

Leave of Absence

Tuesday, February 03, 2009

SENATE

Tuesday, February 03, 2009

The Senate met at 1.30 p.m.

PRAYERS

[MR. PRESIDENT *in the Chair*]

LEAVE OF ABSENCE

Mr. President: Hon. Senators, I have granted leave of absence to Sen. The Hon. Dr. Lenny Saith, who is out of the country.

SENATOR'S APPOINTMENT

Mr. President: Hon. Senators, I have received the following correspondence from His Excellency the President, Prof. George Maxwell Richards, T.C., C.M.T., Ph.D.:

“THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

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

/s/ G. Richards
President.

TO: MR. NOEL GAYLE

WHEREAS Senator Dr. Lenny Krishendath Saith is incapable of performing his duties as a Senator by reason of his absence from Trinidad and Tobago:

NOW, THEREFORE, I, GEORGE MAXWELL RICHARDS, President as aforesaid, acting in accordance with the advice of the Prime Minister, in exercise of the power vested in me by section 44 of the Constitution of the Republic of Trinidad and Tobago, do hereby appoint you, NOEL GAYLE, to be temporarily a member of the Senate, with effect from 3rd February, 2009 and continuing during the absence from Trinidad and Tobago of Senator Dr. Lenny Krishendath Saith.

Given under my Hand and the Seal of the President of the Republic of Trinidad and Tobago at the Office of the President, St. Ann's, this 30th day of January, 2009.”

Revocation of Appointment

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REVOCATION OF APPOINTMENT

Mr. President:

“THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

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

/s/ G. Richards
President.

TO: SENATOR CINDY DEVIKA SHARMA

WHEREAS by the provisions of paragraph (e) of subsection (2) of section 43 of the Constitution of the Republic of Trinidad and Tobago, the President acting in accordance with the advice of the Leader of the Opposition, is empowered to declare the seat of a Senator to be vacant:

NOW, THEREFORE, I, GEORGE MAXWELL RICHARDS, President as aforesaid, acting in accordance with the advice of the Leader of the Opposition, in exercise of the power vested in me by the said paragraph (e) of subsection (2) of section 43 of the Constitution of the Republic of Trinidad and Tobago, do hereby declare the seat of you, CINDY DEVIKA SHARMA, to be vacant.

Given under my Hand and the Seal of the President of the Republic of Trinidad and Tobago at the Office of the President, St. Ann’s, this 2nd day of February, 2009.”

SENATOR’S APPOINTMENT

Mr. President:

“THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

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

/s/ G. Richards
President.

Senators' Appointment

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TO: MISS LYNDIRA OUDIT

In exercise of the power vested in me by paragraph (b) of subsection (2) of section 40 of the Constitution of the Republic of Trinidad and Tobago, I, GEORGE MAXWELL RICHARDS, President as aforesaid, acting in accordance with the advice of the Leader of the Opposition, do hereby appoint you, LYNDIRA OUDIT, a Senator.

Given under my Hand and the Seal of the President of the Republic of Trinidad and Tobago at the Office of the President, St. Ann's, this 2nd day of February, 2009."

OATH OF ALLEGIANCE

Senators Noel Gayle and Lyndira Oudit took and subscribed the Oath of Allegiance as required by law.

FINANCIAL SUPPORT FOR ELECTION CAMPAIGNS

Senator Prof. Ramesh Deosaran: Mr. President, I beg to move the following Motion standing in my name,

Whereas financial support for election campaigns is necessary for a healthy multi-party democracy;

And whereas the electorate needs to be satisfied that all viable political parties contest elections under conditions which are fair and transparent;

And whereas the issue of election financing has been the subject of widespread public concern during the last thirty years in this country;

Be it resolved that Parliament appoint a Joint Select Committee to consider establishing a legislative framework to govern the financing of election campaigns and to submit its report with recommendations to both Houses of Parliament within six months of its appointment.

I beg to move.

Mr. President, this Motion is an event whose time has come. My own anxiety in having it tabled is, in my view, justified by the *Wooding Commission Report* and by several events which have taken place in the last 30 years.

A Motion was moved in the other place in 2006 and there were some contributions. I am not too sure what the resolution was in the end, but it also signifies that this matter of election financing has been occupying the minds of the general public and more precisely the Parliament of this country.

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This Motion, given the preamble, seeks to cleanse the political system from widespread allegations and suspicions. It seeks to purify the electoral system. It seeks to prevent undue embarrassment in those who contribute to election financing. It seeks to remove the suspicions which the public indeed has, that politicians are a bunch of shady, corrupt and bribery-driven agents. In other words, there is a gap in the political and electoral system that needs to be filled in a very practical way. The fact that this gap has existed and widespread allegations of corruption, bribe-taking and paybacks and the fact that these suspicions have been so widespread, has led to many good and honest men and women staying away from politics. The direct consequence of that is the diminishing of the talent that is necessary for managing the affairs of this country. I do not think our democracy could suffer from this deficit any more. I believe the time has come, given all the circumstances at hand, to have this Motion properly debated, considered and hopefully passed.

Election financing all over the world has received treatment, especially in Commonwealth countries, and analysis, one after the other, indicates that it is almost a first cousin to white-collar crime. There is an analysis by a publication called the *Canadian Encyclopedia Historica* where it traced election financing in Canada and it cited several instances where, on some occasions, governments have been removed; the last one was about two years ago in Canada, because of payback consequent to election financing. Governments crumble under allegations of irregular election financing.

There is another publication, if I might ground my presentation in some analysis, entitled *Political Financing in the Commonwealth*. It is published by the Commonwealth Secretariat and it is widely known. It is authored by Michael Pinto-Duschinsky. If you would allow me, Sir, just to read two paragraphs as follows: The publication came out in 2001. I would lay the groundwork by some comparative analysis briefly and then examine what is happening in this country, so as to suggest some practical measures that we could implement. The author says as follows:

“Political financing has vital effects on the health of democracy. Competitive elections usually require considerable sums of money.”

That is what the Motion says. It goes on:

“Candidates and political parties need funds in order to print election literature, to organise political meetings, to produce election broadcasts and for many other purposes. The search for contributions to pay for these

activities may all too easily distort competition between candidates and between parties...

Most of the prominent businessmen in the country...have been co-opted into the [ruling party] and regularly support it with funds and go out on campaigns on its behalf, in return for, among other things, government contracts and tax concessions. These businessmen have showered their fellow kinsmen with gifts, and organized lavish feasts to extract promises to vote for the party...Equally serious are the practices of vote-buying and gross misuse of public facilities for partisan campaigns."

1.45 p.m.

Mr. President, we have to remove any blemish and any stigma, as the Motion says, from those who duly contribute to political parties or the activities surrounding elections. The preamble says contributions to political parties, and that exercise is, indeed, a legitimate one.

Let me say at the outset that whilst it is popular to call for election financing to be dealt with in a practical manner, people have a right to associate themselves with a party of their choice and people have a right to support the party of their choice. I say so because in moving toward hopefully, the selection of a joint select committee, we cannot be overly enthusiastic to provide restrictions which would be very difficult to oversight or implement.

Under section 4 of the Constitution, there are about six provisions; rights and freedoms that impinge upon this Motion and, more precisely, the decision that we take. This Constitution guarantees the right of property and not to be deprived of it except by due process; it guarantees the right of the individual to equality before the law and the protection of the law. So, the issue at this point in this Senate is not merely whether we should have election financing or not, but the most troublesome issue in this arena is what happens after somebody makes a contribution. To what extent it contaminates the Constitution by depriving other persons equality of opportunity? That is the single and most important issue.

The Constitution also allows citizens, businessmen, workers and professionals to join political parties and express political views. This brings us to the point that merely because somebody financially supports a political party that in itself is no good reason to deprive that person of the privileges that ordinary citizens have. In other words, I am sounding, with respect, a note of caution so that enthusiasm will not run away with our reasoning in the practical realm of things.

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The Constitution also seeks to guarantee freedom of conscience and religious belief and observance. So, the freedom of conscience is connected to somebody's willingness to support a political party financially. That is a right by implication.

The Constitution also guarantees freedom of thought and expression. If somebody wants to express support for a party financially or by being active—whether it is a businessman, worker, farmer or physician—that right should not be unduly jeopardized.

The Constitution also guarantees freedom of association and assembly. So, this is really a matter connected to the Constitution. It is not just a matter of seeking to stave off suspicions of corruption as indicated earlier on.

The United States of America, the United Kingdom and, more recently, the European Union, have all had a history of seeking to regularize this democratic deficit in their respective jurisdictions. Most prominently is the United States of America since 1897—1971, 1974, 1976 and right up to 2002—2004 and, more recently, up to 2006.

I cite these milestones because it is not easy to construct legislation for something as complex as election financing, and to do it in a way where there is a balance by protecting the public interest; securing equal opportunity for other people who may or may not be in a political party but, at the same time, safeguarding the rights of those who make financial contributions to political parties.

As we move on, may I say that in 2006, the Federal Court in the United States of America overturned the limits on political advertising. There was a law which sought to prohibit a certain degree of political advertising, but when it came before the Federal Court that decision was overturned. There are famous cases which I do not think is discreet to belabour at this time.

I wish to indicate to this honourable Senate the urgent need to correct this deficit. The first step in doing so is not merely through the concept of having fairness and balance in the legislation, but it is to see in the realm of our politics, the disturbances that emerge from this democratic deficit.

Mr. President, let me refer to an article in the *Trinidad Guardian* dated January 14, 2009. The headline is: “Businessman sues COP for \$.5 million”. This was a gentleman who contributed financially to the election campaign of the COP, and he wants his money back for different reasons. The exposure this has received really confirms what I am saying, that is the whole system of election financing needs to be regularized in a proper way to protect the individual who uses his

constitutional right to contribute, but the limits, the regulation and the oversight in the public interest must also be secured. I hope that the Senate will not miss the opportunity, not only to regularize, but to fill a gap that has been in existence for too long.

Let me read the first paragraph in this story and it says:

“A businessman and his company have applied to the Port-of-Spain High Court for final judgment against the Congress of the People (COP) political party for more than \$500,000.

The figure represents monies due and owing for goods supplied to the COP for the 2007 general elections, in which the party failed to win any of the 41 seats contested.

The application for final judgment was filed by Savvy Traders Limited and its managing director, Abdul Hakeem Ali, against the COP, its political leader Winston Dookeran, chairman Roy Augustus, and two members, Valmiki Kempadoo and Robert Sheppard.”

I do not think that we should allow such a circumstance to go unnoticed. As a Parliament, we should try to see whether we could regularize or prevent such undue embarrassment on both sides.

There is another article headed: “No unity, No money”. The sub-line is “Major financier Jack Warner calling the shots on UNC”. Mr. Jack Warner, in the *Sunday TNT Mirror* dated Sunday, January 18, 2009 said if he is not satisfied with what is happening in the UNC, he will take his money and go to the temple. I consider this very serious business, because this is really an embarrassment on several sides that should not be taking place at all, without denying the right of the individual, according to the Constitution, to support a political party of his or her choice. When the public reads these things, several things happen. They lose faith in political parties. Initially, as I said, the good men and women who are honestly interested in making this country a better place would delay their entrance into the political arena. So, the story goes as follows:

“United National Congress (UNC) Deputy Political Leader Austin Jack Warner has warned that if there is no unity he will not fund the party in the next General Election.”

So it seems that the fate of the UNC hangs in the pocket of a political individual, as far as the story goes. I do not believe a party, as reputable as the UNC, should be put in a position to face this public embarrassment. That is why

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the Motion is not only timely, but it is necessary. It is the medicine that the political system now requires. It continues:

“Warner who is a major financier of the UNC issued the threat on Thursday night during a meeting in Macaulay, Claxton Bay, two days after UNC Political Leader Basdeo Panday held a similar meeting at the Macaulay Community—the constituency of UNC MP Ramesh Lawrence Maharaj.

Both Warner and Maharaj were reportedly not invited to the meeting, which may have prompted the two rebel opposition politicians to convene a meeting at the same venue to explain to supporters the plans they have to take the party into Government.”

It does not seem that the UNC could get into government without Jack's financial support. That is why it is very important to have this done. If it has to be done, it should be done in a transparent and regularized manner. That is my point. These are the realities of our political system.

Mr. President and Senators, we really cannot do our business in this way. We can do better. I wish to submit, with respect, that the Motion seeks to find a better way.

I come now to more recent events which naturally have the public bewildered and, of course, losing confidence in the political system which depends a lot on party politics. There is a headline in the *Express* dated Friday, January 23, 2009 where Dr. Rowley admitted that Elias funded him. The story elaborated that Dr. Keith Rowley himself admitted that Elias financial support for him was not a widely known fact. Why was it not widely known?

I am not here on the point as to the rights of Mr. Elias or anybody else who supports a party of his or her choice. I have passed that by using the Constitution to underline people's rights. I have made the point that by having a system that is transparent, the public would have full knowledge of what transpires in the shadows of our politics. The story says:

“Emile Elias, NH (International) Caribbean Limited (NHIC) chairman, made a financial contribution towards Diego Martin West Dr. Keith Rowley's unsuccessful campaign to unseat Prime Minister Patrick Manning as the political leader of the People's National Movement in 1996.”

That is very relevant. The untidiness must be cleared up. I am citing these examples in a graphic way to impress upon the hon. Senators that the time has come for us to do things better and to save the undue embarrassment that people who are involved have to face.

2.00 p.m.

“‘I don't think that is a fact that was widely known,’ Rowley said yesterday.”

And under examination, Rowley was asked by Counsel, I think it was Frank Solomon: “Was he a substantial contributor?” Rowley said:

“‘I would not know how much the contribution was’. He said he was not exposed to such details, since he was not involved in the financing of his 1996 campaign against the PNM.”

You begin to see the implications of such a situation. I am speaking from the public interest point of view. I merely ask the question, without indictment: How could somebody going up for election not know one, who are his or her financiers, and two, how much is involved? Let me say, Mr. Elias or anybody else should have the right to support a person or party of his or her choice, whether it is Jack Warner, Elias or the businessman with respect to COP.

What the public interest deserves is to know what happens after that. That is what the public wishes to know, because it also strikes at the Constitution in terms of equality of opportunity, because what happens after the campaign finances, subverts the practice of equality of opportunity, that is, other people would be removed from advantage; they would get less than they deserve, because a particular financier occupies that space unduly and seemingly unfairly.

This matter of election financing needs to be corrected. Many people, whole ethnic groups are becoming implicated, because in that cross-examination and widely published in the same issue, Dr. Rowley, poor Dr. Rowley, maybe he did not know because that is the way we do business; people collect money for you and they are busy with your campaign; so it is not Dr. Rowley's fault. At the same time, we as a responsible Parliament are faced with such examples and pieces of evidence should heal the breach. It was put before Dr. Rowley that he was “a point man” for the Syrian Lebanese community while he was the Planning and Development Minister.

So, you see how far these things can go without proper regulations? I am not speaking, as I said earlier on, about regulations that are overly oppressive. Hopefully we would get to that stage when the Government—I am not saying if, because it would be a sad disappointment in the face of all these circumstances for the Government not to agree to set up a joint select committee and with the rest of the Parliament to report within six months.

