

THE
PARLIAMENTARY DEBATES

OFFICIAL REPORT

IN THE FIFTH SESSION OF THE FIFTH PARLIAMENT OF THE REPUBLIC OF TRINIDAD
AND TOBAGO WHICH OPENED ON NOVEMBER 27, 1995

SESSION 1999—2000

VOLUME 21

HOUSE OF REPRESENTATIVES

Monday, August 21, 2000

The House met at 1.30 p.m.

PRAYERS

[MR. SPEAKER *in the Chair*]

LEAVE OF ABSENCE

Mr. Speaker: Hon. Members, I wish to advise that I have received communication today from the Member for Port of Spain South, the Member for Ortoire/Mayaro and the Member for Arouca South who have asked to be excused from today's sitting.

I may say that in the case of the Member for Arouca South, she did say that there is the possibility that she might still make it before the end of the sitting.

The leave of absence which they seek is granted.

**STANDING ORDER 27(2) AND (3)
(LEAVE)**

Mr. Speaker: I also wish to indicate to this honourable House that in respect of the communication which I received from the Attorney General on Friday with respect to leave under Standing Order 27(2) and (3), having regard to the voluminous material that needs to be read and understood in this matter, I am not yet in a position to deal with this matter and, hopefully, this will be done at a sitting later this week.

MINERALS (NO. 2) BILL

Bill to regulate mining and to provide for matters connected therewith or incidental thereto, brought from the Senate [*The Minister of Energy and Energy Industries*]; read the first time.

ARRANGEMENT OF BUSINESS

The Attorney General and Minister of Legal Affairs (Hon. Ramesh Lawrence Maharaj): Mr. Speaker, may I announce that we will do Motions Nos. 2 and 3. There are some amendments in respect of the Bill but the Chief Parliamentary Counsel's staff is not there. After that, we will attempt to do the Committee Stage of the Bill, then we will continue with Motion No. 1 and the Bill that we talked about.

Agreed to.

LAND ACQUISITION

The Minister of Housing and Settlements (Hon. John Humphrey): Mr. Speaker, be it resolved:

That this House approve the decisions of the President to acquire the lands described in the Appendix to the Order Paper for the public purposes specified.

Might I add as well, on the Supplemental Order Paper, there is another matter. There are four matters altogether. Can I deal with all four?

Mr. Speaker: Yes. Indeed.

Hon. J. Humphrey: Thank you, Mr. Speaker. Every now and then we come to the Parliament to proceed with acquisitions, some that were made many, many years ago and the process seems to be interminable. Today is one such occasion when it falls upon me to move that this House approve the decision of the President to formally acquire two parcels of land for the construction of the Claude Noel Highway which was completed many years ago, but the people of Tobago whose lands were acquired have still not received compensation for those lands.

The two matters pertaining to the Claude Noel Highway construction are a parcel containing 2277.4 square metres more or less, situated off the extension of Lambeau Cemetery Street, Lambeau, in the parish of St. Andrew in the ward of Tobago described in the schedule and coloured raw sienna on a plan of survey signed by the Director of Surveys dated April 21, 1995 and filed in his office, which is required for public purpose, which is the construction of the Claude Noel Highway. That parcel of land is now or formerly owned by Mr. David Elder.

The other parcel dealing with the Claude Noel Highway is 0.2082 of a hectare more or less, situated at the intersection of the Claude Noel Highway and the Northside Road in the ward of Tobago parish of St. Andrew and described in the schedule and coloured raw sienna on a plan of survey by the Director of Surveys and dated August 13, 1977 and filed in his office which is also required for public purpose, to wit, the Claude Noel Highway. This parcel is said to belong now or formerly to Mr. Errol Scott.

One of the other two parcels that His Excellency the President would be acquiring, is for the National Housing Authority to be utilized under the Inter-American Development Bank's Settlements Programme and that comprises 13.0756 hectares more or less, situated at Caroni Village in the ward of Tacarigua

Land Acquisition

Monday, August 21, 2000

in the county of St. George and described in the schedule and coloured raw sienna on a plan of survey signed by the Director of Surveys and dated August 28, 1995 and filed in his office. That is also required for a public purpose. The people whose lands are being acquired here are far too numerous to mention. Those people take up fully three pages of description but the document has been laid in Parliament so it is available to all members of the House.

The fourth acquisition, Mr. Speaker, is for an extension of the Solomon Hochoy Highway that comprises 40.1062 hectares more or less, containing several parcels of varying sizes situated between the Toruba overpass in Toruba on the outskirts of San Fernando and the Cross Crossing Roundabout in the ward of Naparima in the county of Victoria. That acquisition is required for extending the Solomon Hochoy Highway and related works. It also includes construction of a connector road from Golconda through sugar-cane lands of Caroni (1975) Limited, the National Housing Cross Crossing Development to the Cross Crossing Roundabout at Union Hall Junction and the dualing of the San Fernando Bye Pass on its eastern side from Chaconia Avenue, Pleasantville on the north to Cross Crossing Roundabout on the south.

Mr. Speaker, I beg to move.

Question proposed.

Mr. Colm Imbert (*Diego Martin East*): Mr. Speaker, once again, the Minister is living in dreamland. He comes to this Parliament totally unprepared. He does not even know what he is talking about. He gives the impression that these lands were acquired many, many years ago and, of course, when you go into the documentation, you see survey plans for 1995, 1997 and 1998. It just typifies the approach of the Minister of Housing and Settlements to these matters.

Every time a land acquisition matter comes up in this house, we ask the question: What is so important about these particular parcels of land? Are these friends of the Minister? What about the hundred other matters that have been languishing in his Ministry for 20 years? No action—

Mr. Sudama: Under the PNM?

Mr. C. Imbert: Well, he is the one who came into this Parliament to deal with these matters. [*Crosstalk*]

Mr. Assam: What foolishness is this? After 20 years?

Mr. C. Imbert: Yes. It is a fact. A new land acquisition—

Mr. Speaker: Order. Order please.

Mr. C. Imbert: Mr. Speaker, it is interesting that we hear the most noise from persons who will soon no longer be Members of this House.

Mr. Assam: So what! So what! Such stupidity!

Mr. C. Imbert: Such as the Member for St. Joseph, the Member for Oropouche, the Member for St. Augustine, the Member for Arima. I notice that those who will probably be with us on the next occasion, such as the Member for Couva South, are silent.

Mr. Assam: You may not be in the engineering profession.

