its bad ways. We hope that the Attorney General, for whom I wish the best—I have nothing negative against my friend. When I am in here I am out to knock him out. He is not my friend in this Chamber. When he is outside he is my friend. My duty is to remove him. I have no compromise on that. I tell him that all the time. Sometimes he gets a little punch here and there but I do not want to knock him out. I will knock him out outside. I do not mean that. I am like that. I have been in Parliament for the last 14 years and everyone who knows me would know that I am a very friendly person. I am a very serious person when it comes to the people's business. I do not compromise on the people's interest and I am not for sale. Nobody could buy me. I cannot support this order. I think the order is repulsive, despicable, a scandal; it denigrates people's freedom and the rights of people are being undermined. Freedom is in trouble under this regime.

Therefore, I hope at the end of the day good sense will prevail and that the Government will change its way and recognize it is going down a slippery slope of no return. We are just giving the Government guidance and we are asking it to pause for a cause, reflect and ponder. It is on a dangerous course and path and there are consequences to be reaped and derived if the Government continues along that road.

I thank you very much.

Question put.

Sen. Mark: Can I have a division please?

Madam President: Sure. Go ahead; division.

6.30 p.m.

The Senate divided: Ayes 10 Noes 20

AYES

Mark, W.

Baksh, S.

Kernahan, Dr. J.

Montano, R.

Seepersad-Bachan, Mrs. C.

Augustus, R.

Seetahal, Miss D.,

Khan, Bro. N.

Ali, B.

Cropper, Mrs. A.

NOES

Saith, Hon. Dr. L.

Yuille-Williams, Hon. J.

Jeremie, Hon. J.

Montano, Hon. D.

Gift, Hon. K.

Manning, Hon. H.

Chin Lee, Hon. H.

Dumas, Hon. R.

Abdul-Hamid, Hon. M.

Kangaloo, Hon. C.

Sahadeo, Hon. C.

Ramroop, Hon. S.

Hackshaw-Marslin, Mrs. J.

Williams-Smith, Mrs. M.

Janneire, Mrs. R.

McKenzie, Dr. E.

Ramchand, Prof. K.

Deosaran, Prof. R.

King, Mrs. K.

Anmolsingh-Mahabir, Mrs. P.

Motion negatived.

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 a date to be fixed. Madam President, it is our intention to come back perhaps the last week in August to do a number of Bills which have come from the Lower House before Parliament is prorogued. So this Senate is adjourned to a date to be fixed and we would let you know what the date is, but it is not before the last week in August.

Madam President: There is one matter to be raised on the Motion for the adjournment and this is by Sen. Wade Mark.

Government's Policy on Washroom Facilities

Sen. Wade Mark: Madam President, I have a matter on the Motion for the adjournment and it deals with the failure of the Government to enunciate a policy with respect to the provision of washroom facilities for use by customers in all government offices, public buildings and private sector institutions.

Madam President, it has been brought to my attention by many interest groups that for many years in Trinidad and Tobago, particularly in the private sector—and I dare say in many other public institutions, although I know that efforts have been made to accommodate the public—there has been an absence of washroom facilities for the population of this country.

So if you go to the banks of this country—whether it is First Citizens Bank (FCB), Republic Bank, Royal Bank of Trinidad and Tobago (RBTT) or Scotiabank—it does not matter which private institution—and if you are an elderly person and you are going to collect your pension via the bank, apart from waiting for long hours without any proper accommodation—in terms of seating accommodation for them, they do have some seating accommodation but very limited—if you wish to visit the restroom—whether you are an elderly person, a pregnant woman, a child or an adult—you do not have access to any washroom facilities at these private institutions.

Madam President, this is a primitive development in our country. It has been brought to my attention—I was not a victim of it—that sometimes if you are walking through Port of Spain, or you may be at an institution like FCB or Scotiabank and you want to go to the restroom, do you know what you have to do? You have to rush out from Scotiabank and run across to KFC in order to use the washroom facilities.

Madam President, do you know what is going on presently at these institutions or corporations? They now have security guards posted at these doors, and unless you are buying chicken and chips, you do not have access to the washroom.

Madam President, the time has come for our country to put that wrong right! You cannot have citizens—and these banks are making obscene profits. I saw where in this country RBTT made \$1.2 billion in after tax profits; Scotiabank is making plenty money; Republic Bank is making plenty money; and all these insurance companies are doing well. Why do they not invest in some basic facilities for our citizens who use these institutions? I cannot understand why this thing has been going on.

The Government needs to take action through some policy initiative. If it means bringing legislation to the Parliament to compel these people to do so, let us bring the legislation. If it is a policy measure that the Cabinet has to take, then take that policy measure, but we can no longer allow our citizens to use these facilities and if “nature calls”, you have nowhere to rest your head. That is unfair and that has been going on for decades in this country. It is unfair!

Madam President, I want to bring to your attention an article in the *Sunday Express* dated July 24, 2005. This article deals with bankers and the whole question about the washroom arrangement. Madam President, hear what they are saying. I want to read this article because it tells you—it came at an appropriate time in terms of this Motion. I quote from page 3 of the *Sunday Express* dated July 24, 2005:

“Four banks in east Trinidad have been given 21 days to install toilet facilities for their customers, or fight the court action planned by the Public Health Inspectorate.”

Now, I find that the Public Health Inspectorate has moved somewhat late. I think it is a good move by the Public Health Inspectorate. Imagine bankers are ripping off the population and making obscene profits and they have to get instructions from a public health official to install toilet and restroom facilities.

Madam President, they are going to court. They are against that! Hear what it says:

“Bankers were told that the absence of the facilities posed a health risk to their clients.

But the *Sunday Express* understands that the billion-dollar banking industry intends mounting a legal challenge to the action taken by the Health Ministry department.”

How insensitive can we be?

Madam President, one would have thought, by the intervention of the public health official, they would have gotten a message, but they are prepared to go and spend millions or hundred of thousands of dollars to pay an attorney to fight their case rather than invest that money in constructing facilities for the people who use their institutions. It continues:

“Law firms representing the three separate banking firms who received warning notices, are already examining the warning notices sent this month, and the legal representatives of at least one bank have contacted the ministry seeking answers.”

So they are already taking legal steps to protect their clients’ interest.

“At present, banks across the country only have washroom facilities for staff and bosses, and customers must fend for themselves in the event nature calls.”

Now, this is a barbaric, primitive and backward development in our country. If you are talking about Vision 2020, Minister Dr. Saith, this is something that you have to put right and you have to do it now. I do not want it in 2020. The future is now, not 2020.

Madam President, it says:

“Bankers Association head Larry Howai was said to be in meetings...”

He is in meetings conveniently now. You could not contact him last Friday.

“But several bankers said that the demand being made by the Public Health Inspectors (PHI) would cost millions of dollars...”

Madam President, these people are so cheap and selfish, hear what they are telling the country. These are bankers. They are saying that in order to establish washroom facilities for the citizens of this country it will cost million of dollars to

enforce, and the security concerns involved—all right, they may have some security concerns and they could always address that matter.

Madam President, if you want to use a washroom, they are saying that some customers are allowed to use washrooms “depending on the value of the account”. [Laughter] Madam President, so you are using washrooms at these banks in accordance with the value of your account. Well, there are some fellows who cannot make at all. [Laughter] I mean to say, there are fellows who cannot make at all, because their accounts are very small. [Laughter] So small account owners should not go to the bank because there are no facilities for them; only the big ones have facilities.