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Underlying all of this, let us seek the high moral ground now. These examples are not unpleasant. I must tell you for a long time that I reflected very seriously, whether or not I should cite these examples, but if I do not I might be called an armchair politician, speaking from the ivory tower and remaining as a harmless professor. So, I thought I would harden my presentation by using some concrete examples that perhaps might stir some interest, because these are the realities of Trinidad and Tobago life, but it shows us a reality that is defective. In such circumstances, the primary organ, foremost organ of correction is the Parliament of the country, and more precisely, the Senate.

Even our distinguished Senator, UNC Sen. Wade Mark, has said in this Senate, as was reported on January 28, 2009 that the company involved in providing these offshore patrol boats made a contribution or was involved in a contribution for the election, thereby implicating the PNM. He said:

“The French consortium...supplied the ruling PNM with \$5 million in funding for the 2007 general election campaign.

Mark claimed the company also funded PNM constituencies with (US) \$200,000 each for the election.”

And of course, the story dutifully said the PNM members laughed off the allegations. So, it is a laugh, it is a joke, but it is printed for public consumption. These days with the Internet, such allegations go all over the world. Let me tell you, there are intelligence agencies, funded by the economists, by a number of agencies, who collect this information and give it to the respective business houses to decide whether or not to do business with a country called Trinidad and Tobago.

That is why I asked several sittings ago, that when these allegations are made the Government should correct them, rather than leave them lingering under the cloud of suspicion. I am saying to take the high ground. The President of the country is asking the Government to have open government. The President of the country is asking the Government to be more open in its dealings with public matters.

This was published in the *Newsday* on Friday, January 23, 2009, page 4. The heading is: “President Max calls for open government”. President George Maxwell Richards is advocating:

“...more open government, more shared perspectives...”

He said, the times are challenging, of that there is no doubt:

“...But there is the possibility that these times can serve to bring people more into partnership with those who govern; here is an opportunity...”

In the current times of the stress, where consensus becomes much more valuable than partnership, this is the opportunity.

“...here is an opportunity to be clear about the facts and invite healthy discussion and criticism on the way forward, to a greater degree than we have seen thus far in matters that affect our everyday lives, and our future in the short, medium and long term...”

That is what the President of this country is asking for, and therefore this Motion is presented in that light, and I look forward to more than support, I look forward to enthusiastic support and a definite commitment to resolve this matter.

Mr. President, all in all, there is not only justification, there are incidents happening that deserve urgent attention, and that is what the Motion seeks to do. There are issues that would be considered as to what is hard money, what is soft money, many of us already have some knowledge of that. Hard money being the kind that goes directly to particular candidates, particular parties. Soft money is likely to be that which goes for general support of the electoral process, without personalizing the grant; of course, there will be limits.

So, there is a configuration that our legislation, if it does come to that, must fit itself into. I would like to hear the voices of businesses, the Chamber of Commerce, the banks, the manufacturers, who have an interest in having a healthy democracy in this matter. Are they for or against regularizing election financing? Or do they prefer it to be done behind closed doors, without transparency, thereby leaving the public to be suspicious as they have been about people in very undue manners? I would like to hear what the labour sector and workers have to say; what the churches have to say. This is a matter of struggling for integrity into the electoral system.

You know when you get to the heart of it, the events of the last week have plenty to do with election financing, because if the suspicion of election financing was not at the centre of the exchanges over the Clico issue—some people call it the Clico debacle, some call it the Clico fiasco—a very sensitive issue, because the very foundation of the economic system is now under threat. And to find that election financing is also implicated in the resolution of that issue, provides us with another sound reason for standing and correcting the defect.

I believe, for example, and to be more precise, if Mr. Lawrence Duprey was not suspected of supporting the UNC for election financing and other such facilities, the resolution of this matter might be a bit different. Perhaps, I should say, Lawrence Duprey and CL Financial went too far and too visibly into the political arena. So, wherever there is an action, there will be a reaction. Therefore, as I said, to get to the heart of it that election financing issue must be corrected, otherwise you might have another such issue, perhaps at another bank, with another business place. Therefore, we cannot continue this way.

Let me emphasize the point. Election financing sits at the heart of this Clico fiasco. If that were removed, I have a feeling consensus would have been more expeditious and the ultimatum put on the table would not necessarily have arisen.

So, to put it frankly, we must indicate the urgency of the matter, Mr. President; these are the facts. I do not know where Andre Monteil sits between election financing, the Government and this CL Financial issue. It is more than a matter of personality. As I said before, the Motion seeks to cleanse the system, sanitize the system, purify the system, and to save many people, business, groups of one type or another, from undue embarrassment.

So, Mr. President, in the thrust to regularize this matter of election financing, we have to get inside the system by examining what is a political party. On several occasions, I have made the point that we need in this country, political parties that are truly and visibly democratic. The time has come for us to have parties that are in practice, really democratic.

Why do I say that? Because if we move forward with election financing there would have to be certain qualifications for political parties to gain that available benefit, apart from matching funds and such intricacies. What are the major features that would indicate that a political party is democratic? Let me give you five. Any party that fails the majority of these criterion, democratic indicators that is, will have to refurbish itself, cleanse itself, buck up, pull up its socks and even tighten its belt.

2.15 p.m.

A democratic party in the context of having a properly regulated election financing system must have a working constitution, not a shelved dead constitution, a constitution that is actively working for, amongst and by its members. It must have an active executive where decisions are based on consensus, a discourse; it must have a membership that is viable enough to be calling itself a party; it must have audited statements regularly presented for its

membership and for the election financing outfit—whatever that is. It must also have statutorily defined meetings, regular meetings, general membership and delegates, otherwise you do not have a party. You might have a soca party but not a real political party.

So, what we are calling for, all in all, Mr. President, is a system that is realistic, that is framed within the Constitution, people have freedoms to contribute. And in coming to the close, I refer back to the Preamble, support is necessary for a healthy, multi-party democracy, financial support, but the electorate needs to be satisfied that all viable political parties contest the elections under conditions which are fair and transparent. This issue has been the subject of widespread public concern, as I refer to the Wooding Commission Report since 1974, and I am asking that the Parliament appoint a joint select committee to consider establishing a legislative framework to govern the financing of election campaigns and to submit its report and/or recommendations to both Houses of Parliament within six months of its appointment.

So, Mr. President, with those words, advice and examples, I beg to move.

Sen. Basharat Ali: Mr. President, I beg to second the Motion and reserve the right to speak at a later stage.

Question proposed.

Sen. Laurel Lezama: I thank you, Mr. President, for the opportunity to join in this debate on the Motion presented by Sen. Prof. Ramesh Deosaran:

“Whereas financial support for election campaigns is necessary for a healthy multi-party democracy;

And whereas the electorate needs to be satisfied that all viable political parties contest the elections under conditions which are fair and transparent;

And whereas the issue of election financing has been the subject of widespread public concern during the last 30 years in this country;

Be it resolved that Parliament appoint a Joint Select Committee to consider establishing a legislative framework to govern the financing of election campaigns and to submit its report with recommendations to both Houses of Parliament within six months of its appointment.”

It was indeed, a pleasure doing some research on this topic. I found it to be intellectually stimulating and academically challenging. I want to break it up into clause by clause each condition that has been presented in the Motion but before I

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do that I want to go back into the history of Trinidad and Tobago and into our electioneering in the past.

You know history shows that in the '50s and the '60s what was used as a form of campaigning. It was the PA system where you would have people going around asking people to come out and vote, advertising elections, speaking about your candidates and everything like that, house-to-house. The PNM was in the forefront, we were handing out manifestos and we were using our women's league of which my grandmother and my mother are proud members.

If you look at our party documents from 1956 to 1971 you would see that we have had a record of all of our manifestos from during that period, but the turn came in 1981 with the introduction of the ONR's media blitz and its campaign "enough is enough," using radio/television and that change in the campaigning system came with the ONR. That party gave the basic template as to what stands with election campaigns right now. This was further accelerated in 1986 with the amalgamation of all of the opposition parties because they realized, of course, that no single party could beat the PNM. All these parties came together, launched massive media blitz and all of these different things in their election campaign.

So, it is now changed, we have seen a dynamic change now from the 50s to the 80s where we were doing the house-to-house campaigning, giving out flyers, something that we still continue to do, to using mass media for publicity purposes.

Hon. Senator: On the ground support.

Sen. L. Lezama: Yes, on the ground support, that is exactly what we were doing. So, that is exactly the genesis of political campaigning in Trinidad and Tobago.

I want to just speak to a few points that Sen. Prof. Deosaran spoke to. He said that this Motion seeks to purify electoral financing and politicians are perceived as shady, corrupt and bribery-driven, so let us go to the points he raised. He spoke of the businessman who sued the COP. The COP has a responsibility to pay persons who conduct business with them. The UNC, where they spoke about no love, no money; no unity, no money; then it is a one-man show, that is not real politicking. [*Desk thumping*] And then he spoke to an internal affair within the PNM where the Senator quoted from an article which speaks to financing of a candidate for contesting an internal election.

The Senator has not presented any evidence to show that this financing has compromised the Government or the party. We need concrete evidence of all of these allegations to show how this funding compromised the officials and the

party. So, I am wondering if the question is therefore that the EBC should have control over internal party elections. It is a very pertinent question.

We speak of financial support for election campaigns necessary for a healthy multi-party democracy. But, if we have no financing the smaller parties would be disadvantaged, they would not be able to come to their own fore. A multi-party democracy is necessary if we are to in fact have a democracy. So, I do in fact agree with him on that point, but I must say that this Motion, I cannot stand here this afternoon and outright support it in its entirety.

We speak to, in the Motion, that the electorate needs to be satisfied that all viable political parties that contest the elections are under conditions which are free and transparent. I am asking, is it therefore that the question of the conduct of the EBC and its performance is now being called into question? I had the privilege of going over the Deyalsingh Report, Commission of Enquiry in 2002 and I found that there was nothing which spoke to election funding in that report, rather it spoke to the EBC and its electoral process and registration; it spoke to nothing of that issue. So, therefore, I do not believe that this Motion really and truly encompasses everything that we would probably need to put forward.

What is a political campaign? It is an effort to reach a certain political goal. In particular terms, it refers to involving or at least trying to involve a particular issue so that the candidate who raises this issue the best is the winning candidate, Mr. President.

As I speak of President, let us look into the recent US election where we have seen President Barack Obama raise a whopping US \$400-plus million. President Obama opted out of the public funding system which is one of the options in the United States. He instead sought to raise donations for his election funding. Why did he do that? For two reasons: One, the most important one would have been voter interaction, to ensure that he had this reach with the people on the ground who are able to say they have had direct intervention with what is going on in elections, the electoral process and in promoting and supporting a party.

We found that he received—which was very telling—in the contributions, \$200 and under, over US \$334 million and in the contributions that were over \$2,000, \$111 million. So, what does that say to us? It says that the over 100,000 private donors have all been a part of the process and they all actively engaged in supporting and funding the candidate and the party of their choice. People should

be free to be able to give how much they want and how much they could afford. We have heard stories of the President's aunt who lived in Boston, who gave \$5 every time she could and this was her contribution.

Another thing that President Obama did, was he said he was not accepting any contributions from any lobbyist groups or any persons who would try to bribe him. And if we speak of the high moral standards to which we subscribe we would expect that persons who attempt to contribute to a campaign financing would not be somebody who has ill motives or ulterior motives or expectations of any nature.

So, Mr. President, as I said, the important thing really and truly is voter interaction. As I said, more than half of the \$400-plus million that President Obama raised was given by persons who could not really afford. When you go on to the barackobama.com website, strangely enough you would still see that the first page on the website before you even actually get into it, says, I want to contribute \$20, \$40, \$60, \$100 or \$200 and over. So it speaks to the fact that continually throughout, whether there is an election or not there continues to be financing and support for Barack Obama. How has he reached these people, Mr. President, Senators? It is the evolution of technology that has Barack Obama as the President of the United States today.

Sen. Rahman: The man is good.

Sen. L. Lezama: Of course he is good and because he is good he has used the advantage of technology, so that what he was able to do was have an online campaign raising massive amounts of money, encouraging young people to come to the fore and really be involved. I have friends who go to school in the United States but were still volunteers within the campaign. *[Interruption]* Sorry, not to be distracted, Sir.

The mobile messaging: A number of people felt enthused and inspired when they received a message from President Obama, saying, "Thank you for your support. I could not have done it without you. This is change we can believe in. This is the change we need in the United States of America." And he was personalizing all of that, but how was he able to do that? Because of the funding that he received, because as we know websites, mass texting and hiring staff comes up to a phenomenal cost. Had he been restricted by the public funding he may not have been able to do that and he would not have been as reachable or in touch with the people as we have seen.

The bottom line was that the Obama camp believed that its reliance on the small and private donors was the important thing. That is how he found it to be because initially he was a supporter of the public financing.

2.30 p.m.

Now, Sen. Prof. Deosaran went on to speak about what are the principles of a democratic party or what should be the standing principles of a democratic party. The first one he listed was a working constitution for, among and by the Members. Had I had it on me, Senator, I would have presented you with a copy of the People's National Movement constitution established in 1956, because that is the working constitution by which every single Member of the People's National Movement works and subscribes to. The Senator spoke of an active executive. We have the party's chairman here, the party's treasurer, the general secretary and several other members who are actively involved in the party and you see the executive having activities every week, every month and every day. Throughout the country, constituencies have been celebrating the party's 53rd anniversary last two weekends, I believe, or weekend before.

The third point you spoke to was a viable membership. I can say that on our database, we have over 40,000 registered members.

Hon. Member: Sixty thousand.

Sen. L. Lezama: Sixty thousand, along those lines. We have a viable active membership and people always come—*[Interruption]*

Hon. Member: Sixty-six.

Sen. L. Lezama: Sixty-six? Sixty-six. Sorry! Sixty-six thousand members and people always continue to be willing to be members of this honourable and reputable People's National Movement party.

Audited statements: At every general council meeting which we have every month without fail, there is an audited statement and there are reports presented by the general secretary and the treasurer, and at the convention we present the total annual reports and the annual audited reports done by our party's auditors.

Finally, statutorily defined meetings for general membership and delegates: general council, third Saturday of every month; today, central executive at 5.00 p.m., first Wednesday of every month; in Couva South constituency, every first Thursday constituency group meetings; every third Thursday, constituency executive meetings.

Mr. President, through you, I would like to inform Sen. Prof. Deosaran that I can only speak for this party. I cannot speak for the Alliance or for the Congress or for any other political institution in this country, I can only speak for this. So, if

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you were saying that a democratic party needs to have this, then perhaps are you implying that the PNM is the only party that should have funding in this country? [Desk thumping] It is a simple question. You can always go back into our books and see records of all of our transactions.

It is very interesting when we look at this—[*Interruption*]

Sen. Manning: [*Inaudible*]

Sen. L. Lezama: Oh, most importantly. Sen. Manning, the Minister of Local Government, has just reminded me that we have something called "Constituency Thursdays" in our party because we believe that interaction with the people is the key to maintaining Government and the key to good governance and good representation of the people. Every Thursday, all 26 Members of Parliament report to their constituencies and meet with any constituent who has an issue. After those 26 constituencies, you will find that there are 15 constituencies that are controlled by the Opposition. Every Member of the Senate seated here today, is responsible for an Opposition constituency in which we go in and we avail ourselves to the people whenever they feel the need to come in and address pertinent issues, personally or community wise.

Every Thursday, there are constituents coming in to see you. For instance, I am in Couva South, every Thursday, I would go there and see a minimum of 15 persons coming in to address their issues. We are not usurping the role of the Member of Parliament, we are offering governance and we are offering active Government representation within because we have always believed that without that party interaction, without having that publicity in constituencies whether they are PNM or not, we are not really representing the people.