Mr. Sudama: Where will you be?

Mr. Speaker: Order please.

Mr. C. Imbert: But the fact of the matter is, the process of land acquisition in the past was convoluted and tedious until the former PNM administration in the 1991—1995 period enacted a new Land Acquisition Act in 1994 which made it mandatory that payment be made for lands acquired within a reasonable time frame, with interest payments and so forth.

1.45 p.m.

This was an initiative of the PNM, and with legislation now on the books, I ask the question—the PNM having taken necessary action to deal with the long outstanding land acquisition matters—why has not the current minister; who came into office just one year after that legislation was passed, dealt with all of the matters within his portfolio?

Mr. Manning: He does not go to work.

Mr. C. Imbert: He does not go to work. It is a fact. He is too interested in building an arch over the Uriah “Buzz” Butler Highway and the highway to Princes Town using Chinese contractors and reclaiming the mangrove in Invaders Bay, killing our eco-system and so on, and fighting the Minister of Health for his seat. He is too interested in all of that.

Mr. Speaker, the other issue that bothers me—*[Interruption]* well the acting Minister of Health/Parliamentary Secretary or whatever, I think they have thrown her out now, whatever. But, Mr. Speaker, the thing that bothers me—*[Interruption]*

Mr. Manning: Vimala?

Mr. C. Imbert: Yes that one. The thing that bothers me is that we are now seeing land acquisition for the extension of the Solomon Hochoy Highway—five years after the fact! Five years after the fact, land acquisition for the Solomon Hochoy Highway, based on a survey done in 1998, three years after the fact. You know we hear reports that that contract was recently awarded by this administration at a mammoth sum of \$125 million. That is the information, \$125 million for the contract to extend the Solomon Hochoy Highway, about two miles from Toruba Junction to the South Trunk Road, that is a little piece of road, approximately two or three miles. Under this UNC Government it is \$120 million for that, \$40 million a mile. Do you know how these things happen? It is because they do not care about value for money. They will encourage persons to get involved in a price-fixing cartel, so there would be two or three contractors who would bid two and three times the normal rate and then they will pick the lowest rate. So the engineer's estimates say \$40 or \$50 million for this thing, but they have their favourite sons who will make their bids at \$100 million, \$120 million or \$150 million and so on, and they will award it at \$120 million. They do not care! It is a feeding frenzy. *[Desk thumping]* As the election approaches us, it is a feeding frenzy.

It is like the contracts for the supply of asphalt for roads—this road that would be built on the land to be acquired, where the previous price of asphalt, up to June 29, was \$160 a tonne. But these smart ministers in this wonderful administration, one month later for the same material; bitumen, gravel, transport, gas or labour has not gone up, but they move the price from \$160 to \$275 for the same material. If we did not make noise in this Parliament, they would have paid \$380 a tonne. *[Desk thumping]* That is all they are doing, they are engaging in price-fixing with their friends as this feeding frenzy comes to its climax before the general election.

I am so happy that there is a big question mark over the Member for St. Augustine. I am so happy *[Desk thumping]* because the contemptuous manner in which he has dealt with his portfolio over the last five years is a disgrace to the Cabinet system in Trinidad and Tobago. *[Desk thumping]* The Member is acquiring lands willy-nilly; he does not tell anybody anything. He does not tell us why he is doing this piece and not that piece. There is no reporting or overview on the situation, nothing. He just comes and reads out and says there are too many people to mention, it is three pages. Whatever is in the schedule they have approved that.

Mr. Manning: He did that in 1987?

Mr. Imbert: Yes, he is always doing this nonsense. I am so glad that we will see the back of them very soon: the Members for St. Augustine, St. Joseph, Oropouche and Arima. I am so glad that we will see the back of them sooner rather than later. Mr. Speaker, I thank you. [*Desk thumping*]

Mr. Barendra Sinanan (*San Fernando West*): Mr. Speaker, I join in the debate and, in particular, I would like to focus my attention on the acquisition dealing with the parcel of land between Toruba Overpass and the Cross Crossing Interchange. The parcels of land listed here—I think all of these parcels have been actually not yet—work has been done on these parcels of land. The roadway is substantially completed. What caught my attention was on page four under “(qq)”. I quote:

“A parcel of land comprising 357.5 square metres more or less, said to belong now or formerly to Green Acres.”

Green Acres is a residential area, it does not belong to anybody. What is interesting here is the famous Berlin Wall that I have spoken so much about in this Parliament and which the Member for Naparima knows very well, it was once in the constituency he formerly represented. That wall, I have said before in this Parliament, was constructed in such a way that it could not stay up. Right now the wall on the Sunset Drive side has shifted. The wall has been separated, more or less, just under two feet. These walls were built in 60-foot-span panels and not joined, so when the land moved or shifted, the walls, at 60 feet apart, shifted. I brought that to the attention of this House and the Minister of Works and Transport. He visited the site and, notwithstanding all his promises and all that we have pointed out to him and the engineers, the position remains the same. They then went and they put what are called “I beams” and they piled that whole street. The whole of Sunset Drive was piled with these I beams, further damaging the houses of the residents in that area. That did not solve the problem. This wall, for those who know, as the Member for Naparima would know, was built and constructed upon a natural riverbed. It was, in fact, a little drain which turned into a river. That wall was never piled. I brought that to the attention of the engineers and the Minister. Nothing was done! All they did was that they put a matting foundation and put up this huge Berlin Wall. That wall has shifted ever since.

I asked a question, I think it was answered last week by the Member for Fyzabad, about the completion date of the Cross Crossing Interchange. He said that it was substantially completed. But that section of the Interchange that abuts Green Acres cannot be used. They are now excavating the whole ramp. That ramp that has been filled with tonnes and tonnes of mud and now has to be excavated—time and money. I do not know whether it is the intention to take down that famous or infamous Berlin Wall or whether they are going to pile on the other side of the road.

The residents there have suffered for the better part of three years. They have held meetings with the Minister of Works and Transport who gave all sorts of assurances, none of which were fulfilled. The residents there are not sure, when that whole project will be completed, how they are going to get in and out of Green Acres. Right now the only entrance and exit is off the road coming down to the roundabout on the left-hand side. That, I think is going to be closed off. We have been asking the Minister to indicate to us how the residents will get in and out of Green Acres; till now he has not given a proper answer. There is a blind citizen whose home was totally shaken by all this work, it is cracked. The homes of all those residents on Sunset Drive have been damaged. We have asked the Minister to acquire those homes. Let us hope that the Government—what is said here in terms of the acquisition, but this probably only relates to one because it is 357.5 metres. There are about 7—8 homes on that strip and the residents are calling for their homes to be acquired and to be relocated.

