

THE
PARLIAMENTARY DEBATES
OFFICIAL REPORT

IN THE FIRST SESSION OF THE NINTH PARLIAMENT OF THE REPUBLIC OF TRINIDAD
AND TOBAGO WHICH OPENED ON DECEMBER 17, 2007

SESSION 2007—2008

VOLUME 6

SENATE

Wednesday, November 05, 2008

The Senate met at 1.30 p.m.

PRAVERS

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

PAPER LAID

Excise Duty (Compressed Natural Gas) Order, 2008. [*The Minister in the Ministry of Finance (Sen. The Hon. Mariano Browne)*]

**EQUAL OPPORTUNITY LEGISLATION
(OPERATIONALIZATION OF)**

[Third Day]

Order read for resuming adjourned debate on question [June 23, 2008]:

Be it resolved that the Senate call on the Government to take immediate steps to have the Equal Opportunity Legislation fully effected, implemented and operationalized in the Republic of Trinidad and Tobago. [*Sen. W. Mark*]

Question again proposed.

Mr. Vice-President: A list of the persons who spoke on Monday, June 23, 2008: The mover of the Motion, Sen. Wade Mark, Sen. Dana Seetahal SC, Sen. The Hon. Bridgid Annisette-George, Sen. Ryan Spicer, Sen. June Melville, and Sen. Mohammed Faisal Rahman. On Tuesday, July 22, 2008: Sen. Basharat Ali, Sen. Dr. Emily Dick-Forde, Sen. Cindy Devika Sharma, Sen. Dr. Rolph Balgobin, Sen. Afifah Mohammed, Sen. Laurel Lezama, and Sen. Dr. Jennifer Kernahan.

Sen. Helen Drayton: Thank you, Mr. Vice-President. The Motion before us calls on the Government to take immediate steps to have the Equal Opportunity legislation fully effected. It was not my intention to speak on this matter, because

Equal Opportunity Legislation
[SEN. DRAYTON]

Wednesday, November 05, 2008

I believe it is now a moot point. However, given the views expressed on a number of matters that are of concern to the public, and major issues with respect to primary health care, I was motivated to revisit my decision to speak. Let me therefore try and anchor this contribution on the very title of the Equal Opportunity Act, No. 69 of 2000:

"An Act to prohibit certain kinds of discrimination, to promote equality of opportunity between persons of different status, to establish an Equal Opportunity Commission and an Equal Opportunity Tribunal and for matters connected therewith."

Now the phrase that jumped out at me at this time is the phrase that states: "to promote equality of opportunity between persons of different status".

Mr. Vice-President, equal opportunity is associated with universal access by all people to a service from which they can benefit regardless of social class, ethnicity, gender, background or physical disabilities. Now, how profoundly the world witnessed what can result from equal opportunity, as we did in the early hours of this morning. [*Desk thumping*] Universal access is a goal that embraces many things including access to health care, education, potable water, transportation, and it is a concept that is strongly tied to basic human rights.

Therefore, while to my mind this specific Motion no longer has relevance in that the legislation has been proclaimed, a commission has been appointed, there is need for the commission to ensure that it is equipped to expedite the range of matters that are likely to come before it and they should do so with a degree of urgency.

When we consider that the difference between one child dying of a serious illness because the parents do not have the means to pay for medical attention, and another child who has the opportunity to enjoy life because the parents have the means to do so, is this not a matter of inequality of opportunity and access to services that warrants attention? The dimension here is definitely a socio-economic class structure.

Let me turn to the most recent case of the death of an infant. Objectively, rationally, leaving aside all emotion, it is not reasonable to expect that the Government, if even an appropriate fund was in operation, should underwrite the full cost or part thereof, of every child and every citizen needing complex surgery, which is not available here, especially outside of a proper mechanism that is very transparent. If it did that it would face untold consequences, including that of accusations of discrimination and favouritism, when faced the following day with

a flood of applications from every parent of every very sick child who requires medical attention abroad and I wish to alert this honourable Senate that there are quite a number of them, probably in the hundreds, and I will refer to it a little later.

Now, speaking generally and with no reference to any specific case, by any socio-economic standard, major surgery is an expensive item, and while we should not attempt to evaluate life in terms of money, it is true that in very complex and high-risk situations, no amount of money or human intervention can save that life. It is however, the measure of the humanitarian effort; it is the measure of all the actions that we take to safeguard the precious lives of our children.

While the response given to the media by the Minister of Health was certainly not prudent, as responsible citizens, we need to begin to think more critically about matters in the public domain; we need to go beneath the surface and take care to avoid jumping on a bandwagon especially with respect to sensitive and emotive issues. For those who wish to use the death of a child to score points for political reasons, I say shame on them. [*Desk thumping*]

From a governance perspective, it is not how much money the Government should give to persons needing specialized medical attention that is not available here, rather it is the principle of what constitutes adequate primary health care or the lack thereof, for which a government can be justly held accountable. On the matter of equal opportunity, while it is not prudent to link such situations with discrimination on the grounds of economic class, it is in the very context of the meaning of the word, very unfair, very unjust and very inequitable.

Access to primary health care is a basic human right associated with the equality of opportunity and therefore, I urge the Government, through its Ministry of Health, to give priority to the appointment of a committee or partnership with an existing body made up of experienced health professionals in pediatric care and other professionals as appropriate.

This committee will manage a special fund to facilitate the needs of sick children requiring medical attention that is not available here. I refer here to life threatening conditions. This Committee would have a transparent policy and would establish and maintain relationships with foreign medical institutions and key practitioners to obtain specialized services at reduced cost. There is no need to reinvent the wheel, such a committee with nearly three decades of experience exists.

The second thing I call upon the Government to look at very seriously is to establish a health service for diagnosing and treating infants and children with

health problems that can cause learning and developmental delays. Here again, an infrastructure comprising health professionals, both local and foreign, private sector resources, civil society and other social sector representatives exists.

We are knocking on doors to implement the collaborative child development programme, which seeks to provide a comprehensive framework of health service provision, within which all infants and children at risk for development delays will be identified and provided with access to early services in accordance with the goals and targets established at the World Health Summit on Children and the Convention on the Rights of the Child.

Through this programme, there will be early detection of learning of other disabilities, allowing the children to receive appropriate medical attention and other support with the attendant parent education and capacity building of communities and families.

This I submit, Mr. Vice-President, is one viable way of shutting down the engine room that manufactures gangs. For when you put on the broiler, poverty, drug babies, we do not take into consideration that many of these youth running around with guns were children of drug addicts; therefore, they were born with many disabilities, in trauma. They did not have any equal opportunity, any access to the type of services that they required. When you add that to the children with physical and emotional development problems, poor parenting, illiteracy and much more, you get dysfunctional groups and dysfunctional communities.

Mr. Vice-President, it is very necessary that I declare my involvement in both of the committees I speak about. For close to two decades I have been involved with the Community Chest; I sit on their council. This is a charitable organization that has been instrumental in saving the lives of children born with congenital heart disease, and their only hope for survival was emergency surgery, which could not be done here.

1.45 p.m.

I am pleased to say that we have saved over 300 such lives and we are also proud of the record, in that over the past two and a half decades we only lost two. We were instrumental in the quest to have pediatric open surgery done here and over the years we raised millions in donations from generous citizens. We brought in specialist doctors to work with our people when the skills were not available and we also sent children overseas. All of us involved, we are very proud of the fact that these children, quite a number of them are today adults with their own children.

Now, we are made up of a team of dedicated professionals, pediatric specialists, social workers and private sector representatives. It is not an easy matter and this is why when I hear about groups and individuals raising funds who do not understand the full implications of what they are doing—In addition to the cost of hospitalization and surgery we have to find funds for air travel for the child, for a parent or a guardian, we have to arrange visas, we have to find suitable clothing and all the other necessary things that we take for granted.

We ensure that the patients and the guardians are properly prepared, there are lots of basic counselling that we must do and we have been able to arrange fixed fees for each patient receiving medical attention abroad regardless of complications and length of stay. Fund raising programmes consist of deeds of covenants, public donations, and for surgery that is done locally, we used to obtain medical aid from the committee of the Government medical aid committee. So through you, Mr. Vice-President, I want to beseech the Minister of Health, I want to beseech the Minister of Finance and all the Ministers—many people know me in Trinidad as the chief beggar—that we have not received our funds for the past two years, we have children that we need to send abroad, we need our funds and I would ask that today or tomorrow you track where those funds are and ensure that Community Chest receives its cheque.

Now, if the Government is serious about a partnership and cooperation—and I see you have been speaking to the media in this regard—I invite you to come on board as a full partner. I want to say that as council members we do not charge a penny for our services, we do not charge any administrative cost to the fund, we bear that ourselves. It is purely a humanitarian effort. We have no time for bureaucracy, we have no time for red tape, we have no time for politics and will not be predisposed in any way to anyone who we feel or who we perceive has a political agenda because that has no place when you are saving lives of children. [*Desk thumping*]

We identify the most urgent cases and we give priority to these in the use of funds. A special medical team assesses the children based on the extent of their illness, their prospects for survival and other critical factors and these are sent abroad. We have an excellent record of accountability, our income and expenditure is looked after and we publish audited accounts.

With respect to equality of opportunity, the decision to send a child abroad for life-saving surgery is a very sensitive and highly emotional one. The rank and file population may not appreciate decisions taken one way or another, especially the parents of very sick children. So let me caution, that if even the Government

heeds the call for such a fund or a partnership, the public should not have an expectation that every application will be successful. Why? Because a properly run system utilizing public funds will ensure that priority is always given to the largest number of sick children with the best chances of survival. It is cold, it is clinical, those are the facts and it happens everywhere else. Now, no parent or relative of a dying child will accept that, but that is the best way as well that one could ensure in a very transparent mechanism that there is accountability and one could answer for what they do.

At Community Chest we are accountable for public funds, those are the funds that we raise from citizens, corporate and individuals, and we know that \$1.5 million to \$2 million can be stretched a long way. With that sum we can save the lives of 15 to 20 of the approximately 50 seriously ill children, infants born with congenital heart disease every year. That is 15 to 20 and that is what the funds would do. Sometimes you have to balance \$1.5 million or \$2 million with one child vis-à-vis 15 children.

Therefore, I suggest that the Government seek the assistance of the medical practitioners and other civil sector representatives with the experience in operating an emergency health fund. We are eager for a full partnership.

Let me also say that whereas the hospitals abroad and the specialists who came down here, as well as multilateral agencies, 25 years ago when we started Community Chest, were predisposed to giving very favourable rates and sometimes doing the surgery free of charge, today Trinidad and Tobago in the eyes of the world, in the eyes of those hospitals and multilateral agencies, is not seen Trinidad and Tobago as a financial basket case. So therefore, they give preference to the children of those countries that they would deem to be what you call, really Third World. They do not see Trinidad and Tobago as Third World. They see us as an emerging market and that is why we want a full partnership with the Government. I know that sometimes partnership with the Government comes down to money but it is more than money because we are giving the skills, we are giving a track record, we are giving accountability and we are saving lives. What we want from the Government is money and we need it now.

I have no doubt that the equal opportunity commission will soon find itself dealing with submissions from citizens who believe that their child died because the health system automatically discriminated against them because they could

not afford to pay for a particular health service. Whether such a situation has merit or not in the context of the particular legislation is beside the point because there is also a moral dimension.

Mr. Vice-President, I thank you for the opportunity to make this particular contribution. The specific Motion, I do not think it is any longer relevant, but I do urge that the commission get on with its business as expeditiously as possible.

Thank you.

The Minister of State in the Ministry of Planning, Housing and the Environment (Sen. The Hon. Tina Gronlund-Nunez): Mr. Vice-President, let me start by thanking you for this opportunity to contribute to this Motion before us here this afternoon, especially today when it is less than 24 hours after the election of the President to be of the United States of America, Sen. Barack Obama from the windy city and the State of Illinois.

Taking this just past experience into consideration, a good friend of mine texted me a message this morning and if you give me the opportunity I would like to read these few words for the records, and it goes:

“Rosa Park sat, so Martin Luther King could walk, so Barack Obama could run and now Obama has run and won so our children could fly.” [*Desk thumping*]

Mr. Vice-President, those words as simple as they are, it takes me to my contribution on this Motion re the Equal Opportunity legislation before us today. Even going further to this past election that just took place, in viewing much coverage that was televised throughout our country based on this election process from a nation that has been considered by many the freest nation in the world, I could not help but realize how fortunate we are in this nation.

Among the many proposals that were being put forward by the future President of the United States, Sen. Obama, one of those was the implementation within the United States of early childhood schooling for citizens of that country and I could not help but think that we in Trinidad and Tobago have that here already. [*Desk thumping*] We have that in a way that it is universal throughout Trinidad and Tobago regardless of one’s gender, one’s creed, one’s society standing, financial status or race. Now, that is equal opportunity at work in this nation by this PNM Government. [*Desk thumping*]

Equal Opportunity Legislation
[SEN. THE HON. T. GRONLUND-NUNEZ]

Wednesday, November 05, 2008

I am sure that many of us viewed nightly and in some cases over the whole two-year period of this election process in the United States. I heard many on a platform in that foreign land speaking about university education; making it affordable for the youth within the United States, and once again, I could not help but realize that we have that here already. [*Desk thumping*] We have the GATE programme, we have now gone further to go to the level of PhDs in this country, and once again, I have to stress this, this is regardless of one's gender, one's creed, one's race, society standing; this is for all, equal opportunity that has never had to be legislated, it is in the process already in this country. [*Desk thumping*]

I also, while looking at this campaign, have shed a tear for the many families within the United States that during this financial turmoil I have watched and viewed where many are at that verge or have already lost their homes. All because of the high interest rates, et cetera, that is taking place within the American market. However, once again, I have to stress that we are very fortunate in this nation. Because through the HDC, the ministry that I am associated with, our housing programme offers 2 per cent and 6 per cent, something you would not find anywhere else, with no down payments in many cases to ensure that those in need can afford a roof over their heads. And this has nothing to do with creed, race, society standing; it is available to every citizen of this country, equal opportunity once again. [*Desk thumping*]

2.00 p.m.

Mr. Vice-President, I was even going to mention medical care. We heard that touted on many a platform and we all know we have families in the United States; we know how costly medical attention can be in that foreign land, the land that they call "the land of opportunity". We in this fortunate land of ours have free medical care and it is not limited to any creed or race; it is available to all. And just to show how much this Government cares about its people, we have invested approximately \$50 billion in this year's budget to ensure that health care can reach our population, to ensure that our people could have a safer, healthier tomorrow. Equal opportunity once again.

I can go on and on about comparing ourselves to this nation we tend to call "developed", where we are striving to reach that vision of one day becoming a First World status country. But I have to say this because I saw the many news programmes, CNN, MSNBC, many of the reporters boasting about their free and democratic process within the United States. I have to say this because the records go to show and to support it, that we in this twin-island republic, in our history,

we have always had free and democratic elections where every man and every woman, one man, one vote, have that ability regardless of creed, gender, race; the ability to go and demonstrate our freedom to vote for whom we so desire to govern us. This is something as a nation we should be proud about.

Mr. Vice-President, I would also like to recognize that today, if some do not recall, is November 05, 2008; it is actually one year since the people of this nation exercised that free ability to go and vote—[*Interruption*]

Sen. Mark: That is a big mistake.

Sen. The Hon. T. Gronlund-Nunez:—for the Government they so desire to govern, the People's National Movement. [*Desk thumping*] I know some of us have not gotten over that election as yet—and all of our blood is the same colour, Sen. Mark.

Sen. Rahman: What is the relevance of that with all the murders going on?

Sen. The Hon. T. Gronlund-Nunez: Mr. Vice-President, I even heard many other things over this US campaign that made me appreciate being a citizen and living in this nation. Last night I heard T.D. Jakes on MSNBC. I do not know how many of you saw that little part when he spoke about his grandfather who was killed for being a black man. In fact, his grandfather was wrapped in barbed wire and thrown into a river. Now, I doubt very much if anyone of us have an experience of any grandparent being exposed to a situation like that, just because of their skin colour. I do not think in many cases, we realize in this nation how fortunate we are.

In this country, the PNM government did away with the old railway tracks many years ago and so threw out that terminology that may have been used—they use it in the United States ‘on the wrong side of the tracks’. Equal opportunity is available to all, and no longer in this country does one's name, one's family ancestry limit one to excel. In this country, everyone and I repeat, everyone and their children have that ability to reach the stars.

Mr. Vice-President, distortion or distorted perceptions are encouraged and in most instances, is furthest from the reality. Today in Trinidad and Tobago, the reality is very clear; equal opportunity is alive and well, it does not have to be legislated because we live it every day. Opportunities are there for the old—and I think Sen. Rahman may agree; the young; the well-off and the not so well-off; the disabled and the not so disabled. Equal opportunity is there for the taking, even those who may be black, white, brown, yellow, or even purple, it is there.

Equal Opportunity Legislation
[SEN. THE HON. T. GRONLUND-NUNEZ]

Wednesday, November 05, 2008

In closing, Mr. Vice-President, I cannot understand why this Opposition continues to put all these spins and bring forward all of these Motions, wanting in this instance to implement what already exists in this country. So, therefore, I beseech those of the Opposition to stop wasting the Senate's time and let us get on with the people's business. [*Desk thumping*] So, therefore in closing, I cannot agree with this Motion because it is not required. We live in a free society in Trinidad and Tobago.

Thank you, Mr. Vice-President. [*Desk thumping*]

Sen. Dr Adesh Nanan: Thank you, Mr. Vice-President. As I enter this debate on this Private Member's Motion, I have to make a few comments.

Mr. Vice-President, there is a fundamental distinction between Barack Obama's victory and the PNM's victory. [*Desk thumping*] What Barack Obama achieved last night, was uniting the people. I do not know how many of you know that there are over 30 million black Afro-Americans in the population and over 135,000 million that are not Afro-Americans. So for that particular majority that we saw last night, you had to motivate across the entire spectrum of people in the United States, and Barack Obama was able to win the heart and soul of the Americans to give him that sense of belonging that is nonexistent in the PNM's programme. He brought about real change, not cosmetic change as we see under the PNM.

And as I open up with that particular line, I want to deal with that particular area of discrimination with respect to the housing policy of the Government. Several questions have been asked in this Chamber as well as in the other place, with respect to the allocation of houses. If there was transparency with respect to the Government, we would have had that information today. Why hide the information from the rest of the population with respect to the allocation of housing? What is there to hide? If there is justice as the speaker before me talked about, there is equal opportunity for all, why hide that information? Make it available because there are many people in this country who feel discriminated.

Mr. Vice-President, it is disturbing for another human being to be so insensitive to the plight of a child. A country that is preparing for two summits next year, spending between \$600 million to \$1 billion on two summits; a country that has spent over \$100 million in a hospital in Scarborough without a post hole and what is striking, is that the death of the child, baby Ramdial, it was not coming cap in hand to the Government. Reports are that they had already raised over \$700,000 for that particular liver transplant operation. So they made a

genuine attempt to save their baby and I find it very, very sad to hear what I heard this afternoon in this particular Chamber, with respect to that particular situation of that child.

We in the United National Congress-A condemn that particular statement with respect to that situation, with respect to baby Ramdial, because our policy would have ensured that that child would have been able to have that liver transplant. Mr. Vice-President, let us go into a little history—*[Interruption]*

Sen. Narace: Senator? Could you just tell us which policy you are referring to?

Sen. Dr. A. Nanan: Mr. Vice-President, I am shocked that the Minister of Health would ask me a question like that. That shows he has very little sympathy for that incident. I thought that he would have got up and apologized. *[Desk thumping]* We gave him that opportunity here—

Sen. Mark: Yes, apologize.

Sen. Dr. A. Nanan:—to apologize. You are talking about policy! That is the problem with that Government, there is no caring.

Sen. Mark: There is no caring, they are heartless.

Sen. Dr. A. Nanan: I gave way so that you would have the opportunity to give us some indication of your sympathy and apologize and what you would have done. You had an opportunity.

Sen. Narace: What is the policy?

Sen. Dr. A. Nanan: Mr. Vice-President, I will get to the answer later on in my contribution. *[Laughter]* I give you that assurance.

Sen. Dr. Saith: *[Inaudible]*

Sen. Dr. A. Nanan: No, I do not have to think on my feet. I want to remind this honourable Chamber and it was mentioned here this afternoon about universal access, and we heard about pre-schools, early childhood care and education centres and the speaker before me had to see it on American television to recall that is the situation here.

Mr. Vice-President, let us examine what had happened under the PNM administration. We are talking about an Equal Opportunity legislation, who originated this Equal Opportunity legislation? It was the visionary political leader and Prime Minister at the time, the hon. Basdeo Panday. Let us look at his vision

because that is important. When I did this research, I got the sense of how the country was supposed to be at this particular time, in 2008, and how backward we are under the PNM administration; and how far we would have been had the United National Congress been able to be in government today. Part of the programme, every citizen can make a contribution to our society and that they deserve a chance to play that part.

2.15 p.m.

Mr. Vice-President, that was one part of the vision. The other part of the vision went into a more detailed analysis; I want to go specifically to that area. This was the vision of the hon. Basdeo Panday, the former Prime Minister:

"We want the entire society to move progressively forward together as we compete as a nation for a meaningful place in the world."

We were working towards creating, sustaining and maintaining a buoyant economy, so that we would be able to quicken the pace of development, generate significant wealth for our population, improve the quality of life for all our citizens and deal purposefully with the issue of equity in our society.

Let us look at a current example, the situation in Santa Flora where we had the gas leak and the residents had to leave their homes. How is that situation different from the situation in Biche? Today, the children of Biche are deprived of a secondary education. The vision of moving everybody forward together was the reason all those secondary schools were constructed in rural communities, to give access to education wherever you were. Along came the PNM administration and closed the Biche High School. It has been a long period of time and they have not done anything to further the assistance of those children; that is discrimination to the highest level. *[Interruption]*

Sen. Enill: Mr. Vice-President, I thank the distinguished Senator for giving way. I am trying to understand what he is saying. As I understood the issue in Santa Flora, the event occurred in which we thought that there was a danger to citizens and we moved them out. In the case of the high school, as I understood it, in looking at where the school was constructed, it was built on a geological fault line and, therefore, had the potential— As I understand it, that is what came out of the discussion; that is what came out. So, in a sense, we are trying to protect people.