So to get back to this Motion, the third point speaks to whereas the issue of election financing has been the subject of widespread public concerns, during the last 30 years in this country. Thirty years ago I was not here, but I vividly remember—the first election I could really recall was in 1986, and I remember hearing I think it was "One Love", the theme song. "One Love" was blasting all over the place and I was asking my mummy and she was telling me—and I am seeing her with PNM written below her foot. She said this is how we advertise; this is how they can afford to advertise. Sen. Prof. Deosaran, I know you will remember the elections of 1981 very well indeed, and you will know the genesis of the mass media and TV blitz campaigning throughout.

So rightfully, you can have a concern about this, but just remember what the genesis is really and truly, because it somewhat eliminated the people interaction,

the personal interaction to which we on this side still subscribe and we will continue to subscribe to it throughout.

The final point on this Motion is that Parliament appoints a joint select committee to consider establishing a legislative framework to govern the financing of election campaigns and to submit its report with recommendations to both Houses of Parliament within six months.

The first issue I have here is that six months certainly is not enough to treat with an issue of this nature. It will take a long time, a great deal of investigation if you have to treat with something of this nature.

The second issue is, if you appoint a joint select committee, to an extent you will have persons who are not really facing the polls and who are not really involved, that will be us, involved in the entire process—well, except for Sen. Mark of course, who is familiar with this facing the polls issue. [*Laughter*]

Sen. Enill: Sen. Dr. Nanan too.

Sen. L. Lezama: Oh yes, Sen. Dr. Nanan.

Sen. Hadeed: Sen. Dr. Charles.

Sen. L. Lezama: We have a full side on that side here, persons who are familiar with treating with elections, but really and truly it would not be right for us to really overly dictate this measure.

I must say I am very pleased to see that there are other private Members in the Chamber, apart from the Front Bench on the opposite side, and it would have been an honour to support this Motion, but at the end of the day, I do not think or we do not believe that a joint select committee is really the way to go to treat with this issue. We also do not believe that we should be limiting persons who are able to, because in Trinidad and Tobago we are really dealing with financing of the candidates as opposed to financing of political parties when it comes to the rules and the law, as put down in the laws of Trinidad and Tobago.

So, Mr. President, with those few words, I thank you for giving me this opportunity. I look forward to continued PNM good governance and I cannot support this Motion presented by Sen. Prof. Deosaran. [*Desk thumping*]

Sen. Wade Mark: Thank you very much, Mr. President. This particular Motion that has been presented in the name of Sen. Prof. Ramesh Deosaran, calls for the Parliament to appoint a joint select committee to consider establishing a

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legislative framework to govern the financing of election campaigns and to submit its recommendations to both Houses of Parliament within six months of its appointment.

I think it was President Barrack Obama who said recently, that sunlight is the best disinfectant to deal with the darkness that so many dictators and autocrats have grown so accustomed to. He was making the point that the cornerstone of his administration would be transparency, accountability and openness.

I want to refer to a text by Transparency International entitled *Global Corruption Report 2004*, and on page 21 of this report there is a particular paragraph I would like to share with you, Mr. President, and the Senate. It reads as follows:

"At its heart, the regulation of party funding is a question of political equality, perhaps a single moment when all citizens experience equality is when they cast their vote at the ballot box. A hard won right in South Africa, this simple democratic act has immense value to many and it is tangible manifestation of democracy to most. But lack of control over the private funding of political parties, may allow the wealthy to buy influence and access through secret donations, drowning out the citizens' voice and undermining the equal value of each person's vote."

It goes on, Mr. President, to say:

"Unregulated private money in politics raises the real prospect that the wealthy will have undue influence on the government's direction or policy option."

Why would a PNM administration be opposed to a measure that would bring sunlight into an otherwise dark corridor of activities? This half a century old institution that boasts about being democratic, the best democratic institution in the country.

Sen. Browne: The only one.

Sen. W. Mark: The only one, coming from Sen. Mariano Browne. Why would you be afraid to allow—

Mr. President: Senator, the Minister in the Ministry of Finance, please. Sen. Mariano Browne is the Minister in the Ministry of Finance. He is not here—

Sen. W. Mark: I know he is going to be having a new designation just now, but in the meantime—

Mr. President: I am on my legs, please. Please, address him as the Minister in the Ministry of Finance.

Sen. W. Mark: I correct myself, Mr. President. The Minister in the Ministry of Finance, hon. Mariano Browne

Sen. Browne: Thank you.

Sen. W. Mark: Not for long. I understand changes are coming. So, Mr. President, why would this political party that boasts to be 53 years old and is so democratic, be so afraid?

Sen. Browne: Of what?

Sen. W. Mark: What the hon. Senator just said, you will not support the Motion.

Sen. Browne: In its current form.

Sen. W. Mark: Well, you have not proposed any amendments and we are debating this matter, and I would have hoped that there would have been some amendment.

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

But maybe it has to do with the fact that the abuse of State resources by this administration lies at the heart of their fear. And I want to let you know, Mr. Vice-President, and I want to share with this honourable Senate another quote on page 23 of this Transparency International Report. It says that:

"In consolidated autocracies"—and what we are heading towards here, given the Manning's draft Constitution, is towards an autocratic leader and an autocratic State, but of course that will not be allowed. But it says—"major economic interests are closely linked to the President and its inner circle. As a result, there is little interest in supporting opposition political parties. The concentration of economic resources in the Executive Branch and the lack of foreign investment restrict the resources available to opposition parties and even gradually wipe them out, since they cannot rely financially on their members or other interest groups. At the same time, the vast public resources available to office holders are used to sustain the authoritarian regime."

2.45 p.m.

Mr. Vice-President, the concentration of economic resources and the vast public resources available to the ruling party, allows it to promote a kind of system that is not in the best interest of the country. In fact, it undermines the

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democratic framework. That is why when Dr. Rowley was speaking yesterday, and it was in today's newspaper, about the attempt by this Government to take control of 25 per cent of the national economy—[*Interruption*]

Sen. Narace: That figure is wrong!

Sen. W. Mark: You did not correct it then; maybe when you speak you will correct it.

It is an attempt to accumulate and concentrate more power in the hands of this administration, with, of course, the negative consequences for the future democratic process in Trinidad and Tobago.

It is no secret that multinational corporations provide a lot of financial support to ruling administrations. I do not think Trinidad and Tobago is any exception. I believe if a proper forensic enquiry is conducted into the activities of the transnational corporations and their association with the ruling party, one would see that their treasure chest, their war chest, has been supplied over the years with excessive liquidity. [*Interruption*]

Sen. Browne: He is speaking with knowledge, clearly about his own party's tactics.

Sen. W. Mark: Whether it is this runaway loose cannon that we have called UDeCott; whether it is these Chinese companies that are operating in various parts of this country; whether it is other foreign international entities; I am sure the influence is very deep and very strong and very far-reaching.

[MR. PRESIDENT *in the Chair*]

Many times as an Opposition party it is very difficult for us to come into contact with all the necessary information and evidential documentation. I will let you know that in this report that I am going to quote again, page 31 talks about low political corruption, medium political corruption and high political corruption. They look at three particular areas of concern; the first area is irregular payments in government policymaking. This was published in 2004.

In terms of irregular payments in government policymaking, in which companies and corporations use their power to make payments, so that they can allow or they can seek to influence government policymaking, Trinidad and Tobago is in the medium political corruption category, in this transparency international report, constituting some 56 per cent of the country.

When it comes to prevalence of illegal political donations, Trinidad and Tobago scores high. It is in the high political corruption category. So Transparency International is saying that when it comes to the prevalence of illegal political donations, Trinidad and Tobago is classified as very corrupt; highly corrupt in this regard.

Sen. Browne: That includes you.

Sen. W. Mark: This report was published in 2004. The PNM came into power in 2001, on the 24th. These are yearly surveys; this was a survey that was done in 2004, when the PNM administration was in full flight and control of this country.

Mr. President, there is another category that talks about policy consequences of legal political donations; we, again, fell in the medium political corruption zone.

As Sen. Prof. Deosaran said, under the Constitution citizens are entitled to join parties and to express their political views, because it is a fact that within a democratic system the role of political parties is very crucial for the sustenance of any democratic society. If you do not have viable political parties, then there would be no democratic system in operation. You must have parties in existence in order to take and promote that particular process.

When we have undue influence by multinational corporations, by huge conglomerates, if it is not carefully managed and regulated, it can contaminate the democratic process; it can undermine the democratic process. Therefore, it is important that if there is to be equality and a level playing field, there is need for us to look at this particular Motion that has been brought by the hon. Sen. Prof. Deosaran.

I will also like to indicate that when it comes to political parties and their contribution to the democratic development of the country, we cannot escape our responsibility to look at campaign financing from a constitutional reform framework. I believe that if we are going to tackle this question seriously, we have to look at and locate it in the context of constitutional reform. Because on too many occasions in our country, parties that take part in the political process in order to sustain the democratic system, because of the nature and political structure that we have inherited and so far adopted, many parties are unable, and many citizens who are part of those parties are unable to contribute to national development in Trinidad and Tobago.

That is why we in the UNC-A would like to look at this question of campaign financing; not in the narrow way that has been advanced by my hon. colleague on

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the other side, but we would like to look at it from the perspective of how we can reshape the entire electoral system in this country. We need to look at reforming the electoral system in Trinidad and Tobago. The first-past-the-post single member constituency, almost winner takes all, is not working in the interest of the democracy. In fact, I believe that system is contributing to the undermining of the present process that we have inherited.

Mr. President, how do you explain that parties which would like to contribute to this country's development are being denied the opportunity to do so, simply because of the political and electoral structure that we have inherited in this country? Go back to 1981; the United Labour Front, of which I was a member—*[Interruption]* the United Labour Front (ULF) in 1981. *[Crosstalk]* That was a new party which emerged in 1976 when we were launched at Skinner Park: Peace, Bread and Justice. What happened is that in 1981 the ULF captured just about 80,000 to 90,000 votes; it was about 89,000 votes. Do you know that we got 10 seats in 1981? But the ONR *[Laughter]* that contested in that same election got 91,000 votes and did not get a single seat.

The point I am making is that my colleague will not know, because he was never a politician and I do not think he will ever be a politician. He is a competent technician and I compliment him for that, but I think he is in the wrong profession, quite frankly, or in this particular area of activity.

The point is that there is a linkage between this whole exercise of campaign financing and the need for us to have electoral reform in our country. *[Interruption]*

Sen. Browne: You want to change the Motion?

Sen. W. Mark: I am advancing that when we talk about campaign financing in our country and the fact that you want to regulate campaign financing to ensure that there is political equality in the politically competitive playing field, then we need to ensure that every party funded by the State that has popular support—*[Crosstalk]* In other words, when we set up the joint select committee, they may come up with ideas that one of the ways of addressing campaign financing might be the need to subsidize political parties. I am saying that might be one of the proposals. *[Crosstalk]*

Hon. Senator: You want to get rid of Jack? *[Interruption]*

Sen. Joseph: I just want to find out from the Senator, when he talked about political parties, and he mentioned 1981, I am just asking: When was the first time you entered into politics and contested, was it before or after 1981?

Sen. W. Mark: I do not see the relevance of that. [*Crosstalk*] He is going off on another matter.

3.00 p.m.

What I am saying Mr. President, is that we need to recognize that parties which participate in the electoral process—and Mr. President, they have a popular support base, but because of the nature of the political system, they are never going to be given an opportunity to be in the Parliament and to participate in the decision-making process.

Take the COP which got 148,000 votes and we got 197,000; we have 15 seats and the COP has zero. Now, 148,000 citizens voted for a political party, it is not a question of whether you like the party or not, that is not the issue. Citizens have voted for a party, but because of the nature of the electoral system that we have inherited, there is no seat for that party. Therefore, we are advancing that there is need to link the need for electoral reform in the country where we can have a mix of proportional representation/first past the post system, a mixture.

Mr. President, when you are funding parties, you just cannot fund them because I would anticipate if you are talking about campaign financing and you want to get rid of political, private persons who donate, you can regulate it. I am not saying you are going to get rid of it but regulate it, and in doing so like in New Zealand if you have a certain amount of popular support and seats in the New Zealand Parliament, the State through the elections commission funds you by a certain percentage. So there is in fact funding for political parties in many advanced countries today.

Mr. President, it is not fair for us to be using a system and citizens employing resources and because of the nature and character of the system, many citizens are denied the right to have a voice and to participate in the decision-making process. Therefore, we would like to submit that if this Government is serious about the deepening of the democratic process in our country, it not only supports the measure before us today, but goes a step further, not that document that has been laid on this table, that should be dumped. Nobody who is serious about advancing the democratic process can take the Constitution that has been laid as a working document very seriously by this Government.

Nobody could ever support in this country one person calling himself an Executive President controlling the Legislature, the Judiciary and the Executive branches of the State at the same time. That is a recipe for dictatorship and if anyone wishes to advance the democratic process in this country, they must be

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able to see the importance that the separation of powers is a principle that we must never compromise. And, therefore, I am saying to this Government that we must be able to recognize that when we are talking about campaign financing and saying that the State is going to provide funding, if this is supported as one of the measures to ensure there is a level playing field politically speaking, so that the competition could be more keen than it is today—because when you talk about campaign financing you cannot escape from the fact that the ruling party uses the resources of the State in order to gain an unfair advantage over its political opponents. That has to be looked at.

How can the ruling party use the resources of the State whether it uses Trinidad and Tobago Electricity Commission (T&TEC), CEPEP, Unemployment Relief Programme (URP) workers, the state enterprises Sector, or UDeCott. All these institutions that are used by the ruling party to give them an unfair advantage, for example, WASA and T&TEC vehicles are used during election in order to give the PNM an unfair advantage.

Mr. President, we are saying that when we talk about campaign financing, these are some of the things with which we have to deal; the abuse of state resources by the ruling party. [*Crosstalk*] I know the truth always offends. So when we talk about campaign financing, why do you think the PNM will never support it? It is because it wants to continue abusing state resources of the people. If they were clean, and wanted clean, honest and transparent politics they would in fact, want to associate themselves with Sen. Prof. Deosaran's Motion. Tell us why you are afraid to identify with this Motion. "Yuh have cocoa in de sun and yuh have things to hide." That is why you do not want to be associated with this measure.

Mr. President, I know for a fact, and I can bring people to this Parliament if you so demand of me, where in the constituency of Mayaro this Minister was located. I am not saying he did it, his agents offered people \$5,000, \$6,000, \$7,000, \$8,000 and \$9,000 to vote. I know in Sangre Grande for the 2003 Local Government Election they gave people fridge, car and stove. [*Laughter*] "All kind ah ting dey gave people, just to blow their minds." Using all kinds of things just to "tief" the election. We are saying if you are serious about democracy in this country, you will support this Motion to have a joint select committee established so that we can have clean, honest and transparent politics and where we have accountability, not to be using State resources.

Mr. President, when there is a situation where a company starts off a project at \$166 million and today it is over \$700 million and the project is 60 per cent or less complete; where the money gone?

Sen. Gronlund-Nunez: Relevance.

Sen. W. Mark: Relevance. I am talking about the abuse of State resources for campaigning by the ruling party; that is what I am talking about here. So Mr. President, I would like to indicate that there are areas where, if we have proper legislation governing campaign financing there would not be illegal expenditure to buy votes.