Mr. Speaker, when that interchange that deals with some of the acquisition of the lands here is finished, what is going to happen, as is happening now is that the traffic coming from deep South, the minute they pass the Gulf View Interchange opposite Kentucky Fried Chicken, they come down the road and all you have now, with this fancy interchange, is a bottleneck and there is traffic being piled up there now. When school reopens it is going to be worse. Something is not right. I do not know if the design was changed or whatever happened to it. This is not going to help the traffic situation in San Fernando. Already people are complaining to me that they are spending 45 minutes in that bottleneck near the roundabout.

1.55 p.m.

I am hoping that the interchange would be completed soon and that it will be tested, because when school opens that is when you would get the major traffic flows. I am telling you that there is something that is wrong, not only with the design of that Berlin Wall, but that whole interchange. It is not going to help solve that traffic problem.

Mr. Speaker, I am calling on the Government and, in particular, the Minister of Works and Transport, to please address the plight of the residents at Green Acres. [*Desk thumping*] What is ironic about all this is that the said Minister of Works and Transport is now offering himself as a candidate for San Fernando West. [*Crosstalk*] I can assure him that not one single vote will he get from Green Acres.

Hon. Members: He is going to win! [*Desk thumping*]

Mr. Sinanan: Mr. Speaker, I am appealing to the hon. Minister of Housing and Settlements, who is moving this Motion, to please bring to the attention of his colleague, the Minister of Works and Transport, the plight of residents. Perhaps, he can bring something to bear on the Minister of Works and Transport to get him to do what he ought to have done years ago. More than one year ago all these problems were told to the Minister; we had a meeting with the residents and he is fully aware of it. That Berlin Wall is still there threatening to fall on residents. I do not know what they are doing about it.

Mr. Speaker, I thank you. [*Crosstalk*]

Mr. Speaker: Order please!

Mr. Patrick Manning (*San Fernando East*): Mr. Speaker, I notice that the distinguished Member for St. Joseph was wondering whether I was about to speak; the answer is yes. I was prompted to do so by the fact that the Member for St. Augustine, who has not spoken for quite some time, chose to speak this afternoon. I think that one good turn deserves another.

Mr. Speaker, when ministers come to the Parliament they are expected to represent the truth, and government documents ought to be accurate at all times, but particularly when one deals with the Parliament of Trinidad and Tobago. These documents form a part of the official record and, therefore, ministers have a responsibility to check very carefully what they bring to this Parliament as they present the various motions and bills for the consideration of this honourable House.

On page 2 of the Schedule itself it states:

- "3. Several parcels of land together containing 40.1062 hectares more or less, situate between the Toruba Overpass, Toruba, San Fernando and Cross Crossing Roundabout, in the Ward of Naparima..."

Mr. Speaker, there is no roundabout in Cross Crossing. I do not know how old this document is. I do not know when this was written.

Mr. Sudama: Twenty years old.

Mr. P. Manning: I do not know whether the Minister himself checked before he brought this here. It is as if the Government just takes the view that whatever we bring to this Parliament, we bring; that we have the majority and the Opposition can speak until they are blue in the face, we can bring anything and they have to accept it, that is the attitude that comes from the Government. [*Desk thumping*] No wonder that the category of person who is held among the lowest

esteem of people in this country is the politician. People like me, who have made politics our profession, are always wary of the fly-by-night politicians, the "Johnnies come lately" who come into the profession and believe that they can act in a manner that is unprofessional. [*Desk thumping*] What the Minister has done here today is very unprofessional, and it is symptomatic of way the UNC conducts its business. But that is not the reason I rose today.

I rose because I wanted to take special note of the second description, the parcel of land in Caroni acquired for the National Housing Authority to be utilized under the Inter-American Development Bank National Settlements Programme, because this programme is this Government's policy for housing the people of Trinidad and Tobago. It is a policy on settlement, that is to say that you make land available and people build. Even so, it is not widespread. The land availability is in selected cases and in selected arrangements. If people have land available, they would build on that land, that is what the policy is.

Mr. Speaker, that policy has its genesis in cultural consideration. Let me put it differently, that the implementation of a policy such as that was advanced by the person who today holds the portfolio of Minister of Housing and Settlements, long before he came to that august position. They had this famous, now infamous, Sou Sou Lands Project which he will boast provided land for so many people. But, Mr. Speaker, I wish that the hon. Minister and, indeed, I would like to invite you to join me, as I have done recently, gone to 36 constituencies in this country. I have had an opportunity, at first hand, to see the circumstances under which our people live.

Mr. Speaker, the policy pursued by the Government of Trinidad and Tobago—[*Interruption*]

Mr. Sudama: For the first time?

Mr. P. Manning: The policy pursued by the Government of Trinidad and Tobago in terms of land settlement, leads to slums. That is what it does, it leads to slums. It may be all right and very acceptable to the Minister from St. Augustine to relocate people from Kings Wharf in San Fernando, or people who are supposed to be in the path of the extension of the Solomon Hochoy Highway—a matter which is before us for acquisition this afternoon—and put them in an area described as Toruba South, which we call Thompson Gardens, it is in the constituency of San Fernando East.

Land Acquisition
[MR. MANNING]

Monday, August 21, 2000

They cut some roads and put in some water and some drainage, and they tell the people, "You come here and live and we would put a community centre sometime down the road," and as far as they are concerned they have done well; they have discharged their responsibility to the people of Trinidad and Tobago. The upshot of it is, that when you come down the Solomon Hochoy Highway the first thing you see about San Fernando, as you enter San Fernando, is the dilapidation on the south-east of the highway; it is dilapidation. It is not encouraging at all what you see when you enter San Fernando, and that has arisen because of the policy and attitude of the Government of which the hon. Member for St. Augustine is an integral part, and a big mover and shaker. It may be acceptable to them; it is not acceptable to the people involved, nor is it acceptable to the People's National Movement. [*Desk thumping*]

Mr. Speaker, my colleague from Diego Martin East is quite right, because it is the beginning of a ghetto; you go in there and you see it.

Mr. Assam: What did you do in Beetham and Sea Lots?