Sen. Dr. A. Nanan: There was a great amount of discussion with respect to that particular location. If you go into San Fernando in certain area you could see

oil seeping up from the ground; right around the country there is oil coming up from different parts. How could you make a statement that because of a geological fault line you closed down the school?

The reason I made reference to the Santa Flora issue was because it was a leakage of gas in that area; that was what the report said, and we are dealing with a so-called gas leak that the PNM found. The PNM said there was gas and they closed down the school. The point is, if you are dealing with equal opportunity, I just wanted to point to Santa Flora and Biche. The children are still deprived of secondary education from when that happened in 2001; it has been seven years.

Yesterday I spoke about how in 10 minutes the amount of jet fuel that we could save and the cost to the country of \$3 million. We are talking about a period of seven years that these children have been suffering. So to stand, Minister of Energy and Energy Industries and speak about natural gas and a geological fault line, I thought you would have had some sympathy for the children and say, "We are constructing a school." The children have been deprived of a secondary education.

I thought the Minister of Energy and Energy Industries in this debate would have stood here and said, "With all the revenues we have coming in from oil and gas, we will use some of it to help the children of Biche, to build that secondary school, because they have been deprived of secondary education."

Sen. Enill: You are not speaking the truth?

Sen. Dr. A. Nanan: Have you understood the situation with those children? They have to be transported to another school. Do you know the hardship? *[Interruption]*

Sen. Enill: I was born in Biche; I lived there.

Sen. Dr. A. Nanan: You have not been there recently; apparently you are still in your ivory tower somewhere. *[Crosstalk]* I will not carry on a debate on a one to one basis with the Minister of Energy and Energy Industries, because he is my friend. *[Laughter]*

Sen. Piggott: Because he is telling the truth! *[Crosstalk]*

Sen. Dr. A. Nanan: I will go to agriculture later; my time is limited. I want to deal with that issue, because I want to get it out of the way, because it is time that the children get their secondary school. *[Desk thumping]*

Sen. Rahman: Bottom line!

Sen. Dr. A. Nanan: Let us be factual. It was the visionary political leader who said that we must remove the Common Entrance Examination; discrimination of the highest level and it was under your administration. It was there from way back when to right through and you made no approach to remove it, to make it accessible to all students. I have the figures; over 29,000 students benefited from a secondary education under the visionary political leader and Prime Minister at that time, Mr. B. Panday. It was that vision that was going forward, not only in education, but in all various areas. I plead for the children of Biche to have a secondary education.

The vision even went further to say that secondary education would become compulsory; part of the whole process, let me remind you, in terms of access to education and the opening up of opportunities. In fact, I was so taken aback when I visited Mount St. Benedict. We had an opportunity to view their workshop and the kind of equipment they were using for woodwork; under the PNM administration that was happening there. There was no attempt to upgrade any facility there. [*Crosstalk*]

Sen. Rahman: Some are more equal than others!

Sen. Dr. A. Nanan: We looked at that particular situation and we assisted; that was how the National Energy Skills Centres became viable. We utilized those various areas and we provided that opportunity. That is what this thing is about, opening up opportunities. That St. Bede's Vocational Centre is now a thriving centre and people are benefiting; so it is opening up opportunities.

Let us recall that under the UNC we created four major institutes. We created the National Training Agency; the College of Science, Technology and Applied Arts of Trinidad and Tobago; the Trinidad and Tobago Institute of Technology and the National Energy Skills Centre. We were working towards creating, sustaining and managing a buoyant economy and building our skill levels.

When I also read this particular document and I saw this, I was totally taken aback:

"By the end of the decade or the next five years, Trinidad and Tobago can become the most desirable country in which to live and work in the entire Western Hemisphere."

Now, that is vision; not this Vision 2020 that you speak of, parroting from person to person. Imagine that! The reason that was going to happen, to make us highly

desirable in the Western Hemisphere, was that we would have retained our highly skilled human resources at home, and we would be able to retain and encourage quality investment and generate attractive high-paying jobs; it would have been a whole pyramidal effect taking place.

What has happened under the PNM administration? We have dropped 16 points on the United Nations index of the most favoured country in which to live; this is the situation. We were not going to stop with respect to Trinidad and Tobago alone, we were going to improve the flow of high end tourists to Trinidad and Tobago, diversifying the sector even more from oil and gas.

That vision for us to become the most desirable country in the Western Hemisphere has gone out the window. We are now ranked ninth in terms of homicidal countries in the global index; that is our achievement under the PNM administration.

Mr. Vice-President, in the area of education, as I am on that particular subject; I am dealing with education and skills at the same time. Sen. Dr. Saith, the vision continued to utilize our foreign embassies to gain economic value for Trinidad and Tobago by identifying trade investment and economic opportunity. We are dealing with the distribution of resources. So all that would have been increasing was our resources; and not only that, there was the legislative aspect that I want to go into. There was a National Skills Bill that was being promoted. This would have facilitated funding for workers wishing to improve their knowledge and skills in order to qualify for promotion and better jobs.

We went even further, we had not only a National Skills Bill, but we went further to promote a Fair Share Bill. That bill was to encourage more young people to venture into mainstream business. That Fair Share Bill would have been a mandate that a designated share of all Government purchases, capital projects included, would go to qualified small business. That was the vision of the hon. Basdeo Panday in terms of governance.

If you look at the behaviour of the Prime Minister lately, we have to condemn that behaviour. It is intimidatory; it is to drive fear in the population. The Prime Minister is using his office to intimidate radio announcers. It is a threat to freedom of speech as enshrined in our Constitution. [*Desk thumping*] We are having a Commonwealth Heads of Government Conference next year, and that is the attitude and behaviour of the Prime Minister. Not only are we going to have local press next year, we are going to have foreign journalists here. What is the Prime Minister going to do then? He might just chase everybody out.

I want to make reference to an article in the *Guardian* of Tuesday, November 04, 2008. It says:

"Uproar at Town Senior Comp"

This is a frightening situation, and it is happening under the PNM administration.

"Pandemonium broke out in the Princes Town Comprehensive School yesterday when teachers were forced to hide in the principal's office to escape a barrage of bottles, stones and pieces of wood.

A school source said teachers hid in the principal's office while the students rattled the doors and windows."

We are dealing with equal opportunity. Of course, the incident is being downplayed. If this situation continues, where is the equal opportunity? Children would be afraid to go to these secondary schools.

We have heard, from time to time, of the Government's intervention in terms of curbing indiscipline and violence; we have heard of statistics and been given figures of the decrease in the incidents of indiscipline and violence. We have to be serious in terms of equal opportunity and access.

2.30 p.m.

What is also interesting as the vision is rolled out, there is also a part in terms of community participation, and I want to draw an example of Laventille. Part of the plan was to use state lands on the foothills of the Northern Range for reforestation and agriculture and to use a new and innovative technology to preserve the environment; create employment with the community and reduce the cost of food, encouraging and fostering that kind of community spirit. There were other plans for that area. I just want to give an example of that particular situation there.

The vision was to promote social cohesion, to bridge the gap between the rich and the poor. We have heard in this debate already about empowering and protecting the rights of women: the Minimum Wage Act; the Domestic Violence Act; the Cohabitation and Relationships Act; the Maternity Protection Act and, of course, the Equal Opportunity Act; all legislation spawned in the bowels of the UNC administration.

It is shocking to know that we are the wealthiest country in the region and we have figures in terms of bed to population numbers, that are the lowest in the region. I have those figures but I would not give them here, but we are at

33:10,000 and all the other countries—Barbados—is ahead of us. So in terms of our health care, where is the opportunity? While people can have access to private health care, the poor still have to resort to the Government service and we have seen the kind of situation at our hospitals in terms of bed shortages.

What about electricity in homes in this country? From time to time there are reports of houses and people living in squalor. There is no electricity. Why should that be when we are the wealthiest in the region, and we continue to have a high influx of revenue based on our oil and gas reserves? It is not only in the field of education in terms of equal opportunity, but in health and we could compare and contrast both periods. If you compare the health sector under the PNM administration and the UNC administration, you would see a great difference in terms of our approach.

One area that I want to deal with is the area of sport, because we recognize that we could utilize sport in our schools and we could also utilize sport in terms of a profession and we were moving towards utilizing the area of sport to make that intervention in our various communities, especially for the youth. But what we see is, seven years later we are now seeing an allocation for the upgrade of the stadia. The stadia throughout Trinidad are in a state of disrepair, neglected by the PNM administration. I do not know if it was because it was constructed by the UNC that they have been left to deteriorate at such a rapid rate. Only when there is some new competition being promoted, we see an allocation for the upgrade of these stadia. But in terms of opportunity, we were giving that opportunity to the youth. That is why the stadia were supposed to be utilized on a daily basis. But there is no plan by the present administration for a proper sport programme for the utilization of these stadia that were constructed. That is in terms of sport and the use of sport to promote the citizens.

I have so much to say but I have such limited time. I just want to pick out my good points. I want to continue with the vision because it is important as the years roll by and to compare where we should have been in 2008 as compared to where we are now and the deprivation of opportunities across the board.

Let us look at the make-work programmes of the Government and the composition of these make-work programmes. Is it reflecting the ethnic diversity of our population? Several questions can be asked in that respect. But let us look at the other area in terms of education and educational opportunities. Let us look at the situation where children are deprived of secondary school teachers for almost a year in some cases, especially in major subjects like mathematics and

English. They have had no secondary school teachers in that particular area. That is an opportunity lost, because when they appear at the CXC examinations the failure rate will show—then there will be a situation where the CXC Mathematics and English passes are so low. But that is no fault of the students because they do not have the teaching that needs to be provided in these secondary schools. That is an area, again, that we need to look at in terms of equal opportunity. They are not getting an equal opportunity and the Government is not doing much in terms of providing that opportunity for these students.

We also went further under the Minister of Public Administration at the time, to give public servants the access to a computer loan, interest free, all with opening up that aspect to improve the ability in terms of information technology. Do you know what is striking? One would have thought that in two years all the primary and secondary schools and all community learning centres, would have had access to the Internet. That was another part of the vision. But today, we are in 2008 and that has not been realized, in terms of Internet connectivity. So where are we going? We have not given the opportunity that could have been available to our citizens with respect to that particular area.

In the area of tourism, we had opportunities for all in tourism. We have—under the PNM administration—missed the boat. There was a great opportunity for the tourism sector to become a fillip in terms of revenue and diversification. Almost in every budget debate you hear about the diversification possibilities of the various sectors, but we have missed the opportunity, and you know what is said about opportunity: it never comes back.

From time to time we continue to hear about arrivals increasing, but what about the destination itself? People would be coming into Trinidad and Tobago in terms of the destination, but how many would be returning? We have to look at that particular area in terms of our visitor arrivals and people who are coming back to the country. I am sure that the Minister of Tourism has several letters on his desk saying that, “because of this incident in Tobago or this other problem with crime in Tobago, we are not going to return.” Several letters have been written already and emails sent with respect to that situation in Tobago that is chasing away the arrival of tourists in Tobago.

That is why I said that they have missed that opportunity to actually utilize the tourism sector for diversification. Even in Trinidad, there is a great possibility in terms of ecotourism and ecotourism destinations. They had a blueprint. It is not that they did not have a blueprint. The blueprint is really the Tourism Development Act that was debated and passed in both Houses and that Act gives an opportunity

for investors to go into various sectors, not only in the hotel arena, but in terms of eco-lodges, mariners and all the various satellite areas from the hotel sector.

But to date, under the PNM administration very little investment is taking place in those areas. That Tourism Development Act can be utilized to propel that sector forward. But there is dormancy in that particular Ministry. All we see from that Ministry is just a beach cleanup here and a beach cleanup there. But there is much more in terms of promoting the tourism sector than those little piecemeal projects that we see from time to time under the Ministry of Tourism.

With respect to the reforestation programme in terms of opportunities, we have questions with respect to that particular programme and how that programme is being run and how people are being selected. As I look at selection, the vision was to create a meritocracy. All these programmes like distance learning programmes and institutional strengthening, the secondary school environment, all those programmes were supposed to be moving towards the building of a meritocracy in society. In terms of the PNM administration, I do not know where we are in terms of meritocracy, because we have seen in so many debates on various pieces of legislation about the situation with promotions and the failure of the Government to actually deal with that aspect of promotions and depriving people of opportunities that exist.

So in my contribution here, I hope that I have given some kind of awakening with respect to this particular deprivation of opportunities and this is not a country where there is equal opportunity for all and I fully support the Motion moved by my honourable colleague, Sen. Wade Mark. [*Desk thumping*]

Sen. Prof. Ramesh Deosaran: Mr. Vice-President, a motion as this one raises a number of intangible issues. The Motion also directs our attention to the Equal Opportunity Act and asks the Senate to help ensure that the institution that would implement the Act, in large measure, could be put quickly in place. But before we reach there, about implementation, I think that we have to deal with some of the issues mentioned here, initially raised by my distinguished colleague, Sen. Drayton, who is not here; discrimination and the nature of prejudice in a multicultural society and the extent to which the law is capable of ensuring equal treatment, as stated in section 4 and to which the Motion refers.

2.45 p.m.

I think that we need Sigmund Freud to come to the rescue because much of what happens in terms of discrimination and prejudice is lodged in the

Equal Opportunity Legislation
[SEN. PROF. DEOSARAN]

Wednesday, November 05, 2008

subconscious of human beings. In his extensive writings on the subject he demonstrated more precisely the mechanisms by which prejudice and discrimination seem to be usually in the eyes of the beholder and as well, it is never any one who is racist, but the other person. That becomes a genuine conclusion if only because the possession of prejudice is quite often lodged subconsciously. So is the practice of discrimination where people find a million forms of justification to discriminate against others who are vulnerable.

There are many examples and I speak so because it is a subject. [*Crosstalk*]

Mr. Vice-President: Sen. Rahman, Sen. Prof. Deosaran is making his contribution.

Sen. Rahman: I was responding.

Mr. Vice-President: Respond outside not inside here. Respond when it is your turn.

Sen. Prof. R. Deosaran: It is a very useful contribution. I need to start this way because we cannot get at the end product without examining the premise on which both the legislation and the Motion are based. More precisely, Sigmund Freud spoke about the defence mechanisms, one being denial. People deny that they are either racist or prejudiced. It is always the other person.

Another defence mechanism is projection: I become so because others offend me through their acts of discrimination. The one I want to refer to is called scapegoating which is quite pertinent with the practice of discrimination and to the capacity and ability of the Equal Opportunity Act, the tribunal and the commission to discover where prejudice and discrimination exist.

I say so because it has been well established that when a country or society falls into hard economic times; when the financial and economic structures of a society are shaken at the very foundation; people have diminishing returns in different ways and gross uncertainty captures the society in different ways, people then tend to blame other groups for such calamities, even when such blame is unjustifiable. Scapegoating is a mechanism that some groups use against others to excuse themselves from responsibility or feel unable to attack the real source of the problem. That is why I say that we bring Sigmund Freud to the rescue because many of the issues exist underground.

We witness people or agencies that discriminate, but they never admit that they discriminate. There is always a reason, largely invented, to defend themselves. That is why we have to understand even briefly in this session what is

prejudice. Prejudice is a disposition that enables you to judge people quickly, treat and think of them in negative terms. It is a disposition that exists like shooting first and asking questions after through stereotyping. As soon as you see someone of a different colour, a different ethnic origin or a different type of hair, your imagination goes wild, manifested in the stereotype you attach to that person.

There is a story, an example I should say, noted by Gordon Allport in a book called *The Nature of Prejudice*. In the old days when apartheid existed and flourished in South Africa, a group of black Africans were carrying some bags of cement on their backs. A group of black fellow workers who were taking their rest saw them and commented quite favourably on the exercise. They said of their fellow workers, “Look how strong they are!” They were quite capable and hardworking. As they went higher up the road a group of white supervisors saw them and said, “You see, that is all they are made to do,” and other such derogatory remarks which I find not palatable to mention here. It shows how stereotypes exist in the mind and the extent to which we inflict it on others. The very unfortunate outcome is how we practise unfair treatment through discrimination.

When the Act was first discussed here I reviewed many judgments that dealt with discrimination such as *Orisha v Trinidad and Tobago Television*; the hijab case which is of more recent vintage; the case of the Country Club charging discrimination by colour; *Rambachan v Trinidad and Tobago Television*—all these cases had to do with equality of opportunity and alleged discrimination.

Whenever these occasions, incidents, cases, charges and allegations came before the court, it was always in the conclusion of the judges, whether in the High Court or the Appeal Court, that the court is not quite capable of dealing with such intangible issues. Intangible in a sense like prejudice but manifested in concrete terms. To discover the motive is always an elusive challenge for the court, the courts and the laws having been configured as they are. I do not want to recall all the examples that I have just mentioned, except to indicate an article entitled, “Race and the Country Club; Race and the Central Bank; The Hijab and The Impotence of the Court.” The word “impotence” has been crafted from the judgments, preferably one by Justice Clement Phillips in his time in dealing with the Country Club issue.

The Central Bank issue was an earlier one where it was charged that the Central Bank’s hiring practices were quite discriminatory. Before that there was a commission of enquiry, I believe headed by a former principal of the University of the West Indies which examined the private sector banks at that time. It was

Equal Opportunity Legislation
[SEN. PROF. DEOSARAN]

Wednesday, November 05, 2008

seen that people of a darker hue, or let us say black people, Indians and Africans, even though in the majority of the population comprised a very small proportion of those hired in these private banks. In other words, the charge and the conclusion by the commissioner of enquiry was that these private banks were very prejudiced and discriminatory in their hiring practices.

There is a history behind the Equal Opportunity Act and some lessons that we should learn to enlighten ourselves towards the future. I caution with respect that we should not have our hopes too high as to how much the law or the Equal Opportunity Commission Tribunal could accomplish. It is not necessarily because of the provisions, but because whatever the Act says, the commission does or the tribunal decides, you have the option to go to court where you would bounce up the same conclusions to which I referred when cases of discrimination have been brought before the court. We have always appealed to people to have good conscience; mutual respect; understanding and empathy. Those intangible qualities humanize and civilize a society and if absent, the law can do little. The bitterness and hatred, no matter what the verdict, will still reside subsequently.

When you speak about Obama winning it is because he won the hearts of the majority of Americans. You have to ask: Why could Jesse Jackson not win? Why could Rev. Al Sharpton not win? It is not because they did not have a white mother or grandmother. Reason, justice and fairness must not emanate from the court. It must grow, prosper and be nurtured in the consciences and good habits of people by being exemplars. Leadership is the greatest teacher, so too is example. The temperate language and reasoning of Barack Obama is what captured the American imagination more than anything else. It took a long time.

Sen. Dr. Charles: I thank the hon. Senator for giving way. Might it not be that in some situations the court is required to give leadership, but the court is required to introduce reason in situations where such leadership on complex issues is not available elsewhere?

Sen. Prof. R. Deosaran: It is a good question and I am coming to that point. I have to because such issues are not processed exclusively on empathy, forgiveness and mutual respect. It is also about structure and it compels people to behave in certain ways. If you are a hotel clerk no matter what your prejudice is or your discriminatory tendencies are, the law should ensure that you accommodate every person coming before you. Of course, the law has a place. I was leaving that for later on. I am more interested in and convinced on the other avenues to reconstruct and civilize a society, rather than rushing through litigation

of which we have a wide amount. Considering what Sen. Drayton said, the question of the economics of law and seeking justice is an expensive route to use if you want to rely on the law for comfort and justice. Ask the lawyers how much they charge. Pro bono is a very elusive offering in the legal profession. Those who do it should be complimented.

He raised a very interesting point and it should be recognized that the law helps as has happened with the Civil Rights Movement and the enactment of the Civil Rights Act in America in 1964 and *Brown vs the Board of Education* ruling that attacked segregation. The law has an important place. Even in dispensing the law as I said, the judges say to use reason and not to depend purely on legal reasoning which is based mainly on facts which are often very difficult to prove as seen in the examples I indicated earlier. How do you prove discrimination?

3.00 p.m.

It was *LJ Williams v the Immigration Department* and at that time Justice Clinton Bernard made the point again that sometimes you have to get a pattern, and all other times, just one event is enough. Sometimes the judge tells you that you have to establish a pattern of discrimination, not just one instance. How many times must you subject yourself to discrimination to establish a pattern? You may be dead by that time; you may be so grieved and harassed and bereft of money that you tell yourself to take it easy.

That is another issue in this country. Many people have lost hope in the administration of justice to deliver what we expect from the Equal Opportunity Act because of some of the problems, not only of expenses, but of delays. When my good friend, Sen. Dr. Charles asked about the law, in principle, yes, but in practice it is not so easy. Try it and you will see. You bring a case of discrimination before the court and even after it goes through the channels of the Equal Opportunity Commission, which clearly lengthens the process, you go to court after that and you have to be a wealthy person to get justice in large measure in this country. That is a very unfortunate situation.

That is not the fault of the Government. That is not my implication. There are other agencies that have grown very selfish. They talk a lot about justice and fairness but when it comes to their doing something to contribute to the effort, they are nowhere to be seen except on financial terms.

Let us go back, since it was mentioned quite beautifully about Barack Obama. You will have to recognize that Stokely Carmichael can never become president of the United States of America. [*Laughter*] The question is why. Extremism

foments reactions of prejudice. It breeds further prejudice. I know the question of change must be tackled by forceful action, intervention and revolution. Of course there is a place for that when things get really out of hand, but I think that in this country, Trinidad and Tobago, we have lost our way whilst America has found its way. I wish something could happen that could raise the hopes and rebuild the confidence of the population as has happened in the United States.

Have you noticed, Mr. Vice-President, that at every election time the bitterness, the racist haranguing, the code words that are used to exploit what has been called your natural constituencies; the messages that are sent that carry very prejudicial feelings and the implied threats about the other group: "If you do not get them first, they will get you," at every election time, when you think things have settled somewhat, here we go again.