Where there are people engaging in activities that are not in the best interest of democracy and this Government that is now in office has a history of engaging in illegal activities, breaking the law. This is a regime not only afraid of campaign financing, and they never sought to have an investigation into this matter, they dally and danced around it and brought criminal elements in order to ensure that a particular candidate was arrested so he could not contest the election of 2001, when they planted ammunition and cocaine in the water tank of Sadiq Baksh.

Mr. President, when we talk about funding, we need to have for instance, an idea when they are talking about campaign financing, why would the Government of Trinidad and Tobago be afraid of that? We are arguing on this side that there is need for the Government to take this issue of finance campaigning—

Mr. President: Hon. Members, the speaking time of the hon. Senator has expired.

Motion made, That the hon. Senator's speaking time be extended by 15 minutes. [Dr. A. Nanan]

Question put and agreed to.

Sen. W. Mark: Mr. President, I am really enjoying this one; I did not know my time had gone so quickly. I am enjoying this one this evening, it was so smooth, Mr. President, I could not believe I reach so fast. [Laughter]

Mr. President, in this particular text; *Transparency International Global Corruption Report* talks about misappropriation of public funds, the embezzling of funds from state-owned companies, the abuse of state resources, the use of state employees offices and vehicles for campaign purposes. These are areas we need to look at when we are talking about campaign financing. Therefore, if a joint select committee is set up to look at these matters, in the future there will be some degree of equality at the level of the political playing field.

Mr. President, it also says in the book that political competition under unregulated political financing is like inviting two people to participate in a race; one participant turns up with a bicycle and the other with a sports car. You have

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to understand why in places like Western Europe, Central and Eastern Europe and even in Latin America there have been efforts and attempts of dealing with this issue of campaign financing and seeking to bring some degree of regulation. While we do not know what will emerge out of a joint select committee, however we are advancing that we want this matter to be looked at in the context of the overall reform of the electoral system. We believe the time has come for us to really look at seriously introducing a mix of first past the post and proportional representation.

3.15 p.m.

So I think that the Motion that Sen. Prof. Deosaran has put on the table is one that we ought to consider and support. I see no reason why in a country where the Government speaks to the issue of 2020 vision and developed nation status, we will get Sen. Laurel Lezama, my good friend, rising in this Chamber against her good conscience to really utter what she has uttered a short while ago; where she was saying to us that she is not in support of the Motion in this form. I would have liked the Government to at least put on the table now, so that if others were to speak, they would have been there—because I will have to get up and speak again on the amendment. [*Crosstalk*] The President will tell you that if an amendment comes before us and I did not see it, I have a right to speak and I will have to make an appeal to the President.

That is why I was suggesting that the proper thing to have done when Sen. Laurel Lezama spoke, was to have placed on the table the Government's proposed amendments. What, for instance, are you objecting to? Are you in support of the joint select committee? Are you in support of a special joint select committee? Are you in support of dealing with campaign financing? Do you think that the period of six months is too short; you want to go to seven or eight months? Tell us! So at least we would have an idea of the Government's commitment to this particular Motion. But I am left stranded and I have to appeal to the President if he will allow me to speak at some future time on whatever amendment would be put forward.

So, as I said, this is a very interesting matter before us. I want to identify with Sen. Prof. Ramesh Deosaran's Motion. I believe it is one that we all should consider, given all the circumstances that we are faced with in this country and I honestly believe that the Government of Trinidad and Tobago should give wholehearted support to this particular measure that has been put forward by Sen. Prof. Deosaran.

I must tell you, I wanted to do a little more research on this matter but I was caught in a conundrum, not knowing if I was coming or going. I did not know if this afternoon when we came they would have been dealing with the two matters before us. [*Interruption*] But in any event, as a soldier, I am always ready for battle. It does not matter when you come, I am ready for you. But, you know, sometimes you could be a little more prepared.

So I am saying that I would have liked if things were better organized, at least we could have been given a little more advanced notice, and so on. I do not want to belabour the point, but there would come a time when I would speak to the issue and I would not want to anticipate any matter, because you are very clear and I am very clear about the Standing Orders about “anticipation”. I am not anticipating anything. When the time comes I will speak and I will say my piece on the matters that will be dealt with.

I do not know if the Minister is going to tell us before we leave whether we have to come here on Friday, Saturday, Sunday or Monday. I do not know, but as a soldier I am ready for battle. Anytime you call, I am here. I am here to serve the country, the people and the Parliament to the best of my ability so it does not matter. Whenever the Parliament calls us, we are ready to do our part to build our country and to get rid of the PNM once and for all.

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

Sen. Corinne Baptiste-Mc Knight: Mr. President, let me start by saying that I am a little underwhelmed by the enthusiasm of the Government for this particular Motion. You see, I tend to agree with the pundits who continue to laud the virtues of democracy and in a democracy I think the important element is that the citizenry as a whole delegates its power to run its affairs to the few whom they elect. Therefore, the election process is really the heart of a healthy democracy. What makes that process worthwhile is the electoral campaign and how it is regulated.

What is the purpose of an electoral campaign? This is the time when the electors—the citizens—are exposed to the policies of the different parties seeking their support. This is a time when they are exposed to the character of the particular candidates who are being offered for election. This, of course, is a very important part of the whole exercise. Without this exposure, the electors cannot make informed and, perhaps, reasoned choices.

But experience shows us that a political campaign is more than just an army of volunteers. There is the publicity; there are the various rallies and various other

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elements that have to fit together in order to provide the political information on which the citizens base their choices. Of course, all of this requires serious financial resources.

Therefore, it is no surprise that in every democratic jurisdiction there is some element of thought given to controlling the electoral process, and this is done largely by having some regulations on campaign funding, expenditure, contributions; every aspect. This is supposed to govern all the various contending parties and to the extent that this is done or not done, the transparency, the morality, the actual viability of the electoral process is affected.

So that in most of the First World countries, those that we aspire to join by 2020, there is some form of electoral legislation. But, in fact, we are almost there, because we, too, have legislation that affects the whole electoral process and I refer this honourable House to the Representation of the People Act which is largely referred to as the ROP. So let us look at what our Representation of the People Act says specifically about the campaign financing.

Would you believe me if I told you that our campaign financing is regulated with respect to the candidate who is allowed \$5,000 to spend before, during and after the campaign on matters affecting the election? In addition to that, the candidate's agent is allowed \$50,000—today's dollars—for the same period for a general election. For the Tobago House of Assembly—we had one just recently—and local government, it is \$30,000. It means that each candidate is allowed the sum of \$55,000 or \$35,000 to spend on election.

But, Mr. President and hon. Senators, there are loopholes so wide that a novice driver could run a tractor trailer through this bit of legislation with no worry about getting into any sort of difficulty. Why am I saying this? Because any citizen, without the authority of the candidate or agent, can support a candidate or any number of candidates. I vote in Diego Martin West but there is nothing to prevent me from providing 10,000 jerseys for the candidate from Mayaro, San Fernando or St. Augustine, without being asked and without breaking the law, because I am not authorized by the candidate or agent to spend any money on their campaign.

In addition to that, there is absolutely no restriction on the amount of money that the party organization can spend. We only have to look at the last general election. Television and radio advertisements alone, for the three contending parties, estimated at more than \$10 million and this does not include any advertisement in the print media. There is no need to account; it is not against the law.

Now the problem that arises is this. Because there is no legislation that monitors or limits the party participation, obviously the question is asked: What is the source of this large amount of financing?

3.30 p.m.

It is not limited to one party. The only candidates who cannot get involved in that level of spending are the independent candidates. Immediately, we can see the playing field. They are not even in the same playing field, so you cannot talk about a level playing field. If we want to be the arbiters of healthy democracy, can we allow this situation to continue? I suggest it is something we can look into.

Today, the cost of a political campaign is astronomical. My colleague, Sen. Lezama mentioned that political campaigning as we know it today, started with the PNM. Age gives me the advantage of being able to tell you—

Sen. Lezama: I did not say that.

Sen. C. Baptiste-Mc Knight: I stand corrected. Let me tell you. People were knocking on doors and rallying from the days of Tubal Uriah “Buzz” Butler. In the same era there was the Eighth Army. The Eighth Army had political manifesto, volunteers and little radio ads. In those days it was Redifusion, the little box. Then, there was the POPPG. Even in those days, there were problems about the financing of the campaign because some people who had enjoyed the patronage of some of the candidates were expected to make their contributions. Some were forced to contribute. Some were threatened. This is fact. Nowadays, it is assumed that there are certain categories of jobs that are political patronage.

Why is all this at all necessary? Simple. Because we do not have a proper system of having political parties register properly; account for their financing and be monitored above board. As we said earlier, candidates are allowed to spend the lordly sum total of \$35,000 or \$55,000. Do you know how this is accounted for? The ROP authorizes the Elections and Boundaries Commission to accept the accounting that has to be provided by the agents and candidates within a period of 42 to 49 days after the election. There is nothing in the legislation that authorizes the Elections and Boundaries Commission to examine what is submitted.

If perchance some unhappy soul accounts for more than the \$35,000 or \$55,000 there is absolutely no sanction. What is the point of a limit with no form of enforcement? What is the point of a limit which any sane person who is not a deaf, dumb, blind, mentally retarded paraplegic would immediately recognize as unsatisfactory? Is there anything that any of us can think of associated with an

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electoral campaign that is going to cost \$50,000 or less? By virtue of the existing legislation we are inviting our candidates to be dishonest. It is a simple matter of not asking questions. A million jerseys turn up; they say, "Looking good; like the colour." But you ask no questions because you did not authorize it and therefore you do not have to account for it.

I think it is time that we consider updating our current legislation, bringing ourselves not only into the 21st Century in terms of the quantum that we allow people to fight elections, but also repairing our image with respect to how we value democracy. This is one way of doing it. Let us start some place. This might be a good place to start. For this reason I would support this motion.

Thank you.

Sen. Dr. Carson Charles: Mr. President, I rise to make a few comments on the Motion before us. Sen. Prof. Deosaran raised an important matter before us. The Senator is right. The Motion is timely. The question is not whether the Motion has been raised at the appropriate time, but whether we as parliamentarians and politician are prepared to deal with this matter at this time. Have we reached the stage of maturity collectively, as politicians in this country that allows us to debate this Motion and deal with it with honesty, as is required by our oath of office and with the level of seriousness that is required for all matters of state in Trinidad and Tobago, today?

Trinidad and Tobago is a nation that cries out for seriousness among leaders. The structure of this Parliament in this House and the other place is such that the Government is in a commanding position and therefore, it is difficult for us to move forward with matters without the cooperation or interest of the Government. If the Government takes the position on this matter that it is not important and does not deserve attention, I do not know what chance we would have of addressing it successfully.

I was reluctant to enter the debate at this stage because I was listening to what the Government might have to say about it, especially with senior officers of the PNM party sitting in this Chamber. I believe that we have the party's general secretary, the Minister of National Security holding the office that was once held by that famous general secretary, Nello, years ago and who formed a party of his own. In frustration with the PNM he formed his party which of course, did not do well.

After a certain amount of frustration all these officers of the PNM have to leave and try to form their parties. Few of them survive the turbulent waters. We look forward to see what would happen to the latest one. [*Laughter*] Another one

is produced again. A serious break took place a few hours ago. We will see what would happen with that member. The party's chairman and general secretary are here. The treasurer is not in the Chamber at the present time, but he sits with us. The public relations officer of the party who always intervenes on behalf of his party and many other defenders of the PNM's public image are here and yet, the PNM officers have not chosen to engage in debate.

At what point do you intend to engage? After local government elections you plan to deal with this issue. Is that the point? I thought that is an interesting time frame, six months. That will take us right after election. It is due in July. I am talking about the life of local government bodies. I know that that does not mean too much. You have postponed it from time to time. The last time you postponed it you said in the debate that it did not have to go so long. Now you can postpone it again. I am going on the basis that you will not want to postpone it again and again.

If you are having it by July you would not have six months. That time frame might take you comfortably beyond the Local Government Election. You have nothing to fear. You can get to contest the Local Government Election on the basis of your old rules. You might even hope for old results and with some time ahead, for the next general elections, you could deal with this matter. On this you will be tempted by the challenge of going for special majorities and cut your term short. That is another matter.

The Motion is timely because there is debate in the public domain even at this time on the relationship between political power and economic power. At this time in the nation there is debate on the relationship between the politicians of the time who are on the stage and those who only recently commanded the heights of economic power in Trinidad and Tobago.

3.45 p.m.

Some might think that the goodly Mr. Duprey and his organization were affiliated to the UNC in the recent past, but I believe affiliations change over time. People support this party today and that one tomorrow; finance this one today and that one tomorrow, and finance all the parties at some time. People finance all over the place. I do not want to go into people's business but this is a regular thing.

I think we should have no difficulty in supporting the Motion in terms of its real content. There should be some attempt to regularize what is really a very unsatisfactory state of affairs. I spoke in previous debates about this crazy situation where, after you fight election and you are a Minister or parliamentarian, you have to start your term by lying or by allowing someone to lie on your behalf.

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The first time I fought an election in Trinidad and Tobago, in 1986, my election agent was Ganga Singh and he felt he had to fill out my forms afterward. I was not experienced and I found it strange to have to fill out that form, say some things and not others. It was strange because the limit at that time was \$5,000. You could not get more ridiculous than that. It is \$50,000 now; still ridiculous. *[Interruption]* The candidate's expenses.

General Secretary of the PNM, do you think the candidates actually spend \$5,000 or \$50,000? The candidate is one thing; the party is another; that is a fiction. That is a convenient cook-up; it is what we all have to do to create the artificial separation between the candidate's expenses and the expenses of the party. Look at the form and you will see what it really says and you will realize that there are personal expenses of the candidates that cannot be put on that form.

There are personal expenses of the candidate which they specify and you cannot put it there. That is the reality and if you want to uphold our oath as honest men and women, we have to deal with this issue. We cannot treat it as if it is not important. It has been brought to our attention by Sen. Prof Deosaran, so we must address it. That is why I said that we must support the Motion at the core. We can decide what else we want to put on the Motion—what conditions, what terms under which we want to address the issue and what other issues we have to address.

So I was disappointed when Sen. Lezama started by saying—I do not know if she intended to say it that way and corrected herself subsequently—that they do not support the Motion. The Senator really meant they do not support the Motion in its current form, therefore they wish to support it in some other form.

Let us look at this issue of campaign financing and its reality. Sen. Prof. Deosaran referred to a number of newspaper stories. While you are not likely to hear a lot about the PNM financier, it is not because he does not like the Opposition or wants to scandalize us, but because, I think, PNM financiers are not normally written about in the newspapers in that way, perhaps because they know how to keep their mouths shut and do their business behind the scenes. *[Interruption]* I cannot blame you for saying that.

I do not know why the Senator spoke about only 30 years ago.

Sen. Prof. Deosaran: *[Inaudible]*

Sen. Dr. C. Charles: You were referring to the Wooding Commission 1974, more than 30 years. The Wooding Commission was writing about something that was old at that time. He was not writing about the UNC Alliance, the NAR or about

the ONR. He was not writing about any of these parties. As old as that time was, he was highlighting an issue that had to do with the PNM.

I am not going to take my time this afternoon to spend on the PNM's early days, but it would be remiss of me not to mention a few names because the PNM had the famous gentleman, O'Halloran, who had certain responsibilities of raising financing for the party. Those Senators on the PNM Benches who want to be so holier-than-thou, I recommend that in doing their research, they go back to the days of O'Halloran and research his role in raising finances for the PNM and his relationship with the then Prime Minister and what happened to him in terms of revelation to the country later on.