Mr. P. Manning: Mr. Speaker, I would like to invite hon. Members opposite, but I will invite them in the next administration so the Member for St. Joseph would not be involved in that. I would like to invite hon. Members opposite to have a look for themselves.

Mr. Assam: "Allyuh put black people there."

Mr. Speaker: Order please!

Mr. Manning: Mr. Speaker, the policy is fundamentally flawed, it leads to slums. Fourteen years ago under a government of the National Alliance for Reconstruction, the same mistake was made. They appointed the very same person as Minister of Housing and Settlements, and over the last 14 years the only period of time when you had any proper housing policy in this country was between 1991 and 1995, when the PNM administration was in office.

Mr. Assam: You did nothing.

Mr. P. Manning: We met, as we came into government, a tight financial situation and of necessity our first priority would have been to set the economics of Trinidad and Tobago right. That is what we did. [*Desk thumping*] Even so, because of the priority we place on housing our people, we appropriated some of those funds for housing; the modest beginnings of a housing policy that would have emerged into something very comprehensive and extensive.

We built Savannah Villas in Aranguez; we built houses in Ramdial Mahabir lands and we built two towers in John John for fire victims and so forth. [*Crosstalk*]

Mr. Assam: You built Savannah Villas?

Mr. P. Manning: We built it. Mr. Speaker, you merely have to see the attitude of the Government today. The Member for St. Joseph would be well advised to check his facts. I was Prime Minister and in that capacity I turned the sod for Savannah Villas. [*Desk thumping*] It was an initiative of the PNM whether he likes it or not. Mr. Speaker, we initiated the construction whether he likes it or whether he does not like it; it has nothing to do with them. They cannot take the truth; it was done.

The John John Towers, Ramdial Mahabir Lands and all over the country; Almond Drive.

Mr. Assam: You built Almond Drive?

Mr. P. Manning: Mr. Speaker—[*Interruption*]

[*Mr. Manning sits*]

Mr. Speaker: No, the Member for St. Joseph must allow the Member for San Fernando East to make his contribution without questioning him at every sentence that he makes. Please proceed.

Mr. Sudama: Providing he speaks some sense.

Mr. P. Manning: Thank you, Mr. Speaker. I understand the anxiety of the distinguished Member for St. Joseph, he realizes that he is in the evening of his political career and [*Desk thumping*] he is unlikely to be with us for much longer and, therefore, he is anxious to make some kind of impact. We understand that. [*Laughter*]

Mr. Speaker, there was a fire in John John, we built two towers for fire victims, specifically saying that. The Minister of Housing and Settlements and the Government come in; the houses are complete and for some inexplicable reason, because we do not understand it to this day, they choose to make a big brouhaha over this matter, and for some reason they wanted to do something else with the buildings other than put them to use in the purpose for which they were constructed in the first place. They went so far as to enter into a discussion with their favourite son to buy the buildings for a football hotel. A football hotel in John John with no football field. Where are they going to play football? On the highway? Do you understand how it is? It is a thinking that we do not understand because the thinking is not rooted in logic, nor is it rooted in good sense.

Land Acquisition
[MR. MANNING]

Monday, August 21, 2000

2.10 p.m.

Mr. Speaker, look at what is happening with the Savannah Villas today. Instead of making those apartments available to the persons for whom they were intended, they have now begun to sell them to friends. Some are getting two, three, six apartments when they were intended for first-time owners, one apartment per person, and they are now being sold at \$250,000 for an apartment, if you can get any now because their friends have already bought them and if you want a penthouse apartment, it is now \$0.5 million. That is what has happened. A Government that panders to the requirements of the parasitic oligarchy contrary to what they have to say, rather than provide houses in the country for those who are in the greatest need. *[Desk thumping]*

So we have a situation in this country for 14 years between 1987 and the year 2000, it was only for a four-year period there was a proper housing policy. And you could implement your policy, but it takes time to build it up, particularly as the money was not available the way it is available today for them to waste. So that they pursued this policy and the consequence of that is dilapidation in Trinidad and Tobago. *[Desk thumping]*

Mr. Speaker, their policy is fundamentally flawed and I say to them only for the record because I know they will not be returned to government and mercifully, it will bring an end to that ill-conceived policy for housing. I also want to place on record, the fact that the PNM's policy is very comprehensive for housing. It is not just a question of land settlement—which forms a part of it too in special circumstances—that deals only with a segment of the housing market, but a PNM Government is committed to dealing with the requirements of its people right across the board from squatter and squatter regularization which now has to be dealt with in a particular way. From that, to making money available in the banking system for those who can afford to borrow and pay at normal interest rates, but who need only to have access to money to construct their homes. Over the entire spectrum the PNM's housing policy is predicated and more than that, we see that the deficit is very significant and therefore, we target 100,000 homes in the public and private sector within a ten-year period, and we target that because the housing question is a very significant one for us and a very important element in achieving the vision that we set for ourselves, which is to make Trinidad and Tobago a developed country within 20 years. *[Desk thumping]*

The Minister of Housing and Settlements (Hon. John Humphrey): Mr. Speaker, it is obvious that election fever is raging. The Member for San Fernando East gave us a speech that better belongs to the campaign and he is making promises but I do not think the electorate of this country would be so stupid to accept the promises of the Member for San Fernando East because he was Prime Minister of this country for four years and he was in charge of his Cabinet and the Member for Point Fortin was the then Minister of Housing and Settlements. So if the PNM can claim any credit for the period 1991 to 1995 that should go entirely to the Member for Point Fortin. *[Desk thumping]*

The Member for Point Fortin did not have autonomy to run the ministry according to his own ability and competence. He had to run his ministry on the basis of policy directed by the then Prime Minister, the Member for San Fernando East.

Mr. Manning: Mr. Speaker, I am very grateful to the hon. Minister for giving way, but without knowing it, he has raised a very fundamental aspect of party politics and Cabinet government. It is not a question of policy of the Prime Minister, Sir, it is a policy of the PNM, the party to which I belong and the policy is outlined in a vision and in a manifesto. *[Desk thumping]*

Hon. J. Humphrey: Mr. Speaker, he thinks he is still on the platform because promises cannot deliver service and all we have ever heard from that Member are promises. How he is going to build 10,000 houses a year.

Mr. Manning: I did not say that.

Hon. J. Humphrey: He said that publicly. It is on record, that he is going to solve the housing problem for the country in 20 years. That is what he just said to this Parliament.