I therefore ask once again: Can an Equal Opportunity Commission deal with these things? You may very well need the support and intervention of the Elections and Boundaries Commission to set a code at election time so that these racist sentiments, either implicit or explicit, should be dampened. That is why Sen. Dr. Charles is right. The law can do something because not everybody gets good conscience naturally.

It brings me back to the question of the economic and social structure of prejudice. When children grow up, they look around and see how things are and by seeing how social status is distributed either by ethnicity, colour or by gender, so too their minds grow and incorporate and assimilate that structure that determines how they eventually see the world. They are not born with a world view; they are socialized into their world view and they too perpetrate stereotypes by the language their parents use and by what they see in the wider environment.

That is why I have always found the existence of denominational schools an enigma in terms of whether it levels the playing field or compartmentalizes people, a bit too prematurely and a bit too much. We leave that for now because we are dealing with section 4 where there is the right of parents to put their child in any school.

This however raises some very important issues that pertain to how civilized we are. When we speak about ethnic relations, prejudice and discrimination, many of us are genuine hypocrites because we say things we do not mean because we have to say them. I have heard people on platforms talking about harmony and racial equity and in more private quarters I have heard them say something drastically different. I call no names; I call no parties, but I think it is enough just to make mention of it.

It is not so much what we do because a lot of what we do in this realm of ethnicity and prejudice are quite hypocritical of necessity. It is more important to know and feel what is in our hearts, genuinely. How do we reach there? The education system can do something about it, so too the law, but there are limitations.

I have always believed, as I said before, that the greatest teacher is example. That is why I have never been convinced, not only because of my personal prejudices, but because of the evidence I see, that you cannot say that poverty causes crime. My personal prejudice in this regard comes from my own upbringing. Like many of us here, I have been brought up in a very poor home, a story if I were to tell you, you would have to get your closest handkerchief.

There is too much evidence to suggest that in so many poor homes—and I am not talking about how you measure poverty whether it is \$655 and so on or what basket of goods you use—there are so many really poor homes with single mothers or only a grandmother, but by the practice of good example—good morning, move your hands from the table, sit properly. You told the neighbour good morning? Miss Doris say you pass her straight this morning.

Miss Doris was my neighbour. I used to get “licks” when I passed her straight, sometimes accidentally, because I did not see her. Even when I did not see her, I had to look for Miss Doris to make sure that I saw her.

So you grew up with a sense of rectitude and character and the fact that it was linked to poor beginnings suggests that it can be done and everything is not about money. [*Desk thumping*] I know about the difference in proportions, but with that small example, we could depend on the law, but do not expect the law to do what we should do for ourselves in this realm of prejudice and discrimination.

I recall another story. I know of a businessman who had a store and he was hiring people. I have to say it; he was of East Indian descent. I am using his own words. I know it might sound unpalatable, but I have to, if I am to quote him in the authentic way. He said: “I have to hire one or two negroes so that I could put them at the front counter because this is a store on the East-West Corridor.”

This is a subject I teach. I teach the Social Psychology of Poverty. I try to use social psychology in criminology, where you ask these questions about motivation and social influence. Rather than blaming the person quickly, you look at the context in which the behaviour is practised. So I asked the businessman

why? He said: "All these customers are negroes, you know." He used the word "negroes" because he was from the old school. He does not know things have been advanced and modernized. He said: "If I do not do it, my business will not flourish".

In a sense, you ask the question: Is he a hypocrite or not? Is he an astute businessman or not? There is a law of supply and demand. If he does not supply this cosmetic frontage, the business may very well deteriorate. Is it he or is it the existing social stereotype in the society? Just like in politics you cater to the various constituencies to march into office or to march out of opposition into office. I therefore convey the caution that you should not expect too much from the Equal Opportunity Tribunal or Commission, especially since it has to go before the court as the Act allows.

We speak about the breeding ground for prejudice, ethnic conflict and discrimination and I would suggest quite briefly how it can be avoided. Barack Obama was victorious and you must remember that there are some proportions in the white voting population that went one way and there is the population in the black voting group that went another way. I do not want to get into that matrix. He won honourably and it is one of the best examples I have seen in recent times in politics that a light has been lit across the world about what reason can do.

He emerged from his party; he did not just jump on the stage and campaign. The party had a democratic structure that allowed him through reason and apparent merit, even though a Senator of a few years vintage. Merit was recognized even by the old veterans in the party and they provided equality of opportunity which he seized and proved himself from bottom right up to the top, facing a very strong adversary even in his party.

The stronger your political party is when you get into government is the stronger your government will be. It will have that resilience and that system of accountability. When we speak about discrimination, it is not only ethnic discrimination, we have to be careful about political discrimination starting from the basic political party level.

I am afraid, Mr. Vice-President, that we still have a long way to go in that ground level form of democracy. Again I call no names, but it is enough to be said. You cannot expect to have a democratic government if you do not have a democratic political party. That is a reasonable proposition without calling names. This country can do much better in the Westminster system even without constitution reform. Even though we need it, we have to start at a lower level.

3.15 p.m.

There are too many people standing in the way of political progress, who still occupy high office. That is a national concern, because things are such now that what happens in the political parties is also the people's business, because parties are vying for power and if they get into government, we want to ensure that we not only have a democratic government, but we have a progressively democratic government.

You will notice that the Motion cites section 4. Of course, the Motion dwells on public authority; that the treatment from any public authority must be fair, just and so on. We suddenly lose sight of the fact that the Equal Opportunity Act is broader than public authority now, which was one of the major issues in the debate. You are entering into a vast territory. The private sector is now involved in section 4, as different from the past when only public authorities were involved, which leads me to two points.

Before I proceed and forget, I think it is my duty to extend congratulations to former Sen. Dr. Eastlyn Mc Kenzie, who was in the Independent Bench with me in the last Parliament, on her appointment to the Equal Opportunity Commission. [*Desk thumping*] I say so because the commendation falls within the concept of reason that I spoke about. More often than not, she was a reasonable person. Maybe she could have afforded to be so, because she was from the Independent Bench and it is on the Independent Bench that you find a lot of reason, more often than not. Sometimes, if you would allow me, the Opposition speaks dutifully and forcefully, as they ought to do and the Government articulates its position with equal fortitude. Sometimes I always find the truth somewhere between there. That is the nature of the politics. We call it the adversarial system.

The other point I want to make is in section 4 as well. This was previously raised. I was a member of the joint select committee that looked into the Equal Opportunity Act. This was a big question that was raised. Section 4 also says that people also have the right to enjoy their private property. If you have a store—that was the point I was raising in the committee. The report was made public, so I can speak about it because these are the issues that are going to come before the tribunal. It looks nice on paper. Social justice and freedom looks very nice on paper, but when you have to defend it, especially in the court, and when you have to produce evidence, many a person and litigant has found himself or herself in deep waters. If you have a store, the question is: Are you not supposed to hire

whomsoever you wish to work in your store; private property? If you read the Equal Opportunity Act, you would see certain limitations placed upon your private property to hire. That is just one example.

I do not want to rehash the whole debate on the Act, I am just using such examples to support my basic point that we can be and should be more civilized without having the law chasing after us. What is wrong with us? It is no point celebrating and pontificating Barack Obama, when we cannot do even a small part of what he has shown us that can be done. Why can we not—I am trying to remember what Rodney King said. Why can we not get along? What does it take? I always wonder, then I would stop in my tracks and say: You know what, it is a matter of opportunity; it brings us to the question of equality and opportunity.

I believe if the Act, the law and the Parliament can really create structures for equality of opportunity and provide equality of opportunity—if you are talented in such and such a way, the opportunity must be there for you. If you have an interest and an ability that is demonstrated, the opportunity should be there. It is not that you feel that you are bright and you must get what you deserve arbitrarily, you must not feel because you feel you are bright or you do something or have something outside the realm of meritocracy, you must walk into privilege and opportunity. In fact, that is exactly what we have a lot of in this country. We have a lot of people who get positions and opportunities without really being deserving of them. That is one of the issues that is subverting the spirit of fairness in this country. That is why we have to come to terms with something that is very important; that is political discrimination.

What the American system does is legalize political discrimination, in a sense, by allowing each party, when it comes in power, to throw out all the others who belonged to the other party and bring in their own people and that is acceptable. That is expected. That is the norm. That is the system. But we have, to use the word once again, a very hypocritical system here. We preach equality and fairness but, yet, we choose who we want, because of the party affiliation. We pick and choose because of party loyalty and we bring them in and leave out a lot of other people who are much more capable than those whom you have brought in, in a politically discriminatory way. We have to make up our mind, if we have been practising this all the years and there is grumbling about it, there are questions raised about it; who is on state boards, party hacks and so on.

As I have said, with regard to the granting of cultural funds, let us get away from that and create a system now that is open and reflects the reality of the day. Let us, therefore, decide if a political party comes in office, the public should

know beforehand that they will choose their own loyalists with some ability to be put in these positions. Because when you put people on state boards and certain agencies of government, generally not all the time, you expect them to implement government policy. It is important that you put people whom you believe will execute such policies. That has a legitimacy of its own, and rightfully so. You cannot put people on a board, under the realm of a Ministry, who would subvert your policy. There is a reasoning, again, for us to reach that point and do it clearly and frankly and let the public know, rather than remain, as I have said, as genuine hypocrites. But hypocrisy is the art of a civilized society. You have to grease the language. You have to smile, I am tempted to say, true British style, but you know what I mean; culturally, smile.

I remember a Prime Minister saying: "My other Cabinet Members are always behind me, but I always want to know which one has the knife." It had nothing to do with Trinidad and Tobago. That is an old example from an old writing by one of the political scientists. We have to sit around the table together but there are times we have to say things that we do not mean. It is sometimes called "diplomacy". I know many people who tell me things that they do not mean. I take it with a smile. I would smile back and so the smiling goes around and around, because we want everybody to be friendly and happy. There are some issues we have to deal with face up and this is an opportunity that the Motion presents us. Sometimes we have a right to do certain things.

I want to make another illustration. Sen. Mark is a Senator I have known for a long time and I think I am safe in saying he is not prejudiced, generally. You could never know. There is no art to tell the mind's construction on the face. As far as I know, the way he has stuck with his party through thick and thin and given his ancestry, you would expect him to either walk out or be thrown out. He has remained there. I have told him so, so it is not a secret.

I am saying so because, in the Order Paper you would see two Motions: Motion No. 1 and Motion No. 2 and you would see a third one. Sen. Mark had three Motions on the Order Paper. He had a right, by the Standing Orders to do so. His first Motion was completed. I told him that Motion No. 3 now, my Motion, is an important one, what about some equal opportunity here? What about some fair treatment here before the Session ends? Well, he looked as if he was willing, but his caucus, perhaps, told him no. That is not an expression of goodwill, in my view. If you have three Motions and somebody comes with one as important as financial contributions to elections, where you want to have a level playing field and activate equality of opportunity and transparency, I would

have expected Motion No. 3 to have gotten some space before the session ends, but I would be leaving with my Motion No. 3 hanging in the air, with somebody exercising a right to have three Motions before mine. The point I want to make is, even if you have a right, you must express it with some goodwill and empathy, reason and understanding. I express this on behalf of some of my colleagues who wanted to speak on Motion No. 3 about elections financing.

In addition, one of the senior UNC members, Jack Warner, made a public call for elections financing to be on the law books, so I thought, perhaps this would be an opportunity, because it raises a question. If you are not in government, we judge you by how you behave, so that if you get into government, we would expect you to be consistent. I am afraid this remains a disappointment so far, when we are speaking about equality of opportunity. It must not be one-sided; it has to be on principle and applied with equality.

I was very impressed by the Senator on the Government side who quoted Obama's being allowed to run.

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

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

Question put and agreed to.

Sen. Prof. R. Deosaran: I was very inspired by Sen. The Hon. Gronlund-Nunez's quotation; very inspired that the children can now fly. It reminds me of another song, "I Believe I Can Fly", but I want to embellish what she said, because we must not lose the moment of shared inspiration.

3.30 p.m.

I want to quote, in similar vein, something which some of us would remember and should remember. That is a quotation from the Geetanjali by Rabindranath Tagore. It is useful on this occasion to put it on the record. The words reflect much of what I have said and it says as follows:

"Where the mind is without fear and the head is held high;

Where knowledge is free;

Where the world has not been broken up into fragments by narrow domestic walls;...

Where tireless striving stretches its arms towards perfection;

Where the clear stream of reason has not lost its way into the dreary desert sand of dead habit;

Where the mind is led forward by thee into ever-widening thought and action—

Into that heaven of freedom, my Father, let my country awake.”

So, this is a moment for identifying the realities, but it is also an opportunity to empower ourselves into a brighter, more peaceful and just future.

The Motion might look innocuous in a sense, because as we said, the law has already been passed, but I think it is good for us to take the opportunity to see whether we can rediscover ourselves. Let us not forget that we have a National Anthem that speaks to this: Where every creed and race find an equal place. That is why I say: Are we hypocrites or not? We have been singing this anthem night and day on every occasion, and I have a feeling that 90 per cent of the people do not know what they are singing about. As soon as they are finished singing the anthem, the war starts again as if it was recess time and they have gone back into the school to have the war go on.

If you listen to the words of the National Anthem and you believe in it and you practise it, I do not think an Equal Opportunity Act would have been necessary at all, because it speaks about equality; it speaks about fairness without regard to race, class, colour or gender. [*Desk thumping*]

One of the flaws in the Equal Opportunity Act, as I have said, is people still having to go to court. I thought that with a tribunal, matters could be settled through some kind of mediation exercise and so forth where all the facts can be put on the table without rigid evidence being taken and so on. As soon as you put a matter in the court, it reminds me of a Chinese proverb: If a piece of paper by sheer accident goes inside a court, it will take 10 oxen to pull it back out. It keeps going on and on, and you know the story.

The other flaw is in due process itself; people having the right to speak freely and to do a number of things out of those natural law rights. The flaw in the theory of natural law itself is that you have an avenue for expressing all these freedoms, but it does not tell you about accountability. What about accountability?

As I come to my closing moments, we have several cases—this is a matter for Government policy now—in which charges of discrimination have been proven in the court. The last one had to do with promotion for a prison officer, who was not

promoted, and there are several others from the police service who have taken action on grounds of discrimination and they have won. So too in several other places within the government agencies.

When the case is finished and the verdict is given that the senior police officer or prison officer is guilty, they would then charge the State \$150,000 and sometimes close to \$1 million. Who is the State? It is the taxpayers who have to pay this. This matter goes on and on all the time.

What I want to suggest is to give the offended party due process and a fair hearing, but when it comes to penalties and payments, the officer or officers who perpetrate this kind of victimization and discrimination should also pay some penalty, but you do not hear anything about that. So, it looks as if people are free now to sign forms unfairly, adjudicate wrongfully and stifle promotion applications without any personal liability.

There is a section in the Constitution that allows that, but I am saying change the Constitution and let public officers know that whenever they commit in a grievous harmful way, acts of discrimination, especially with respect to the welfare and progress of other officers, such delinquent officers should stand some liability; however small to begin with, but it must not be open season for discrimination. The State is just an abstraction. The State is not a body with feelings, but it is the officer who practises discrimination should also share the burden of the penalty, not the taxpayers where so much moneys have to be paid out arising from such wrongful acts.

I ask the Government to revisit that flaw and, in the circumstances, we should not depend historically on the common law and what England and New Zealand are doing. That practice of discrimination within Government agencies has been happening too often and it is too expensive for taxpayers. That is why I supported the Bill brought by the hon. Minister of Health with respect to the behaviour of officers in the Regional Health Authorities. These officers ought now to be fair-minded, diligent and not allow other officers to suffer discrimination.

So, Mr. Vice-President, I have brought Sigmund Freud to the rescue, but let me leave you with another bit of history from Franz Fanon. Fanon did write a book called *Black Skin White Mask* in which he articulated much of the phenomenon that we are witnessing; the role of hypocrisy and the pretentious matters of race, discrimination, colonial discrimination and political discrimination. He said that it is not so much what is in our mind, but in the way that we are shaped by the environment as well. It is a dual process. That is why I

have always recommended a study of social psychology for such phenomenon. It tells you about personality traits, but it also tells you about how the environment shapes those personality traits and how sometimes those traits can empower and act upon the environment to make a difference as Barack Obama did. That is part of the treatise that Franz Fanon wrote about; that is, we are victims of that dual process historically, but the time has come for us to move out of it and stop blaming others. Praise Obama, but practise much of what he has done for ourselves.

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

The Minister of Health (Sen. The Hon. Jerry Narace): Mr. Vice-President, thank you very much. Coming after such a significant and insightful contribution, I was almost minded to say that we should just wind up this debate and not worry to say anymore.

Mr. Vice-President, the Motion that we are debating says:

“Whereas section 4 of the Constitution of the Republic of Trinidad and Tobago provides for all citizens the right to equality of treatment from any public authority in the exercise of any function and the right to equality before the law and the protection of the law;

And whereas both Houses of Parliament have already passed into law the Equal Opportunities Act;

Be it resolved that this Senate call on the Government to take immediate steps to have the Equality Opportunity legislation fully effected, implemented and operationalized in the Republic of Trinidad and Tobago.”

Mr. Vice-President, this is the amended version. Sen. Drayton said that the Motion is not relevant, because clearly events have overtaken it. The reason I say that is simply to put things into perspective. When the People’s National Movement was in the Opposition when this Bill was passed the first time, we did not support the Bill, and the then government gave the impression that the PNM was not about recognizing the rights of people. I would like to make the point that the contribution of the very distinguished Sen. Prof. Ramesh Deosaran spoke eloquently to why this really was not necessary.

Mr. Vice-President, I have heard much talk about the new President designate of the United States of America and justifiably so—today is no ordinary day and yesterday was no ordinary day—every single citizen in every part of the world

Equal Opportunity Legislation
[SEN. THE HON. J. NARACE]

Wednesday, November 05, 2008

should stand and take note. If this debate does nothing else, I want to ask my colleagues on the other side to stand and take note.

Mr. Vice-President, a colleague and I discussed at great length last night what was different about the victory of this president, and we said, surely, other Afro-Americans had presented themselves—and we concluded—I say this with great risk—that what was different about this president—I noticed the Senator asked the question: What was different from this President? We concluded that the people who presented themselves before presented themselves as American Africans. Sen. Barack Obama presented himself as an African American. I know that is a controversial statement.

Mr. Vice-President, when I think of myself, I think of myself as an Indo-Trinidadian. I believe that if every citizen in Trinidad and Tobago will think of himself or herself as being of a particular heritage, but first belonging to Trinidad and Tobago, then we could have learnt much from the very distinguished Senator and President designate of the United States of America, Barack Obama. [*Desk thumping*]

Mr. Vice-President, I want to start my contribution by talking about election behaviour. Do you know why? Again, I run a risk in saying this, but when I looked at the campaign run by the Democratic Party and I think of our own campaign, contrary to what other people might believe. I remember when the budget before that campaign was presented—I was sitting right in that corner—and I remember when the Prime Minister announced that we were going to be giving free glucometers, somebody from the Opposition said: “You are not giving the strips”, and the Prime Minister continued, “The testing strips”.

3.45 p.m.

He then went on to say, you see, it is a love thing. That was really the ethos of the campaign that was run in the last election. In fact, three of the songs that we played every time we had a rally were: “Tharre Vaaste”, “It's a love thing” and “Patrick, We Stepping Up With You”. You may not believe it, because of the utterances of that campaign about vision, purpose, love and all of those things, I saw our campaign starting to grow and grow. It was the first time a Prime Minister had to come out of his car and walk to the rally in Macoya.

When I looked at the campaign in the United States, despite all that was said about President elect Obama, he kept it as a purposeful, visionary, loving, all encompassing campaign. I could say that we should not be debating this today. You know, there was one thing that the former Barbados Prime Minister said to

me that I would never forget, when he spoke about the Caribbean Court of Justice. He said that a real First World people and people of a certain civility must first learn to regulate themselves. If you are in a group of people that are of a particular quality, they will demonstrate that they can regulate themselves.

Do you know how they would do that? Do you know why they would do that? They will do that by subscribing to the values of truth, transparency, integrity, justice, fairness, equity and equality. Many times, I sit in this Parliament and I have to really listen to plenty. I want to say through you, Mr. Vice-President, that in listening to Sen. Prof. Ramesh Deosaran, I was truly impressed, and it gave me a sense of hope that we can say to all in this honourable Parliament, that we sit here today with a great opportunity, at a great time, and we too can collaborate and see that the children of this nation will be able to fly.

I want to share a personal feeling. Sen. Prof. Deosaran, I heard you use this whole issue of scapegoating. I have been the recipient of many blows that the Minister of Health did not write a cheque for \$1.8 million. Let me just say straight off to Sen. Helen Drayton, I accept your invitation. Of course, we operate with rules, procedures and policies, and as I have said before, we are going to put together a team, because I agree with you; every individual must be given every opportunity possible, no matter what it takes and it must be done in some kind of manner where we could make an effort; so I start by saying that.

I have heard people say well, he "ain't" care, this, that, the other. Nobody knows how I feel. How would you feel, Mr. Vice-President, if you had the responsibility for health, a situation confronted you and you were limited in your capacity to act? I want to let you know that I feel the pain of those parents. I feel the pain of all of the people. I receive requests for hundreds of millions of dollars every single month. If we were to pay for all of it, the national budget will not be sufficient, but I have to admit that I am the Minister of Health and therefore, I have some responsibility in that matter.

I called a meeting at my Ministry the next morning; there was an outrage, and I said, we must do better. I said, let me call in the Chamber of Commerce. At the end of the day, Barack Obama, the president designate, did not get there by being exclusive; it was through a national approach involving many and involving all. Therefore, the national community must join with the private sector and the Government for us to put our best foot forward to do as much as we can.

To the hon. Senator, I give you that commitment; we will continue to work with that group that we discussed, to see how best we are able to put some kind of

Equal Opportunity Legislation
[SEN. THE HON. J. NARACE]

Wednesday, November 05, 2008

mechanism; it was not because we did not commence a system. Permit me to share with the national community, because to be very honest with you, the Attorney General has done plenty in terms of proclaiming and operationalizing this Bill. It gives us an opportunity to really discuss some of the issues that this debate did in fact bring forward.