He has become infamous, a man whose name will not be forgotten for his involvement in corrupt activities here and abroad. Do that research and you will see why Sir Hugh Wooding, even as far back at 1974, spoke about—*[Interruption]* Old PNM supporters before they migrated. That is what they were before they migrated; they were PNM supporters. Do not add more and more names to my lips.

I did not want to go into all the sordid history of the PNM. That is not my job here. I was merely trying to take the matter more seriously. I was merely trying to deal with the fact that we have to dispense with this holier-than-thou attitude.

The PNM was the political party of those times and the issue of campaign financing, when it was raised by Sir Hugh Wooding, had to do more than anything else with the PNM, the relationship between financiers and politicians and, therefore, you have your share of blame to take as well. It is an issue that affects all of us in this country—the relationship between those who have the money and those who seek to get office.

The PNM had the advantage of being able to get into political office and stay in office for a long period that no other party has been successful in doing. They came in 1956 and stayed there for all those long years until 1986. Therefore the relationship between party, government and institutions of the State was a very close relationship; one might say incestuous. It was, therefore, second nature to the PNM to use the instruments of State, to use the government apparatus to support political activity.

For those of us who worked in the public service in those years, we can tell you the nature of the relationship. It was second nature for even the public servants to be required to facilitate the Minister in his campaign duties because of the long years during which the PNM held office and the tight relationship which

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developed between the PNM, being the first indigenous government. There was no other and for quite some time government meant PNM.

It took public disaffection, falling oil prices, recklessness of public officials and recklessness of PNM Ministers who were in charge of the Treasury; a combination of all those things, as well as the mobilization of considerable financial resources, to unseat the PNM in 1986. That is the reality. It took a combination of things. The PNM was like a huge weight on the back of the people; they wanted to get rid of them so long ago. Even Williams wanted to get rid of the PNM, but he could not manage.

It took a tremendous effort to lift that weight of the PNM; failing at everything, but you could not get them off the back of the people. Those who went to the polls in 1976 and 1981 failed. Many of us went to the polls and failed because the alternative might have been to join the PNM for a seat or some official position in politics. You take the easy way out and some people did not want to do that. They went therefore to face the polls on the other side and if you were not with the party that controlled Caroni/Naparima, then you were really taking your chances out in the political wilderness, fighting a battle like many of us fought over the years.

When you talk about campaign financing, apart from the early years of corruption of the PNM and the relationship with financiers, you also have to look at what happened subsequently when, in order to mobilize resources to save the country from the PNM, it was necessary to mobilize resources like Obama did.

President Obama of the United States, in order to win the election had to mobilize resources on a massive scale. He had to outdo Hillary Clinton and then to continue raising funds and he is still raising funds, because of the importance of finance as an instrument of power, not only to pay for what you are doing in campaign, but also in terms of the association between those who are making the contribution and the politicians. It is a way that people say they support you, by giving you something. It may be a small sum or a large sum, according to their means or interests.

He had to do that to generate enough momentum, to build enough of a power base to be able to overwhelm his opponents, in this own party at first, then the other party. We had a situation here where, in order to lift the PNM off the backs of the people, it was not enough to go on public sentiment. If you go by public sentiment, the PNM, which we have called a 33 per cent government for decades, yet you could not beat them.

The majority of people did not want them and yet you could not beat them, so what was necessary was to generate resources to overwhelm them. The only way that the NAR could have won was the way it did; by a huge margin, at a time when people felt that if the PNM lost the election, they may have had to hide under their beds. I can tell you; I ran for election in those years. That is how people felt. They were so accustomed to the PNM being the Government that nobody else could be government in this country; brainwashed by Eric Williams for so long. People felt that if they lost the election, they would have to hide. They did not know what would happen. Their only experience of government was PNM. Their only experience of leadership was Eric Williams, so you could not beat the PNM by a narrow margin. You could not try to outdo them based on policy and programmes for unemployment. You had to overwhelm the PNM, which was done, and that effort took campaign financing to a new level.

4.00 p.m.

The PNM was not embarrassed to lift its own level of campaign financing subsequent to 1986, was it? The PNM was also prepared to raise and spend. You cannot play innocent. The PNM in opposition raised a lot of money and the moment it got back into government, it re-established this tight relationship with the public sector again. That is a whole story, in terms of the relationship with state enterprises and what they do at election time, in terms of campaigning and financing; and the relationship between ministers who are campaigning, ministers as politicians and ministers who are carrying out their duties and choosing to open projects at a particular time; and a Prime Minister who is walking around with the date in his pocket and choosing exactly when to pull out the date from his pocket; and what he has actually put in place as a Prime Minister and head of a government. There is a convenience. An election date is not something with which you should be playing around in your pocket. There is a relationship with the issue of campaign financing and levelling the playing field.

After 1986 and 1991, we had a higher level of spending on political campaigns. We have never gone back to the earlier years of less spending. There is a higher level of spending all the time. Everybody is now spending and everyone is caught in the same trap of having to raise considerable sums of money to spend on elections. Every party that wishes to be successful at the polls in this country today, must raise considerable amounts of funds to fight election. That is the reality, otherwise you will be drowned out if you do not get your message on the television, newspapers, flyers and tee shirts.

I fought election and we sold tee shirts. People were happy to buy NAR tee shirts. We walked with tee shirts and gave them away to those who were really desperate. For every one that we gave away, I had to pay for it. If you gave a guy a jersey you had to pay for it. People who had money paid for it themselves. We bought more tee shirts and we were able to sell again. Try selling tee shirts now for elections and see who will buy them. Nobody will buy them. People think that politicians coming around at election time have to give them something. What are you bringing for me? *[Interruption]* I fought election the last time and I did not have any tee shirts for \$250, so I do not know what you are talking about. You could have any amount of money. If someone wants to pay for it, that is not the point. You can have a little button or sweetie and tell a man to pay money for it. He is not paying for that, he is paying for the privilege of supporting the UNC-Alliance. Many persons wanted to have the privilege of supporting the party. *[Interruption]* With \$250, where was that? That is a nancy story. If some particular individual decides to do some madness, we cannot get caught up in that nonsense. I am not going to get caught up in all that nonsense.

As I have said, it is a serious matter and I am trying to take it to a level of what is real; what we all face as politicians. We all face this. You could say what you want, when we all go to campaign, those of you who fight elections, you know what you have to face. All this nonsense about \$250, I am not dealing with that. The reality is that we have tee shirts, we go to the streets to campaign and you cannot ask people to buy your tee shirts, because that is no longer what they expect. They now expect the politician to come to them and give them something. In 1986, they were prepared to give us something for the privilege of being part of the NAR experience. The dynamics have changed.

I remember telling a gentleman with whom I was campaigning—I was not running at the time—we had a lot of “fellas” who wanted to campaign and help out. We made sure—these “fellas” were not working anywhere—and gave them “ah little something”. Everyday they would come by the camp and we would cook. We always had food and drink for them. They would come and hang around and campaign. We did not give them a salary. We had food and drink around because they were not working anywhere. We would give them “ah little something for dem to go by”. He said to me: “Yuh talking nonsense, the paradigm has changed. The paradigm has shifted.” That is the paradigm he was talking about, the new one in which if you want the assistance of someone you pay them a salary,; you do not give them “ah little something” with food and drink around and they “lime”. You have to pay every person who is working for you.

[MR. DEPUTY SPEAKER *in the Chair*]

That was the new paradigm he was talking about. You have to see the relationship between that and the changes in the way in which the world has been running in recent times. Maybe you can make a connection between that paradigm shift, the current environment and economic troubles that we face in this country today and the rise and fall of large organizations. That is the paradigm shift, where everything comes down to money. People begin to think in those terms; that everything comes down to money.

I would like the PNM to tell me if they still have party groups. There was a time when the PNM was the envy of everyone when they had party groups. *[Interruption]* Of course, what? You have no party organizations on the ground anymore. When you want to mobilize for an event, you have to call in CEPEP people; that is what you have to do, not party groups and the old ladies who used to take notes and minutes of the meetings. “Dat is longtime ting.” You do not have that anymore. You rely on CEPEP to mobilize for you. I know the ground. I can tell you what is happening in your own constituencies. That is the reality. You might have it on paper, but it does not mean anything anymore. You have politicized the village councils. All the poor village councils are politicized totally. You have politicized all the instruments of state, all contributing towards the political effort.

We have reached the stage where, not even—I assure you that the PNM is no longer the envy of anyone, because you no longer have your basic party structure in place. You rely on mobilization through financing and state patronage. That is what you do. I am not saying that you do not have pockets here and there but, by and large, you are relying on the same instruments for massmobilization. That is what you are relying on.

The real issue before us is: Do we have the courage to deal with this matter of campaign financing to take it to a level where a politician can really be independent and stand separate from his financier? The Prime Minister and his Ministers do not have to be captive to the lobbyists and those who put money into his organizations. Do we have the courage to do that? That is why my colleague, Sen. Mark, raised the issue that you might have to give some consideration towards state funding because surely, you can regulate private funding.

In the United States, they regulate private funding. In many places they regulate private funding. You can only contribute so much money, but that is seldom enough. We may have to give some consideration to state funding if you

really want a politician to say: “I am representing the people. I am here to serve the people and I need money to campaign because I have to get the attention of the people through the media.” You cannot walk around and hand out pamphlets. With a mike on a car, you would not be able to hear when two others pass with big sound systems and blast it away. Let us be real. Therefore, everybody needs financing. If that person wants financing without having to rely on their associates in the business sector, you have to provide them with some kind of state support. That is the reality. That is something to give consideration to. If you cannot consider that as an option, you are not ready to deal with the issue of campaign financing.

If you cannot accept the fact that there is a problem, when you cannot distinguish between the office holder and the person who finances the office holder, because the relationship is so close that you have people trading secrets back and forth, you know what I am speaking about; where the interlocking directorship includes the Ministers. If you want to get past, you have to deal with the issue of campaign financing as a serious and urgent matter. If you want to really level the playing field then you cannot escape the issue of reform of the constitutional arrangements we have, because they are related to campaign financing.

The reality is, in the country today and for a long time, based on our structure. You had an arrangement where people have natural cleavages of a regional and ethnic nature. There are cleavages of all kinds. Politics always make use of cleavages, because the politicians need votes and the easiest way to get votes is from those who would give him a natural ear; those who would listen to his story and those who would stand by him in good times and in bad. There are cleavages. That is worldwide and universal.

Therefore, in Trinidad today, you will find that if you are not in the PNM and you are not in the UNC and you want to mobilize any other community that is not in the heartland of the PNM and UNC, without the ability to generate financial support of a significant level, you will have great difficulty having your voice heard. In the first-past-the-post system, every political organization that does not reside in those heartlands is at a natural disadvantage. Every time you want to broaden your support-base, even from the heartland, you have to go to the financial houses because of the level of financial resources you must raise before you get attention of those who are in the in between spaces. That is the story of COP; having to create a whole big image, all based on media and appearances.

What else could you hold on to? You have to create a whole big image and make everybody believe that you are going to win. In this country, people want to follow winners. They created an image that they were going to include—they had

a lot of nonsense about polls; all kinds of fictitious polls. The image requires finance; a lot of finance. There were those who were hell-bent on destroying the UNC-Alliance, writing all kinds of nonsense about us getting no seats and no support. If you looked at the polls, they printed rubbish in bold print in the media. They do not have the shame to come after the election and say anything was wrong with it. They published the most amazing things. The only way to contend with—*[Interruption]*

Sen. Prof. Deosaran: I am very sorry to disturb you, but thank you very much for giving way. You have struck on a very important point that affects the politics of the country. Would you, therefore, agree that taking polls and reporting on the public opinion polls, with respect to elections, there should be some restriction such as nothing should be published or taken at least one month before the election?

Sen. Dr. C. Charles: Well, I cannot say what should be the period. I take your point that there should be some way of dealing with the issue of these fictitious polls that are prominent. Some of them are deliberate. There are people who commission polls and print them to mislead the population. If you want to say a month, a week or a day, I cannot say what the time should be. I believe, Sen. Prof. Deosaran, that you raised that point that shows us the importance of looking at this in a broader context, because if you are going to ban polls from being published in a certain time frame, you are infringing the people's constitutional rights and immediately, therefore, you are getting into tinkering with the Constitution. It broadens the entire scope of what we are dealing with and shows how campaign finance reform is related to the broader issue of reform of the political system we operate.

Many people do not want to hear the words constitutional reform, except it comes from their desk when they publish their own Constitution. When you raise it otherwise, they do not want to hear it. It is all right for them to write in a private document and publish it. The same political party whose leader does that is making noise this afternoon about the point that we need constitutional reform. I am amazed. It makes the point that you have to have a relationship between the two. I am pointing out what happens in real life. That is why I said my role here, I believe, is to make this real, rather than just a source of humour, which I find is what we were engaging in before.

4.15 p.m.

To make this real, there are fictitious polls being published all the way up to election day, and the only way to contest them is by an overwhelming show of force. So, if the UNC-A had not been able to assemble what was, undoubtedly, a

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record number of persons—even though they had contested and the record was incredible; the UNC-A assembled record numbers of people in its public meetings at Mid Centre Mall—they could not contest it. They came up with numbers as though anybody else had a crowd of that size. Those of us who are in politics know better. It does not take away from the PNM's success story to admit that they never had a crowd of that size.

We have been listening for enough years to know that. It does not affect how many votes you get. We know that you had a meeting in Laventille and it failed. I was there. Absolute failure! Some people felt that the PNM was going to lose the Laventille seat. People did not go to their meeting. Maybe they did not care about attending. [*Interruption*] I know better. I attend the meetings, because I want to know what is happening. [*Crosstalk*] I do not support the PNM. Is it because I speak to you in these terms, and I do not want to just get on and try to demonize you or something? I think you are mature enough to understand that when I speak to you in this language, it does not mean that I am supporting your party. I have opposed your party for all the years that I have been in politics. I oppose what you stand for. I do not oppose who you are, but I oppose what you stand for. I oppose your model. Your model is a failure in terms of the history of this country.

I am making the point that on the other side it was necessary to mobilize people on that scale in terms of the public show of force to be able to overcome the barrage of advertisements and media opinion that were being pushed on the people to the effect that the UNC-A was dead and that the race was between the COP and the PNM. If we were not able to do that—it took considerable resources—at Mid Centre Mall—the people did not believe that the UNC-A could have won a seat.

One knows what that does in terms of the politics of the country. People like to follow leaders and winners and they are sometimes depressed and so forth. They would not come out and support you, et cetera, if they believe that you are going to lose the election. So, you see the importance of finances. One of the instruments to right the wrong is to reestablish a balance when some others have the power of incumbency, in terms of the state machine—and the state machine was with the PNM even when they were out of office. We know that. Unless you were going to be brutal, we were going to be saddled with the PNM state machine for a long time, because the PNM has all kinds of senior office holders doing their bidding. Since you want to maintain stability in the country, you do not go head-hunting people all over the place just because you are the PNM.