Mr. Speaker, you have to judge politicians, especially those with power, not on their promises, but on their performance, and the performance of the government between 1991—1995 was the most dismal in the history of Trinidad and Tobago. *[Desk thumping]* I have the performance record of the National Housing Authority from 1993 because at the end of 1991 when they came into office, the whole of 1992 they did not start a single unit.

Mr. Manning: We had no money.

Hon. J. Humphrey: In 1993, they started and between 1993 and 1995, what he said is quite correct, they started those projects but I will describe them for you. It is interesting that in that four-year period having started projects, they never finished. They never delivered a single completed unit to the people of Trinidad and Tobago so their record for four years is nil and they are going to produce 10,000 units if you put them back in office.

Land Acquisition
[HON. J. HUMPHREY]

Monday, August 21, 2000

Mr. Speaker, under the Prime Ministership of the Member for San Fernando East, certain high and medium density housing projects were started. Where were they located? They were located in the marginal seats; in St. Joseph, Barataria/San Juan and Tunapuna. That is where they were located and when he says that the people they were intended for are not getting them, why does he not say who those people are? I will tell you who they are. They are known PNM activists and supporters who would have been placed in those apartments to vote PNM and give the PNM electoral advantage in the election that is due.

[Mr. Manning asks the Minister to give way and he refuses]

I am not giving up my time to you anymore. You have had your time. Mr. Speaker, he has had his time.

In those four years, they started 675 units as I described. In the four years in comparison with the UNC, we started in excess of 4,300 units. *[Desk thumping]* That is just the National Housing Authority. I do not have the performance tables for the other arms of the ministry. The Member is talking about squatter regularization. Under the UNC, we put things in place to regularize 25,000 families and that is going on very effectively today as we sit here. *[Desk thumping]*

When I came into office I inherited a programme that had started before their time; it had started at the end of the NAR period. The Inter-American Development Bank had loaned to Trinidad and Tobago a total of US \$80 million for a housing programme over a ten-year span. When I came in, no houses had been built and delivered for the simple reason that once the people purchased the developed land they exhausted their capability. I had to then reform that whole programme working with the bank to add the cost of the land to the cost of the house and give one mortgage to enable the people to actually build, and thousands were built. *[Desk thumping]*

My recent negotiations with the Inter-American Bank—and Mr. Speaker, quite frankly, I do not like to blow my own trumpet but election fever is in the air and contrary to what they are hoping that they will not see me here again, they have to wait for that as I am waiting. *[Desk thumping]* I can promise you if you see me here again, you are not going to get a tame, quiet, old man, you are going to get a member of the feeding frenzy group that the Member for Diego Martin East knows so much about, being himself of the character of the great white shark. *[Desk thumping and laughter]* He is a tiny tadpole posing as a great white shark. *[Laughter]*

Hon. Member: And Elias would have him.

Hon. J. Humphrey: Mr. Speaker I was telling you about the Inter-American Development Bank where previously for 10 years, the Government was able to borrow US \$80 million. We are now negotiating a loan for US \$100 million for a five-year period because of the performance of the Ministry of Housing and Settlements. Under whom? The Member for St. Augustine, whether you like it or not.

The Member for San Fernando West who will not be returning to this House and he knows that.

Mr. Manning: By choice.

Hon. J. Humphrey: By choice, he is right because what he describes as the Berlin Wall should now properly be described as the Manning wall. It was under the stewardship of the PNM government that that Cross Crossing Interchange was designed and that is a component of the design done by the PNM Minister of Works and Transport.

Mr. Manning: Mr. Speaker, I just want to have the assurance of the Member for St. Augustine that the interchange as it is now being constructed is the original design and it was subjected to no modification since they came into office.

Hon. J. Humphrey: It was designed under him; the Minister at the time was the Member for Diego Martin East. They designed it and if the design has failed, they are responsible. The engineering firm that they employed to do the design, if it has failed, they are responsible. We built it in accordance with the design and they are condemning and criticizing me for intervening in the interchange between the Uriah Butler and Churchill Roosevelt Highways, but one of these days I will show to the people of Trinidad and Tobago what in fact was coming out of foreign consultants working with the Ministry of Works and Transport.

2.25 p.m.

One of these days, if it permits, I will take a whole-page ad in the newspaper and show the designs. The first design that was rejected by the Cabinet provided for three traffic lights on the Port of Spain to San Fernando route. The Member for St. Joseph is right. It is his constituency and he said no. In fact, remind me, if I remember the Member said, "We do not want Third World solutions in a First World country". So when the Member for San Fernando West left Port of Spain to go home he would have to stop, wait for three traffic lights to enable him to pass that intersection.

Land Acquisition
[HON. J. HUMPHREY]

Monday, August 21, 2000

Mr. Speaker, I am a designer. That is what I am. That is what God made me to be. [*Interruption*] As far as being a politician, I cannot be a politician but I am a designer. My talent takes me into any area of design, whether it be a building, an airport, a hospital, [*Interruption*] a suit, correct, carnival bands; I have done these things. So I personally took the time to examine the problems of that interchange and the design that is now being executed—[*Interruption*]

Mr. Speaker: Order please. Order please!

Hon. J. Humphrey:—is the design that I did. So I am being condemned for that. However, Mr. Speaker, when the people of this country see that interchange and use it, they will realize that the design in fact is a brilliant one. [*Desk thumping*].

None of them spoke about the Motion that is before us. I am very concerned that when people lose their property to enable development for this country, it takes so long for them to be compensated, because it is unjust. As a human being who has always supported justice, I cannot accept that. However, you see, they passed a law. They amended a law that was not working and they did not, in fact, implement any changes because they had not even had the Act that they passed, proclaimed in their time.

We proclaimed it but there are still problems with the legislation and the biggest problem, Mr. Speaker, in compensating people for the property they lose to the state is the fact that, the way the system works funds are not voted in the budget to enable payment of compensation. That is what we should be addressing our minds to because Parliament has something to do with it. We have a budget coming up at the end of this month and what I will do is invite the Member for San Fernando East, as the head of that team, to examine the process of budgeting to see if he cannot come up with some good ideas on how, in fact, to properly manage the nation's financial resources to achieve the objectives that I believe all of us would like to achieve because quite frankly, Mr. Speaker, the level of frustration imposed on anyone who is trying to do anything under the system is too much to bear and I would welcome some good advice.