Very early in my term I brought all of the policy notes including a sustainable financing mechanism, as well as an appropriate system that will ensure a system that would treat with all of these arrangements. Cabinet has approved the note. Cabinet also approved that we approach CTB so that we can start the costing of all of these services, so that we could put a national health service that would give us the kind of institutions that would be able to treat with a number of ailments that previously we would not have been able to treat with.

Not only would it do that, we also put our new transformational plan that included the infrastructure that will see new institutions, and already we have recommenced the building of Scarborough hospital; we announced Point Fortin hospital; we currently have HDR and Associates looking at the design brief for the Port of Spain General Hospital and the Couva hospital. The three of these hospitals will be giving us the kind of specialist surgeries that maybe people in need of specialist surgeries would not be required to go abroad.

So, it is not to say that we do not care; nothing could be further from the truth. I, the people at the Ministry, the staff at the Ministry, you have no idea how situations like these increase our resolve to work harder and to ensure that we can do more for such situations. I heard my friend, Sen. Dr. Nanan, and one of these days I am going to remind him of a hotel in Piarco, but not today. This is a very serious day. I have all of the correspondence, but I will not do it today; today is a very serious day. I think today is indeed one of the most serious days in this country. What happens is that people come from the other side, pelt dirt, and hope it will stick. We talk about equal opportunity; I truly wonder sometimes whether they stop to think about what they are saying.

He spoke about the vision of his hon. political leader and when we looked at the vision, I asked him what policy; he said, I would tell by the end of my contribution. I have not heard it yet. It was this Government that put a policy in place that included a medical aid committee that has so far given out—this is a committee that does not include the Minister, but a committee of professionals in the Ministry, and this is a policy that speaks to some level of support.

He raised the issue of housing. He knows very well that our policy on housing is a policy where people who have special circumstances are assisted, and a proper treatment will not be to put these people's names all over the place. That is proper behaviour; that is First-World behaviour. More than that, I want to use this opportunity to say that this Government in housing, accelerated our housing programme. We moved the down payment for people with an income of less than \$8,000 to no down payment; we created a rent-to-own programme; we are putting the home improvement grant to \$15,000; we are putting the home improvement subsidy to \$20,000; the Land Settlement Agency provided security of tenure to families; and individuals earning \$1,440 per month can access a mortgage loan with 100 per cent financing for two years at a 2 per cent interest rate.

Mr. Vice-President, you know why I raise these points? I raise these points because the people who benefited from this did not—as established by my colleague here—have to go to a court of law. This is accessible to all citizens of Trinidad and Tobago. [*Desk thumping*] You tell a people by the way they treat the vulnerable members of their society; the way they treat the old and the way they treat the young.

Mr. Vice-President, 24,000 people now benefit from our food card; 69,000 people get the Senior Citizens Grant; 18,000 people get the disability grant; 20,240 people get public assistance. There are now mediation centres with 4,714 for access services and, of course, our poverty eradication programme. Again, these programmes are not for any political party, any particular age, ethnic group; they are for citizens of Trinidad and Tobago.

I want to talk a bit about the people who benefit from some of our health programmes. Mr. Vice-President, 416,000 patients receive our CDAP benefits; 12,000 surgical procedures; 4,498 anti-retroviral drugs. I can go on to the 29,666 cases with vision screening; 1,671 with cardiac care programmes. We have done several transplants; we now have a full complement of ambulances, and we now have 230,000 people benefiting from free CT, MRI scans and so on and, as I said, some \$88.1 million was given to thousands of persons seeking medical aid.

All of these people who receive this assistance, it never mattered to the Government what political persuasion they were; it never mattered to the Government which constituency they were from; it never mattered to the Government whether they were from a particular stratum of the society; it never mattered to the Government. Well, of course, consistent with our policy conditions, what mattered was, serving citizens of Trinidad and Tobago.

4.00 p.m.

So, Mr. Vice-President, I want to say that if we do nothing from today, nothing, I want to say that we have got to really rise to the occasion. We must rise to the occasion to ensure that as legislators we do the things that will ensure equality, equity and ensure that we do not incite people. Mr. Vice-President, do you know what is going on in this country? The people in this country are being incited. There is a kind of move to incite this population and it is a most dangerous thing.

When you examine—apart from all of the good work that Sen. Obama did, nobody could dispute that the economic circumstances would have played a significant role in assisting him to give him that last minute push. Nobody could disagree with that. *[Interruption]* While all of the world was bailing out banks left, right and centre, trying to save economies scared, and making all kinds of one, two and three interventions, Trinidad and Tobago continued to enjoy a safe journey. *[Desk thumping]*

I hear people talking about oil and gas. The latest thing is, in this oil and gas country, compare our social services in this country to any First World country, compare our social services to any oil and gas country and if you look at what people are able to benefit in this country in terms of people's development alone—my colleague Sen. Gronlund-Nunez made the point—most people would realize that Trinidad and Tobago finds itself in a most fortuitous position. I am sure that our policies are not necessarily the best and it is possible that there can be better policies, but I challenge my colleagues—

Sen. Ali: Since you are challenging your colleagues, I would like to find out whether you know about Norway which is a big producer of oil and gas and how they treat their citizens. That is what I would like to ask you and I would ask in that context.

Sen. The Hon. J. Narace: Could you just tell us what is the rate of taxation in Norway? *[Inaudible]* Could you tell us the rate of taxation?

Hon. Senator: You pay for it.

Sen. The Hon. J. Narace: In that case I would tell you, 50 per cent compared to 25 per cent in Trinidad and Tobago. *[Desk thumping]* Compared to 25 per cent in Trinidad and Tobago and that is exactly the point. When we dropped the rate of tax to 25 per cent and moved so many people from paying tax altogether, many families were really empowered in a new way. Do you know what it is today to get up and know that you do not have to worry about your child going to school,

to get a breakfast meal, books, lunch, transportation, a seamless education system, tertiary education, and then you can get a loan while doing your tertiary education for \$75,000 from our HELP programme to assist you while you do that? That is not for any particular ethnic group, that is not for any particular social group, that is really for all the citizens of Trinidad and Tobago. [*Desk thumping*]

I will be the first to admit that we have a great deal of work to do to bring our health care system to a First World quality. I will be the first to admit it, but we are working at it and we have done a lot of work already and I feel assured that by the year 2020 and long before, in fact by the year 2013 we will see infrastructure, we will see human resources, we will see point of care testing, we will see an NHS system, we will see a financing mechanism and I feel confident that we will see—and of course our CDAP programme and those other programmes—a number of expansion of programmes that will make the system better.

Right now in the United States the new President elect, his biggest problem—and I have followed election after election in the United States and in every election the top two or three issues continue to be, how can we give health care to our people? How can we assist with education? How can we stop increasing the tax rate? These are things that we have achieved. Now there is a new issue, how do we save our banks? How do we ensure a credit supply? How do we kick-start the economy?

The Prime Minister of London, Mr. Gordon Brown and Mr. George Bernanke of the United States, do you know what they have now come around to? They have now come around to the fact that in order to kick-start their economies the government is going to engage in public spending. They have now come around to that realization.

I will admit there are things that we have to fix in this country; there are a number of things we have to fix in this country, I agree. But only yesterday I opened a training session at the Normandie Hotel and the trainer that came from the International Registered Nurses Association—a woman from Australia—said to me that when she came to Trinidad and she saw the level of development in this country, she became so excited that she immediately took her phone, called her family back home, not recognizing what time it was, to tell her she cannot imagine what is the rate of development in Trinidad and Tobago. [*Interruption*]

So, Mr. Vice-President, I want to say to my hon. colleagues that we should take a page today from what happened in the United States. I want to urge all of my colleagues. I want to urge them to start by doing some introspection, start by

Equal Opportunity Legislation
[SEN. THE HON. J. NARACE]

Wednesday, November 05, 2008

saying: When I speak, am I speaking truthfully? *[Interruption]* When I make these allegations, am I making these allegations truthfully? When I incite the population, am I doing the best for my country? When I seek to make statements that can be misleading, am I doing the best for my country? We take an oath. *[Interruption]* We take an oath, Mr. Vice-President—

Mr. Vice-President, do you know what I know? I know that I am reaching home.

Sen. Manning: That is right.

Sen. The Hon. J. Narace: I know that I am reaching home. *[Desk thumping and laughter]* I never intended to talk on this. I never intended to talk on this, because, you know, Mr. Vice-President, I sometimes want to remind people, you know. My father was born in India; I am a first generation. Sen. Dr. Charles and I went to the same school and discrimination I know not of. I know not of discrimination. I stand here today as the Minister of Health in a People's National Movement administration and therefore I can tell you, I know not of PNM or government sponsored discrimination in Trinidad and Tobago. *[Desk thumping]*

There were times I saw some discrimination but I choose not to talk about it today. I choose not to talk about it today, and largely this is a country of good people.

Sen. Manning: Yes.

Sen. The Hon. J. Narace: Largely, this is a country of blessed people. Largely, this is a country of people who have a spiritual soul, but you know, this Parliament must do its duty.

Sen. Manning: That is right.

Sen. The Hon. J. Narace: I want to appeal to Members on the other side today, let this be the beginning of the rest of our lives. Let us resolve today to really try to make that effort to change the way we conduct ourselves and say, let us all work for the benefit of all of the people of Trinidad and Tobago. *[Desk thumping]*

I can tell you all the things that the Attorney General did. I can tell you that on October 15, there was the ruling in 2007 and a note was brought to the Cabinet on November 27, Cabinet agreed on December 13, and I can tell you that all of the infrastructure to implement and operationalize the Equal Opportunity Act, are all in place. They are all in place as we speak. This is an unnecessary debate, but do you know what is good? What is good about this debate today is that some of my distinguished friends got an opportunity—including myself—to appeal to this Opposition, for us to operate with some level of decency. *[Interruption]*

I have said to the very distinguished Sen. Mark all the time, I tell him all the time; I tell him at the end of the day you do not have to mash up the country to win an election. You do not have to mash up the country! You do not have to deal with—

Sen. Mark: Who is mashing up the country? The PNM! PNM is mashing up the country.

Sen. The Hon. J. Narace: Mr. Vice-President, I want to say—[*Crosstalk*]

Mr. Vice-President: Sen. Mark, allow the Minister to continue without interruption. I think you are well rested from your trip, so—[*Laughter*]

Sen. Mark: I have not rested yet, I am tired—[*Inaudible*]

Sen. The Hon. J. Narace: So, Mr. Vice-President, this is the highest court in the land. This is a place where we must demonstrate to the national community that we can regulate ourselves. This must become a Parliament that the younger people must look to and say: this is an example; this is how I want to be. We need to ensure that we build for our children a future that we can all be proud of.

Our responsibility is a very serious responsibility, and I want to remind some of those Members, when you take that oath, it is a very serious oath that you take. I want to ask my colleagues on the other side to join with some of the good debates I heard from the Independent Benches today and let us resolve to build a better Trinidad and Tobago.

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

Sen. Dr. Carson Charles: Thank you very much, Mr. Vice-President. Of course, it was not really all bad going to school with the hon. Minister at Queen's Royal College, so there must be some good in him. [*Laughter*]

Sen. Narace: As indeed, there must be some in you.

Sen. Dr. C. Charles: The hon. Minister is right. When we went to school at QRC, I can tell you honestly, all my colleagues, we share this all the time—many of us meet still—that in that place we really never recognized the perhaps, obvious, differences in race or colour, we really never recognized it. You look back and you realize you never recognized it. Of course, you recognize it in later life but at the time you just did not recognize it, because that was the nature of the place and the nature of the tradition of the place and so on. That is how it was. To some extent that is how it is still today and I have been fortunate to see two of my sons go there in that special place.

4.15 p.m.

The younger one who is 14 years old—I was really fascinated by his response to the election campaign in the United States of America and to the fact that he really did not want to go to sleep last night. He has to go to school today, so of course you have no choice at some point, but he did not want to. The expression on this 14-year-old boy's face, when it was clear that Obama was going to be the President elect of the United States said everything and I think that it must have a tremendous impact on the minds of so many millions of young people of that age group throughout the world. They are privileged to be growing up in this time and we are all privileged actually to live through these times.

I did not think that in this time, we would see a man of African origin be the President of the United States of America. I never expected that would happen in my lifetime and I am sure many people did not expect that we would see the Berlin Wall go down in our lifetime. So many things have happened that have in a sense defied our natural tendency towards cynicism. We have witnessed therefore, over the past couple years and ending early this morning, an expression of the capability of us human beings to overcome so many other things that hold us down; to rise above so many of the shackles that bind us and what you did not think was possible 20 years ago, you now know it is possible and it makes people believe, it creates this sense of hope and this new optimism which I think is the greatest gift that the United States of America has given to the world by this statement.

So while we are in praise of Obama, I think we must also recognize the great deed of the American people; people of all races, all backgrounds who were able to transcend what must still be deep feelings of prejudice in their own minds. Because do not let us make the mistake for one moment to think that everyone who voted for Barack Obama, is someone who has purged himself completely of all prejudice and racial sentiment. That cannot possibly be the case.

It must be that there are endless people who voted for Obama and although I am tempted, I would not actually give the quotation of the lady who was going to vote for him. She said that she was going vote for that man with a colourful description behind him, but nonetheless she was going to vote for him and this must be the case that many people who voted for him, voted for him in spite of the fact that they may still hold deep feelings of prejudice. This comes from their own history and their own relations with people in the world and you do not get rid of that overnight. What is important is the fact that people have demonstrated

a capability to transcend something that is even within them and we have that potential, all of us as human beings to transcend what is even within us. That is why it is such a great experience to see the world through the eyes of the younger ones, of the next generation, of the youths and I had the privilege of seeing the world through the eyes of my 14-year-old son.

We in our own country, I am sure will reap some benefits, some people believing that so many things are possible. But the persons who spoke on behalf of the Government, are right in the sense that we have achieved something that many others are still seeking to achieve in the world. That is a fact. We cannot deny that, we have achieved many things. But I was disappointed that the Minister of State in the Ministry of Planning, Housing and the Environment who spoke early, would not allow me to engage her because I really was at a loss to understand this perspective of suggesting that we have no prejudice, and there is no discrimination here. Really, I can understand if someone says, "Listen, I do not think the law is the right way or I do not think it is going to work." If that is your argument, I can understand you have an argument, one can argue that in different ways which I sought to engage Sen. Prof. Deosaran on. But I cannot understand anyone saying there is no discrimination and prejudice in Trinidad and Tobago. You cannot be serious. You cannot be serious to suggest that everything is working out wonderfully and we really do not need to pass this law; we really did not need to pass this law; we do not need to put this commission in place; and we do not need to do anything else. You cannot be serious.

If you say you did not need this law and you do not need this commission, which is the impression I am getting from Government Members, then the least you must tell us is, what else do you think would work. What else did you put in place or what else do you wish to put in place? What is the alternative? It is not too long ago that we have had so many cases—I think Anand Ramlogan became Express Individual of the Year a few years ago because of the number of high profile cases he was able to take to the courts and win, of discrimination. You cannot tell me we are living in a society in which there is no discrimination.

This country is rampant with it, but it does not mean it is a bad country. It is not saying that the Government is bad or is not doing anything. That is not the point. There are other reasons we criticized the Government. I do not leave the responsibility for discrimination in the society at large, at the doorstep of the Government. This is older than all of us and I am not saying that you are doing nothing about it. I am not even accusing you of that. I could accuse you of discrimination if I wanted to go down that direction, but I am not speaking about

that this afternoon. I am saying that you cannot possibly tell me that we live in a society today in which there is no discrimination, and in which you do not need any measures, whether legislative or otherwise, and things are just wonderful here.

I am hearing all these contributions about Government's policy and all the programmes that you have in place. So you are working with various programmes. What does that have to do with the basic issue of tackling something that eats at the core, burrows beneath and hurts the national community and the society? Do not bury it and say that it does not exist. It is there and we have the responsibility to find measures, ways and means of addressing this issue. And therefore, I congratulate the former prime minister, Basdeo Panday, and the UNC government at the time, for passing this into law, because that demonstrated at least a commitment to tackling this issue. [*Desk thumping*] It does not say whether or not it was the only way to do it. That is not the point. It does not say that you have to agree that this was the best method, but it says that the people who did it were concerned enough about the issue of discrimination to seek to do something about it, and they passed into law these provisions which when operationalized, would at least be the demonstration of an effort, a commitment and a concern about a matter that should be of interest to all of us.

It is at election time we see it out in the open, but it is not only at election time we experience discrimination and prejudice. Maybe, that is the time when it comes to the forefront and people capitalize on it. It is the nature of politics. It is the nature of warfare that when people are at war, they capitalize on whatever gives an advantage. When we remain at war to that extent after the elections are over, we continue to capitalize on things that create cleavages which hurt the society. You have to look beneath the surface at the reasons people would make use of these differences. Perhaps they feel genuinely discriminated against or that there are no mechanisms to address so many blatant circumstances of discrimination or situations, in which people are discriminated against.

Not everybody can go to the High Court to fight a battle or hire Anand. What is your average man to do when he feels discriminated against and he cannot afford to hire a high-priced lawyer and fight a government department or an official who will not have to pay out of his pocket? That is an important point. Under current arrangements in our Constitution—you know, we do not make use of what we have—if a public official is found to have discriminated deliberately against someone—okay, he does not have to pay the cost, the State has to foot the bill, so all of us foot the bill, but there are things that you can do to the individual.

The supervisors of that individual can take him to task. He can be reported to the Public Service Commission. It is not that nothing could be done about him; it is that no one will do anything about it.

The State simply pays and then the man, who is guilty of such blatant discrimination which constitutes, at least, dereliction of duty, is allowed to continue to discriminate against others. So in a sense, the whole apparatus of Government defends these individuals by taking no action against them and paying the fine. It defends the individuals who are found to be involved in these acts of discrimination.

I am not a great supporter of constitutional reform, although I acknowledge that it is necessary, so I support the need for it at some point. But you will never hear me put it out in the forefront and say that this is the first thing we have to do, for the simple reason that I do not find we work the system we have. We have a system and we refuse to use it. We behave as if we do not know how it is supposed to function.

We have the Public Service Commission and we behave as though they are in another world or another country and no one can speak to them or raise matters with them; or even bring a matter to their attention. Who has written to a commission and said: 'here is evidence of action that should be taken against a particular individual', to be able to say the commission will not do anything about it? Who writes to the commission? At the end of the year, the man who is involved in discriminatory practices will get the confidential report that is done for every public servant—

Sen. Dr. Saith: Box 3.

Sen. Dr. C. Charles: Box 3. The famous box 3. Of course, that is what he will get every year. That says, that he is all right; he is not too good; he is not too bad; but everything is all right. Everyone gets off the hook.

Sen. Enill: I thank the distinguished Senator for giving way. I agree with what you said. The people that you are talking about who have to prepare the reports in some instances, are the same people who are beyond the control of the politicians. Once you get into that, you would hear the other side of it. How does one resolve that?

Sen. Dr. C. Charles: In my experience, no one is beyond the control of the politician. The Permanent Secretary, who does not want to do what is government's policy in a particular area, ends up moving to another ministry. That

is what the politicians do. You know you do it all the time. You transfer the Permanent Secretary somewhere else and someone else comes into that position. It is not that those people are beyond the politicians' influence or control. What happens is that perhaps someone cannot be fired easily.

You cannot fire a Permanent Secretary because the amount of evidence you have to bring to the commission is too much work, but you can transfer the person or move them out of the way. Therefore, there are people who can be put in place to carry your programmes and policies. In any event, this will be a matter of exception, not the norm. By and large, the persons at the top of the public service seek to cooperate with the government in power in this country, especially if the PNM is in power.

Other parties that have been in power and did not have as long a time as the PNM, have more difficulty sometimes in getting the cooperation of senior members of the public service, who believe perhaps that in a matter of time the PNM will come again. By and large, the PNM has a much easier time in getting that level of cooperation with the senior public servants. I do not think it gets you off the hook. In any event, I am pointing out that I do not think there are any cases, not that I know of, in which individuals who have discriminated against people the matters have gone to court and the court has sought to compensate the individuals in some way, where action has been taken against those public officials.

Mr. Vice-President: Hon. Senators, it is now 4.30 p.m.; a good time for the tea break. The Senate will resume at 5.00 p.m.

4.30 p.m.: *Sitting suspended.*

5.00 p.m.: *Sitting resumed.*

Sen. Dr. C. Charles: Mr. Vice-President, we must not pretend that all is just fine and wonderful here, when we know better. It does not mean that we are the worst; surely, after all these years, we have achieved many improvements in terms of relations one with each other. But there are many cases, some very glaring cases actually, of discrimination in this country. Given our history and make up, we should not be surprised if prejudice in this country is alive and well.

We have managed it reasonably well so far, and this effort by the former Prime Minister and the then government of the UNC, ought to be commended. This is an effort at tackling a matter which is very important to all of us, and one could debate whether there are other efforts which could produce good or better

results, but we already have had this passed into law, of course, and now the Commission has been appointed. Therefore, it is our responsibility to support this in every way we can, to see if we can make it work, bearing in mind that we are a young country seeking to develop institutions that will improve the quality of life for all our citizens.

If one institution does not work well, we should be prepared to change it, to improve it, to get rid of it and replace it with others if necessary. This might be the hardest thing actually, because it is not often that we repeal law in this country that is not working well. Notwithstanding that, we should not allow that to prevent us from putting into place something which we believe, or someone at the time believed, should be tried, and we should give this every effort and every support that we can.

One of the things I was impressed by, coming out of the US election, was the responses by Sen. McCain and Sen. Obama. It demonstrated what it was to lead a country that we call developed, and the thing that we should aspire to. When I speak here I always speak of developed country status in the context of the relations between people; that is what you develop. You develop those relations and sometimes it is necessary to do so by establishing institutions. Those institutions must be respected and supported. Far too often we find the tendency to mash up institutions or to remove the power from institutions and go around it, to circumvent it. That is really a very bad practice we have in this country.

I was unhappy to read about the Prime Minister's rather arbitrary visit to a radio station. I do not know why a Prime Minister thinks he should do something like that. Why would a Prime Minister think that he should go personally to a radio station to complain about something? What does he think happens when he does that? Is he thinking? Is he seeking any advice? It is like when he personally called up a police station to complain. Is he seeking advice? Is he thinking? Is he speaking to anyone?