It goes on:

“The legal warning letters to banks were signed and sent by the County Medical Officer of Health...

During a snap poll taken on the streets of San Fernando on Friday, bank customers gave unanimous support to the Ministry’s action.”

So the people are in support of the Ministry’s action to get these people to construct washroom facilities.

“The decision by health inspectors to go after the banks came after years of complaints lodged at the PHI department in the Eastern Regional Health Authority.”

Madam President, it goes on, but I would not bore you; the point has been made.

I think that this is not only confined to the private sector. I am saying that the Government institutions are also guilty of this particular activity. I think that the Government must take measures immediately to deal with this matter. Maybe that could fall under the Ministry of Planning and Development—ensuring that from here on in whenever premises are being constructed for public purposes, before Town and Country Planning approval is granted, there must be facilities for washroom and so forth as part of the plan for the population of this country. [Desk thumping] Madam President, where they do not exist at this time, the Government must take measures to enforce the relevant actions and measures to get these institutions—whether they are private, public or quasi-public and private institutions—to take steps and measures to address this question.

Madam President, I am not speaking because I want to, but many citizens have approached me. This is almost like a crescendo, an avalanche of views that

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have come before me. I thought it was my public duty to bring this matter to the attention of this Senate and to ask the Government to take the necessary measures to have this matter addressed in the public's interest. I think that if we proceed to address that matter, it will go a long way in helping the public and the citizens who are almost like prisoners when they go to these institutions, to conduct their affairs and business.

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

The Minister of Public Administration and Information (Sen. The Hon. Dr. Lenny Saith): Madam President, I came prepared to respond to the Motion which reads: the failure of the Government to enunciate a policy with respect to the provision of washroom facilities by use of customers in all government offices, public buildings and private sector institutions.

It is not my intention to defend any bank. I do not think that the Motion at the time was geared towards that matter, except to say, that I sympathize with the view that is being expressed in terms of proper facilities being provided for customers. I would imagine that in saner moments, even the banks would realize that the only way to keep customers is, in fact, to provide facilities for them.

In respect of the Government's policy, let me just say that under the laws of this country all agencies, public and private, wishing to provide services to the citizens, are required by the country's health authorities, under the Public Health Ordinance of 1965, to provide washroom facilities for their customers. That is the law. The policy is there.

Madam President, this is in accordance with guidelines that have been laid down by the World Health Organization. In fact, under the Ordinance, any plans for buildings, public or private which do not satisfy these conditions for washroom facilities, can be rejected by the official authority. So the policy is there and the law is there. The question now is: Has the law been implemented? So it is not a lack of policy, it is probably more a lack of implementation of the law.

Madam President, I am pleased to see, and the Senator alluded to it, that although it is late, the local health authorities are taking action in this matter. So that insofar as private buildings are concerned, the policy is clearly enunciated in the law that exists and it should be implemented.

In respect of public buildings which come under my Ministry, insofar as public buildings are rented or built by the Government and made available to the

public, part of the public service reform exercise that we are engaged in is, in fact, the provision of customer-friendly buildings throughout the public service. This is part of the public service reform.

It is our intention to ensure wherever Government services are provided or offered, that there are facilities for improved comfort for the convenience of the citizenry, not only washroom facilities, but waiting rooms and the whole working environment in which public servants operate and in which they interface with the public.

Therefore, our policy, as enunciated as part of the public service reform, is the upgrading of public buildings and government offices to provide washroom facilities and also to provide all conditions which would enable the public to be serviced, including provisions for the differently abled..

Madam President, we are insisting that all buildings that are being built by the Government and all buildings which would now be rented by the Government have these facilities before the Government rents them—whether they are privately owned or whether they are owned by the Government. All I can say is that yes, there is a policy. If it has to be enunciated again I would enunciate it.

In the case of private buildings, the policy is spelled out in the Act which is the Public Health Ordinance of 1965. In the case of public buildings, the Government is committed to ensuring that it improves the conditions under which people work, and the customers or the people who are served by these departments are provided with the services including washroom facilities.

Madam President, thank you.

Emancipation Day Greetings

The Minister of Public Administration and Information (Sen. The Hon. Dr. Lenny Saith): Madam President, Emancipation Day is on August 01, and I would like to take the opportunity to wish the country a happy Emancipation Day, and to all those who see this as an important date in our country's history, to convey the Government's wishes to the country that they have a very happy Emancipation Day. Thank you.

Sen. Wade Mark: Madam President, I am glad that Sen. The Hon. Dr. Lenny Saith remembered, because I remember sometime ago we had adjourned on a Tuesday and either the Saturday or Thursday would have been Baptist Liberation

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Day, and it slipped us all to really extend greetings to the Baptist community in Trinidad and Tobago. They were quite offended, I must admit.

Madam President, may I join my colleague and friend, Sen. The Hon. Dr. Lenny Saith and on behalf of the United National Congress (UNC), in extending greetings, solidarity and congratulation to the community of Trinidad and Tobago, particularly people of African descent, who are celebrating emancipation along with people of Trinidad and Tobago generally.

Emancipation is a very broad term. It incorporates, not only African people, even though they suffered very immensely under the slave trade and the slave regime, I would like on behalf of the party to extend solidarity and congratulation. I hope that they all have a peaceful, happy and wonderful Emancipation Day, and as Bob Marley always said, our first duty and responsibility, when we talk about emancipation, is to emancipate ourselves and our minds from mental slavery. [*Desk thumping*] [*Laughter*]

Sen. Dr. Eastlyn McKenzie: Madam President, on behalf of all the Senators on the Independent Benches, I would like to add to the greetings to the Trinidad and Tobago community on the occasion of Emancipation Day which will be celebrated next week.

As you would know, we in Tobago are now celebrating our Heritage Festival and, in fact, one of our villages, Bethel, will be doing a production based on emancipation. I would like to invite Senators who are here, seeing that they do not have to come to this Senate on next Tuesday—their production is on Sunday, so you are free to come and join in the emancipation march by the Heritage Festival Committee on Monday.

So let me say on behalf of all of us, greetings to the public of Trinidad and Tobago and, especially, to our people of African descent. I echo what Sen. Mark has said, that we should try to emancipate ourselves freely, and especially from mental slavery, and that our attitudes would change to reflect proper use of the freedom that we boast about. Best wishes and thank you very much. [*Desk thumping*]

Madam President: Let me also take this opportunity to bring greetings and best wishes to the entire nation on Emancipation Day and, especially, to our brothers and sisters of African origin.

I agree with my dear friend, Sen. Mark, whose oratory today has been unusually brilliant—[*Desk thumping*—that emancipation today has a deeper meaning for us. It is not just emancipation from slavery, but emancipation from

all the ills that plague the world. We have to start with emancipating ourselves. So I want to wish everyone a very happy weekend, because it is a long weekend. I also want to wish you a very restful period during the recess that we have, and hope that you come back with renewed vigour and energy.

Question put and agreed to.

Senate adjourned accordingly.

Adjourned at 6.55 p.m.