When he was Prime Minister, Mr. Speaker, he examined the whole process of procurement of goods and services and he and his Cabinet took a decision to repeal the Central Tenders Board Act to put a different process of procurement in its place but never implemented it. He did it, so I would like to hear him, in fact, explain why he found it necessary to take a decision to repeal that Act and to put within each Ministry the power to do the procuring of goods and services so that we as a Government could better serve the people of Trinidad and Tobago. I beg to move, Mr. Speaker. [*Desk thumping*]

Land Acquisition

Monday, August 21, 2000

Question put and agreed to.

Resolved:

That this House approve the decision of the President to acquire the lands described in the Appendix for the public purposes specified.

APPENDIX

DESCRIPTION OF LAND	PUBLIC PURPOSES FOR WHICH TO BE ACQUIRED
<p>The parcel of land comprising 0.2082 of a hectare more or less, situate at the intersection of the Claude Noel Highway and the Northside Road in the Ward of Tobago in the parish of St. Andrew and described in the Schedule and coloured raw sienna on a plan of survey signed by the Director of Surveys and dated 13th August, 1997 and filed in his office is required for a public purpose.</p> <p style="text-align: center;"><u>SCHEDULE</u></p> <p>A parcel of land comprising 0.2082 of a hectare more or less, situate at the intersection of the Claude Noel Highway and the Northside Road in the Ward of Tobago in the Parish of St. Andrew and said to belong now or formerly to Mr. Errol Scott.</p> <p>This parcel is more particularly shown coloured raw sienna on a Survey Plan filed in Book 1140 Folio 214 in the Vault of the Lands and Surveys Department, Red House, Port of Spain.</p>	<p>The Claude Noel Highway</p>

PROCEDURAL MOTION

The Attorney General and Minister of Legal Affairs (Hon. Ramesh Lawrence Maharaj): Mr. Speaker, I wonder whether this might be a convenient point to resume the committee stage of the Bill.

Mr. Speaker: Hon. Members, we shall now return to committee in respect of the Bill, “An Act to provide for the consolidation of the confiscation of the proceeds of drug trafficking and to provide for the confiscation of the proceeds of other crime and the criminalizing of money laundering”.

PROCEEDS OF CRIME BILL

[Second Day]

The Committee of the whole House resumed its deliberations on the Bill.

[Chairman: Mr. Mc Lean]

Clause 2 revisited.

Mr. Maharaj: Mr. Chairman, you would recall that when we took the adjournment, one of the matters I had undertaken to look at was the question of inserting “designated authority” in the definition clause and the amendment to clause 2 was to amend it to include, “‘designated authority’ means a person appointed by the Minister who has at least 10 years’ experience as an attorney-at-law, an accountant or a police officer with expertise in financial investigation”.

Mr. Imbert: Mr. Chairman, is this any police officer?

Mr. Maharaj: “A person appointed by the Minister who has at least 10 years’ experience and is an attorney-at-law with 10 years’ experience or an accountant with 10 years’ experience”.

Mr. Imbert: No problem with attorney, no problem with accountant, but one could have a constable. Is the Attorney General saying any police officer?

Mr. Maharaj: You mean rank?

Mr. Imbert: Yes, you have to go up in the ranks with that one.

Mr. Assam: The way it is worded here it refers to the minister—the minister who has.

Mr. Maharaj: It means a person appointed by the minister who has. A person who has.

Mr. Assam: No, no, no, no, it is too close to Minister. In English grammar it is wrong.

Mr. Maharaj: You might scarcely have any Minister with 10 years' experience.

Mr. Assam: Yes, but the way it is written, that is how it comes out. It is a person who has 10 years' experience. A person who has at least 10 years' experience appointed by the Minister.

Mr. Maharaj: No, no, no. [*Crosstalk*]

Mr. Sinanan: It means a person of at least 10 years' experience who is appointed by the Minister.

Mr. Maharaj: No, no, no. We can put "appointed by the Minister" at the end of "investigation".

Mr. Assam: Attorney General, after "Minister" put "and".

Mr. Maharaj: No. Mr. Chairman, do we have "designated authority" means a person with at least 10 years' experience, (a), (b), (c), with expertise in financial investigations and who is appointed by the Minister"? Let us put "by order of the Minister".

Mr. Imbert: Mr. AG, again I have—[*Interruption*]

Mr. Maharaj: I think the point you are making is, it should not be an ordinary police officer.

Mr. Imbert: No, it should be a second division, first division, whatever it is. No second division.

Mr. Maharaj: Above the rank of inspector?

Mr. Imbert: Well, I do not know what the ranks are.

Mr. Maharaj: Above the rank of inspector.

Mr. Imbert: What is inspector, above sergeant?

Mr. Assam: Yes. A police officer above the rank of inspector.

Mr. Imbert: Inspector is above sergeant? Is that a khaki man? [*Crosstalk*]

Mr. Maharaj: A police officer of the rank of inspector or above.

Mr. Sinanan: I think the expression is, "not below".

Mr. Maharaj: A police officer not below the rank of inspector, much obliged.

Mr. Imbert: Mr. Chairman, there was another matter related to clause 2. The Attorney General had said he was putting “professional services”.

Mr. Maharaj: Oh yes, I was coming to that. Mr. Chairman, on the last occasion the hon. Member—I wonder whether we could do this one first?

Mr. Chairman: Does it relate to clause 2?

Mr. Maharaj: Yes, it was supposed to be an addition to the definition section of “professional services”.

Mr. Imbert: You mean a definition of “professional services”?

Mr. Chairman: Because it is still clause 2. Why do you not go ahead and we will do them both at the same time?

Mr. Maharaj: Mr. Chairman, you will recall that on the last occasion the hon. Member for Diego Martin East had suggested that we include “legal services” and we indicated that we would try to do even better than that and put “professional services”. What has happened is that in respect of all of the headings under “relevant business activity”, there was consultation with these groupings because if we go to make that amendment we would want to know what they have to say because there would be special matters they would have to—and it involves some questions of privilege, but in any event under the Act the Minister will have the power to increase those numbers.

So I wanted to suggest that we not go with that at this time because we will have to consult with the different professional groupings on that. It involves the lawyers, the engineers, the contractors and everything else. We went through a process of consultation on all these processes and they are all prepared for their grouping, but to go ahead without consulting them and not being prepared for it would be unfair to them. So it is not that they can be left—they would be out of it but we can come back, because the Minister by order, by negative resolution, can increase that matter.

Mr. Imbert: So you are not putting lawyers in?

Mr. Maharaj: I am not putting “professional services” at this time.