Surely the Government Benches consist of persons who can advise him otherwise. Maybe he is out there on his own on some other plane, perhaps. This is destructive of the institutions we seek to build; it causes people to lose confidence in the Prime Minister and the holder of the office. I do not mean the rank and file members of the population; it causes persons who are part of the system to lose confidence. It is a loss of whatever trust exists.

That is one of the most serious things we have here, where the trust is not there between people on different sides; that you will, in fact, behave according to

certain codes. We see you losing cases in court and then we see you coming down on the Judiciary. Because you are losing all these cases in court—it is there to be seen, the juxtaposition of the Prime Minister, of the Government losing a number of high profile cases in court, and the Prime Minister deciding to come down on the Judiciary like a ton of bricks. One is led to believe that, perhaps, and you cannot blame persons for believing, he is reacting to his losses by seeking to take control of the Judiciary. You cannot blame people for making that conclusion.

When persons make that conclusion, then they say that the Prime Minister is seeking to control the Judiciary, which is a safeguard that we must all protect, that we hold dearly. Therefore, you have to attack the Prime Minister if he is going to do that. It just increases the level of hostility and bitterness and, again, loss of whatever trust that exists.

You cannot behave as though you are just innocent. The Government cannot behave as though it is just innocent, when these things happen, and think that it is just the Opposition you have to chide, the Opposition is bad, doing all kinds of things, mashing up the country by itself. The Opposition does not consist of mad people who just want to mash up the country, but sometimes people are reactive to circumstances which they recognize, that seem to be threatening to their liberty, to the liberty of the persons they represent and to the equal opportunities which they would like the persons they represent to have in the society. Given the history of this society, it is something of importance; it is something that the Government should take a little time and pay attention to.

Tobago had to fight a long time to get some measure of equal opportunity. The Government talks about everything being just wonderful, but Tobago had to conduct a battle, a really serious battle, right through, leading up to the establishment of the Tobago House of Assembly, which the Government talks now about using as a model. But to get to that stage, they had to conduct a heated battle.

The Prime Minister we have today was the man sent to Tobago to teach them a lesson. I am a student of political history; I do not forget for one moment the build-up to where we are now. The Prime Minister we have now was sent to Tobago by his leader, at that time, to teach them a lesson, as the Minister for Tobago Affairs. Give him some credit for recognizing that if you cannot beat them, you should join them. So after he failed in getting, in teaching Tobagonians a lesson, he learned to recognize the importance of the head of the Assembly, after the battle was won. [*Crosstalk*] That is an important part of the NAR's history.

The point I am making is that persons have to fight for equal treatment, for equal opportunity. The Government should not behave as though they are just giving it out to people out of the goodwill of their hearts. Men give out equal opportunity out of the goodness of their hearts? They do not always do that.

What is the equal opportunity given to the residents of the Beetham, a wall? I heard the most fantastic explanation: This wall is to protect them from the fumes. That is interesting; that was the explanation I heard on the television, to protect them from noise and fumes and all these things. They talked about highway traffic and all that. I was thinking, "Well, all right." But there are so many communities in this country which are at the side of highways; the roads run through all kinds of communities in Trinidad and Tobago. We have the habit of building communities around roads and of passing roads straight through the middle of communities; that is how we have built so many of our communities. The roads run straight through the community or the community is built up around the road. But Beetham was selected, because they were the ones we care most about, to make sure they get a nice protective wall, and their concerns about drainage are secondary. And you wonder why people have a cynical attitude towards the Government, and they wonder what equal opportunities they are giving these people.

I do not even want to talk about the situation in crime, but the reality is that if you come from some of the depressed areas and you are honest enough to tell people that is where you come from, if you put that in your job application, I can guarantee that you will not have any equal opportunity in getting the job; I'm pretty sure about that.

If you go on a construction site and say where you come from, people in the construction industry are a little wary as to whether you are part of the whole gang culture and so on, because of the area you come from. That is how it is; so discrimination is everywhere.

People discriminate naturally in life, a sort of self-preservation. In fact, as the Senator said, it is a natural human response. It is like a snake; if you see a snake and you do not know what kind of snake it is, the average person would kill the snake. You do not know whether it is poisonous or not, you are not going to stop to find out; if you see a snake, you are afraid of snakes. You are going to kill the snake as soon as you see it; that is how human beings are. It is a reaction to something you do not know exactly what it is going to do to you, so you exercise some level of discrimination in a protective way, in a sense.

People are very careful if they hire you to work in their homes. [*Crosstalk*] Even to cut their lawns, they are concerned. Should they allow you to come into their homes, cut their lawns or whatever, if you come from area X? So they are going to be discriminating against you. This is a reality.

I am telling the Government that it is not good enough to tell us that you do not think it is necessary, without telling us what you have been putting in place to tackle this reality. Do not tell us it is all wonderful and that we do not need to do anything about it, because that is just not true.

The reality is that discrimination now is more sophisticated. Even State sponsored discrimination is more sophisticated now than it used to be. There used to be a time when rural areas were blatantly discriminated against; they would not fix any roads. Even agriculture, which was totally neglected, was part of the whole attitude of discrimination. I do not want to say that you are just doing it right now in a continuum, perhaps what you are doing right now is discrimination as a result of particular policies of Government, which are very centrist, which are policies of dependency on a particular economic model in which you believe everything should be oil and gas, and when you diversify, you do so within oil and gas, because you are so convinced that is the way to go.

Sen. Browne: The law of comparative advantage!

Sen. Dr. C. Charles: You do a comparative advantage between oil and gas, which is finishing, and agriculture? That is interesting. It would be very interesting to see that comparative advantage, between something which is diminishing and will be exhausted and something which is always replenishing.

Sen. Browne: [*Inaudible*]

Sen. Dr. C. Charles: That is really quite pathetic, because in that case the whole world should continue marching along our merry way towards destruction of the environment, because on the basis of that you are not going to diversify the world energy structure and the world industry structure at all, because you will always find it is economically feasible to continue drilling for more oil.

You would have been on the other side, not the Obama side. You would have been busy drilling in Alaska or wherever; that is where you would have been, "Let us just drill the whole place." That kind of argument is really not good enough. [*Crosstalk*]

Sen. Browne: They are going to drill everywhere else in the world except America.

Sen. Dr. C. Charles: Even within your own political party, you have to do better than that. In fact, I want to tell you that as much as I oppose your party and look forward to replacing your party in government, sooner rather than later—
[*Interruption*]

Sen. Annisette-George: Not as UNC-A?

Sen. Dr. C. Charles: Once we unite the country, you are out of office. I keep hearing this theme all the time about how well you did when you won the election last year, because you were doing all these wonderful things, and how you said that you cared. You keep on forgetting that you won the election with a minority of votes.

You keep forgetting that you won the election with a minority of votes. You keep forgetting that you won the election because the Opposition was divided. You keep forgetting that, telling us how you won the election because of the great policies you had. [*Crosstalk*] I have to remind you that you won it because the Opposition was divided. You would lose it when the Opposition is united. [*Crosstalk*]

Sen. Annisette-George: When is that? [*Laughter*]

Sen. Dr. C. Charles: Let us not go there. That is one of my duties; I do what I can to assist in the process of unification; I believe in it. [*Desk thumping*] I believe the country needs it. [*Laughter*] I congratulate Barack Obama for achieving so much of that. That was what he really achieved, so much of uniting the country; so much of uniting even those who voted against him. That you get the goodwill of those who voted against you is important in politics—so if you want to go in that direction.

I am making the point that as much as I oppose you, in time, sooner rather than later, you would no longer be responsible for the country's affairs. Notwithstanding that, while you are there, and even while you are not there, it would be a good thing to get your political party functioning as a party once more, so that you do not have a one-man show, doing things that we cannot explain. It is a one-man show. Nobody can explain what is going on with him. His visit to the radio station cannot be defended. Nobody can defend that there.

5.15 p.m.

Sen. Browne: You do not have to defend it.

Sen. Dr. C. Charles: So that it is time you address that issue.

Sen. Mark: Not even Hazel can defend that.

Sen. Manning: So he cannot go and visit a radio station?

Sen. Dr. C. Charles: I make the point because I acknowledge the point made by Sen. Prof. Deosaran, that for a healthy democracy we require democratic political parties. We require political parties that function democratically, because a lot of the democracy takes place within there. We have an adversarial system.

Sen. Browne: Is that a lesson you are going to learn?

Sen. Dr. C. Charles: About democracy in political parties?

Sen. Browne: Yes.

Sen. Dr. C. Charles: Well, I do not have to learn the lesson; I think I know it already, but I am trying to remind you that being in office does not excuse you from having a functioning political party, because if you had one, you would not have to rely on CEPEP to fill your rooms.

You want to take it in that direction? In the old days you used to have party group members. Not so?

Sen. Manning: We still do.

Sen. Dr. C. Charles: Little old ladies keeping their minutes in the evening, and so on, at meetings and they would mobilize and bring people out to their meetings? Now you have to bring CEPEP. I do not want to get involved in your party affairs. I am pointing out that having democratic structures that function, even within the political parties, is important for democracy in the country, because if the Democratic party in the United States of America did not have a functioning democratic system, then Obama could never be selected as the candidate to run for the Democratic party.

This is just an example that we could follow. I always like to remind the Government that we should not follow the worst examples in the world and beat our chest because we are better than the worst; we should try to emulate the best examples. Not that America is the best country, but this is a good example that they have given the world now and we should emulate the best because we can be the best. We have that potential here in this country to be the best and to be among the best. So why settle for less than that? Have some respect for institutions. This is an institution which has been created. Let us have some respect for this institution and let us give it all that we have got to make it work.

I would like to extend my best wishes to the chairman of the commission, Prof. La Guerre and his team because they are going to have a challenge on their

hands, to tackle a complex issue that requires sober minds, and so on, and some care in how to proceed. You cannot just mash up the country trying to establish fair play and so on. You cannot mash up the country in the process. You cannot intervene in people's personal and domestic situations, or even in their business situations, arbitrarily to try to achieve what we would like to see. You have to have some process by which you proceed which allows for a high level of compromise in which you speak to the parties, and so on, and the law provides for that. It provides for arbitration; for compromise, et cetera. You do not just go and impose penalties, et cetera.

I am sure that the distinguished gentleman and the members of his team would take their responsibilities in this regard very seriously and they will help us to see how this new institution could assist us, because there are institutions all over the world. I did some research but I do not want to spend the time this evening going through different institutions in different parts of the world. There are institutions established all over the world to try to promote equal opportunity. People have done it. We are not the first country to pass a law to do this. Many countries have found it necessary or useful to legislate the process because it helps, if not in terms of how we feel about each other; it certainly helps in terms of how we treat each other.

If someone who is going to be hiring a person to work in a store, or something, knows that if he demonstrates open discrimination and does not want to hire someone who walks in with a hijab or does not want to hire somebody with a rasta hairstyle, or does not like Hindus, or whatever it is they do not like, but they know somebody is looking, a complaint can be made somewhere, they might think twice about such open, blatant discrimination and say, "Well, let us give people a chance."

You know, the United States before they got to this point, actually found it necessary to legislate, if you like, a discriminatory law providing a, sort of, build up to equal opportunity. They had to do that. Affirmative action was a discriminatory law—trying to build up equal opportunities by recognizing you cannot just put opportunities out there and tell people it is equal opportunities. That is a serious problem. We think sometimes we put opportunities there; here they are; we have made all the opportunities available, so since they are there, you all have equal opportunities. It is not like that, because how do you access it?

Even Barack Obama could not access his equal opportunity if he was not able to raise a considerable amount of money, because money is a reflection of a certain amount of power and that tends to work towards breaking down barriers of

prejudice. That tends to work, because people naturally look at figures of power and figures who have a lot of money tend to have a lot of power. They look towards that person as someone who is part of the acceptable norm. That is how people are.

Sen. Prof. Deosaran: Could I just ask a question? In view of what you just said, that the rule of election financing created a wider opportunity for Obama, would you recommend that we have an early debate on election financing? [*Laughter*]

Sen. Dr. C. Charles: That is a good one. I am sure we will all benefit from a debate on election financing. I would like us to have such a debate as soon as we can. I am sure we will all benefit from a debate on election financing. Election financing is another complex issue, because what do you actually measure and do you not measure; what do you count or not count? We live in a society with such a high level of doublespeak, it is really amazing sometimes. One might say, hypocrisy, but that is a strong word.

I would hazard a guess that the majority of successful Members of Parliament who have won elections in this country for the past couple decades, have lied. I would just hazard that guess.

Sen. Prof. Deosaran: They have exceeded the limit.

Sen. Dr. C. Charles: Yes, they lied about it in their report. They have exceeded the limit. The limit used to be \$5,000. When we fought elections the first time it was \$5,000. You could not possibly run an election on \$5,000. It is now \$50,000. [*Interruption*] I said the majority of successful candidates in election. I did not win the last election last year because your COP friends were very loyal to you last year.

But you get my point, which is: Why do we have to do this? Why can we not be mature enough as a people, not to subject a man or a woman who runs for elections and who is going to be a legislator, with having to write down something and sign something that is not true. There is no way that you could run the elections on the current \$50,000. It is not possible. No one is doing that in any party, and yet we have it. But we have to get over these things; we have to rise above these things as a nation if we want to take ourselves seriously and if we want to follow good example. I am only suggesting, let us follow good example. Good example says that some things you have to deal with in an open fashion; you have to bring them out in the open, like the Americans' tendency to choose political associates, and so on, to hold certain positions, but there are other positions that you do not put your party people in.

So if we know which is which, let us not try to step over into the areas where the persons are not supposed to be political appointees. They are not supposed to be political appointees. If that is what our Constitution says, let us treat them that way. It is not good enough to—we are going to hire a police commissioner; we have a law we set up for that purpose, and then when he comes to it you say—because you do not like the individual and you have the power, you find that the process is wrong. The process that you endorsed before, you now find it is wrong because it did not produce the individual you wanted.

That tendency to mash up institutions, how do you expect to engender any kind of trust, build good relations between Government and Opposition, between the people in the society, and so on; build institutions in the country, which are the real things that build a nation. Those are the things; the understanding that people have that, no matter who wins the election; we are all in this together and if it is your turn now to rule, you are going to look after my interest as well as yours.

Sen. Enill: I thank the distinguished Senator for giving way, but I am just asking a question. If you have information that suggests that a decision that you are making, notwithstanding the process, is not going to benefit the people who you serve, is your suggestion that you still allow it to fail and extend the failure after, rather than intervene because that is your right to so do and change it because it does not work? I am just trying to understand where the discretion, if any, lies.

Sen. Dr. C. Charles: It is a matter of state craft. I mean, sure, there is a reason you have a certain power; in the Parliament, for example, you have the majority and you can exercise your majority whenever you wish in the interest of the nation, but there is no evidence that anyone was exercising that power to protect the nation from some great evil. Where is the evidence of that? What is the evil that the person who was recommended by the commission was going to visit on the country? There was not even the suggestion that there was some evil, some terrible thing that they are protecting us from. If you are protecting us from some great calamity, well, of course, yes, exercise your power to that regard, but do not tell us that—because we set up the institution to do that, we do not want an individual saying, “I have elevated myself above all else and I am the only person; I am the final arbiter; I am the only person who knows what is good for the country.”

That is what has happened. One individual is taking the position that only he knows what is good for the country and, therefore, he is rising above all institutions and has the power to veto all institutions. It does not work that way. There are many situations in which you will have to accept things that you did not

Equal Opportunity Legislation
[SEN. DR. CHARLES]

Wednesday, November 05, 2008

really think were the best; you did not get the best result. But there is an institution which says that is what they think is the best result. They are charged with that responsibility; leave them to do what they have to do. If you have information that is so crucial, perhaps you could even have made it available to the institution before the decision was taken. You could have passed the information across and assumed that they are people of some intelligence and of some integrity and they would make use of that information even, perhaps confidentially, as the case may be.

There are lessons we can learn from the American experience. This is a day of importance in history and we ought to learn some of those lessons here, and there are lessons that we will learn, but I am afraid some of them seem to escape us so far and I want to take the opportunity to point out some of them, the ones that have to do with relations, with behaviour, with conduct. You do not mash up the place in order to contest each other. You do not do that. You do not use your power and abuse your power, and you do not simply blame the other side. It is just not good enough. That is really puerile. You cannot just blame the other side; you cannot just find the Opposition is all bad; the Opposition is somehow right now inciting the population. Do you think we are required to incite the population? The population is right now very unhappy. Maybe we would have a little moment of respite from it because of the Obama victory; everybody is looking at that and they will forget all about our problems for the next week or two, perhaps.

But the population is very unhappy. It is very unhappy. If you do not know it is unhappy it is because your political party is not functioning, perhaps, and in touch with the grassroots. If you were in touch with the grassroots you would know we are unhappy. You will know the people out there are unhappy.

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

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

Question put and agreed to.

Sen. Dr. C. Charles: Thank you, Mr. Vice-President. Yes, it is very tempting to speak on this matter for an extended period but I will bring my contribution to a close at this point by just saying that we were born in this country with a heritage of prejudice and discrimination. It is the nature of our inheritance as citizens of the Caribbean, of the diaspora from various continents. This is our inheritance,

but our inheritance is also the capability to rise above all of this and to confront it head on; to recognize what we were born into and what is good and what is not good and to improve on what we see. That is our inheritance as well, that right and that capability.

In the United States of America, they have been doing their part and we here in our own way can do our part, and right here in the Parliament, I believe we can do better than we have been doing so far in terms of how we inspire the people in our country to believe in local leadership; to believe in politics. We have too many of our citizens who only believe in politics when they see it in America.

They are excited and interested in American politics. They are turned off by local politics. We cannot have that. This is our country and we have to excite them to believe in the value of local politics in the same way they believe that it is serving a purpose on the world stage.

5.30 p.m.

This is our responsibility, no one else's. We have to start simply by not treating each other as though each other is the enemy. Every time you do not attend to the needs of the people you make yourself an enemy of the people.

You wonder why we do not support the Caribbean Court of Justice. Instead of attacking the Opposition for that you ought to see what you can do to inspire confidence. That is what is required. Do you think that the Opposition consists of people who are not patriots? Do you think that the reason is that we love England so much that we would like to have the Privy Council in perpetuity? Obviously, it has to do with the level of trust and confidence people have between both sides, to say that we believe we can keep it in the Caribbean. We do not have to go somewhere else for an arbiter because people will respect institutions in the country. Therefore, our local courts can be our final arbiters of disputes among people.

A certain amount of trust has to lead to that, otherwise people would keep going back to the old colonial country for arbitration. Do you think that the solution is to blame the people who seek to go there? Obviously, that is not the answer. It is on both sides. All of us have a responsibility to develop better relations. This debate ought not to be bogged down in blame and finger pointing because it is about equal opportunities. We can spend our time attacking the Government for every bit of discrimination that exists in this country. I do not think that that is useful or necessary.

I support the Motion by my colleague, Sen. Mark. I call on the Government to do whatever is within its power to further support and enhance the operations of the commission. Although the law was passed by the UNC it is in your term you appointed the commissioner. You cannot appoint the commissioner and then turn your back on him. You cannot appoint the commissioner and then behave as though it is not necessary. Why are we getting the contribution suggesting that this is unnecessary and we already have equal opportunity in the country so we do not need a commission? It was imposed on us by the courts.

We can do better than that. Let us support the commission and give the assurance to the country that we will do whatever is in our power as individuals and a Parliament to tackle discrimination and eradicate prejudice wherever we can. We cannot eradicate it everywhere. We cannot reach everywhere but we can set an example wherever we go. We cannot make someone in this business choose this person as opposed to that person. People may naturally wish to choose people of a particular kind. A guy may say that he prefers to have women behind his cash register. What will you tell him? He must give men equal opportunity? He believes that he can put his trust in women behind his cash register. We cannot reach everywhere and insist that we can treat everyone the same. 'The same' is not always equal in any case. It is a complex situation, but by our example we can say what we would condone or not condone.

We can support institutions and say that we want the country to learn to live with institutions and abide by what is decided based on institutional considerations. We want to encourage the Prime Minister, the leader of the country because McCain called Obama his President. He expects him to behave as such. Whether or not politically, I support the current Prime Minister, I expect him to behave as a leader of the country and not go marching to a radio station. I expect him to behave better than that. When we have a parliamentary debate, I expect it to be among parliamentarians and not among CEPEP workers in Woodford Square. I expect better than that from the person or the man who, for the time being, has been chosen to be the leader of the country. He must behave as such if he wishes to earn the respect of the people and the Opposition. That is my point.

Above all else, let us learn to conduct ourselves in the right way as exemplars for the country. They will not have to look to Obama as great as his achievement is. The American people trust in him. They will not have to look there alone for inspiration. They will find inspiration in our country where we have been charged with tackling similar issues. We also have our time in history. *[Interruption]* I am

speaking to everyone in this room and the nation. There is only one Prime Minister. We do not have one on this side now. When our term comes we will have one and we would have the same responsibility. As much as you may dread that day, Minister in the Ministry of Finance, I assure you that it is coming as sure as night follows day. There is nothing that you can do about it. While you are there you can do your duty. Do not throw this away.

You put the commission in place and you appointed them. Remember that. Stop behaving as if because the PNM does not pass a law, it is no good. I know that is a tradition with the PNM. If you do not put a measure in place 20 years later you have to bring it down because somebody else passed it. Get over that. Rise above that! The country can be bigger than PNM, UNC, NAR and all of us. If you are able to carry on tradition—do you think that Obama will refer to the work of the Democratic party under Carter or Bill Clinton as though it is a long tradition of his party and skip the times when other parties go out of office? You do not do that.

The tradition of government is that you can continue from administration to administration. You can talk about your term. Do not speak as though only the PNM took this up way back in the 1990s; there were interruptions by other parties along the way, so it is not only your policy will continue. They are important. Speak in terms of a continuum. Encourage people to see a continuum in a march in the country forward. The things started by other administrations, you do your best to carry them through. You do your best.

Thank you.