WRITTEN ANSWER TO QUESTION

Pursuant to his reply to question No. 88 earlier in the proceedings, the Minister of Foreign Affairs (Sen. The Hon. Knowlston Gift) caused to be circulated to Members of the Senate the following statistics:

The Minister of Foreign Affairs (Sen. The Hon. Knowlston Gift):

**GLEWS OF LONDON LIMITED
CONTRACT NUMBER: GL1027A.**

**VARIOUS WORKS AT HIGH COMMISSIONER'S RESIDENCE
12A GREENAWAY GARDENS, LONDON, NW3 7DH.**

VALUATION NO.14

SCHEDULE OF WORKS

	<u>Value £</u>	<u>% Complete</u>	<u>Total £</u>
<u>1.0 Stripping Out.</u>			
1.1 Remove all existing wall coverings, bag up debris and cart away from site.	7010.00	100%	7010.00
1.2 Remove all ceramic wall tiles to existing toilets and bathrooms and cart all debris away from site, re-plaster walls to a flush finish.	380.00	100%	380.00
1.3 Uplift vinyl flooring throughout together with sub base, dispose off site and prepare area to receive new finishes.	350.00	100%	350.00
1.4 Uplift existing carpet throughout, dispose off site and prepare floor to receive new finish	1600.00	100%	1600.00
1.5 Take down and dispose of access gate to side of house.			Included
1.6 Strip out existing sanitaryware and dispose off site.	1200.00	100%	1200.00
1.7 Disconnect & strip out all electrical supplies and remove all debris from site, make good all surfaces disturbed.			See Electrical

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1.8	Re-plaster areas of walls where necessary.	3600.00	100%	3600.00
1.9	Remove fixtures, fittings and furniture generally.	2500.00	100%	2500.00
1.10	Isolate and strip out existing heating and hot water system and remove debris from site, make good all surfaces disturbed	850.00	100%	850.00
1.11	Isolate and strip out existing kitchen extract system and remove debris from site, make good all surfaces disturbed.	350.00	100%	350.00
<u>2.0 Builders Works.</u>				
2.1	Make good and plaster where fixtures and fittings have been removed.	600.00	100%	600.00
2.2	Carry out builders works in connection with plumbing, electrical, security, kitchen. services installations	4950.00	100%	<u>4950.00</u>
2.3	Carry out repairs to existing ceiling in Master Bedroom.		Omit	
2.4	Carry out works to existing sliding sash windows, ease and adjust as necessary, inspect weights and re-fix ironmongery where missing	2510.00	100%	2510.00
<u>3.0 Internal Decorating.</u>				
3.1	Re-plaster all remaining walls to basement, 2nd floor and inside cupboards etc.	12080.00	100%	12080.00
3.2	Skim walls and prepare internally ready to receive decorations	10900.00	100%	10900.00
3.3	Supply and apply two coats of emulsion to ceiling.	4500.00	100%	4500.00
3.4	Prepare, spot prime and undercoat/gloss paint white doors, frames and architraves.	3850.00	100%	3850.00
3.5	Prepare, spot prime and undercoat/gloss paint white skirting throughout.	4370.00	100%	4370.00
3.6	Prepare, spot prime and undercoat/gloss paint white sliding sash windows internally.	3552.00	100%	3552.00

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3.7 Supply and apply 2 coats of emulsion to existing decorative cornice throughout.	4910.00	100%	4910.00
3.8 Prepare, spot prime and undercoat/gloss built in wardrobe and wall panelling generally.	1800.00	100%	1800.00
3.9 Carry out clean/French polish retained items.	2902.00	100%	2902.00
<u>4.0 External Works.</u>			
4.1 Prepare, spot prime and undercoat/gloss paint white, sliding sash windows externally.	8500.00	100%	8500.00
+ 50% Burn off	4000.00	100%	4000.00
4.2 Prepare, spot prime and undercoat/gloss paint.			Included
4.3 Prepare, spot prime and undercoat/gloss paint black, garage doors.			Included
4.4 Allow to prepare and redecorate flag pole.			Included
4.5 Allow to rebuild new brick faced wall to the face of the new concrete retaining walls to conservatory & rear wall pool area	7060.00	100%	7060.00
4.6 Replace tiled roof to rear extension.			
4.7 Replace garage asphalt roof complete.	5100.00	100%	5100.00
4.8 Supply and install new secure metal gate to side of house.	1200.00	100%	1200.00
4.9 Supply all necessary scaffolding and access equipment to external decorations to be carried out.	2670.00	100%	2670.00
<u>5.0 Wall & Floor Finishes.</u>			
5.1 Supply and fix 6mm plywood base to existing floor provide a flat and adequate surface for laying of new vinyl floor finish to Kitchen, Bathrooms and Toilets.	1200.00	100%	1200.00
5.2 Allow for new white ceramic wall tiling to toilets and re-tile Bathrooms.	2500.00	100%	2500.00
5.3 Supply and lay new Wicander cork flooring on plywood base previously fixed.			Omit

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5.4 Supply and fit contract quality broadloom including underlay to include grippers, brass thresholds.	16500.00	100%	16500.00
5.5 Supply and fit higher quality broadloom with borders including underlay to the Dining Room, Reception. Room and Sitting Room	5750.00	100%	5750.00
5.6 Supply and lay latex screed applied to the floor ply prior to laying vinyl finishes.	650.00	100%	650.00
5.7 Supply and fit new threshold and cover strips to carpet at junctions of different floor finishes in brass.	500.00	100%	500.00
5.8 Install brass stair rods to main staircase.	1600.00	100%	1600.00
5.9 Allow to prepare the hardwood flooring in the Dining Room and re-varnish same.	1900.00	100%	1900.00
<u>6.0 Lighting.</u>			
6.1 Remove all existing light fittings, salvage existing chandelier and set aside for re-use (refurbish same). Re-new all remaining light fittings as per sample supplied.	8130.00	100%	<u>8130.00</u>
<u>7.0 Electrical.</u>			
7.1 Completely re-wire premises all to IEE Regulations 16th Edition in connection with the existing building. To include the following; Make safe and strip out existing power and lighting, circuits and distribution board, new distribution board, new power circuits, new lighting circuits, new white plastic power sockets fixed in existing positions, spurs to toilets and kitchens, remedial works to existing electric heating.	34,100.00	100%	34100.00
7.2 Up-grade the external lighting as discussed.	650.00	100%	650.00
7.3 Supply and fix additional TV and satellite points generally in locations to be agreed.	1200.00	100%	1200.00
<u>8.0 Fire/Security.</u>			
8.1 Remove existing fire alarm and intruder alarm system and remove debris from site, make good all surfaces.	14850.00	100%	14850.00
8.2 Supply and fix a new mains wired linked smoke detection system and passive infrared intruder			

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alarm system (NACOS approved) excluding external CCTV.			Omit
<u>9.0 Telephone System.</u>			
9.1 Strip out existing system, supply and install new system. as instructed	1880.00	100%	1880.00
<u>10.0 Plumbing/Heating.</u>			
10.1 Remove completely all the existing rotted pipework system and cart away from site. Supply and fix new plumbing system consisting of new cold services, new tanks, waste and soil pipework systems within the building.	18000.00	100%	18000.00
10.2 Carry out re-chlorination of existing water.			Included
10.3 Supply and fix new sanitaryware connected to existing services. White vitreous china standard range WC and basin. Brass finish taps. Accessories in brass finish, Wall mirror. (Lighting, electrics and ceramics included elsewhere).			
a.) Ground floor toilet adjacent to pantry.	1100.00	100%	1100.00
b.) Second floor bathroom.	4800.00	100%	4800.00
c.) Supply and fix fittings to bathrooms and toilet	4800.00	100%	<u>4800.00</u>
10.4 Supply and fix new sanitaryware connected to existing services. White vitreous china deluxe range WC and basin. chrome finish taps.. Accessories in chrome finish	2700.00	100%	2700.00
a.) Ground floor toilet adjacent to reception.	28160.00	100%	28160.00
b.) First floor bathrooms.			Included
10.5 Disconnect and strip out existing heating and hot water system. and remove debris from site, make good all surfaces disturbed.			Included
10.6 Supply and install new heating and hot water system including new radiators.	34800.00	100%	34800.00
10.7 Remove existing oil storage tank. We have excluded for any work related to contamination of the ground locally.			Omit

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11.1 Disconnect and strip out existing kitchen extract system and remove debris from site, make good. all surfaces disturbed			Included
11.2 Supply and install new extract.	2500.00	100%	2500.00
11.3 Supply and install new oven and hob.	2500.00	100%	2500.00
11.4 Allow to strip out existing kitchen fixtures, fittings and finishes and remove from site Prepare surfaces generally and renew rotted floor joists.	5250.00	100%	5250.00

Extra Over Additional Works as per our letter of 02/01/04 Confirmed.