As I said, you had this advantage in terms of what one may consider the mainstream—the opinion of the capital and its effect on the nation at large—and everybody else had to fight against that to level the playing field. So, do not remain their with your “holier than thou” attitude in respect of campaign financing, and the importance of it in trying to level the playing and giving people in the country a real choice, which is what we try to do in politics. If people have a real choice, then whoever is in office would be forced to perform. It does not matter who wins the election. People believe that they have a real choice and they know they have a real choice. Some of the nonsense that goes on day-to-day in this country—some of the boldfaced behaviour by Ministers who cannot see the seriousness involved in an accusation that the Minister used insider information. They cannot see the seriousness of that. That is so serious. You must be able to either refute it or somebody has to do something about it, because it is deadly serious. If you cannot refute it, then you have to do something about it. Did you see how quickly the Central Bank Governor was able to refute it? That is the point.

You can get away with these things in this country only because of the difficulties of people believing that they really have the ability to move politicians when they want. They do not feel empowered enough to get the politicians to do their bidding. People do not feel that we really own the country and those in office must do what we say and what we want. We are trying to correct that in the interest of all of us so that people have the sense in their country that this country is ours—we are all in it together—and our government is here to serve us as people.

I am saying to use campaign financing as an instrument to give people a real choice. You should be very eager to support the reform of campaign financing in terms of regulating it so that those who have to use it do not fall victims of it. When you use an instrument, you may fall victim to the instrument you have used. If you had to go and ask a big businessman for money—even as a candidate in an election—after an election, you cannot really expect to ignore the man if he asks for an appointment or if he wants to speak to you on a serious matter. You cannot ignore him. If he had given you a major contribution, what is he supposed to do? You are really in politics and you want to fight the election and win. You really have to look at the reality of this and find some way to insulate politicians from this situation in which we all find ourselves; individually and collectively. I am not dealing with the corruption aspect of it, but I am simply dealing in terms of the practical reality.

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Even if you are not in corruption, you may find that because you do not want to be in corruption, you may have difficulties in maintaining good relations with some people who may give you contributions. They do not understand how you can go to them and get how many thousands of jerseys or how many thousands of dollars. Sometimes you do not go by them, but they come to you. The next day when you are in office and you tell them that these are the rules—they must tender like everybody else, you cannot share information with them and so on—they do not understand that. They would think that something is wrong with you. You cannot tell me that you do not want to insulate politicians from that. You cannot tell me that you are not subjected to that as people who hold offices.

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: So, as we try to get real in this country today, we should look around us and see that there is a relationship between political power and economic power, and to obtain political office you usually have to combine the two. In the same way you want to regulate the financial institutions albeit after the fact—it coming to close the stable door over and over after all the animals have gone—is the same way you want to regulate the banks, insurance companies and so forth—surely you must see the need to regulate this relationship between political power and economic power. I believe this is at the heart of the Motion and we need to look at it. We need to look at more than campaign financing, because the relationship is an ongoing one. People have various causes. Politicians have causes that they pursue like a charity group or a special group, and you may want things done in your constituency. Even as an MP, if you are in Government, you cannot rely on the state agencies to do everything in your constituency. So, you have to go and get assistance elsewhere. If you are in Opposition it is far worse.

What are you getting from the PNM in terms of your constituency? Local government is not there. They have no power, so you have to go to a Minister who is your competitor and ask for something and you would probably write him a letter. It is more effective to mobilize resources locally and try to attend to the problems in your constituency. So, the relationship is a continuing one between politics and finance especially in the state that we are in today.

When there was the security problem in the constituency of Tabaquite, Mr. Jack Warner and Mr. Ramesh Lawrence Maharaj SC had to use personal resources to attend to that matter. You cannot say that is a bad thing, because the Commissioner of Police said that it was a great thing and it was a success story. You saw the importance of bringing personal financial resources to bear on a political problem. There is a relationship with the two. We obviously need to regulate it like how we have to regulate all the other things. That is why I say that it is timely. We are talking about regulating the financial sector, and we are regulating the relationship between the people as represented by politicians whom they elect. Money is the most central theme of the world today; the relationship between money and people.

Those who are in command of huge amounts of money started making more money by buying and selling money. They did not make anything else, but money itself. After going way out on a limb to enrich themselves worldwide, then you see that one after the other they would come back to the people—they are represented by elected officials by the politicians—to be saved when just a few moments ago the people could not speak to them. They could not bring their huge resources to serve the interest of the people. They would say that is the job for the politicians. They could not see how the enormous wealth that they had at their personal disposal could have been used to attempt to fight any issue here. They could not see how they could bring the moneys that they have at their disposal—the huge wealth—to tackle crime and try to put out some war between some bad boys and help to secure a little area.

We should praise what Mr. Jack Warner and others did—showing that they could take some of their personal resources and try to solve a problem in an area. That is what you are supposed to do in politics. It is the higher order of politics; private effort for public gain. These people who are here as well as abroad—we have our own examples to look at now—could not see how they could take their resources and use them in the interest of the people—a tiny portion of 1 per cent or ½ per cent could have made such a huge impact—and then one by one they go to the public sector and the politicians who are representatives of the people for them to take their burdens on their backs.

So, that is more central than that issue today, the relationship between money and the people—between those who command personal resources and the representative of the people who are seeking to get elected by the people and who have to report to the people. That is the most central issue of the times and, therefore, I commend Sen. Prof. Ramesh Deosaran for bringing this Motion

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today. In the wider context of this Motion, I think it is worthy of our attention and our support. However, we may wish to amend it, extend it or apply it, I think it is worth our time.

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

ADJOURNMENT

The Minister of Energy and Energy Industries (Sen. The Hon. Conrad Enill): Mr. Vice-President, I beg to move that the Senate do now adjourn to Thursday, February 05, 2009 at 1.30 p.m. By way of explanation, the matter in the other place is going to be considered tomorrow, and once it is approved, it will find itself here. If it is not approved then we will meet for a short time and deal with other issues. The matters will be the amendments to the Central Bank Act and the Insurance Act that are being considered in the other place.

Mr. Vice-President: Hon. Senators, leave has been granted for three matters to be raised on the Motion for the adjournment by Sen. Wade Mark, but we are going to take the tea break now and when we resume at 5.00 p.m. these matters will be taken. The Senate is now suspended until 5.00 p.m.

4.30 p.m.: *Sitting suspended.*

5.00 p.m.: *Sitting resumed.*

[MR. PRESIDENT *in the Chair*]

Missing Persons in Trinidad and Tobago

Sen. Wade Mark: Thank you very much, Mr. President. The first matter on the motion of the adjournment I would like to raise deals with the status of missing persons in the Republic of Trinidad and Tobago.

There has been a very disturbing number of missing persons, citizens of our country over the past year. We were initially informed that there were over 600 persons missing in the last year. Of course, the Police Commissioner did in fact indicate to the public that they had located quite a few persons, and the current number in the last report that I looked at, would have been around 77—80 persons, comprising of men, women and children.

Mr. President, this is really cause for alarm, because for a small country with a small population of 1.4 million people, this new wave of violence that is sweeping this country is cause for some worry.

Now, we have been informed by the hon. Attorney General that there is no empirical evidence of missing persons, which is now characterized as the trade in human trafficking in our country. In an article in the *Trinidad Guardian*, Wednesday, January 07, 2009, on page 4, we were told by the Attorney General of this country that there was no evidence of human trafficking in Trinidad and Tobago. This was followed up by another article in the *Sunday Guardian* newspaper, January 04, 2009, on page 5, where again the acting Commissioner of Police, stated in an article that there was no evidence of human trafficking in Trinidad and Tobago.

Either the Government is living in denial or the Missing Persons Association that has been formed, is misleading the country, but it appears unbalanced that scores of persons have gone missing and unaccounted for. Young children from the age of four years to persons 35 years and over, men, women and children, have just disappeared into thin air; no one could locate them.

Now, the evidence is revealing that there is a human trafficking kind of trade that is taking place, in which our young women are being kidnapped and shipped to countries in South America, and they are being used as sex slaves, and for pornographic purposes. That is the information that is being unearthed as it relates to this phenomenon.

We saw in this particular article in the *Sunday Guardian*, January 04, on page 5, that almost in every police division you had citizens of this country missing. We saw in this article where in the nine police divisions, it showed that 77 persons were missing, 42 of them being men and 35 women, ranging between age four years to 16 years; 16 years to 35 years and 35 years and over. In the Port of Spain and North Eastern division they had the highest figures with 38 persons missing, 19 from each division; five females within the age bracket of four years to 16 years were in Port of Spain, whilst five males between 16 years to 35 years were reported missing from the Central Division. Port of Spain also recorded six men over 35 years of age missing.

This is really a cause for concern. I remember about 10 years or 12 years ago, a young child by the name of Oma Nanan, 11 years of age; she lived somewhere in Cunupia; she left her mother's home, went on the road to get a car to go to school. That was 12 years ago; that young child at 11 years of age, who would have been about 23 years today, has never been seen. The father has passed on to the great beyond and the mother is ill as we speak today.

So many young people, especially women, are being snatched by whom, we do not know. They have just gone missing. The trauma that that has brought on the lives of the families cannot be measured and the pain that they have to experience and endure on a daily basis, because they cannot get answers. Sometimes we get from the reports that even the police seem not to be sensitive enough to this particular situation, and this plight of missing persons.

Even though the Commissioner must be commended for saying that no longer the police would be seeking reports 24 hours after someone is missing, because that was the old way of life. As soon as someone is missing, you report it immediately to the police and he has given an undertaking that they would look into it immediately.

The reality is even though that assurance has been given, we are still receiving reports that there is a certain insensitivity on the part of the police. When people report that their daughters are missing some of the police officers, who are not trained, dismiss it as this lady or this young child or woman has run away with some boyfriend; it is a domestic matter. They do not give it the kind of serious attention that these cases actually deserve.

What is happening as a result of this development, you have more and more people going missing. It is inexplicable that in a small country like ours, in one year you can have 500 to 600 people missing. Of course, as I said, the Police Commissioner has been able to locate a number of these people, and he has reduced the number to about 77 persons, at my last count, but 77 is still too much.

Therefore, we need the Government to take this matter very seriously. If it is necessary to bring legislation to deal with human trafficking in this country, let us bring the legislation, because children are missing, women are missing, men are missing, and there is no system that is in place to deal with this matter.

I must give credit to the Minister of National Security. He was one of the few people who admitted—as far as I am concerned, unless he denies it—that there appears to be a problem, because the hon. Minister of National Security said there is going to be a seminar between the authorities of Colombia and the authorities of Trinidad and Tobago.

The reason for that is to explore the whole question of human trafficking. Here it is you have the Attorney General telling this country there is no empirical information or evidence on missing persons; you have the Police Commissioner saying there is no evidence of missing persons, meaning human trafficking does

not exist in the country. That is the impression that was given to the nation, and citizenry, but we are seeing every day that the Government and the police seem not to be on top of this matter as they ought to be.

Therefore, we are calling on the Government today, in the interest of national security and the interest of the citizens and their family, the victims of crime, the trauma that they go through, I do not think that we can measure, even though we have passed legislation in this Parliament to compensate victims of crime in this land, the Government of this country could find money to do all sorts of things, but they have not been able to fully operationalize that piece of legislation.

I do not believe that there is one single citizen of this country whose family has been compensated for the trauma of their child or children, who have either been murdered, gone missing or whatever.

I am calling on the Government today to really treat this matter with the seriousness that it deserves, because if you do not treat this matter with the seriousness that it deserves, this thing is going to get worse and worse. Therefore, the time has come when the Government must do a number of things.

It must heighten its surveillance of our ports. You have to beef up surveillance at the ports of entry and exit of this country. Those areas of our country, where you know you do not have security but there are avenues where people come and go, and you do not have any customs post, immigration post or police presence, you need to beef up security in those areas.

I am suggesting to this Government and particularly the Minister of National Security that you should take urgent steps to bring legislation to this Parliament to deal with the issue of human trafficking in this country. There is no doubt in my mind that something is wrong, and people are not just disappearing into thin air, and maybe they are somewhere in Toco or Sangre Grande. People are missing for months and years, they cannot be found.

There is information emerging, and the Minister of National Security has to check this. In the article that I referred to on page 5 in the newspaper on Sunday, January 04, 2009, where a victim of human trafficking is claiming that certain officials at one of the country's ports of entry and persons associated with the Minister of National Security, a particular agency, are involved in the trafficking of Hispanic women into Trinidad and Tobago.

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Here it is you have a statement being made about human trafficking into Trinidad and Tobago by officials of the Ministry of National Security and officials at the port, and we have no denial from the Minister on this matter.

Mr. President, I call on the hon. Minister to treat this matter as a national security issue and to give this Parliament the assurance that efforts are going to be made urgently to address this issue as quickly as possible. It is urgent and people need to get assurances from the Government that it is looking after their welfare and their interest.

I thank you very much, Mr. President.

5.15 p.m.

The Minister of National Security (Sen. The Hon. Martin Joseph): Thank you very much, Mr. President. I am responding to the Motion raised by Sen. Mark on the status of missing persons in the Republic of Trinidad and Tobago.

Let me first of all start by refuting some of the claims Sen. Mark made in his presentation, especially the last one based on an article in the *Guardian* which says that officials of the Ministry of National Security are some way involved in human trafficking.

We refute that. But let me just indicate—Sen. Mark talked about the new wave of violence; Sen. Mark equates missing persons with human trafficking. He talked about the fact that the Attorney General and the Commissioner of Police have both indicated that there is no evidence of human trafficking. I indicated, and he is trying to give the impression that I am at loggerheads or contradicting what the Attorney General and the Acting Commissioner of Police are saying. Just recently, nine members of a delegation comprising different agencies of the Government of Trinidad and Tobago, immigration, police, Ministry of Foreign Affairs, Ministry of Social Development and some others, et cetera, went to a round table discussion sponsored by the International Organization of Migration (IOM) with Colombia to see to what extent there is any empirical evidence with respect to human trafficking between Trinidad and Tobago and Colombia. That team came back recently and the Government is awaiting a report.

In recognizing that—the whole question about illegal migration—there is high evidence of illegal migration taking place in Trinidad and that there is also worldwide the issue of human trafficking, that we engaged the IOM as early as 2005 to come and provide assistance to the Government, and in particular, the Immigration Department in order to make sure that the Immigration Department

is provided with the skills, competencies, et cetera, to be able to treat with, in the first instance illegal migration, as I said, which is different from trafficking. There is a high level of illegal migration taking place in Trinidad and Tobago, especially with South American countries and we recognized that law enforcement needed to acquire some new skills and competencies in order to treat with that.

So, we have engaged the services of the International Organization of Migration. They are looking, as I said, to see to what extent there is a relationship between illegal migration and trafficking. So, to say that there is a high level of human trafficking taking place in Trinidad and Tobago, that is anecdotal. It is not to dispute that there is some concern and there must be concern with respect to missing people and persons who have been missing for some period of time.

Yes, Mr. President, there is trauma associated with that. I could imagine how anybody will feel as it relates to persons who just out of thin air, just disappear. Now Sen. Mark has also turned around and indicated that he applaud the commissioner, because recently a decision was taken to remove the 24-hour limit that was normally placed on police before they start to investigate a report of missing persons. It has now been—Standing Orders have now been sent out.

Sen. Mark raised the question about police who are still insensitive. It is not about insensitivity to missing persons. The evidence shows and you have to be careful because people figure that law enforcement is insensitive. The evidence shows over the years that there are a number of reasons why people leave home. In some instances people run away from home because of domestic incidents, et cetera. In some instances people leave because they go into other relationships, they have financial responsibilities, et cetera. So that some of these things account for the reasons for persons who have decided to “go missing”. But we must be concerned with those persons who are missing and not be accounted for, for some of these reasons.