Sen. Michael Annisette: Mr. Vice-President, I was debating in my mind whether or not I should make a contribution to this Bill, but having witnessed the historic occasion on television last night and having been moved by all that I have been taught by that election, I thought that I should make a contribution. Let me first say that I support the concept that if the Bill has been passed and it is law, whoever is in power has a responsibility to ensure that it is operated successfully. To do otherwise will demonstrate a behaviour that does not speak to the respect of law which is what we are trying to do in Trinidad and Tobago.

Having said that, I support the idea that there is discrimination in Trinidad and Tobago. I want to make it clear to all that in my opinion, discrimination is not institutionalized to the extent that a Bill was necessary. That is how I feel about it. Be that as it may, the Bill has been passed so we have to respect that. When the election was completed and the defeated candidates were making their speeches,

Equal Opportunity Legislation
[SEN. ANNISSETTE]

Wednesday, November 05, 2008

they taught me so much. It made me reflect on our elections when some of the defeated candidates in Trinidad and Tobago were on television saying, “When you wake up in de morning look in de mirror and dat you would be responsible if yuh child geh rape.”

When we come to Parliament and talk about being together and responsible, we have to be objective. We must be objective because those types of behaviour are the types of behaviour that speak to the issues that confront Trinidad and Tobago presently. When I read in the paper that another member from another constituency said, “Because of all de murder, all yuh vote for PNM, take dat in your ruckungkertungkung.” It was one of the most distasteful things that has ever happened in Trinidad and Tobago and Parliament. [*Desk thumping*] Then, you see the dignity of McCain and the maturity and responsibility by putting his country first.

That is what I learnt and that is what leadership is all about. I say it to all sides. When I talk, I talk for Independent, Opposition and the PNM Government too. Leadership cannot be that if I do not have it my way, well then everything is wrong. It cannot be that any time we have a debate in Trinidad and Tobago, we hear “400 and something people geh kill and is PNM responsible for it.” It is not PNM. We are responsible. [*Desk thumping*] It has nothing to do with PNM. Let us not have contradictions.

I am responsible too for what is happening in Trinidad and Tobago and we are all leaders. Each one of us who sits in Parliament in the Upper and Lower Houses is a leader in his or her right. We have to get away from this prime minister optimum leadership thing. All of us have responsibilities. The leaders as Sen. Prof. Deosaran for the Independent; Sen. Wade Mark for the Opposition and Sen. The Hon. Enill for the Government have a responsibility. The point that I am making is that if we put Trinidad and Tobago first, if we allow hope to conquer fear—that is what the USA election was about, hope and a vision conquering fear. As long as people have hope you would see what would happen.

The winning of that election was not by accident. I was arguing that and some people told me that it was the economy. It had nothing to do with the economy. It had to do with the faith that has been demonstrated in the young people. We have a way “we does tro way” our hope and faith in our young people. We give up on them. We are making a fundamental mistake. That election taught me something. When you looked at the people who were in front of the President’s House they were young students.

I made the point that the young people have been able to overcome the question of social stratification; the division according to race, creed, sex, religion or anything. That is responsible for Obama moving forward. It was a movement from the ground up. That has taught me that there is hope for Trinidad and Tobago. I have hope. If we start from the ground up it would take us to a level where we who are charged with the responsibility in the Senate and the other place would have no other alternative but to sit up, listen and pay attention to what is happening.

We have to start to be honest. Truth is inseparable from who we are. I believe that we are the truth. If we look for truth in laws in the Equal Opportunity Act, we would be deceived every time. I have a saying that who you are cannot be diminished and or enlarged by anyone. Therefore, if we do not build the confidence that is necessary in the young people who are coming up and allow them to understand, as we rightly say, that the institution means something and is not a creature of Parliament; and if there is no faith and trust in Parliament, then all that we are trying to do will not make sense.

5.45 p.m.

I say this against a backdrop of spending three weeks in Africa and while Mandela won the election, the discrimination is still there. The Senator made a fundamental point. It is within our psyche; it is within our minds. Discrimination will be there. How do we change that? Do we change it by passing a law? No. There needs to be an attitudinal and behavioural change in the society to take us to that level. Where do we start? We have to start, if we are serious, from today in this Senate and in the other place. No Equal Opportunity Act or law will solve any issues that we have in our minds.

We must pay attention to our history. Yes, there is discrimination and prejudice and we will live with it. Each and every one of us is guilty of that, but look at carnival. Look at when the West Indies won the 20/20. Look at when the Soca Warriors won. We forgot all that and we were one. There is a lesson to be taught by that. If you go to the “doubles” man, look at the people who line up to buy doubles. Those are our realities.

I work on the port and most of the people are from Laventille. We would not discriminate against them, but you are correct in saying that some employers will not take them as soon as they hear about Laventille. That is a reality we have to live with and I am saying that no law can change that reality. It is our attitude that will change that and until we get mature in our behaviours and attitudes and start

to look at things objectively and not subjectively, until we start to believe that Trinidad and Tobago will always come first, that the solution for solving problems in our country is not if I am in power or if the PNM is in power, we will never get anywhere.

Everybody talked about Obama, that is why I want to talk about him. There is a lesson to be learnt from the social changes. No one would have thought that Obama's election was possible in 2008. That has taught us that everything is possible. If we have faith and trust and if we have the people behind us, we can take this country and move mountains. That is the direction in which we have to go. While we talk about all these things but then every Tuesday we sit here with the PNM blaming the Opposition, the Opposition blaming the PNM and the Independent Senator from time to time trying to be a balance.

We cannot operate in that way if we are serious. It cannot be because you support a PNM Bill that you are a PNM Senator. It cannot be because you support what the Opposition says that someone on the other side has to watch you with "coki-eye". You have to be careful about that and if we are serious about moving forward, there are so many challenges facing Trinidad and Tobago and the Caribbean in general, but we bring our politics so petty, the politics of grievance, the politics of hate, the politics of division, and we cannot deny it.

If you look at all the debates, it is who "thief", who is a bandit, who did this, my party did this and my government when we were there for four years did that. We cannot continue. I am making an appeal. I am making some of the points that Sen. Dr. Charles made, but I am also saying that the contradictions sometimes get me worried. In one breath we are saying that we care and in another breath our behaviour is so diametrically opposed to what we are saying that it makes me wonder whether we are really serious about Trinidad and Tobago.

May I conclude by saying, hon. Senators, that I have heard my learned friend on the question of campaign financing but Obama was so smart that he did away with it. If he had not, he would not have won. He was able to raise so much more money than McCain to campaign in all those areas they thought were McCain's states. Election has changed so much; it is now big business and big money. I wonder, while I appreciate the debate on campaign financing, if that is the way to go or if we have to find another mechanism in terms of how you deal with the money that people may raise. So much can be learned from what Obama did.

I made the point last night about 2.00 a.m. in a debate with some of my colleagues that Obama was able to operate with a 21st Century mind in the context where people were thinking 20th Century. His financing was way

advanced, 21st Century. That made the change, but more importantly, he was able to generate an energy in people who were able to forget about all the wars because they got fed up of all the wars, the fears in the last election with Iran and Iraq and their having to go to war and felt that if they did not put this guy in, then America would not be safe. They were able to move above fears and deal with hope and taking the country to another level.

If this fifth of this month has not taught us anything about that election; if we leave here with the honest commitment that we will work together, not in the context of because I am in Opposition I must oppose everything or alternatively if I am in Government I am not giving you an opportunity to rise, I think that Trinidad and Tobago would be a better place.

I thank you.

Sen. Wade Mark: Thank you very much, Mr. Vice-President. May I, from the very outset, record my appreciation to the 28 Senators who have spoken over the last few weeks since this Motion was moved on June 23, 2008. I really want to record my appreciation to all the Senators on the Independent Bench, the Government Benches and the Opposition Bench. The number tells a story and records the importance in whatever way colleagues might see this particular issue, they have so recorded their positions.

Mr. Vice-President, I want to state, for the record, that the first step to freedom when someone is enslaved is the recognition of his bondage. That is the first step to liberation. If you do not recognize that you are enslaved, then you will always be in chains.

I want also to indicate that “ol’ talk”, sloganeering and flowery language will not bring about genuine equal opportunity. It is only through the establishment of strong institutions and bodies will we be able to enjoy equal opportunity and democracy; not through denial. Some people are living in a state of denial. They believe that “ol’ talk” is sufficient for democracy to flourish. One person says they are in charge and they are honest and because they are honest they do not need to be a member of the extractive industries transparency initiative, so in Trinidad and Tobago we do not know for how much we sell X company a cubic metre or 1 mmbtu of natural gas because that is a secret and they give you “ol’ talk”.

I have just attended a conference that has blown to smithereens that “ol’ talk” we are getting in Trinidad and Tobago from the Government about commercial secrets. Norway does not view it as a commercial secret, neither does Nigeria, but

Equal Opportunity Legislation
[SEN. MARK]

Wednesday, November 05, 2008

we are being told in Trinidad and Tobago that the price of natural gas is a commercial secret and contracts cannot be tabled here.

That is glib talk, but there is a harsh reality that we have to confront on a daily basis. Discrimination is alive in the Republic of Trinidad and Tobago and anyone who wants to deny that reality, that is their business. I want to tell my colleague, hon. Sen. Michael Annisette, that the International Labour Organization has been repeatedly stating and recording its reservations about this Government's failure to effect the equal opportunity legislation, particularly in the area of employment. NATUC is a member and is associated with the ILO.

This Bill is something that the ILO supports and they want effected, implemented and operationalized because it will help working people in our country who are being discriminated against. Therefore, Sen. Annisette, you should be the first to support this legislation because you are a labour leader.

I want to indicate that discrimination is a disease and a scourge that ought to be erased from our political landscape. We have it here and there are sufficient examples to demonstrate its existence. When the UNC passed this legislation in 2000, it was the most progressive and most important piece of legislation that we had ever introduced in the Republic of Trinidad and Tobago since 1962 and we should be complimented for being so forwarding-looking and thinking in our approach to this particular issue.

6.00 p.m.

We cannot deny the fact that there is a lot of injustice taking place in our country. We need institutions for people to go to, so when they have a grievance, they can go to the institution and get some justice and redress. We must not come go the king's palace. We must not go to La Fantasie Gardens in order to plead with the emperor that we want justice. Justice must not come from the king or from the emperor; it must come from institutions that have been established, so that ordinary people can go and get justice. That is what the struggle is about.

I do not have to tell you. I do not have to repeat. I have in my possession an editorial from page 6 of the *Newsday* of Monday, October 06, which is entitled: "Sending a strong message". I want to quote aspects of it to demonstrate discrimination in the public sector in this country. We know that it exists in the private sector.

I have said, on many occasions, that bright kids from certain zones of this country are declared almost persona non grata because of the location they come from; because of where they live. They cannot be employed. They could be bright

as a bulb, but they do not pass the Common Entrance Examination because the discrimination is taking place at certain levels. If you have a son and he is from Laventille, John John, Sea Lots, Never Dirty or the Beetham and you put that child's name as living in Valsayn South, St. Clair or Westmoorings, he might pass for QRC or he might be lucky to pass for Fatima College. If you take that same child and let him put his address as East Dry River, they would zone him. Many of them have been victims of discrimination. They do not have any institutions to go to. That is why the establishment of an institution, like the Equal Opportunity Commission is so vital for our nation.

Listen to what has happened to a chap called Khemraj Bissessar, who worked in the prison service for 32 years. The reason he was never promoted was because of his skin, his colour and his hair. That is Martin Luther King Junior. Many people repeated it last night, when the Barack Obama's victory came through. They said that he was the translation of Dr. Martin Luther King Junior's dream and that you must not judge an individual on the basis of his or her complexion, but you must judge that person on the basis of the person's character; not on the colour of his skin, but by the content of his character. That is what was being said. In the case of Mr. Khemraj Bissessar, he was awarded \$400,000 in damages for discrimination in this country. In 2008, he was awarded that amount. After working in the service for 32 years, he saw persons whom he trained as his juniors being promoted over him. Why, because he was an Indian and he was not an African? Is that the reason? Discrimination on any grounds, whether it be on race, ethnicity, status or religion, it does not matter, we must condemn it in the strongest possible terms.

This article says that Justice Ventour, when he made the compensation order, stated:

“It is my fervent wish that no citizen would ever have to suffer the kind of discrimination that the applicant had to endure, whether with the prison service or any part of the government service for that matter.”

This is what happened to that individual. He is no longer able to work. He retired as a superintendent of prison. If we had an Equal Opportunity Act on our books, which was recommended by the Hyatalli Commission in 1987, maybe this gentleman might have been the Commissioner of Prisons today. Because we never did that and we are living in a cocoon—the PNM is living in a cocoon. They believe if they keep saying there is no discrimination in this nation, discrimination will go away. It does not work that way.

There is ample evidence to show. Dr. Selwyn Ryan, when he headed what is now called the defunct Centre for Ethnic Studies, produced a report. I want to quote a section of that report in this same editorial. It stated:

“One of the major findings of the investigation was the tendency for Indians to be heavily under-represented at the higher reaches of the public sector.”

They went on to make 16 recommendations, in order to make the field more level in the society.

Let us be serious. Let us not bury our heads in the sand and believe that things would go away and talk nice and have cooperation. Cooperation cannot come just so, Sen. Michael Annisette. We are all trade unionists. You must know when you want to improve the conditions of your employees and your members, and the employer is not giving way, you strike. You close down the port in order to wring his hands, so that you can get justice for your workers. Do not tell me that I must go to bed with this Government and talk nice to them. This Government does not care about this country. They are mashing up our institutions every day. I intend to write the Secretary General of the Commonwealth very shortly about this Government and its behaviour, as it relates to transparency, accountability and openness in its operation.

You want to hold a Summit of the Americas, the Commonwealth Heads of Government Conference and all their cherished and noble values and principles, you have simply debunked and thrown out of the window and you want people to meet you with open arms? No, let us deal with the reality.

I want to indicate—[*Interruption*] Mr Obama? “He eh come just so yuh know. That is not ah slogan, yuh know. Yuh saying Obama. That is ah slogan? He is a serious fella, yuh know; ah very serious man.” If Patrick Manning, the Prime Minister, could have only 5 per cent of his intelligence, we would be far ahead of the country. He is a statesman; he is not a hooligan. He is not a gangster, a thug that will run into a police station or run into a radio station! No no, Obama is a statesman. I would like our Prime Minister to become a statesman. Let him become a statesman, so that we would not have, as Sen. Dr. Carson Charles said, to come here and unnecessarily criticize the Prime Minister. We would not come here—[*Interruption*]

Sen. Narace: On a point of order. Mr. Vice-President, the Senator is imputing improper motives. He is implying that the Prime Minister is a thug and so forth.

Mr. Vice-President: Could you repeat, I did not hear what you said?

Sen. Narace: I said he was imputing improper motives against the Prime Minister and saying that he was a thug and so forth—hooligan and a gangster.

Mr. Vice-President: Sen. Mark, if you did say it—*[Interruption]*

Sen. Mark: I did not say it, he said so.

Sen. Rahman: He said something that made you think he said that. He did not say it. He does not run in police stations and radio stations.

Sen. Narace: Get the report from *Hansard*.

Mr. Vice-President: Could I ask the *Hansard* if it is—

Sen. Rahman: I was listening.

Sen. Dr. Kernahan: You have a guilty conscience.

Mr. Vice-President: We would continue and check and see if that is what you said.

Sen. W. Mark: I do not know, like my colleague, the hon. Minister of Health, said a short while ago: “I am reaching them.” I want to reciprocate, I seem to be reaching you. I want to indicate that—*[Interruption]*

Sen. Narace: I am being inspirational.

Sen. W. Mark: I was very disappointed when the Minister of Planning, Housing and the Environment spoke. That was July 23, a month after we began this debate. I did not want to respond to what the hon. Minister said. Sen. Dana Seetahal SC said everything I wanted to say about the hon. Senator’s contribution. The title of her article in the *Sunday Guardian* of July 27, 2008 was “Religious Arrogance”. Sen. Seetahal SC said that:

“Minister Dick-Forde did herself and her Government a disservice in her outburst in the Senate, last week, when commenting on the implementation of the Equal Opportunity Act.

In my view, she has single-handedly set back religious tolerance from the level that we have achieved in the past few decades.”

She went on to advise the hon. Minister that when she speaks in the Parliament she does not speak as a Christian with a big “C”, but she speaks as a Member of the Government and that the Government of Trinidad and Tobago represents all the citizens of this country, all the religions of this country and all cultures of this country. Therefore, no Member of the Government has the monopoly or the

Equal Opportunity Legislation
[SEN. MARK]

Wednesday, November 05, 2008

authority to rise in this Chamber or in any public place and condemn any religion in this country or seek to promote theirs at any time. It was a shameful episode on the part of this particular Minister. As I have said, it is all written by Sen. Seetahal SC in this article of the *Sunday Guardian* of July 23 on page 15. I would not want to take up too much time on this particular matter.

I want to indicate that discrimination is alive and well. My colleague, the Leader of Government Business, Sen. The Hon. Conrad Enill, would remember that sometime ago he was instrumental in parachuting into a very top position, the new Comptroller of Customs. I think his name is Fitzroy somebody, I cannot remember his full name—[*Interruption*]

Hon. Senators: John.

Sen. W. Mark: Fitzroy John.

6.15 p.m.

I received a circular which was distributed by the PSA customs officers' section secretary. This was sent to me and the headline was "Shocked and appalled". I want to read it for you to show how discrimination is alive and well at the Customs and Excise Department in this country, and in many other government departments. To show you how this Government has disrespect for these institutions in our country, it is doing everything in its power to undermine, compromise and subvert the institutions that have given birth to the State called Trinidad and Tobago.

There is an individual who is obsessed and who has a voracious appetite for absolutism. He wants total and absolute power, and that is why things are going as they are in this country today. He knows that he will never get that. He knows that once the UNC-A, the trade union movement, the media and other stakeholders are alive and well, the PNM and the Prime Minister in particular, will never be able to develop the pathway he wants to pursue in the interest of his own dreams and ambitions of being a dictator.

Mr. Vice-President, what I learnt from this article or this statement is that the Comptroller of Customs and Excise, Mr. Fitzroy John, a person who came out of the blues and was parachuted into a real powerful position as the Comptroller of Customs, do you know what he is doing? He was blatantly promoted, and his promotion has undermined the system of promotion within the Customs and Excise Department by posting a gentleman, Mr. M. Blackman, to the North West Peninsula outstation with effect from November 01, 2008. This was four days

ago. Do you know what he has done by doing so? Because of the order given by Mr. Fitzroy John, the ayatollah and czar of customs—he has gone over the heads of 46 officers and these officers have been bypassed without any explanation and this particular individual was promoted. This is the information I have before me. Now, if this is true, is this not wrong? Is there not something discriminatory about this?

I would like to call on the Minister in the Ministry of Finance, who really should be the Minister of Finance—I want to promote him to the Minister of Finance, because he is effectively the Minister of Finance. I would like to call on the Minister in the Ministry of Finance who I now want to promote as the Minister of Finance to investigate this matter and to take action if it turns out to be correct that one Mr. M. Blackman, a Customs and Excise Officer II, has been parachuted over the heads of 46 other officers. This is wrong! This is discriminatory!

This is an attempt by this administration, through Fitzroy John, to destroy an established system of promotion which was negotiated and agreed upon decades ago between the PSA and the customs administration. This policy that they are pursuing is another manifestation of discrimination against the hard-working officers of the Customs and Excise Department who look forward to one of their own being promoted properly with a reasonable promotional system in place. This is what I have been told.

PROCEDURAL MOTION

The Minister of Energy and Energy Industries (Sen. The Hon. Conrad Enill): Mr. Vice-President, in accordance with Standing Order 9(8), I beg to move that the Senate continue to sit until the completion of this matter.

Question put and agreed to.

EQUAL OPPORTUNITY LEGISLATION (OPERATIONALIZATION OF)

Sen. W. Mark: Mr. Vice-President, I am submitting on behalf of my colleagues—

Sen. Enill: I thank the distinguished Senator for giving way, and since he brought me into a statement, I would wish to simply correct it. The issue of Fitzroy John being the Comptroller of Customs and Excise was one in which the Government and this Minister in particular had no active part. What occurred was that in 1962 a recommendation was made to change the job description and the qualifications for the position of Comptroller of Customs.

A process was entered into between all concerned, and it was only when that matter was concluded—some six months after we assumed office—an evaluation process was done. Fitzroy John is a member of the customs administration and he simply happened to be a legal advisor attached to that entity. So, the notion that he was not there was not true. When there are positions in the government service to be filled, public officers who are qualified are asked to apply and a process is entered into, and on the basis of that process he was granted it on two occasions. On the first occasion, he was not offered the position for whatever reason, but on the second occasion he was. So, therefore, to give the impression that something had occurred, is one that I would wish to correct.

Sen. W. Mark: Would you want to comment on this development that I have brought to your attention where 46 officers have been bypassed in favour of this “chap”, Mr. Blackman?

Sen. Enill: I do not have the details, but having spent some time in the ministry, I am aware that in certain instances there are specialized skills that are required for a particular operation and, therefore, in those circumstances, what you would do is go within the operation and promote on the basis of skills requirement rather than the traditional way of simply on the job at a particular point in time. I think it was a concept that we agreed to as being the only way to move forward in the context of better delivery of services.

Sen. W. Mark: All I want to tell my colleague is that there are many dissatisfied customs officers at the Customs and Excise Department as it concerns this particular matter, and I think that you need to investigate this matter a little more.

Mr. Vice-President, I would also like to deal with the issue of—you see, equal opportunity is very important in a democracy. To promote equal opportunity there has to be fairness; there has to be justice; and there must be access to information. It is really sad and it tells you the direction this Government is taking. If this Government was interested in democracy and not the promotion of an authoritarian system of governance, this Government would not be afraid of promoting the principles of transparency, accountability and openness.

Since this Government came into office on November 05, 2007 it has been stifling, stymieing, compromising and undermining democracy in our nation. It is not too difficult to see what this Government has been doing in an effort to undermine democracy through the absence of transparency and accountability. We are seeing this every day in our lives.