A.) Supply and install ceramic tiles.	12500.00	100%	12500.00
B.) Upgrade as per Metropolitan Police Services Report.		Omit	
C.) Air conditioning split system to master suite/ lounge and dining room.	22000.00	100%	22000.00
D.) Guest bedroom storage cupboard.	1200.00	100%	1200.00
E.) Top floor - reconfigure bathroom	4000.00	100%	4000.00
form new shower/bathroom	3500.00	100%	3500.00
F.) External - level garage floor and upgrade	8000.00	100%	<u>8000.00</u>

Our Meeting of Yesterday's Date 22nd January 2004.

1.) Renew ceiling to top floor.	800.00	100%	800.00
2.) Third floor - TV room—remove cupboard and replaster walls.	870.00	100%	870.00
Form new storage cupboard.	2500.00	100%	2500.00
3.) Living room plaster/picture rail.	2600.00	100%	2600.00
4.) TV room plaster/picture rail.	1900.00	100%	1900.00
5.) Dining room plaster/picture rail.	2600.00	100%	2600.00
6.) Satellite cabling to all bedrooms, TV, kitchen and living room.	1200.00	100%	1200.00

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7.) Breakfast room form new entrance to pantry and entrance lobby to breakfast room.	2800.00	100%	2800.00
<u>External Works.</u>			
8.) Supply ornamental gates to side door.	1200.00	100%	1200.00
9.) Supply ornamental gates to rear garden.	980.00	100%	980.00
10.) Reconstruct retaining wall and flower beds as per discussions with Mr Philip on design.	9080.00	100%	9080.00
11.) Reform steps to garden.	3300.00	100%	3300.00
12.) Remove garden shed and cart away.	650.00	100%	650.00
13.) Uplift all York Paving and relay.	4100.00	100%	4100.00
14.) concrete rear garden retaining including drainage	11600.00	100%	11600.00
15.) Garage— New roller shutter door, upgrade water and lighting	7500.00	100%	7500.00
16.) Rear Garden- New conservatory as per discussion on site	30000.00	100%	<u>30000.00</u>
17.) Front Garden—New reinforced walls, horizontal gates railings including all necessary foundations and sleeving	33000.00	85%	28050.00
Uplift front drive and relay with York Paving as previous	15450.00	100%	15450.00
Remedial repair to building as work proceeds (provisional).	5000.00	100%	5000.00
18.) Supply and fit purpose made Jacuzzi bath to master bathroom.	4550.00	100%	4550.00
19.) Remove alcove in master bathroom complete. and make good	1200.00	100%	1200.00
20.) Form new shower cubicle in master bathroom.	1400.00	100%	1400.00

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21.) Re-configure 1st floor bathroom to form .No shower rooms complete to include forming new entrance door from guest room and raised floor to accommodate services.	7500.00	100%	7500.00
22.) Supply and construct purpose made bedroom units to guest bedroom.	6000.00	100%	6000.00
23.) Supply and fix new doors to master suite dressing room.	Omit	0%	0.00
24.) Supply and construct new cupboard to top floor adjacent to new shower room.	800.00	100%	800.00
25.) Supply and re-plaster all walls to dining room.	3500.00	100%	3500.00
26.) Supply and install 2 no. Butler wash down sinks.	1380.00	100%	1380.00
27.) Supply and construct folding door to 4 no. top floor bathrooms	600.00	100%	600.00
28.) Supply and fix swing privacy doors to bathrooms	1600.00	100%	1600.00
29.) Supply and fix wastes to 11 no. bathroom kitchen/utility	3080.00	100%	3080.00
30.) Form work surface in chimney breast recess in main kitchen.	800.00	100%	800.00
31.) Complete re-plastering pantry including new ceiling	2100.00	100%	2100.00
32.) Removal of wall to oil tank housing and make good.	510.00	100%	510.00
33.) Extend rear garden foundations to accommodate proposed brick wall to conservatory.	1820.00	100%	<u>1820.00</u>
34.) Carry out complete re-plastering of the remaining building's ceilings.	11,300.00	100%	11300.00
35.) Supply and install additional electrical sockets.	6,100.00	100%	6100.00
36.) Supply and install radiator skirting heating to all areas on the ground and first floors.	25,400.00	100%	25400.00

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37.) Supply and install Swimming pool as detailed in our estimate Ref SB\SB\GL10027d dated 28th July 2004.	135,325.00	100%	135325.00
38.) Jet wash front elevation of building	7,860.00	100%	7860.00
39.) Supply and install call bell system.	3,800.00	100%	3800.00
40.) Supply and install steam shower.	3,200.00	100%	3200.00
41.) Replace top floor sashes.	780.00	100%	780.00
42.) Supply and fix new section of cornice to guest bedroom.	580.00	100%	580.00
43.) Screed floor to boiler room.	780.00	100%	780.00
44.) Supply and fix oak kitchen to main kitchen including appliances (orders places) and granite worktops.	24,330.00	100%	24330.00
45.) Supply and install butlers kitchen with sink, drainer and sluice sink (orders placed).	7,800.00	100%	7800.00
46.) Supply and fix floor and wall units to utility room including appliances. (orders placed)	4,100.00	100%	4100.00
47.) Supply and fix upgraded floor and wall tiles to ground floor, utility room, staff w/c main kitchen and butlers kitchen.	6,100.00	100%	6100.00
48.) Supply and fix new door and frame to boiler room.	380.00	100%	380.00
49.) Supply and install fire alarm systems.	3,050.00	100%	3050.00
50.) Supply and install emergency lighting	1,800.00	100%	1800.00
51.) Supply and install outside lighting.	1,060.00	100%	<u>1060.00</u>
52.) Builders works in connection with alarm & CCTV installation for sub-contractors.1,	485.00	100%	85.00
53.) Adapt cupboard to guest bedroom.	650.00	100%	650.00
54.) Basement screeding upgrade.	980.00	100%	980.00

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55.) Supply new inner doors for security trap.	1,200.00	100%	1200.00
56.) Builders works in connection with alarm & CCTV installation for sub-contractors.	850.00	100%	<u>850.00</u>
57) Upgrade carpet	19,874.51	100%	19,874.51
58) Kitchen tiles	2,400.00	100%	2,400.00
59) Cloak cupboard mirrors	980.00	100%	980.00
60) Master bathroom wall lights	550.00	100%	550.00
61) Basement floor quarry tiles	1,780.00	100%	1,780.00
62) Water softener	950.00	100%	950.00
63) Front fence concrete post	870.00	100%	870.00
64) Conservatory tiles	<u>2,160.00</u>	100%	<u>2,160.00</u>