As Sen. Mark has indicated, the number has now been reduced to 70-plus. But to say that the police are not sensitive to these situations, I think it is to sell our law enforcement officers short, because as I said, they have now changed their paradigm in terms of where historically they needed 24 hours. Not only that, what they have also done is that they now engage the Anti-Kidnapping Unit very early as it relates to these incidences of missing persons, but at the same time you have to understand that given the limited resources that law enforcement has available to it, it has to ensure that the incidence of missing persons are legitimate, so that they would be better able to focus their activities and their resources.

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Sen. Mark talked about the need for the Government to heighten our port security. We are now introducing a Border Management System that allows the authorities to be able to check to see whether or not persons who have been reported missing, whether or not they have legitimately gone out of the country. If not, we will try to make sure that our immigration kicks in very early to see whether or not—they check to see any persons who are likely to be leaving the country. Sen. Mark, also indicated the question about heightening security at various ports of entry and exit. It is for the very same reason, because of our porous borders that we need to acquire the various types of assets that we need so that we can better police our coastline and our seas. We expect also that as we acquire additional assets our ability to better police our borders will be improved.

Sen. Mark is talking about legislation and I will be interested to find out what kind of legislation he is talking about that needs to be implemented to treat with this whole question of human trafficking. The International Organization on Migration, as I indicated earlier on, is working with the Government also so that we can establish entities within law enforcement so that they are in a better position to determine as I said earlier on, the incidence of human trafficking.

Here is not the time for me to make the distinction between human trafficking and illegal migration, but they are two completely different sets of activities, and as I indicated earlier on we have seen incidence of illegal migration. That is the point that the Attorney General has been underscoring and the commissioner, that there is evidence of illegal migration, but illegal migration does not necessarily translate itself into human trafficking.

So, Mr. President, hon. Senators, we pay close attention to what Sen. Mark has indicated as it relates to the question about missing persons and that the Government is committed to making sure that law enforcement is provided with the resources necessary to make sure that this whole question of missing persons can be addressed. We give you that assurance and we want to compliment all the law enforcement officers who are working hard to make sure that we reduce the incidence of missing persons, and also at the same time to urge our citizens to be a little more conscious of their own personal responsibilities. For example, to make sure that they keep in constant contact with relatives, et cetera. For example, if you are working late and it is not normal for you to work late, to call home, inform somebody; if for example you decide to lime or to engage in certain types of activities that you are not accustomed doing, call, so that someone would be aware of your movements so that it provides the law enforcement with a better opportunity.

Something else also, and this may sound strange, but we want to urge those persons who are adults, 18 and over and who for some reason decide that they want to leave home, if it is possible that they could inform law enforcement so that we will be able to use the resources wisely. I do not think law enforcement will go and tell, because they are adults and all we are saying is that given the environment in which we are operating, if for some reason you decide that you are going to leave home, I mean even as I say it I am even questioning—because it is likely that the law enforcement will go and say, well, Martin now come and say he is going to—*[Interruption]* But again, all we are trying to do is to ensure that the resources can be more focused and can be better used, especially in those areas for which we need to look after persons who are missing.

Mr. President, as I indicated, the police is very sensitive to the new developments, the Government is also ensuring that the resources are provided and pretty soon on the basis of the information that the team that just came back from Colombia is going to provide us, we will be in a better position to determine—more than move from anecdotal to a much more grounded evidence—what is the situation with respect to the question of illegal migration and whether or not we are seeing a development of human trafficking taking place in this part of the world.

I thank you very much, Mr. President.

**Ministry of Local Government
(Financial Mismanagement of)**

Sen. Wade Mark: Thank you very much, Mr. President. My second matter on the Motion deals with the alleged reports of financial mismanagement and disregard of the Financial Regulations in the Ministry of Local Government.

I have in my possession the report of the Auditor General on the Public Accounts of the Republic of Trinidad and Tobago for the financial year 2007 and I will have to address the Minister of Finance on another occasion on this matter. Today, I am dealing specifically with the Minister of Local Government. Year in, year out, the Auditor General of this country has been doing his or her work on behalf of the people and as mandated under the Constitution and I am amazed at times when I read these reports, it is like an annual ritual, the kind of financial irregularities, the persistent mismanagement that shows up in these reports on an annual basis. And nothing seems to be done, nobody seems to be taking the Auditor General seriously.

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I do not know if the Minister of Finance is sleeping on the job, because it is his responsibility to deal with this matter—her—in this instance, the hon. Minister of Finance, but I will deal with that matter on another occasion. Today, I wish to bring to the attention of the President and the Senate, the matter involving, what I consider to be, some mismanagement and the violation of the Financial Regulations governing the accounts in the Ministry of Local Government.

It appears that the travelling register for officers, according to the Auditor General in her report, was not properly maintained in that pertinent information according to this report was not recorded.

5.30 p.m.

It is stated in this report that in November of 2007, payments of mileage and upkeep claims for the month of November 2006 were not recorded in the travelling register. The Auditor General goes on to say diaries—not one—in respect of the year 2006 for certain travelling officers, were not produced for audit scrutiny. So what is the role of the Permanent Secretary in that Ministry? Who is the accounting officer? What is the role of the internal auditor in this particular matter?

Mr. President, there is another instance where lease agreements that were signed for renting of office space, were not even seen for three premises occupied by the Ministry for rentals amounting to \$125,000 a month. So here it is, you have rent being paid for office accommodation for three premises at \$125,000 a month, and no evidential arrangement of signed lease agreements have been seen. So what is taking place? So, you are renting premises, you have signed no agreements and you are paying \$125,000 a month and the auditor cannot find any signed lease agreements. They employed contract workers or workers on contracts, and what the Auditor General is saying, for several of these officers recruited by the Ministry of Local Government, on contract, no signed agreements of employment were seen and were not produced for audit, and therefore, the terms and conditions of employment could not be ascertained.

Mr. President, what is going on? This is just only one manifestation of financial mismanagement, lack of accountability, a flagrant violation of financial regulations by this Ministry, and there are several Ministries in the same boat. It goes on to talk about the items of furniture and furnishings in the sum of \$327,000 purchased for some Local Government Reform Programme were not recorded in the inventory. These items were not coded or tagged for identification, so what is going on in this particular Ministry? And there appears to be a complete

breakdown in the internal controls in the Ministry of Local Government. There was non-compliance with financial directives in respect of the maintenance of several subsidiary records. For example, the report indicated:

- payment vouchers were not securely filed as required by financial directives;
- particulars of salaries were not always entered on pay record cards.

So, you are paying people money and it is not even recorded on the pay record cards how much money was paid. In certain instances, overpayments were not recorded in the overpayment register, and it goes on to talk about the necessary approvals for the transfer of releases between sub-items were not always made available for audit. There is another area of concern, where documentary evidence was not produced to ascertain the status of seven deposit accounts under the purview of the Ministry of Local Government.

So imagine, you have seven deposit accounts and there was no documentary evidence produced to ascertain the status of these seven deposit accounts. We do not know how much moneys these accounts contained, and there was no evidence that the programme of work for the financial year 2007 was approved by the accounting officer. So people are doing work, the accounting officer has not approved the work and there was little evidence of internal audit checks on several expenditure records examined. So there are no internal controls and checks and balances in the Ministry of Local Government, according to this Auditor General's Report for 2007. And then what is more amazing is that there is something called the Infrastructure Renewal Programme or Improvement and Development Programme and it goes on to say:

“During 2007, funding for these projects was allocated through the Ministry's recurrent expenditure. According to the records of the Ministry, amounts totalling \$27.6 million were released to the various regional corporations for the conduct of work in the regions. There was no evidence that specific instructions were issued by the Ministry of Local Government to the regional corporation for the conduct of this particular programme, or that there was monitoring of the programme by the Ministry.”

So Mr. President, here it is \$27 million of taxpayers' dollars released by the Ministry of Local Government to the various regional corporations and no specific instructions as to how this programme is to be conducted. No monitoring mechanism by the Ministry to see if we are getting value for our money, and there was non-compliance with the Comptroller of Accounts Circular, No. 13 dated

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2007, in that several instances, the statement presented did not follow the format set out in the circular. This is what the Auditor General is saying in the instance of the Ministry of Local Government.

Now, Minister of Local Government, you are ultimately responsible and accountable to the Parliament, and your Permanent Secretary who is the accounting officer must account to you. Whenever these reports are issued, it is the responsibility of every Minister to go through these reports, look at the findings of the Auditor General and ensure that the 2008 report, which is coming to this Parliament shortly—because the Auditor General's report is always on time and we expect it to come very shortly.

When you look at the Auditor General's Report 2008, you will see a repetition of these errors, these financial irregularities and mismanagement, and I am calling on the Minister of Local Government to tell this Parliament, what step her Ministry has taken to correct these deficiencies in the financial management of her Ministry. We would like to know what steps the hon. Minister has taken. We would also like her to tell us that these things will not be repeated in the future, because you cannot have the Auditor General reporting to the country and to the Parliament every year on financial irregularity and mismanagement, and it keeps recurring and recurring and recurring.

We need to bring an end to this particular situation, and I, therefore call on the Minister of Local Government to tell this Parliament why these things have occurred, what steps have been taken to address them, whether the Auditor General is satisfied that matters that are outstanding have been addressed, and in the 2008 report, we will see a report clearing the Ministry of Local Government of these irregularities. Therefore, we will not see in the 2008 report, further financial irregularities and mismanagement of the financial system where they violate all the Comptroller of Accounts circulars, and all the directives given by the Auditor General to ensure that there is value for our money and there is proper accountability of expenditure by the Ministry of Local Government. I call on the hon. Minister to provide us with assurances, with some commitment that this matter has been addressed and we will not have a repeat of these irregularities in the future.

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

The Minister of Local Government (Sen. The Hon. Hazel Manning):
Thank you very much, Mr. President. I rise to respond to the Motion of alleged reports of financial mismanagement and disregard for the financial regulations in

the Ministry of Local Government, and I want to say from the outset, that there would be no repeat of the irregularities of the financial system. [*Desk thumping*]

Mr. President, for the financial year ending September 30, 2007, the Auditor General conducted an extensive audit in the Ministry of Local Government. The Ministry has noted what the Auditor General's concerns have been and the Ministry has taken almost immediate action throughout the year 2008 to address the issues.

Mr. President, it is noteworthy to mention that in the Auditor General's report, there was no reference made to any impropriety or fraud on the part of any of the Ministry's employees. But I want to sum up for you what the Auditor General's findings were, and in broad categories I would repeat some of the things the hon. Senator on the other side said.

- The Auditor General found and wrote to us, saying that there was no evidence, that the programme of works for the year 2007 was approved by the accounting officer.
- The Auditor General also said that schedules of accounts were not presented for audit examination and did not always contain all the pertinent information.
- The Auditor General said that certain schedules of accounts and payment vouchers and abstract of payments were not presented for audit examination.

Mr. President, I am going through, giving you almost word by word what was said because we have taken steps. I feel really very pleased to go through it, because I know we have done a lot to make sure that there is no repeating of the issues.

- Only one month's reconciliation of the monthly abstract of payments and the list of unpaid cheques were presented for audit examination.
- Cheque request forms were not used in numerical sequence.
- Payment vouchers were not securely filed.
- Particulars of salaries were not always entered on the pay record cards.
- Pay records cards were not stored in a fireproof enclosure and some overpayments were not recorded in the overpayment register or reported to the Comptroller of Accounts.

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- Approvals for the transfer of funds between sub-items were not presented for audit.
- Certain virements were not recorded in the vote book.
- Items of furniture and equipment were not coded or tagged for identification purpose or recorded as inventory. Neither the voucher nor the suppliers invoice gave a description of the items with respect to colour and or make.

Mr. President, it went on that:

- Reconciliation statements for the deposit accounts held by the Ministry were not prepared and submitted to this department for financial year 2006 and for previous years.
- The Internal Audit Department did not have a policy statement defining its objectives, its responsibilities and authority.

We recognize that the system of accounting currently used in the public service and in the Ministry of Local Government is a manual cash system and that all accounting systems and all accounting activities must comply with the following:

- must follow the Financial Regulations of 1965;
- must follow the Exchequer and Audit Act; and
- must follow circulars from the Ministry of Finance.

Mr. President, I take great pleasure to say that we at the Ministry of Local Government, have taken time to list these concerns, if only to say that we have taken corrective measures to address the concerns of the Auditor General. With this in mind, the Ministry has taken a proactive approach and the corrective measures have been put in place about all these concerns.

- we have since reviewed the system;
- we have identified the deficiencies in the system;
- we have documented almost step by step the challenges that we have, to enable the staff to execute their functions in an effective, efficient and timely manner.
- Furthermore, we have begun training of all of our human resources to provide effective management and supervision. This will ensure that the errors are minimized, if not virtually eliminated.

Mr. President, our immediate objective is to use computer technology, and we have started. We have started to automate the processes and to improve the efficiency and effectiveness of the financial information as we gather and we do the analysis.

5.45 p.m.

We have started, for example, the recent computerization of the monthly cheque list; a task that is normally done manually has now been automated. This new computerized cheque list also gives us the ability to generate financial information by the suppliers; so we have a clear listing of our suppliers by the time period and the amounts paid. Such information can now be obtained real time. I wish to point out that while the process is being reengineered with greater efficiency, using the technology, the Financial Regulations, et cetera, are still being maintained in accordance with the relevant rules and the relevant regulations.

We have, again, re-evaluated the Infrastructure Renewable Improvement and Development Programme, known as IRID, and we have put in place new tendering procedures to ensure greater transparency and more accountability. In addition, we have put in place the engagement of professional engineering firms to assist us in monitoring and evaluating the performance of these contractors out on the field.

As mentioned before, we have taken the necessary initiatives for training of our human resources. As we undertake the reform of the local government system, we are in the process of making arrangements to train key personnel in anticipation of the implementation of new systems, for example the output budgeting that we are contemplating and the new management systems. This will improve operating efficiency; this will improve accountability and ensure better value for money, by making sure that projects are completed on time and within budget.

As we move into this new system, we have some challenges in the Ministry. The need for change is critical, but we know that we can make the changes. A new approach is required and, therefore, we have engaged the staff to ensure this is happening.

We have put in place training for the manual systems. The current manual accounting system is outdated and must be upgraded. In this regard, a Cabinet subcommittee has been established to review the Financial Regulations and to make recommendations. We are still awaiting the final outcome.

We have a high staff turnover. Personnel are assigned based on seniority, in keeping with the current Public Service Regulations. Such personnel may not possess the background and expertise necessary for particular assignments, so we

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are also engaging that right now. Mr. President, while we train and we hold hands, we know that we have a problem there. Our goal is to strengthen and enhance the system of financial management by establishing efficient management and operating systems. We are sure that this would result in a strengthening of financial management within the Ministry. We have spent quite a lot of money; we have invested heavily in a fully computerized accounting and financial management system. This would assist us considerably.

Thirdly, we have put in place an asset management system. Throughout the year 2008, we have done quite a lot. We have developed a computerized asset management system in which all the capital assets of the Ministry and the municipal corporations have been listed and accounted for.

We have done a fourth thing, Mr. President; we have put in place accounting reform systems. We have improved the quality of financial reporting by linking the budgetary processes to the delivery of services; therefore, we are seeing a service improvement. In this way, we are better able to account for the performance of the Ministry.