Mr. Vice-President, you would have observed that this Government took almost one year to establish the joint select committees. We commenced the First Session of the Ninth Parliament on December 17, 2007, and it took this Government almost 10½ months to get these committees going. When they got these committees going, what did the dictator dictate to his minions? He told his minions—let me withdraw that word—he told his representatives or the Members of Parliament who sit on these committees that their purpose is to ensure that those committees do not function. That is the objective. “You see this Parliament that approved three committees, to hell with this Parliament, I am the boss.” *[Interruption]*

Sen. Annisette-George: Mr. Vice-President—

Sen. W. Mark: Mr. Vice-President, I withdraw. I am not going to hell, I am going to heaven. Hear what this Government did and what the Prime Minister instructed his Ministers who sit on these joint select committees to do?

Sen. Annisette-George: Mr. Vice-President, again, I want to refer to Standing Order 35(5) which relates to imputing improper motives to any Member of either Chamber. *[Interruption]* The point was made by the hon. Senator.

Mr. Vice-President: Sen. Mark, you did make the point that the Prime Minister instructed that these committees must not function. That is imputing improper motives.

Sen. W. Mark: I have been advised that those committees—

Sen. Manning: You are irrelevant. *[Interruption]*

Sen. W. Mark: I am showing Sen. Hazel Manning who seems to have a short fuse when it comes to tolerance—*[Interruption]* I want to tell this honourable Senate that if a system is to function the Government must give all the necessary resources and wherewithal to those systems and to those committees. Do you know what this Government is doing? I have been advised that the Government has taken a decision, according to my information, not to allow those committees to function. Do you know what they have done? I have just returned from London, and I went to a committee called the Public Accounts Committee. There are 16 members on that committee. Do you know what has been the quorum for decades and centuries there? It is four. They told me that they do not get a full team and they are lucky when they get four members, and they are full-time parliamentarians. We are part-time parliamentarians. Do you know what this

Equal Opportunity Legislation
[SEN. MARK]

Wednesday, November 05, 2008

Government has done? This Government has now increased the quorum from four Members to seven Members. Mr. Vice-President, that is undermining democracy in this Parliament! [*Desk thumping*] That is an undermining of the democracy!

I understand that they are going to take a decision very shortly to have a blackout. In other words, we are now in a lodge; the PNM's lodge. The PNM lodge says that everything must be done in secrecy.

Sen. Narace: Standing Order 35(5). [*Interruption*]

Sen. W. Mark: The Government is seeking to promote—

Sen. Gronlund-Nunez: Mr. Vice-President, on a point of order, Standing Order 35(5). The Senator is imputing improper motives. If he can come here and demonstrate somewhere in the minutes that a democratic vote did not take place in order for any decision in any one of these committees he can come forward. However, one cannot impute improper motives if one cannot demonstrate that. I do believe that it is a chairman from their side who did not turn up and who is the chairman of a committee. I do not know if he is trying to put these motives against his own side.

6.30 p.m.

Mr. Vice-President: Before we continue, Sen. Mark your statement earlier on:

“Mr. Obama? ‘He eh come just so yuh know. That is not ah slogan, yuh know. Yuh saying Obama. That is ah slogan? He is a serious fella, yuh know; ah very serious man.’ If Patrick Manning, the Prime Minister, could have only 5 per cent of his intelligence, we would be far ahead of the country. He is a statesman; he is not a hooligan. He is not a gangster, a thug that will run into a police station or run into a radio station! No, no, Obama is a statesman.”

Sen. W. Mark: But I did not say—[*Inaudible*]

Mr. Vice-President: Well, you are comparing him. By your comparison, you are insinuating, so please withdraw that statement.

Sen. W. Mark: I withdraw just to avoid—[*Crosstalk*]

Mr. Vice-President: I am still on my feet, Sen. Mark; I am still on my feet.

Sen. W. Mark: Mr. Vice-President, the reality is that they know they can only fool some of the people. The reality is this Government is undermining

democracy. This Government is undermining our institutions, and I want to tell you, we have taken a decision to expose this Government, and we shall be having discussions with all the relevant agencies that are organizing these two summits in order to tell the world the state of affairs in this country.

We want to tell the world how the Attorney General is behaving in this country! We want to tell the world how the Prime Minister is behaving in this country! We want to tell the world how the Government is undermining our democracy and they are tearing up the Constitution. They are undermining transparency, undermining accountability and undermining openness. [*Desk thumping*] We shall expose you to the international community completely. We intend to go throughout the world to deal with you and we will fight you right here at home as well.

The fact of the matter is, they cannot deny it, whether it is the Public Accounts Committee, the Public Accounts (Enterprises) Committee, or the three joint select committees, the Government has used the tyranny of the majority in order to subject, to crush, and undermine the democracy of this Parliament. [*Desk thumping*] You are talking about democracy; you are talking about dignity, decency and decorum; and my friend, Sen. Anisette said, we must have dialogue with you. How can we have dialogue with thugs and gangsters? [*Crosstalk*] [*Interruption*] Sorry, I—

Mr. Vice-President: I think you need to apologize formally.

Sen. W. Mark: I withdraw.

Mr. Vice-President: No!

Sen. W. Mark: I sincerely apologize to my friends—[*Inaudible*]—thugs and hooligans. [*Interruption*] I withdraw; I sincerely withdraw.

Mr. Vice-President: No, no, no. Please apologize for making those statements.

Sen. W. Mark: I apologize for calling them thugs, gangsters and hooligans. You like that?

Sen. Enill: Mr. Vice-President, through you, to Sen. Mark, I just want to seek your clarification on one small issue on the matter that he spoke of. The Government made certain commitments and it is holding to its commitments. I thought that Sen. Mark would have waited until he had evidence to make the

Equal Opportunity Legislation
[SEN. THE HON. C. ENILL]

Wednesday, November 05, 2008

statement he just made in circumstances where, even as we speak today, the very first meeting of those institutions have not been called. I therefore ask the question, Mr. Vice-President, to Sen. Mark, on what basis is he of the view that we on this side are not serious about the work of the Parliament? I would just like to know on what basis, given the fact that we have not even held a meeting as yet. So, the expectations that you have could not be held.

Sen. W. Mark: Mr. Vice-President, I know you are happy with my apology. There is a famous chancellor called Otto Bismarck, and I want to quote to respond to my dear friend. He said:

"Political judgment is the ability of an individual to discern and hear the hoof beats of the horses of history from a distance."

We have heard the hoof beats of the PNM horses of history from a distance, and we do not have to wait until the hoof beats come before us, we hear them from a distance. [*Desk thumping*] We know where this Government is coming from. I am predicting today; I am putting on record today, that this Government is going to shut down all these joint select committees.

They are not going to go public with these joint select committees, in terms of live broadcasting. They have done it in the PAC; they have done it in the PA(E)C. This is a fascist regime with intentions that are not honourable for this nation and we must expose you. Wherever I travel, I am exposing you; Mr. Vice-President, not you, Sir, you are a good man from Arima. [*Laughter*] But you see the PNM, we shall be exposing them to the world. That is our mission until you are removed from office.

The Public Accounts Committee cannot meet, because the quorum is too big, and meetings after meetings are being aborted. I have had the same experience, you know that, meetings after meetings aborted. That is the purpose of this Government. They want to stifle, undermine, compromise and hijack democracy in our country, and you want us to go to bed with you; you want us to have relations with you. [*Crosstalk*] No, no, I want to tell the PNM—

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

Motion made, That the hon. Senator's speaking time be extended by 15 minutes. [*Hon. C. Enill*]

Question put and agreed to.

Sen. W. Mark: I want to thank my hon. colleague. We on this side shall do everything in our power; we will use every means at our disposal; every ounce of energy in our body, to ensure that your ambitions are never realized in this republic. I want to give you that commitment. [*Desk thumping*] You will never survive; you will run out of town; you, the Prime Minister and that whole Cabinet will leave Trinidad and Tobago before you all sink us into a dictatorship. Never! Will never happen! We will go to war if it is necessary!

Hon. Senator: Who is your leader? [*Laughter*]

Sen. W. Mark: Who is your leader? "Doh worry", we have many leaders here, do not worry about leaders, we have many leaders, but we have one visionary leader in our party, hon. Basdeo Panday. He is the leader of our party and he is the one "all yuh" fear; he is the one you all sent to jail, and you all have a dishonourable man right now serving as High Commissioner in England, who was the mechanic and the project manager for trying to "lick up" the Chief Justice, the former Prime Minister and Leader of the Opposition. That gentleman who is serving there, who should be recalled from London.

May I also indicate to the hon. Attorney General—[*Interruption*] No, the Attorney General knows whom I am talking about.

Sen. Enill: You are imputing improper motives.

Sen. W. Mark: No, no, you see how nice I am today? Every time you talk, I say I withdraw. I want to remind the hon. Attorney General that she made many commitments since June 23. I have the *Hansard* records to show how this Attorney General and the Government is not interested in promoting this Equal Opportunity Commission, and I am not implying any improper motives here. Why is it taking our Chief Justice and the Judicial and Legal Service Commission almost one year to get members of the Tribunal, to get the assessors, as they call them?

Mr. Vice-President, do you know an institution called the Solicitor General's department is being undermined every day by this Government for the last five years? There is nobody to fill that vacancy. They are keeping it open for a magistrate in the courts right now, I understand, who is prosecuting Mr. Panday, because they have given a commitment. You prosecute Mr. Panday; you get him in jail; you will get the "wuk" as Solicitor General. That is why that particular office has been left vacant for almost 4½ years.

You know what I have learnt, Mr. Vice-President? The Chief State Solicitor's office is also vacant—that is under the Attorney General—and they are not filling

those offices. They are undermining the institutions of our country, and major agreements that are supposed to be vetted by the Solicitor General are being vetted by juniors, and all kind of deals are taking place, because we do not have an independent person to look after the national interest in that office of the Attorney General. Tell me what explanation can be given for the absence of a Solicitor General for four years in this country? What is the explanation for not having a chief state solicitor for all these years? It is clear what they are after. So, I want to ask the Attorney General if she can tell this honourable Parliament what has happened since her commitment to us? I want to remind the hon. Attorney what she indicated and I quote:

"As far as the appointment of the lay assessors, there is an anomaly in the Act which refers to certain pension rights of the lay assessors and shortly an amendment will be tabled and it will be advisable that that will be done before the lay assessors be appointed."

That was Monday, June 23, 2008. We are about to come to the end of our first session of the Ninth Parliament on or before December 17. When are we going to get this amendment to the legislation? Is the Attorney General serious about the Equal Opportunity Commission? Not even a secretariat has been appointed. If we want to write to the Equal Opportunity Commission, nobody knows where to write, who to write to; are there forms; we do not have forms available; we need a secretariat. We need to know what is the infrastructure that has been established to date. I believe the Attorney General is playing games with the people.

Sen. Annisette-George: Are you willing to give way?

Sen. W. Mark: No, you will speak after me.

Sen. Annisette-George: You do not want me to answer the question?

Sen. W. Mark: I have limited time. You have the right after I speak to rise and speak after me, and I will give you that right. [*Laughter*]

Hon. Senator: You cannot give what is not yours.

Sen. W. Mark: No, it is true. [*Laughter*] Mr. Vice-President, I withdraw. I do not enjoy such right; I agree with you. I withdraw that, Sir. The Attorney General has the right to speak after I speak.

I would like the Attorney General to tell us, come clean, because so many citizens of this country are being discriminated against, by the system of oppression and exploitation that is being presided over by this "crimi"—this "almost" I should say, criminal, they might say I too harsh—government and therefore, they need

a place to grieve, a tribunal, a channel where they can at least bring their grievances, but all we are hearing are promises and promises. I charge this Attorney General with fooling the population of this country. She fooled them as it relates to scholarships. Up to now we do not know how many PNM people got scholarships—3,000—because the Attorney General has refused to provide the names.

6.45 p.m.

I know there are people in this Parliament right now—and I can call names but I would not call—who benefited from that, up to the tune of \$400,000 and they studied in London. I would not call “no” names. I know of a Permanent Secretary in the Ministry of Community Development, Culture and Gender Affairs whose son has benefited to the tune of \$500,000 and there are names that are coming to us, and if you all do not give us the people would give us. Douglas Mendez, \$10 million over the last four years and the Attorney General refused to give us that information. It has come to us in our mailbox. The Government of this country has given \$10 million to Douglas Mendez over the last four years for doing work for them which they refused to make public but somebody has come to us and has given us the information—\$10 million.

Why do you want to hide that from the people? Is there a deal taking place? Is there some insidious relationship between Douglas Mendez and the Attorney General? I am not implying any improper motives, but you must tell us. Tell us if my figures are wrong. Tell me if the figures are wrong, but we hear it is \$10 million that Douglas Mendez has gotten from you and you have refused to bring that information here and somebody has passed it to us. I want to join my colleague Sen. Dr. Carson Charles in welcoming the presence of the chairman of the Equal Opportunity Commission, but I want to advise him and warn him, justice must not only be done but justice must be seen to be done.

When a chairman of an Equal Opportunity Commission can come in the newspaper of November 02, Sunday Guardian and tell this country that you know what:

“Political analyst John Le Guerre,...thinks Manning's performance has been above average, when one took into consideration that most of his government ministers were new.

Whilst there were disagreements in all Cabinets...Manning's leadership role for the last year had not been different from other Cabinets.

‘Manning has done exceptionally well in managing his new Cabinet within the last year. I would give him a B-plus plus’—because—“I don’t give As.’”

Equal Opportunity Legislation
[SEN. MARK]

Wednesday, November 05, 2008

Now this is the chairman of the Equal Opportunity Commission taking a side and politically aligning himself with the ruling party. The Opposition has no confidence in John Le Guerre. We call for his immediate resignation here this evening and we call on the President of the Republic to immediately revoke his appointment. He is not fair handed. If you can come out on the side of the Government and the Prime Minister—is he singing for his supper? Is Dr. Le Guerre singing for his supper? I do not know.

You cannot instill confidence in the population if you have begun on this wrong leg. How can you come out and tell the country that you give the Government a B-plus plus because you do not give them As, so if you were to give students As, you would have gave the PNM an A. So, what are you telling us? What regard does this man hold the Opposition in? So, Mr. Vice-President, that cannot be fair. It cannot be fair! No, I am saying he must do like Dr. Mc Kenzie. He must behave like Dr. Eastlyn Mc Kenzie, she is very independent, she says nothing politically and she is somebody that you can invest trust and confidence in. But I cannot do that in the case of Dr. Le Guerre, after making these statements and it is not the first time.

He describes the Prime Minister not as a dictator but a decisive leader. What kind of statement is that coming from Dr. Le Guerre? *[Interruption]* No, I am saying, when you are dealing with equal opportunity matters, you have to have a chairman who is independent and above the cut and thrust of politics. He should not be on “no” round table with the Prime Minister and he should not be making these kinds of statements in newspapers. I do not care what he has in his mind.

So, when I come to you, Mr. Vice-President, when the ordinary citizen comes to you with a grievance, what are you going to tell me? I could perceive from in advance that this man is going to treat citizens unfairly. He is going to treat citizens unfairly. How can we have trust in such an individual?

Sen. Piggott: Would you give way, Sir? Is the Senator suggesting that someone of independent mind with expertise in political analyses, he cannot give an opinion or give a view on matters of the State? Is that what the Senator is saying?

Sen. W. Mark: Yes, I am saying he can give views, Sen. The Hon. Piggott, but he cannot be a chairman of the Equal Opportunity Commission. *[Interruption]* That is the point I am making. *[Desk thumping]* I am not denying him his rights. He must go in and make his statements. He wants to be PNM until he is dead, that is his business. He is an intellectual who has now given up his ghost in terms of fairness—

Sen. Piggott: Senator, if you cannot understand, a political commentary does not suggest—a political commentary on Sen. Mark in a certain place does not suggest that the person favours Sen. Mark’s party. I cannot think that the Senator would seriously feel that way.

Sen. W. Mark: It is not favouring parties here. I am saying, justice must not only be done, it must be seen to be done, and I am suggesting that the behaviour and conduct of this individual does not make him a suitable candidate for chairmanship of this very important commission that is supposed to be based on equality, justice and fairness. That is the position of the party and my position at this time.

Mr. Vice-President, I want to thank you and I want to thank all my colleagues. This is a very important Motion in the interest of the nation. We will fight for rights of the people to ensure that there is democracy across the board. This Motion, all it is doing is calling on the Government to take immediate measures to have the legislation implemented, effected and operationalized.

I believe the Attorney General needs to give this Parliament an explanation as to where that legislation is, because as far as we are concerned it is going nowhere fast and people are not being given an equal chance to grieve under the Equal Opportunity Act.

I beg to move, Sir.

The Attorney General (Sen. The Hon. Bridgid Annisette-George): Thank you, Mr. Vice-President. I rise under Standing Order 33(2), and Sen. Mark from his experience knows much better and he is very familiar with the case of *Suratt v the Attorney General*. I want to deal with the point that the Senator made with respect to the chairman of the commission.

Sen. Mark would recall that as far as the Equal Opportunity Act—it was the position of those on this side that the Act was unconstitutional, and in the course of the events, the Privy Council ruled it was. And it ruled that it was so on the basis that the legislation created a new remedy. It did not create an analogous remedy to what existed under the Constitution, where, if the State committed an act of discrimination, that would have been founded as a constitutional Motion and therefore would have resided in the High Court.

I am certain that Sen. Mark knows, because the decision of the Privy Council vindicated the UNC’s position on the Equal Opportunity Act and the basis of it was that the Equal Opportunity Act created new rights, it dealt with private rights,

Equal Opportunity Legislation
[SEN. THE HON. B. ANNISSETTE-GEORGE]

Wednesday, November 05, 2008

rights in private law that did not apply under the Constitution. I am sure the hon. Senator knows that. So, to give the impression that any statement the chairman of the commission gave regarding the Government impacted on his independence, I think is incorrect, is ill-founded and Sen. Mark well knows that, because it is the tribunal that would adjudicate on matters.

I do not believe under the Act the chairman of the commission is the chairman of the tribunal. When I say I do not believe, in fact it is not so, the tribunal is different from the commission, but the matters that will be going before the commission will not be matters concerning the Government and a citizen. It will be matters concerning citizens as relates to other citizens.

I would just want to refer to and this is the decision in *Suratt v the Attorney General* and I am quoting here from page 12, paragraph 27 and I am sure Sen. Mark knows this. It says here:

“While the jurisdiction conferred on the tribunal is new in its application to private law relationships, its application to disability, this jurisdiction is clearly analogous to that which under the Constitution is the exclusive preserve of the High Court.”

But that is as far as what exists between the State and the individual and not as between the individual and another individual.

So, as far as Prof. La Guerre’s independence, I would like to say—no, you had your chance. I would like to say that that claim is unfounded—[*Interruption*] whether you agree with me or not, but you cannot dispute that the jurisdictions are different.

Sen. Dr. Charles: Yes, I thank the Attorney General for giving way. Notwithstanding the legal arguments and so on, would the Attorney General concede that it is at least inadvisable for the chairman of an Equal Opportunity Commission to be seen to be making comments favourable or otherwise concerning the performance of the political leader of a governing party? Would that not seem inadvisable to be making such comments?

Sen. The Hon. B. Annette-George: Mr. Vice-President, I do not think it is advisable for me here to give an opinion on certain matters in any event, okay.

Sen. Dr. Charles: That is nonsense.

Sen. The Hon. B. Annette-George: There is a Standing Order that covers that and my friend well knows that.

Further, as far as the amended Motion, I would just like to deal with the fact that we on this side cannot support the amended Motion in its form in that we have set out here that the Act has been operationalized and implemented—that is your lovely word that you have coined. I do not know if it is in the standard dictionary, but this is what you have used. And as far as giving to this honourable Senate an update with respect to what has been happening with the Equal Opportunity Commission, I have been advised that the Administrative Officer IV (AOIV) has now been appointed and there are certain members of staff that have been appointed; their driver, their messenger, they will be shortly appointing an accounting assistant; that as far as certain filing systems and administrative systems, these are being put in place.

It is the commission that will be charged with preparing their rules and their forms. On the one hand we want them to be independent and on the other hand we are being told that the Government is at fault for these forms and so not being set up and established.

Further, advertisements have been placed for the communication officer and the business operations officer and it is expected that interviews would be held shortly to fill these positions. The other public service positions for staff have been identified and persons have actually been identified.

7.00 p.m.

Sen. Prof. Deosaran: Could I? Thank you very much, I am sorry to interrupt you. Looking at the amended resolution, be it resolved, and in view of what you are now saying, do these additions to the Motion in the form of an amendment, reflect exactly what you are saying is being done or having been done?

Sen. The Hon. B. Annette-George: Yes, they are. The difficulty with the amended Motion is that the Government takes immediate steps and that is where the emphasis and the difference is, in that our position is that immediate steps have been taken to operationalize and implement.

Mr. Vice-President, as I was saying, not only have the positions been identified, staff has been identified to fill these positions. They have not as yet taken office because of the constraints of space and an ad has been placed in the newspaper at least two or three months ago. The commission has advertised that they are in the Winsure Building and while the space does not allow them full operations, I have also seen ads saying that all complaints to be lodged should be sent there. If my recollection serves me well—I do not want to mislead the Senate. In June, I made the contribution?

Sen. Mark: Yes.

Sen. The Hon. B. Annisette-George: There were about 25 complaints that the commission acknowledged that they had received. But, Mr. Vice-President, I expect that before the end of this month, the commission will have a temporary home.

In Port of Spain, a building has been identified and all things being equal, I expect that in the course of this month, the keys will be handed over to that, a building to the commission. As far as a permanent home for the commission, I believe I would have said that we were looking at a location in Chaguanas. The building was considered ideal, except that as is very often the case, the building was built without certain approvals being obtained. So even though it was ideal—the commission saw it, we visited it and everything was going gung-ho before the Government enters into any agreement—and I am sure you were a Minister of Public Administration at one time, so this is not foreign to you. Therefore, as recently as last week, because finding a location in the Chaguanas central area has been very tight, another opportunity has arisen and it is quite possible, we are looking at a location in San Fernando for finding the permanent home for the Equal Opportunity Commission.