Total Contract Value: £ 802,958.51***Valuation Sub Total:* 798,008.51****Less. Valuation No.1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12 and 13. 745,498.50**

Sub-Total for Valuation No. 14: £52,510.01

+ Vat @17.5% £9,189.25**Total for Valuation No.14: £61,699.26**

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Written Answer to Question

Tuesday, July 26, 2005

VALUATION NO 7

Floor or Room	Item	Description	£	% Works Completed	Valuation Total £
<u>A</u>	<u>Main Roof</u>				-
1	Scaffolding	Provide scaffolding to main roof in order to carry out works	30,000.00	100%	30,000.00
2	Party Walls and Chimney	Beyond repair, need to replace pots, flaunching and re-point	2,500.00	100%	2,500.00
3		Stripping of main roof	10,000.00	100%	10,000.00
4	Asphalt and Valley Gutters	Relaying of insulation and asphalt	10,000.00	100%	10,000.00
5	Mansard/Slate/Lead Dormers	Replacement of front mansard	10,000.00	100%	10,000.00
6	Mansard/Slate/Lead Dormers	Replacement of rear mansard	10,000.00	100%	10,000.00
7		Completion	10,000.00	100%	10,000.00

Written Answer to Question

Tuesday, July 26, 2005

Floor or Room	Item	Description	£	% Works Completed	Valuation Total £
<u>B</u>	<u>Other Roofs</u>				-
1	Roof Above Stairwell	Asphalt in reasonable repair has possible 3-year life	6,500.00	100%	6,500.00
2	Roof Over 1st Floor Office	New asphalt roof, however roof structure has sagged due to aging therefore needs replacement	15,000.00	100%	15,000.00
3	Mew's Roof	In good order, however remedial repairs required	1,500.00	100%	1,500.00
4	Archive/Filing Room Roof	Needs complete overhaul and replacement flashings	3,500.00	100%	3,500.00

Written Answer to Question

Tuesday, July 26, 2005

<i>Floor or Room</i>	<i>Item</i>	<i>Description</i>	<i>£</i>	<i>% Works Completed</i>	<i>Valuation Total £</i>
<u>C</u>	<u>Top Floor</u>				-
1		Strip out	4,000.00	100%	4,000.00
2		Preparation and redecoration	7,000.00	100%	7,000.00
3		Electrical works	15,000.00	100%	15,000.00
4		Heating works	15,000.00	100%	15,000.00
5		W/C works	7,700.00	100%	7,700.00
6		Carpet	2,300.00	100%	2,300.00

Written Answer to Question

Tuesday, July 26, 2005

<i>Floor or Room</i>	<i>Item</i>	<i>Description</i>	<i>£</i>	<i>% Works Completed</i>	<i>Valuation Total £</i>
7		Light fittings	2,000.00	100%	2,000.00
8		Fire alarm works	3,000.00	100%	3,000.00
9		Ironmongery	1,000.00	100%	1,000.00
10		Plumbing works	6,000.00	100%	6,000.00
<u>D</u>	<u>3rd Floor</u>				-
1		Strip out	6,000.00	100%	6,000.00

Written Answer to Question

Tuesday, July 26, 2005

<i>Floor or Room</i>	<i>Item</i>	<i>Description</i>	<i>£</i>	<i>% Works Completed</i>	<i>Valuation Total £</i>
2		Preparation and redecoration	10,000.00	100%	10,000.00
3		Electrical works	15,000.00	100%	15,000.00
4		Heating works	15,000.00	100%	15,000.00
5	W/C Front	Renew bathroom suite complete, replace wall tiles, new extraction system, redecorations and floor coverings complete	2,500.00	100%	2,500.00
6	W/C Rear	Renew bathroom suite complete, replace wall tiles, new extraction system, redecorations and floor coverings complete	2,500.00	100%	2,500.00

*Written Answer to Question**Tuesday, July 26, 2005*

<i>Floor or Room</i>	<i>Item</i>	<i>Description</i>	<i>£</i>	<i>% Works Completed</i>	<i>Valuation Total £</i>
7		Carpet	3,000.00	100%	3,000.00
8		Light fittings	2,000.00	100%	2,000.00
9		Fire alarm works	3,000.00	100%	3,000.00
10		Ironmongery	1,000.00	100%	1,000.00
11		Plumbing works	6,000.00	100%	6,000.00

Written Answer to Question

Tuesday, July 26, 2005

<i>Floor or Room</i>	<i>Item</i>	<i>Description</i>	<i>£</i>	<i>% Works Completed</i>	<i>Valuation Total £</i>
<u>E</u>	<u>Internal Staircases</u>				-
1	Main Staircase	Replace carpets and redecoration after installation of new heating and electrical system	12,500.00	100%	12,500.00
2	Main Secondary Staircase	Complete redecoration and new carpet	7,000.00	100%	7,000.00
3	4th Floor to 2nd Floor	Complete redecoration and new floor covering	4,500.00	100%	4,500.00
<u>F</u>	<u>2nd Floor</u>				-
1	High Commissioner's Office	Overhaul windows, investigate structural cracking and repair, install 6 no. double socket outlets, redecorate, carpets	15,000.00	100%	15,000.00
2	Secretary's Office	Overhaul windows, repair water damage, install 4.No double socket outlets, redecorate	4,000.00	100%	4,000.00

Written Answer to Question

Tuesday, July 26, 2005

<i>Floor or Room</i>	<i>Item</i>	<i>Description</i>	<i>£</i>	<i>% Works Completed</i>	<i>Valuation Total £</i>
3	Front W/C	Renew bathroom suite complete, replace wall tiles, new extraction system, redecorations and floor coverings complete	2,500.00	100%	2,500.00
4	Rear Office	Overhaul windows, install 6.No double socket outlets, replace wall coverings and carpets	5,300.00	100%	5,300.00
<u>G</u>	<u>1st Floor Office</u>				-
1	Ballroom	Overhaul doors and French doors, replaster ceilings, rebuilding skirtings and redecorations after installation of new heating and electrical system	5,000.00	100%	5,000.00
2	Rear Male W/C	Renew bathroom suite complete, replace wall tiles, new extraction system, redecorations and floor coverings complete	2,500.00	100%	2,500.00
3	Rear Female W/C	Renew bathroom suite complete, replace wall tiles, new extraction system, redecorations and floor coverings complete	2,500.00	100%	2,500.00

Written Answer to Question

Tuesday, July 26, 2005

<i>Floor or Room</i>	<i>Item</i>	<i>Description</i>	<i>£</i>	<i>% Works Completed</i>	<i>Valuation Total £</i>
4	Rear Office	Replace sash windows, repair water damage, install 6.No double socket outlets, redecorate and carpets (note credit for carpet £688.00)	6,112.00	100%	6,112.00
<u>H</u>	<u>Ground Floor</u>				-
1	Front Reception	Overhaul windows, repair water damage ceiling and walls, complete redecoration	5,842.00	100%	5,842.00
2	Entrance Lobby	Redecoration after installation of new heating and electrical system	1,584.00	100%	1,584.00
3	Ground Floor Reception	Redecoration after installation of new heating and electrical system	3,286.00	100%	3,286.00