We will continue to seek improvements, as we move forward to deliver, and cost effective services to ensure that we have value for money, as we reform the local government system.

We have enhanced our financial planning by taking a long-term strategic view of our priorities and our resources. This overall forward looking approach is designed to ensure that policy choices are sustainable. Together with our municipalities, we are in the process of introducing performance management in which we will set service delivery improvement targets that are measurable.

In order to improve accountability and transparency, we actually go out in the field. Our new Director of Finance now meets with all the departments in the municipal corporations once a month. Therefore, they have a clear sense of what the policies and plans are, and we monitor, evaluate and track what is being done out in the municipalities.

Then we have introduced looking at our capital spending programme, which is geared towards the development of ICT. We are putting in place an ICT platform that will enable implementation of an integrated financial management system. We believe that this would provide more accurate financial information and improved monitoring of expenditure.

Finally we are building capacity. We are currently engaged in discussion with the University of the West Indies to develop customized training for our municipalities and the head office. We regret the existence of these findings, but the Ministry has taken steps to improve its financial management system. This will ensure that our accounting activities will comply with the Financial Regulations of 1965, the Exchequer and Audit Act and the many circulars for the Ministry of Finance.

I want to say from now, that the report for 2008 would be very different to the report for 2007.

We are in transition as we implement the new systems and perform our performance measurements. We are looking at the staff; we are looking at the queries within the specific time period; we are making sure that we understand what is happening. We are asking questions; we are monitoring; we are evaluating. We are looking at the new roles and responsibilities and ensuring that our staff is well trained. We are also building capacity; we are building structures and we are building capability.

As we proceed with the reform, we recognize the challenges and limitations of the present manual accounting system, and we take them into consideration as we move forward. We believe that once these measures are fully implemented, that the concerns raised today would no longer be an issue.

Thank you.

Old Age Pension (Renaming of)

Sen. Wade Mark: Mr. President, I rise in defence of the elderly in this country on the issue of the Senior Citizens Grant and the decision of the Government to rename old age pension as the Senior Citizens Grant. There continues to be an erosion in the value of the Senior Citizens Grant as a result of rising inflationary levels; rising costs of basic food items; rising costs of transportation; rising costs of pharmaceutical products that are required by these senior citizens, and the attempt recently, even though corrected, to confuse a person's entitlement to that of a gift.

Mr. President, ever since the renaming of the old age pension to the Senior Citizens Grant and the Government's decision to increase the National Insurance pension retirement benefit, many citizens in this country, particularly those over 65 years, have been experiencing a lot of challenges. In spite of the Government's efforts at addressing some of those problems, they persist.

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It is not an issue simply of the quantum that has to be addressed, but it is an issue of the Government recognizing the persistent rise in the cost of living and the consequential erosion of the purchasing power of the dollar. I think that the Government has to pay attention particularly to the elderly; they are vulnerable; they are fragile and they need protection, more than any category of workers in this country. Therefore, I think the time has come when the Government must begin to look at this issue of indexation, particularly for the elderly; they are too vulnerable in this country.

Even though the Government has increased old age pension, what is now called the Senior Citizens Grant, from \$1,650 to \$1,950, many of these citizens are finding it very difficult to make two ends meet. In spite of what the Minister might tell us tonight, apart from the \$1,950 and the fact that there are a host of other areas they can access: food cards and stamps, the people and the elderly in this country are under severe stress.

There is another category of workers outside of those who are just in receipt of \$1,950; those persons who have worked and have retired, they are seeking the Government's intervention to address what they had considered initially to be their legitimate rights and expectations. But as you know, if you are working for more than \$2,800 a month, the Government will not give you a cent in terms of the Senior Citizens Grant, even though you are 65 years and over, or if your income is \$33,600 a year, you will not be entitled. I believe the time has come when the Government, in the interest of the senior citizens must consider, as a matter of urgency, reviewing the qualifying ceiling for senior citizens to access their Senior Citizens Grant.

Mr. President, I would like the Minister to advise us, based on an assessment and evaluation that his Ministry would have engaged in, on what is the minimum income that an elderly needs in order to live a dignified life in this country. I keep saying that because of the breakdown in family life and the huge percentage increase in single parent female headed households, you have the elderly taking on new responsibilities. So it is not only the elderly that we are dealing with, you are dealing with siblings that have been abandoned, either by mother, father or both.

6.00 p.m.

The Government has a responsibility to take care of those children and, therefore, I am saying that it needs to begin to monitor in a serious way and if there is need to target do so, but it needs to monitor in a serious way the plight of the elderly in our country.

I am calling on the Government today, and in particular, the Minister of Social Development to revisit this qualifying ceiling of \$2,800 per month, or \$33,600 annum and see to what extent the Government in this stringent period that we are in at the moment, could not revisit and review that qualifying ceiling, because it is really difficult and challenging for these elderly people to live the kind of life they really deserve.

I am not dealing with the young at the moment; they have their own challenges, we would deal with them at some later time, but those who have served their country well need to be given the kind of respect and a package that would allow them to live a decent life. Therefore, I am asking the Government, through the Minister of Social Development, whether it is its intention to review and revisit the qualifying ceiling for the Senior Citizens Grant. I am also asking him—because once that is done—there are other categories of workers who are only subsisting on \$2,800 per month who may be able, with a change in the qualifying ceiling, to experience an upward shift in their monthly income from \$2,800—\$3,800, as the case may be.

I have put this on the agenda to get what the Government's intentions are to lift the ceiling further and from the ministry's analysis of today's living conditions what his ministry has arrived at as a reasonable figure where the elderly can live on a decent basis. I do not believe the study done by Dr. Henry of CARIRI where they have used the ridiculous figure of \$665 as the poverty benchmark is in any way applicable to Trinidad and Tobago today. I think that figure is irrelevant, bogus and inaccurate and anyone who is doing an objective analysis of the poverty line in this country cannot, and will never be able to agree to a figure of \$665 per month for the elderly in this country to define somebody who is not living below the poverty line. Therefore, I would like the Minister when he is giving his response not to use that \$665 as a benchmark; that is irrelevant at this time.

In fact, the hon. Minister of Planning and Development told this Parliament sometime ago that the Government does not believe in that figure and, therefore, some study is being done to deal with it. I do not know where that study has reached, but I believe the time has come for the Government to look at this particular issue very carefully because people are under a great deal of economic and social stress and we need the Government to provide some kind of lifeline to rescue those people who are on the rocks and experiencing extremely difficult and challenging times.

So I call on the hon. Minister to provide us with some degree of clarification and direction as to how we are going to treat with the needs of the elderly in this turbulent, uncertain and challenging period we are all experiencing at this time.

I thank you very much, Mr. President.

The Minister of Social Development (Hon. Dr. Amery Browne): Mr. President, I am honoured to join you in this honourable Chamber and I am pleased with the opportunity to bring some further detail and clarity to the issue of the Senior Citizens Grant and the increasing and expanding support being provided by the Government of Trinidad and Tobago to both our elderly subpopulation and the wider community of vulnerable persons in Trinidad and Tobago.

It is unfortunate that my visit to this Chamber is heralded by a Motion which I sincerely feel is very much misguided, but I am made to understand by certain colleagues that this is not unusual coming from Sen. Wade Mark. *[Laughter]* I do not have the experience to know of the detailed history of Motions brought by Sen. Mark, but I feel it might be fortuitous that the opportunity is provided to us as a Government to once again illuminate the issues around this grant as well as raise or clarify some concerns that might have been raised by senior citizens.

Unfortunately, some of those concerns and confusion have been increased, expanded and fertilized by Members of the Opposition and I refer here in particular to a number of press releases that were issued just at the time when the senior citizens required reassurance, the putting aside of political agendas and what I had hoped would have been a unified effort by all right-minded citizens to provide comfort and clarity with regard to what was being provided for them, what they may have been entitled to and what the current spectrum of social assistance was in Trinidad and Tobago and continues to be.

Mr. President, here we go again in terms of responding to this type of Motion, and just the wording: Government's abolition of Old Age Pension in favour of a Senior Citizens Grant, the Motion itself is pregnant with misinformation and suggests that something has been taken away from our senior citizens.

Mr. President, I regret to inform this House that Sen. Mark, despite what he may have said today and before, it is crystal clear in his own mind of the fact that nothing has been taken away from our senior citizens, and his learned colleagues are also crystal clear in that regard, but they have recognized a bit of political opportunity in what occurred at the end of December and early January and have sought to capitalize on that atmosphere of miscommunication and mistrust. I thought we had gotten beyond that as we head into February, but the Motion may be a last effort to bring whatever political capital might be possible out of this particular issue.

So, Mr. President, let me take this opportunity to assure and reassure the national population, particularly our very valued and esteemed senior citizens that this administration has absolutely no intention of taking away any social

assistance from which they are currently benefitting. In fact, the Government of Trinidad and Tobago is doing the exact opposite and during the course of 2008 had taken a number of specific steps to strengthen benefits both to senior citizens of whom the majority of that population received increased benefits—not decreased—towards the end of 2008 and also a wide range of social assistance grants have been strengthened and increased by this administration even toward the end of 2008 and the beginning of 2009.

So despite the wording of this Motion, and the suggestions and aspersions being raised, the Government is doing the exact opposite and we are very committed in times of plenty or in times of not so much to ensuring that the helping hand of support that is extended to the vulnerable in this country will remain as strong as ever and continue to be strengthened.

That is really the passion behind Vision 2020, and seeking to nurture a caring society in Trinidad and Tobago. And in every pronouncement by the Prime Minister, the Minister of Finance, the Minister in the Ministry of Finance and every official, that commitment has remained crystal clear and I wish to reiterate with some clarity, the emphasis and value we place on our senior citizens and the vulnerable in Trinidad and Tobago.

Mr. President, the record speaks for itself and I will give some detail as I proceed throughout this presentation. We do not often compare ourselves to other countries in the region when the indicators or statistics might throw this country in a favourable light. We do lots of comparisons and cherry picking when it might make Trinidad and Tobago look bad, but I can tell you categorically, with regard to social assistance and support for the vulnerable within the English-speaking Caribbean and across the spectrum of developing nations, Trinidad and Tobago has a lot to be proud of and this PNM administration has much to be proud of. [*Desk thumping*] That is a fact. We have a relatively strong social safety net which is being strengthened in a very strategic manner by this administration and I will give some details of some of those approaches that are being advanced at this time.

I mentioned the record with regard to social assistance and I had given a few details and I would choose for this presentation to look at the periods between 2001 and the present time. With regard to public assistance for poor persons in Trinidad and Tobago, this increased from \$108 million to \$155 million, an increase of 43 per cent; the Senior Citizens Grant annual expenditure was \$550 million in 2001 and it has increased steadily to \$1.3 billion per annum in 2008 and the 2009 figure will also be significantly higher than it was before.

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So when we talk about the cost of living—there was mention of food prices and other realities that confront our senior citizens—we should always be mindful of the fact that the Government of Trinidad and Tobago continues to respond to these realities and to strengthen the hand of support that we extend to our citizens. And the record speaks for itself, and it is a very proud one.

Another example is the Disability Assistance Grant which increased from \$50 million in 2001 to \$174 million in 2008. Again, it is not a static scenario, but a case of ensuring that the support increases, and this support is not provided to only a particular segment or category, but is extended without regard to political affiliation, ethnicity, in many cases with regard to age, background, or geographic location. In all constituencies, every village in Trinidad and Tobago there are individuals—and Members opposite know this quite well—who are benefitting from this very strong, significant and increasing social assistance and the Senior Citizens Grant is a classic example of this approach. There are many others, and Sen. Mark should be given some credit when he referred to the fact that there are many other grant programmes and social assistance programmes to which senior citizens and other vulnerable citizens avail themselves. I will not abuse the time by going through the wide spectrum, it is already in the *Hansard* and the public record, the breadth and scope of these forms of assistance.

6.15 p.m.

So the Government is certainly concerned about the plight of the vulnerable and we continue to work, not just by providing funding but by strengthening an environment which I certainly feel has helped to create the reality in Trinidad and Tobago, that is the reality of a land of opportunities. There are so many examples of citizens emerging from vulnerable situations.

Part of the job my Ministry is doing right now is trying to distill some of those examples and bring them to the national fore to help inspire others, that despite the doom and gloom that we get sometimes from Members opposite, it is very possible, with the environment that has been created in part by the strategic interventions of this Government, for persons of humble means to transition to a position of significant means; of being able to provide for one's family and being able to contribute to a vibrant and developing young democracy such as is Trinidad and Tobago.

So I want to reject this Motion out of hand and I invite you to note a sequence of events. There really was an attempt to convince the population and to create unease among senior citizens that the recent adjustments to the Senior Citizens

Grant were based on some conspiracy and there was a lot of commentary around that issue. There were some very naughty press releases that came out, again capitalizing on misquotes in the press and all sorts of other issues, really trying to confuse our senior citizens, when all that was really taking place was that the Government was seeking to implement the measures of the Finance Act.

There were efforts to distract our senior citizens from the reality that the vast majority of them were actually benefitting from significant increases in their monthly grant allocations, and that those who were receiving inordinate amounts were being correctly adjusted at that time. Then the debate shifted to an issue of entitlement and non-entitlement, in part fed by this Motion, that something has been abolished or taken away. My colleagues and I have taken time on many, many occasions and members of staff have been in the media trying to clarify the issue.

Let me try to be even more clear this evening. In reality, it was in 1939 that the Senior Citizens Grant was first offered to the population of Trinidad and Tobago. I would repeat that. In reality, it was in 1939 that the Senior Citizens Grant was first offered to the population of Trinidad and Tobago.

Sen. Mark: No. That was the old age pension allowance. That is wrong.

Hon. Dr. E. Browne: Yes. I know you pretend to be confused—
[*Interruption*] Sorry, Mr. President, I will refer to you.

Because what happened in 1939 as a result of the Moyon West Indian Commission, a decision was made to offer a means-tested income-based grant to poor, elderly citizens. That policy existed in 1939; it existed in the 1950s, 1960s, 1970s, 1980s under another administration, the 1990s when we were burdened with the UNC, in the year 2000 up to 2007, 2008 and 2009 and remains the same—three criteria: age, income, residency. It has not changed. The policy has not changed; the grant has not changed. All that was changed was the wording in the legislation.

There is a myth out there; an urban legend, that somehow the Government can now take it away. There was one option in changing the old age pension before; that was to come to Parliament. [*Crosstalk*]

[*Mr. President pounds gavel*]

Thank you, Mr. President. That option remains the same today. The only way the Government can interfere with this assistance programme for senior citizens is to come to the Parliament, and that is what we have been doing; not to take it away but increase the levels of transfer.

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So we need to reject this Motion out of hand. It is deceptive; it is an attempt to confuse our senior citizens and create the myth that something has been taken away. The new wording of the legislation only seeks to bring dignity and a better clarity to what was always provided since 1939. Nothing else has changed: three criteria. You can call it an entitlement based on the senior citizens meeting those criteria, and they were always there. Income: you always had to prove that you were below a certain ceiling and the ceiling has been increasing, until this last budget as well; you had to prove a certain age; and residency.

The policy is consistent. All we have done in this administration is to ensure that the programme is strengthened, expanded and is able to meet the current realities of our senior citizens. This Motion has to be rejected.

I thank you for the opportunity to bring clarity to this Motion. [*Desk thumping*]

Question put and agreed to.

Senate adjourned accordingly.

Adjourned at 6.20 p.m.