Mr. Vice-President, it is sometimes hard to satisfy people in this country. Since I have held this position, I have heard this Government being criticized for being north focused; everything is in Port of Spain; we want to decentralize and avoid the traffic. Here is an opportunity to decentralize. San Fernando is our second city, and again, we have complaints. You are now telling me you want it in Port of Spain.

Sen. Mark: No, I said Central and Port of Spain— [*Inaudible*]

Sen. The Hon. B. Annisette-George: I thank you very much. I think it is because of the passion of the hon. Senator that sometimes he may be anticipatory. But it is intended in any event, that wherever the headquarters is located there would be an equal opportunities desk in various areas in Trinidad and Tobago, to be the receivers of complaints and to deliver services for the people of Trinidad and Tobago.

As far as the amended legislation which I spoke about with respect to lay assessors, there has been conversation with the CPO to see if administratively that can be sorted out without legislation. That is in train.

The Hon. Senator asked about the panel of advisors. The Act does not give any sort of formula. To allay any fears that people were being handpicked, enquiries have been made of all the established—I want to be careful because the legislation says, I think it was the principal religions in Trinidad and Tobago. I have to admit that I do not know how you decide what is principal in Trinidad and Tobago with all its diversity. Remember again, it is an Equal Opportunity Commission, so that the route we first decided to explore is to write all the religious bodies, including the IRO and the individual bodies and get from them certain suggestions to enter into some kind of dialogue. At the end of the day, the selection of this panel of advisors will be informed by some sort of process that would mirror the objectives of the Equal Opportunity Commission.

Mr. Vice-President, as far as the ongoing work with the Equal Opportunity Commission, it is my hope that before the end of this year, it will be certainly up and running. I am quite mindful of December 10, being a very significant date internationally, in that it is the close of the 60th Anniversary of the Universal Declaration of Humans Right. I would certainly hope that the commission will be up and running in its temporary accommodation by that time. But again, as the Minister with the portfolio for the Equal Opportunity Commission, I think that as the hon. Senators called for a certain amount of distance even from the Chairman, it is also important for the Executive.

Sen. Mark: Where is it located?

Sen. The Hon. B. Annisette-George: It is located in Winsure Building, Richmond Street. The temporary location is expected to be in Port of Spain, not too far from here, but I do not want to put that in the public domain. The commission will deal with that in its time.

Mr. Vice-President, certainly, in terms of the appointments to the Office of the Solicitor General, as the hon. Senator knows, again, that is done by an independent commission under the Constitution of Trinidad and Tobago.

Sen. Mark: [*Inaudible*]

Sen. The Hon. B. Annisette-George: You see, Mr. Vice-President, that is the point. If they are independent—you know what independent means in this circumstance? It means that they are isolated from any sort of manipulation by the Executive. Is either we want it or we do not want that. Mr. Vice-President, until an appointment is made by the Judicial and Legal Service Commission, the authority under the Constitution with that power, one has to understand, while

Equal Opportunity Legislation
[SEN. THE HON. B. ANNISSETTE-GEORGE]

Wednesday, November 05, 2008

again the hon. Senator talks about writing them, I do not know what manipulation and influence mean in the context of our political landscape. On the question of the Solicitor General, I guess when the Judicial and Legal Service Commission in its wisdom finds the candidate that it wishes, it would make the necessary appointment.

As far as the Chief State Solicitor, I know we do have an acting Chief State Solicitor, so the position with the Chief State Solicitor is very different from the position of the Solicitor General.

On the question of fees, I believe that the question was answered here and the position of the Government is that this is a matter of financial nature, and therefore, exempt from disclosure.

Mr. Vice-President, in winding up, I would like to say that this Government is committed to the establishment of the Equal Opportunity Commission. This is a law-abiding government. The Privy Council has ruled. The point about it is this. The Government took a legal position on the Equal Opportunity Act. I keep making the point that both the High Court and the Court of Appeal of Trinidad and Tobago ruled that the Act was unconstitutional, and therefore, vindicated the position of the Government, laying claim to the fact that this Government was against or trying to stifle or dwarf or diminish equal opportunity legislation, cannot be supported because when the courts here ruled against the Act this Government brought equal opportunity legislation. I am sure the hon. Senator remembers that.

It so happens that on September 15 of last year, the Privy Council ruled and while Members of the Opposition want to hail it as a victory, it was not an easy decision. When one reads the decision of the courts, the Law Lords admitted that it was not an easy question. In fact, the dissenting judge, I believe it was Lord Bingham, said that it is for the judges in the jurisdiction to decide the constitutional issue. Not so?

Sen. Mark: Yes.

Sen. The Hon. B. Annette-George: Therefore, the dissenting judge was of the view that the Privy Council should not overturn the decision of the local courts.

Sen. Mark: [*Inaudible*]

Sen. The Hon. B. Annette-George: Well, that might be, but we have seen a Privy Council that in less than a year overturned itself. Again, it is extremely unusual, but they did it. We have seen a Privy Council—I might have it here—

that has made certain decisions and every time a death penalty case came, they did a little somersault and sort of nicely varied themselves from a decision that they have made before.

I am not sure what kind of victory the hon. Senator will want to call the decision in *Suratt v the Attorney General*, but we recognize that the Privy Council is the highest and the final Court of Appeal, and therefore, we abide by the law. It is because the amended Motion asked for the Senate to call on the Government to take immediate steps, it has been our contention and we have been taking immediate steps.

Mr. Vice-President, I think it might have been in July, the Privy Council ruled again in the same Suratt matter on an application that there was no evidence, that the Government was not acting responsibly in bringing the Equal Opportunity Commission and the Tribunal to life. Not so? We have a commitment with the Privy Council and we would abide by that commitment. Because the Motion calls for immediate steps, we are saying that we have taken immediate steps to operationalize and implement the equal opportunity legislation. Therefore, we on this side would be forced to abstain in the vote on this Motion.

Thank you. [*Desk thumping*]

7.15 p.m.

Question put.

The Senate divided: Ayes 10 Noes 1

AYES

Mark, W.

Nanan, Dr. A.

Charles, Dr. C.

Kernahan, Dr. J.

Sharma, Miss C.

Rahman, M. F.

Deosaran, Prof. R.

Ali, B.

Annisette, M.

Rampersad, U.

NOES

Baptiste-McKnight, Mrs. C.

The following Senators abstained: Hon. C. Enill, Hon. B. Annisette-George, Hon. M. Browne, Hon. H. Manning, Hon. A. Piggott, Hon. Dr. E. Dick-Forde, Hon. T. Gronlund-Nunez, W. George, L. Rogers, Miss L. Lezama , Miss J. Melville, F. Cummings, N. Gayle. [*Crosstalk*]

Question agreed to.

Resolved:

That the Senate call on the Government to take immediate steps to have the Equal Opportunity Legislation fully effected, implemented and operationalized in the Republic of Trinidad and Tobago.

ADJOURNMENT

The Minister of Energy and Energy Industries (Sen. The Hon. Conrad Enill): Mr. Vice-President, a situation has arisen of which I would wish to bring Members of the Senate into the thinking.

On the last occasion that we met it was the intention of the Government not to have a sitting next week, for two reasons: One was that we would have had two sittings this week and the other was that the Presiding Officers would be out of the country.

A matter has arisen that because of the time frame it requires us to be here and, therefore, I would be proposing that we meet on Thursday next week. We have to debate an order. It is not common for us to debate orders, because normally, as with the Provisional Collection of Taxes Order, it is debated in the other place and that is the end of that. However, with respect to this particular matter, apparently the Act says something to the effect that there must be a resolution of the Parliament.

According to the Interpretation Act, wherever you have reference to a resolution of Parliament, it has to be both Houses. Of course, this is something that came to our attention later rather than earlier. Therefore, on the basis of the time frame available to us, this Order is nullified if by November 14 we do not deal with it. In those circumstances, the only date that seemed to have been available was Thursday, November 13.

Adjournment

Wednesday, November 05, 2008

In those circumstances, I therefore beg to move that this Senate do now adjourn to Thursday, November 13, at 1.30 p.m. to debate Motion No. 1 on the Order Paper, which has to do with the confirmation of the Excise (General Provisions) Act, Chap. 78:50.

**Tobago House of Assembly
(Forensic Investigation into)**

Sen. Wade Mark: Mr. Vice-President, I have several motions here, but we have agreed that I will take one today.

This particular Motion calls on the Government to take steps to have a forensic investigation into the financial arrangements surrounding this particular Tobago House of Assembly (THA).

As you are aware, the Tobago House of Assembly has been in receipt of billions of dollars from the Treasury and from the taxpayers of Trinidad and Tobago. The THA has been very tardy in submitting its financial statements. The Auditor General is unable to furnish the Parliament, on a timely basis, with these financial statements. I have checked the notes coming to the library and all I have found so far is the financial statement from the Auditor General on the accounts of the THA for the year ending September 30, 2000. The other one was for September 30, 2001. The last one I was able to get was for the year ended September 30, 2003, so there is none for 2002, none for 2004, none for 2005, none for 2006, and none for 2007. This is an organization, an Assembly, that has in its possession billions and billions and billions of taxpayers' dollars, and yet still the accountability leaves a lot to be desired.

I would just like to turn to the latest report that we got, dated September 30, 2003. If we go to page 2 and look at the balance sheet's fixed assets—to tell you the state of play of this Assembly:

“Fixed Assets - \$394,557,189.00

The figure...shown as Fixed Assets was not verified...”—by the Auditor General—“for the following reasons:

- ‘(i) A Fixed Assets Register for each Division...was not produced for audit examination.
- (ii) Capital expenditure of approximately \$32,777,167.09 under the Development Programme for the construction of primary and secondary schools was omitted.

- (iii) The figure of \$3,124,460.00 shown as 'Additions' under Buildings at Note (2c) to the Accounts did not agree with payments totalling \$9,250,000.00...
- (iv) The figure of \$7,243,227.00 shown as 'Additions' under Office Furnishings and Equipment...to the Accounts did not agree with amounts totalling \$6,073,856.65...
- (v) Amounts totalling \$4,138,887.00 relating to the cost of vehicles in previous years was omitted."

This is just dealing with fixed assets.

The Auditor General concluded that:

"Fixed assets did not bear identification marks...of the Divisions where a physical check of acquisitions for the year was undertaken."

As it relates to current assets, \$64 million in the bank:

"Cash books were not produced for audit in respect of the undermentioned accounts:

- the Tobago House of Assembly Fund...
- the Tobago House of Assembly Contingencies Account
- the Main Development Programme Account
- Republic Bank Development Account
- Main Payroll Account; and
- Main Goods and Services Account.

Cash books were not produced for several bank accounts operated by certain Divisions as under:

Division of Agriculture, Marine Affairs and the Environment...

Division of Community Development and Culture...

Division of Education, Youth Affairs and Sports...

Division of Health and Social Services...

In addition, at the Division of Community Development and Culture, bank statements and cheque listings were not presented."

This is an Assembly spending billions and billions and billions of taxpayers' money belonging to the people of Trinidad and Tobago, and look at this report; this is just 2003.

The Contingency Fund Account amounted to \$3.2 million.

“The figure of \$45,869,771.75 shown as ‘Bank’ includes an amount of \$3,164,881.53 relating to the Contingency Fund Account. There was non-compliance with the Tobago House of Assembly Financial Rules, 1990...in respect of this account...

- (i) Prior to the determination of the Surplus in accordance with Section 34(1) of the THA Financial Rules, 1990 an amount of \$2,888,576.00 was transferred on 2003 February 17 from the Fund Account to the Contingency Fund Bank Account.
- (ii) Signed warrants were not seen for withdrawals totalling \$1,731,465.00...
- (iii) An amount of \$500,000.00 was withdrawn from the Fund, the purpose for which was stated as being ‘a loan granted to a private registered company experiencing financial difficulties’.”

I did not know that the funds of the people could have been given to a private company by the THA, a company that was said to be experiencing financial difficulties? This is fraud! This is corruption! We need a forensic investigation into the financial affairs of the THA.

Mr. Vice-President, look under investments of \$15 million:

“The figure \$15,478,838.41 on the Balance Sheet did not agree with that of \$15,494,838.41 in Note (4) to the Accounts, a difference of \$16,000.00.”

It goes on, “Loans Receivable”, some \$2.7 million:

“Amount advanced to Assemblymen and Contracted Officers’ differed from that of \$1,958,937.94 shown in the records of the Assembly.”

And it goes on; it is a litany of woe; this is criminal behaviour on the part of the THA, involving billions of taxpayers’ dollars, and there is no accountability. And not only that, the reports are not coming. We do not have 2004; we do not have 2005 and we do not have 2006 and 2007.

Tobago House of Assembly
[SEN. MARK]

Wednesday, November 05, 2008

It goes on to current liabilities, \$11 million. They have a figure of \$9.2 million as THA deposits; that could not have been verified by the Auditor General of Trinidad and Tobago.

The accounts payable of \$1.45 million could not be verified, as a creditors' ledger could not be produced for examination.

Mr. Vice-President, "Statement of Income and Expenditure"; it goes on to talk about the total recurrent Releases of \$471 million:

"...and receipts collected and retained by the Assembly...as reflected on the Statement...amounted to \$583,868,059.00. However, the comparative amount in the Appropriation Account for the Assembly...was \$648,799,959.00."

7.30 p.m.

So they are showing the Auditor General an amount of \$583 million, but the appropriation account says that they received \$648 million. Where the money "gone"? Like the Prime Minister asked: Where the money "gone"? We want to know. It goes on, page after page:

"The Development Loan Programme is overstated by \$32.7 million."

And it goes on. This is a national scandal!

We have moneys involving advances to assemblymen and contract officers amounting to \$742,000 which was disbursed and they said it was "incorrectly recognized as expenditure, thus overstating total expenditure by a similar amount." These people in the Tobago House of Assembly do not have expertise; they do not have proper accounting officers? Every financial year the people of Trinidad and Tobago release to the Tobago House of Assembly billions of dollars, in some instances, over \$2 billion, and look at what we have here.

Therefore, I think this thing is sufficiently serious to call on the Minister in the Ministry of Finance to have conducted as a matter of urgency, a forensic investigation into the financial audited accounts of the Tobago House of Assembly. We believe that there are too many irregularities and for an Auditor General to be pinpointing these things in her report, it must give rise to serious concern for the people of Trinidad and Tobago.

I am sure that the people of Tobago are very concerned about how their moneys are being spent. We understand the Tobago House of Assembly has been dissolved and they are going into an election in January. But before they go to this

election, let us have a forensic investigation into the Tobago House of Assembly, because we might go into an election—when I say so, the people of Tobago are going into an election in Tobago and these matters remain outstanding and we need proper accountability. I am not accusing anybody of any impropriety. I cast no aspersions on anybody's character in the Tobago House of Assembly. All I am saying is that the Auditor General's report is sufficient to warrant an investigation and I call on the hon. Minister in the Ministry of Finance to have a forensic audit conducted into the financial affairs of the Tobago House of Assembly.

Lastly, I would like the Minister in the Ministry of Finance to tell us why are we not getting these reports on time from the Tobago House of Assembly? Why have we not received the audited financial statements for 2004, 2005, 2006 and 2007? What is the reason for it? I believe the Government of this country which releases money to the Tobago House of Assembly owes the people of this country a proper explanation for these irregularities as outlined in the Auditor General's report.

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

The Minister in the Ministry of Finance (Sen. The Hon. Mariano Browne): Mr. Vice-President, I think I could do no better than to remind Sen. Mark of a motion which was brought before this honourable Senate castigating the Ministry of Finance for starving the Auditor General of the necessary resources and in so doing, preventing the Auditor General from carrying out the necessary audits in Tobago and the necessary audits of the Tobago House of Assembly.

In point of fact, I think Sen. Mark's comments, carried with the usual bluster and noise, essentially meant that the Ministry of Finance was deliberately stopping the Auditor General from carrying out these works. I think my answer at the time is the answer which Sen. Mark should remember and, very simply, it was the difficulty of getting personnel from the Auditor General's office to be assigned to Tobago on a permanent basis. That has continued to be a reason for the late completion of the audits of the Tobago House of Assembly. In fact, the last set of audited financial statements for the Tobago House of Assembly was presented to this honourable Senate, I believe—or was signed off by the Auditor General, I think—in June 2008. So the difficulty in terms of preparing and presenting these financial statements has to do with lack of personnel. I think that is the first order of business, and not to do with any dark, devious attempt to prevent the Auditor General from conducting her business or effecting her requirements in accordance with the law. That is the first point. So the reason for the delay is the lack of personnel.

I might add that we have found that in several other areas for the Auditor General's scope, it is remit. Particularly with regard to the municipal corporations, you would find that the audited financial statements are some years in arrears. In fact, the last one I looked at, there was a difficulty in determining the basis on which the accounts were presented, whether they were presented on a cash flow basis; whether they were presented in accordance with the accrual method; whether they were presented in accordance with International Accounting Standards (IAS).

That speaks to the second level of difficulty, that some of these institutions do not necessarily have the right calibre of staff in terms of presenting, managing and reporting on the performance for the financial year. That is actually mirrored in some of the comments of the Auditor General. There are three glaring ones, I think, which were pointed to by Sen. Mark. There are approximately ten pages of opinion and the Auditor General, in accordance with the Exchequer and Audit Act, is required to undertake an audit of the financial statements of municipal corporations and organs of Government and report thereon in accordance with what is known as accepted auditing principles.

Those auditing principles require the Auditor General to examine the financial statements and express an opinion thereon and give details of difficulties that they have experienced in so doing, and the Auditor General in her report, has kept faith with that. In fact, the first paragraph of the Auditor General's report on the Tobago House of Assembly, essentially sets out what they are commenting on—the financial statements—and makes the point in paragraph 2 that it is the Tobago House of Assembly, that is the management that is responsible for preparing the financial statements.

In other words, they are not preparing the financial statements; they have come to express an opinion and to look at and to verify them. What they would do is report very faithfully what they have found and they have done that. In fact, in their opinion, which is in paragraph 24, it says very clearly that:

“Because of the possible effects of the limitation of evidence, I am unable to form an opinion as to whether the financial statements present fairly, in all material respects, the state of affairs of the Tobago House of Assembly as at September 30 and its financial performance and the cash flows for the year ended 2003.”

I think what that says, not only were there some difficulties in the queries, but the financial statements were not properly formatted, properly set up. And if we were to look at one of the first paragraphs which examine the balance sheet—and I

think Sen. Mark identified a number of them and I shall deal with the three most glaring ones, the question of fixed assets. The total fixed assets of the organization is set out to be, as at September 30, which is coincident with the financial year for the Government—they could not verify the fixed asset figure of \$394 million.

I looked at the balance sheet to see how this \$394 million was made up, and I note that approximately \$100 million of those fixed assets refer to land. Well, land does not move. Secondly, \$254 million are buildings. Unless they are chattel, it is hard to move \$254 million worth of buildings. So the queries have to do with the identification of what we would call the smaller items, because these two categories included therein, amount to approximately \$354 million. So we are talking about vehicles, office and equipment making up the balance; plant and machinery, a total of approximately \$40 million. So that is what we are dealing with.

Now, interestingly, they make the point at note two, under the fixed assets that:

“The capital expenditure of approximately \$32.7 million under the Development Programme was omitted.”

That makes it sound as though something went wrong. But they also say on page 8, paragraph 17 which Sen. Mark also quoted:

“Development Programme: The figure of \$109,336 million is overstated by \$32.7 million being items of a capital nature expensed incorrectly.”

In other words, there is a compensating balance and a compensating adjustment of \$32 million. It was improperly accounted for. Perhaps what this report is missing is a matrix setting out compensating differences. There are a number of compensating differences across the 17 notes which have been identified by items 7 to 23, which would be the 16 points of detail which have been identified by the Auditor General as areas in which inconsistencies were found.

I think if we were to line them up and determine the debits and the credits and deal with the net difference, we will find out what the real problem is. But so far—and just to give a third example of matters of that nature because it really does clarify the nature of the errors—I think under the Statement of Income and Expenditure you are seeing where the money “gone”. It states:

“As a result the figure for recurrent releases shown in the statement of income, is understated by \$64.9 million and the amount shown by the releases for the development programme is overstated by a similar figure.”

In other words, what we are really talking about is misallocations and poorly presented financial statements which really indicate that the preparer needed to be properly schooled or, alternatively, that the Tobago House of Assembly needed to bring the requisite knowledge and experience to assist them in preparing these financial statements.

I think, on proper reflection, if the Auditor General had listed out in a matrix format the compensating differences between items of overstatement; items of understatement, we could very well come to zero. There are instances which clearly require some reconciliation, a reconciliation which indicates a supporting schedule is out by \$16,000; a reconciliation which indicates that the start of the prior year's balance does not reconcile by the amount of approximately \$15 million. But there are a series of compensating adjustments throughout the listing of the Auditor General's report which suggest that the key difficulty here is one of capacity.

In response to queries which were raised or generated by the Auditor General—and you will note that the Auditor General says they have complied with their statutory requirement. Their requirement is not to prepare these financial statements; it is not to fix the statements. Their requirement is to point out what the difficulties and the differences are and they have done so. They have complied with the requirement. What is required at this stage of the game is that the Tobago House of Assembly bring sufficient calibre or bring the type of personnel in to help reconcile these differences and these difficulties of misstatement, as distinct from disappearance—two completely different matters. I think the Auditor General would have been more pointed in her comments if she had found that there were items which were missing. What clearly we have are misallocations between different headings which really speaks to a matter of capacity and technical knowledge.

Having said that, in discussions and warranties made by the Tobago House of Assembly, they have indicated that they are bringing on board a sufficient calibre of experience to rectify these difficulties so that they would be dealt with in the future. On that basis, therefore, we look forward to seeing the reconciliations and seeing a proper sense of reporting prior to the Auditor General reporting on the next instance so that we can determine that these errors have been corrected. So, from our perspective, until and unless we see how those reconciliations are done, we do not see that there is a necessity for a forensic audit. We do believe that

Tobago House of Assembly

Wednesday, November 05, 2008

there is a necessity to bring in the necessary skill and calibre from the private sector to assist them in completing their financial statements.

Thank you, Mr. Vice-President. [*Desk thumping*]

Question put and agreed to.

Senate adjourned accordingly.

Adjourned at 7.45 p.m.