Written Answer to Question

Tuesday, July 26, 2005

<i>Floor or Room</i>	<i>Item</i>	<i>Description</i>	<i>£</i>	<i>% Works Completed</i>	<i>Valuation Total £</i>
5	Ground Floor w/C By Lift	Renew bathroom suite complete, replace wall tiles, new extraction system, redecorations and floor coverings complete	2,500.00	100%	2,500.00
6	Rear Office	Replace sash windows, repair water damage, install 6.No double socket outlets, redecorate.	5,890.00	100%	5,890.00
I	<u>Basement</u>				-
1	Hall and Corridor	Damp works required and redecorate completely (note credit for £780.00)	10,720.00	100%	10,720.00
2	Front Left Hand Office	Overhaul windows, install 2.No double socket outlets, complete redecoration (note credit for carpet £464.00)	2,536.00	100%	2,536.00

Written Answer to Question

Tuesday, July 26, 2005

<i>Floor or Room</i>	<i>Item</i>	<i>Description</i>	<i>£</i>	<i>% Works Completed</i>	<i>Valuation Total £</i>
3	Front Right Hand Accounts Office and Store	Overhaul windows, install 6.No double socket outlets, complete redecoration (note credit for carpets £588.00)	3,112.00	100%	3,112.00
4	Front Vaults and Storage Areas	Waterproof tanking throughout, new lighting, overhaul existing doors and frames	15,000.00	100%	15,000.00
<u>J</u>	<u>Basement Centre Area</u>				-
1	File Store	Investigate damp and rectify, install 6.No double socket outlets, complete redecoration.	8,128.00	100%	8,128.00

Written Answer to Question

Tuesday, July 26, 2005

<i>Floor or Room</i>	<i>Item</i>	<i>Description</i>	<i>£</i>	<i>% Works Completed</i>	<i>Valuation Total £</i>
<u>K</u>	<u>Mew's Area</u>				-
1	Library	Investigate condition of library floor, overhaul windows, install 4.No double socket outlets, complete redecoration.	4,000.00	100%	4,000.00
2	Rear Office	Investigate condition of office floor, overhaul windows, install 4.No double socket outlets, complete redecoration.	3,100.00	100%	3,100.00
3	w/c	Renew bathroom suite complete, replace wall tiles, new extraction system, redecorations and floor coverings complete	3,000.00	100%	3,000.00
4	Front Office	Investigate condition of office floor, overhaul windows, install 4.No double socket outlets, complete redecoration.	2,150.00	100%	2,150.00
5	Kitchen	Replace whole kitchen, complete redecoration and floor covering	5,000.00	100%	5,000.00
6	Garage	Repair water damage and redecorate	3,000.00	100%	3,000.00

Written Answer to Question

Tuesday, July 26, 2005

<i>Floor or Room</i>	<i>Item</i>	<i>Description</i>	<i>£</i>	<i>% Works Completed</i>	<i>Valuation Total £</i>
<u>L</u>	<u>General Items Throughout</u>				-
1	Fire Alarm	Upgrade, extend and replace complete system	14,000.00	100%	14,000.00
2	Light Fittings	Replace all light fittings throughout building	6,000.00	100%	6,000.00
3	Ironmongery	Replace, renew, overhaul where necessary throughout building	4,000.00	100%	4,000.00
4	Heating System	Beyond repair, therefore needs complete replacement	55,000.00	100%	55,000.00
5	Rotted Windows	Top floor front dormer window frames are beyond repair and therefore need complete replacement	2,500.00	100%	2,500.00
6	Plumbing Works	Beyond repair, therefore needs complete replacement	26,000.00	100%	26,000.00

Written Answer to Question

Tuesday, July 26, 2005

<i>Floor or Room</i>	<i>Item</i>	<i>Description</i>	<i>£</i>	<i>% Works Completed</i>	<i>Valuation Total £</i>
7	Electrical Works	Beyond repair, therefore needs complete replacement	45,000.00	100%	45,000.00
8	Investigation Works	Damp and dry rot inspection	1,500.00	100%	1,500.00
<u>M</u>	<u>Extra Over & Upgrade Items</u>				-
	<u>4th Floor</u>				
1		Replace dormers to top floor rear office	2,500.00	100%	2,500.00
2		Level all floors and ceilings	3,200.00	100%	3,200.00
3		Construct new cupboards to accommodate mini kitchens	2,500.00	100%	2,500.00

Written Answer to Question

Tuesday, July 26, 2005

<i>Floor or Room</i>	<i>Item</i>	<i>Description</i>	<i>£</i>	<i>% Works Completed</i>	<i>Valuation Total £</i>
4		Renew sections of rotted structural roof timbers	1,200.00	100%	1,200.00
5		Total replacement to ceilings and walls	5,400.00	100%	5,400.00
6		Complete replacement to ceilings and walls	3,640.00	100%	3,640.00
7		New cornices	2,600.00	100%	2,600.00
8		Replacement ceiling to inner stairwell	2,000.00	100%	2,000.00
9		New vanity units	2,800.00	100%	2,800.00

Written Answer to Question

Tuesday, July 26, 2005

<i>Floor or Room</i>	<i>Item</i>	<i>Description</i>	<i>£</i>	<i>% Works Completed</i>	<i>Valuation Total £</i>
10		Reconfigure 4th floor bathroom	2,500.00	100%	2,500.00
11		4 no. wastes to bathrooms	550.00	100%	550.00
12		Install data cabling	3,680.00	100%	3,680.00
13		Upgrade cat 2 lighting to recess light fittings + additional 232.No spotlights.	6,960.00	100%	6,960.00
14		Additional 23.No wall and 30.No floor sockets six compartments.	4,500.00	100%	4,500.00
15		Carpets	11,400.00	100%	11,400.00

Written Answer to Question

Tuesday, July 26, 2005

<i>Floor or Room</i>	<i>Item</i>	<i>Description</i>	<i>£</i>	<i>% Works Completed</i>	<i>Valuation Total £</i>
16		Tiling	3,640.00	100%	3,640.00
17		Boarders	1,440.00	100%	1,440.00
18		Ironmongery	2,000.00	100%	2,000.00
19		Sanitaryware	1,200.00	100%	1,200.00
20		Scotch Guard	2,000.00	100%	2,000.00
21		Wastebins, toilet brush sets and towel dispensers	1,120.00	100%	1,120.00

Written Answer to Question

Tuesday, July 26, 2005

<i>Floor or Room</i>	<i>Item</i>	<i>Description</i>	<i>£</i>	<i>% Works Completed</i>	<i>Valuation Total £</i>
22		Finger plates	1,360.00	100%	1,360.00
23	<u>2nd Floor</u>	Strip out	2,500.00	100%	2,500.00
24		Replace ceilings complete to 3 no. offices retaining existing cornices	6,000.00	100%	6,000.00
25		Supply and install waste in bathroom floors	280.00	100%	280.00
26		Upgrade carpets to high quality Axminster	9,200.00	100%	9,200.00
27		Upgrade wall tiling plus chosen boarders to wall tiles	1,032.00	100%	1,032.00
28		Upgrade ironmongery	1,000.00	100%	1,000.00

Written Answer to Question

Tuesday, July 26, 2005

<i>Floor or Room</i>	<i>Item</i>	<i>Description</i>	<i>£</i>	<i>% Works Completed</i>	<i>Valuation Total £</i>
29		Upgrade sanitaryware from medium quality to Armitage Shanks quality	300.00	100%	300.00
30		Installation of air conditioning units to office area	19,545.00	100%	19,545.00
31	High Commissioner's Office	New bathroom and kitchen layout	7,000.00	100%	7,000.00
32		Uplift existing floor to the High Commissioner's office, bathroom and kitchen and also Secretary's office and fit new floor boarding	4,180.00	100%	4,180.00
33		Supply and fix ornamental marble fireplace to High Commissioner's office	6,000.00	100%	6,000.00