Mr. Imbert: No, lawyers. You are not putting lawyers in?

Mr. Maharaj: There are lawyers covered in the Act in that any person who is involved in money laundering or involved in knowing is covered under the Act, but as a grouping in which they would have to provide this documentation—

Mr. Sinanan: Well, a lawyer would include a person, so it would include an engineer, a person—*[Interruption]*

Mr. Imbert: No, but this is a totally different thing. Under the relevant business activity you must have an internal compliance programme. So you are saying you do not wish lawyers to be involved in that?

Mr. Maharaj: I am not saying that and I do not wish to be misquoted. I am saying that all the persons under the First Schedule, there was extensive consultation with them as to what machinery they would have to put into place, and they knew about this two or three years ago. So that if we have to go with the professional grouping, you would need to have consultation, and the Act provides that this list would be added to. I think that is reasonable, so, Mr. Chairman, I beg to move.

Mr. Chairman: Hon. Members, clause 2 is to be amended in terms of the circulated draft which has been further amended to read:

“‘designated authority’ means a person with at least 10 years’ experience as

- (a) an attorney-at-law;
- (b) an accountant; or,
- (c) a police officer not below the rank of inspector with expertise in financial investigations and who is appointed by order of the Minister.”

2.40 p.m.

Mr. Imbert: Mr. Chairman, still on the definition of “specified offence”, what we had said on the last occasion was that we would like it linked to disposing of the proceeds of drug trafficking and money laundering. We wanted in the definition of a specified offence, some way of linking the activity to money laundering. That is what we really want. When we look at the Second Schedule, it does not address that point at all. We want some link between the two.

Mr. Maharaj: Mr. Chairman, I did some amendment to the Second Schedule, but I think there is a misconception by the hon. Member, and I think probably this might be the right time to refer the hon. Member to clause 3 of the Bill, because it is not because one contravenes the law and commits a criminal offence this is triggered in. The important thing is that one has obtained property and one has benefited from the crime.

Mr. Chairman, if one looks at clause 3, it appears to the magistrate that the person convicted may have benefited in accordance with subsection (3) and has or may have realizable property. The commission of the crime is one thing, but if one has benefited in accordance with subsection (3), it says:

“For the purposes of this Act a person benefits:

- (a) from a specified offence that is not a drug trafficking offence where—
 - (i) he obtains property as a result of or in connection with its commission and his benefit is the value of the property so obtained;
 - (ii) he derives a pecuniary advantage as a result of or in connection with its commission, and his benefit is the money value of the pecuniary advantage;”

It is not right to say that because one commits an offence, that one's property can be taken away. It has to be profits derived from the offence. There is where the investigation would lie. I have amended the Second Schedule to bring it into line with some of the provisions of the English Act in which, if there is fraudulent activity, for example, in income tax—if I may just read. I know we are going to come to it, but if I may just explain what I am talking about. Under the Income Tax Act, the one we are dealing with here is fraud. If any person, under 119 of the Income Tax Act, “who knowingly or recklessly makes or participates in or assents to or acquiesces in the making of false or deceptive statements or representations in a return”, and it goes on.

If one is fraudulent in submitting one's income tax return and by committing these offences it can be proven that one has derived profit from one's crime, that is where they can go at, but not because they just did not file an income tax return. I do not think we can really do anything with the definition of “specified offence”. If when we come to the schedule, you want to suggest anything, I would listen to it.

Mr. Imbert: You do not think you could amend this to add something with the intention to commit fraud or something like that? When you look at the schedule, it is an offence under the Income Tax Act.

Mr. Maharaj: Mr. Chairman, clause 3 qualifies a specified offence. It states:

- “Where a person is convicted of a specified offence in any proceedings—
- (a) before a magistrate's court...”

Clause 3 deals with when it is a specified offence, he may have benefited in accordance, he may have realizable property, and clause 4 deals with where he has benefited from drug trafficking. It says expressly in clauses 3 and 4 that it is as a result of benefits one got as a result of the offence; the meaning to it.

As a matter of fact, Mr. Chairman, my draftspersons and I have looked at all of the legislation and this is how they have dealt with it. They have put the specified offence. They have dealt with it. This is the way and there is nothing more I can put to it.

Mr. Sinanan: [*Inaudible*] clause 3 governs.

Mr. Maharaj: Yes. It governs with non-trafficking and clause 4 deals with the question of trafficking.

Mr. Imbert: Is there a limit to the benefit? A man could benefit by one dollar?

Mr. Maharaj: Mr. Chairman, we went through this on the last occasion. If it is a non-drug trafficking offence and it falls under clauses 3 and 4, if it is up to \$1 million there is a discretion which the Director of Public Prosecutions would have, in any event, in order to take proceedings for confiscation.

At the present time, under drug trafficking, as long as there is a profit he has to take proceedings. That has been criticized, and it is said that one should give the DPP a discretion. If one benefits by \$500, it is not worth the while doing it, and under clause 5 is where the assumptions are made where it is in excess of \$1 million.

Mr. Imbert: I am not looking at the conviction so much. I am looking at the provisions of the Bill that trigger investigations. If a man has committed an offence where he benefited to the sum of \$200, he will hardly get a serious conviction.

Mr. Maharaj: I cannot really explain it anymore. If it is less than \$1 million and he will benefit, there are no assumptions.

Mr. Imbert: Not the conviction. There are provisions in the Bill, like clauses 32 and 33, which talk about the right of a police officer to make certain investigations. I am really looking at abuse. If the infringement is minor, the police officer can still take this action whether it is a big crime or a small crime. That is where I am coming from.

Mr. Maharaj: Mr. Chairman, I do not know exactly what abuse, but all legislation subject to powers can be abused. The fact of the matter is that this is a judicial process and the court will have to have evidence, hard financial expertise evidence that the profits which were derived from the crime are profits which one can link to profits which were made as a result of the crime.

That is why these matters are so difficult to prosecute, because there has to be a financial investigation to check and to link it with it, but the fact of the matter is that in order to have the legal infrastructure, to have the machinery, one has to have the law. Where, for example, one is talking about fraud in income tax, that is where one can probably establish that because of the fraud, people have benefited, but one cannot even assume that people have benefited. One has to prove that the person has benefited.

Mr. Imbert: I am just waiting until we get to the schedule.

Question put and agreed to.

Clause 2, as amended, ordered to stand part of the Bill.

Clause 55.

Question proposed, That clause 55 stand part of Bill.