Written Answer to Question

Tuesday, July 26, 2005

<i>Floor or Room</i>	<i>Item</i>	<i>Description</i>	<i>£</i>	<i>% Works Completed</i>	<i>Valuation Total £</i>
34		Supply and install WT500 ariel cable	600.00	100%	600.00
35		Suspend ceiling to High Commissioner's office	2,800.00	100%	2,800.00
36	High Commissioner's Secretary's office	Re-align door frames	410.00	100%	410.00
37		Reinforce and splice defective structural timber member	320.00	100%	320.00
38		Supply, fix and realign complete floor to rear office	2,800.00	100%	2,800.00
39		Supply and fix additional air conditioning units to High Commissioner's kitchen/bathroom area	Free of charge	0%	-
40		Block to door rear office and form coffered ceiling to same office	720.00	100%	720.00

Written Answer to Question

Tuesday, July 26, 2005

<i>Floor or Room</i>	<i>Item</i>	<i>Description</i>	<i>£</i>	<i>% Works Completed</i>	<i>Valuation Total £</i>
41		Install bathroom waste on second floor	280.00	100%	280.00
	<u>1st Floor</u>				
42	Male w/c	Completely replaster	750.00	100%	750.00
43	Rear Office	New floor	2,860.00	100%	2,860.00
44	Conference Room	Additional plastering	900.00	100%	900.00
45		Bathroom tiling	2,426.00	100%	2,426.00

Written Answer to Question

Tuesday, July 26, 2005

<i>Floor or Room</i>	<i>Item</i>	<i>Description</i>	<i>£</i>	<i>% Works Completed</i>	<i>Valuation Total £</i>
46		Sanitaryware	600.00	100%	600.00
47		Ironmongery	1,000.00	100%	1,000.00
48		Waste to bathrooms	560.00	100%	560.00
49		New ceilings and replacement of substantial defective plaster to wall areas	4,800.00	100%	4,800.00
50		Cornices	1,800.00	100%	1,800.00
51		Finger plates and sundries to bathrooms	1,560.00	100%	1,560.00

Written Answer to Question

Tuesday, July 26, 2005

<i>Floor or Room</i>	<i>Item</i>	<i>Description</i>	<i>£</i>	<i>% Works Completed</i>	<i>Valuation Total £</i>
52		Renew hardwood floor to Ballroom with new solid teak woodblock flooring	18,870.00	100%	18,870.00
53	Ballroom	Uplift defective flooring and de-nail floor ready to receive new flooring	4,800.00	100%	4,800.00
54		Teak hardwood to rear office	9,000.00	100%	9,000.00
55		Re-wire chandelier in Ballroom	2,000.00	100%	2,000.00
56	<u>Ground Floor</u>	Ironmongery	1,000.00	100%	1,000.00
57		Waste to bathroom	560.00	100%	560.00
58		Uplift defective flooring and de-nail floor ready to receive new flooring	2,800.00	100%	2,800.00

Written Answer to Question

Tuesday, July 26, 2005

<i>Floor or Room</i>	<i>Item</i>	<i>Description</i>	<i>£</i>	<i>% Works Completed</i>	<i>Valuation Total £</i>
59		New ceilings and replacement of substantial defective plaster to wall areas to Passport Room	4,650.00	100%	4,650.00
60		Upgrade toilet next to lift with upgrade wall tiling plus chosen boarders and sanitaryware from medium quality to Armitage shanks quality	1,332.00	100%	1,332.00
60	Corridor and photocopy area	Carry out re-configuration and upgrade	6,800.00	100%	6,800.00
61		Cornices	2,310.00	100%	2,310.00
62		Supply and fix finger plates and sundries to bathrooms	1,000.00	100%	1,000.00
63		Uplift existing timber floor covering and supply and lay marble tiles on plywood sheets on flexible marble adhesive.	4,863.00	100%	4,863.00

Written Answer to Question

Tuesday, July 26, 2005

<i>Floor or Room</i>	<i>Item</i>	<i>Description</i>	<i>£</i>	<i>% Works Completed</i>	<i>Valuation Total £</i>
64		Supply and fit non-slip tiles to walkway connecting main building to Mews	4,100.00	100%	4,100.00
65					
	<u>Basement</u>				
66		Ironmongery	1,000.00	100%	1,000.00
67		Waste to bathrooms	560.00	100%	560.00
68		New ceilings to front left hand office	2,230.00	100%	2,230.00
69		Cornices	1,500.00	100%	1,500.00

Written Answer to Question

Tuesday, July 26, 2005

<i>Floor or Room</i>	<i>Item</i>	<i>Description</i>	<i>£</i>	<i>% Works Completed</i>	<i>Valuation Total £</i>
70		Supply and fix finger plates and sundries to bathrooms	680.00	100%	680.00
71		Uplift defective flooring.	3,500.00	100%	3,500.00
72		Upgrade light well with new sky light	7,400.00	100%	7,400.00
	<u>Mews Building</u>				
73		Tiles	2,540.00	100%	2,540.00
74		Sanitaryware	600.00	100%	600.00

Written Answer to Question

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<i>Floor or Room</i>	<i>Item</i>	<i>Description</i>	<i>£</i>	<i>% Works Completed</i>	<i>Valuation Total £</i>
75		Ironmongery	1,000.00	100%	1,000.00
76		Waste to bathroom	280.00	100%	280.00
77		Cornices	810.00	100%	810.00
78		New heating system and plumbing	3,500.00	100%	3,500.00
79		Supply and fix finger plates and sundries to bathrooms	680.00	100%	680.00
80		Reinforce floor to Mews to accommodate additional loading of Library	3,980.00	100%	3,980.00

Written Answer to Question

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<i>Floor or Room</i>	<i>Item</i>	<i>Description</i>	<i>£</i>	<i>% Works Completed</i>	<i>Valuation Total £</i>
81	1st Floor	Renew asphalt to front and rear first floor balconies	4,800.00	100%	4,800.00
82	Basement	Renew roof covering to roofs inside the inner light well and rear bay	7,500.00	100%	7,500.00
83	Main Staircase	Upgrade carpets to higher quality as per 3rd and 4th floor including Scotch Guard coating	4,500.00	100%	4,500.00
84	<u>Rear Courtyard Area</u>	Renew 2 no. rainwater pipes to rear of building in inner lightwell	2,308.00	100%	2,308.00
85		Wastebins, toilet brush sets and towel dispensers	2,308.00	100%	2,308.00
86	<u>General Items</u>	Upgrade radiator to skirting radiators to whole of first and second floor offices and ground floor passport reception	24,750.00	100%	24,750.00

Written Answer to Question

Tuesday, July 26, 2005

<i>Floor or Room</i>	<i>Item</i>	<i>Description</i>	<i>£</i>	<i>% Works Completed</i>	<i>Valuation Total £</i>
87		Upgrade to back staircase	2,800.00	100%	2,800.00
88	<u>1st Floor</u>	Supply and fix Palladium tiles to front balcony	1,040.00	100%	1,040.00
89	<u>Basement</u>	Remove vault doors, build in lintels and form new openings for installation of new safe doors.	2,800.00	100%	2,800.00
90	<u>4th Floor</u>	Supply and fix window blinds to 4th Floor.	1,100.00	100%	1,100.00
91		Construct new duct insulated board to external pipework.	2,400.00	100%	2,400.00

Written Answer to Question

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<i>Floor or Room</i>	<i>Item</i>	<i>Description</i>	<i>£</i>	<i>% Works Completed</i>	<i>Valuation Total £</i>
92		Sundry Data	8,250.00	100%	8,250.00
93		External decoration works to front and inner light well including repair work.	6,800.00	100%	6,800.00
94		Renew w/c, fit new sluice sink, replaster and re-tile all walls, replace window, all to mews garage w/c.	2,800.00	100%	2,800.00
95		Asphalt mews flat roof.	860.00	100%	860.00
96		Supply and fix Palladium tiles to same.	380.00	100%	380.00
97		Supply and fix new steel lined door frame to rear mews entrance.	860.00	100%	860.00

Written Answer to Question

Tuesday, July 26, 2005

<i>Floor or Room</i>	<i>Item</i>	<i>Description</i>	<i>£</i>	<i>% Works Completed</i>	<i>Valuation Total £</i>
98	<u>1st Floor</u>	Supply and fix Palladium tiles to rear balcony	870.00	100%	870.00
99	<u>Registry</u>	Extend glazed partition in file room to full height.	480.00	100%	480.00
100		Supply and fix new steel lined door to court yard.	650.00	100%	650.00
101		Replaster walls, screed floor and decorate 2.No bank vault rooms to include the removal of filing cabinets and files reinstating same upon completion.	1,500.00	100%	1,500.00

Written Answer to Question

Tuesday, July 26, 2005

<i>Floor or Room</i>	<i>Item</i>	<i>Description</i>	<i>£</i>	<i>% Works Completed</i>	<i>Valuation Total £</i>
102		Additional tiling to Refectory	870.00	100%	870.00
103		Emergency lighting throughout main building	4,880.00	100%	4,880.00
104		Uplift passport reception and lobby marble tiles and supply and lay replacement marble tiles on "Ditra" matting on flexible marble adhesive to include all previous areas as instructed by The High Commissioner (note credit £780.00 passport)	10,535.00	100%	10,535.00
105		Fire alarm and Emergency lighting throughout mews building	3,100.00	100%	3,100.00
106		Re-wire mews building throughout	4,360.00	100%	4,360.00

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<i>Floor or Room</i>	<i>Item</i>	<i>Description</i>	<i>£</i>	<i>% Works Completed</i>	<i>Valuation Total £</i>
107		Contract Administrator's Instruction No.14 (Basement Kitchen) issued by Mr Krishna Ragbir.	18,280.00	100%	18,280.00
108		Contract Administrator's Instruction No.15 (Basement Male WC) issued by Mr Ricardo Cummings.	6,210.00	100%	6,210.00
109		Contract Administrator's Instruction No.16 (Ground Floor New General w/c Leading to Mews) issued by Mr Ricardo Cummings.	12,010.00	100%	12,010.00
110		Contract Administrator's Instruction No.17 (Basement Ladies w/c) issued by Mr Ricardo Cummings.	11,016.00	100%	11,016.00
111		Contract Administrator's Instruction No.18 (Basement Lunch Room/Refectory Work) issued by Mr Ricardo Cummings.	7,940.00	100%	7,940.00

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112		Supply and lay laminate flooring to Passport.	2,184.00	100%	2,184.00
113		Supply and lay laminate flooring to Accounts Room, Immigration Room and Registry	6,750.00	100%	6,750.00
114	<u>Mews Flat</u>	Supply and lay laminate flooring to mews (note credit Library £1,200.00)	4,180.00	100%	4,180.00
115	<u>General</u>	Storage and transportation of all office furniture	1,500.00	100%	1,500.00
116	<u>General</u>	Carry out of cleaning and the relocation of existing office furniture at various times	4,300.00	100%	4,300.00
117	<u>Ground Floor</u>	Revised cost to supply & lay marble tiles to Administration Office	9,642.00	100%	9,642.00

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118	<u>Basement</u>	Upgrade tiling to Lunch Room	1,500.00	100%	1,500.00
119	<u>Registry</u>	New lino to file store and supply and construct new desks and shelves	1,950.00	100%	1,950.00
120	<u>General</u>	Hang stored pictures and lights throughout	500.00	100%	500.00
121	<u>Basement</u>	New vinyl floor coverings to vaults	850.00	100%	850.00
122	<u>Basement</u>	New vinly floor coverings to telecom room	650.00	100%	650.00
123	<u>Basement, Ground & First floors</u>	Ventilation to boiler and to construct timber casings	1,230.00	100%	1,230.00

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<i>Floor or Room</i>	<i>Item</i>	<i>Description</i>	<i>£</i>	<i>% Works Completed</i>	<i>Valuation Total £</i>
124	<u>Mews Flat</u>	Alterations to kitchen forming office	1,210.00	100%	1,210.00
125	<u>Basement</u>	Supply and construct boxing in areas in basement corridor, immigration and accounts	820.00	100%	820.00
126		Supply and lay granite floor tiles as per samples supplied to basement corridor.	7,310.00	100%	7,310.00
127		Supply and fix 3 no. air hand dryers to ground floor toilets	1,221.00	100%	1,221.00
128		Supply and lay heavy duty contract carpet to Mews Library including underlay and boarding of existing floor	1,810.00	100%	1,810.00
129		Supply and install new double garage roller shutter doors to rear mews to include remote control combined with punch pad entry system	11,100.00	100%	11,100.00

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<i>Floor or Room</i>	<i>Item</i>	<i>Description</i>	<i>£</i>	<i>% Works Completed</i>	<i>Valuation Total £</i>
130		Air conditioning to Mews	16,500.00	100%	16,500.00
131		Supply and fix water filters	930.00	100%	930.00
132		Supply and fix water softener in Mews	780.00	100%	780.00
133		Supply and fix water softener in Main Building	2,300.00	100%	2,300.00
134		Power to lift	1,825.00	100%	1,825.00
135		Supply and install data to Mews	1,800.00	0%	-

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136		Replastering administration office	1,580.00	100%	1,580.00
137		Supply and fix 3 no. hand dryers	1,221.00	100%	1,221.00
138		Supply and fix hand rails to Mews	350.00	100%	350.00
139		Unload containers to first floor	2,800.00	100%	2,800.00
140		Supply and fix marble entrance features	1,650.00	0%	-
141		Replastering in Mews Building	2,550.00	100%	2,550.00

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<i>Floor or Room</i>	<i>Item</i>	<i>Description</i>	<i>£</i>	<i>% Works Completed</i>	<i>Valuation Total £</i>
142		Remove galvanised tanks	250.00	100%	250.00
143		Formulate CAD drawings	<u>3,000.00</u>	100%	<u>3,000.00</u>
		SUB TOTAL : £	1,043,350.00		1,039,900.00
	<u>LESS PREVIOUS PAYMENTS £</u>				1,002,409.50
					37,490.50
		Plus Vat at 17.5%: £	<u>182,586.25</u>		<u>6,560.84</u>

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<i>Floor or Room</i>	<i>Item</i>	<i>Description</i>	<i>£</i>	<i>% Works Completed</i>	<i>Valuation Total £</i>
		Total Contract Value: £	<u>1,225,936.25</u>		
		<u>Total For Valuation No. 7: £</u>			<u>44,051.34</u>