Mr. Maharaj: Mr. Chairman, I beg to move that clause 55 be amended in terms of the draft which I have circulated today, bearing in mind that on the last occasion we had some other clause, but we will use the one as far as clause 55 is concerned.

Mr. Imbert: But on the last occasion, the Attorney General had indicated that only clause 55(3) would be applicable. We were looking at clause 57—I do not see 57 here at all—and we were saying that only 55(3) should be applicable to clause 57.

Mr. Maharaj: I do not understand.

Mr. Imbert: We had a problem with clause 57.

Mr. Maharaj: We dealt with clause 57. We amended clause 57 on the last occasion.

Mr. Imbert: There are other amendments which are not printed. We made amendments on the other occasion which are not printed. That is where I am getting to.

Mr. Chairman: They have already been dealt with.

Mr. Imbert: I know, but I have no record.

Mr. Maharaj: I cannot go through all the amendments I did, but we amended clause 57. I do not have it here.

Mr. Imbert: What is the effect of this amendment.

Mr. Maharaj: Mr. Chairman, we have in this Bill a law which says that if one is convicted for a non-drug trafficking offence, which is either an indictable offence or one of the offences specified in the Second Schedule, if one has benefited from that offence in accordance with clauses 3, 4 and 5, then the court can make an order in respect of property which has been property derived from the benefit of the crime.

Included under the Second Schedule were matters under the Income Tax Act, matters under the Value Added Tax Act, Corporation Tax Act and the Copyright Act. In the light of what the Opposition stated on the last occasion, we again went through the pieces of legislation and we decided to extract the ones in which we would be able to show there was fraudulent behaviour. For example, in the Second Schedule, section 119 of the Income Tax Act deals with, as I said—

Mr. Imbert: Hold on. I am talking about clause 55. What is the effect of the amendment to clause 55?

Mr. Maharaj: Is that not what we are dealing with?

Mr. Imbert: Take out 8.

Mr. Maharaj: It is a consequential amendment. Just renumbering because of what we did with the designated authority. We need to delete the section where we said that the Minister may, by order, appoint the designated authority. Sorry, I thought we were dealing with the Second Schedule.

Question put and agreed to.

Clause 55, as amended, ordered to stand part of the Bill.

Second schedule.

Question proposed, That the Second Schedule stand part of Bill.

Hon. R. L. Maharaj: Mr. Chairman, this is what I was explaining, and if I may continue, where for example, in the commission of these offences profits have been derived as a result of the offence—and these are the offences from which profits can be derived.

When one looks, for example, at section 119 of the Income Tax Act, one sees that it is a clear case where there is fraudulent behaviour and people can profit and make profit from the fraud. In respect of the value added tax matter, the first one is the income tax, the next is the corporation tax. That deals with the question similarly where there is fraudulent behaviour, the Value Added Tax Act and the Copyright Act. As a matter of fact, this is one of the matters that the calypsonians and singers have been asking for, because there could be people who are violating copyright and using that violation to make profit. So, it is if one makes profit from other people's intellectual property, one should be able to get at the profits.

Mr. Imbert: Mr. Chairman, can we have two minutes to look at this? This is the crux of the whole matter.

Mr. Maharaj: Can we look at the preamble in the meantime?

Mr. Imbert: I would not do that until we do this. That is the special majority. I would prefer, Mr. Chairman, to have a few minutes to just discuss it.

Mr. Maharaj: We could sit right here while we are doing it. Mr. Chairman, I just wanted to make sure that we did not—on the last occasion I said I was going to look at professional services. I do not think we amended the schedule to reflect it. I just wanted to make sure.

2.55 p.m.

Mr. Imbert: Mr. Chairman, could the Attorney General explain the amendments proposed for the value added tax?

Mr. Maharaj: Well, the value added tax has the same principle. Take for example, section 23. If you have an unregistered person. Let me read section 23 for you:

- “(1) Where a person who makes a commercial supply is, at the time the supply takes place, registered, he may recover from the person to whom the supply is made an amount calculated by multiplying the value of the supply by the rate of tax charged on that supply and, unless the supply is expressed to be for consideration that includes an amount in respect of tax, that amount is recoverable in addition to any other consideration for the supply.
- (2) A person who, other than...”

So, an unregistered person.

“...in accordance with subsection (1) recovers or seeks to recover from any other person an amount represented to be in respect of tax commits an offence and is liable on summary conviction...”

Mr. Imbert: So, somebody who is not registered for VAT attempting to recover is collecting VAT from somebody.

Mr. Maharaj: All this is fraudulent behaviour. Mr. Chairman, if I may just say, all these are persons, even if they commit the offence and have to pay a fine, it does not necessarily mean that their property would be attacked. It is only if you can show a link that by not following the law, they have been making profit out of it.

Mr. Imbert: They used the proceeds of crime to acquire property.

Mr. Maharaj: They used the commission of the crime to make profit so you go at the profit derived from the crime. You have benefited and you have realizable property in which you have to pay. Confiscation is to pay and you pay the extent of your benefit and it is a judicial proceeding to determine if you have benefited. What we did, in the light of what the staff did because we said we had to have some form of give and take, we said all right, what we would do is deal with the fraudulent matter. As a matter of fact, I got the Chief Parliamentary Counsel, again, to check today and some of these measures are already in the English. It is the same kind of stuff because if you have to go at profits derived from crime, this is the principle.

Mr. Imbert: Explain section 56 under the Value Added Tax Act.

Mr. Maharaj: Section 56 under the Value Added Tax Act states:

“A person who—

- (a) without lawful excuse fails to comply with a requirement made under this Act; or
- (b) knowingly provides any information required by or under this Act that is false or misleading in any material particular,

commits an offence and is liable under summary conviction...”

If you are making false information, you are not complying with the Act, then you are acting in contravention of the Act and you are, in effect, either not paying the tax and, in effect, you are using that to make—as long as they can prove that. Infringement of copyright is, let us say that a man takes another man’s work and is pirating this stuff throughout the Caribbean, making profit out of it and you can prove that as a result of this infringement of copyright, he is making profit—

Mr. Sinanan: I think one of the main difficulties here is the definition at sections 3 and 4. That link is still not clear but you have to read it, as you said, with sections 3 and 4.

Mr. Maharaj: You have to read it cumulatively.

Mr. Imbert: There is no offence under the Value Added Tax Act such as fraud. Where you have fraud in income tax and fraud in corporation tax, you do not have fraud in value added tax.

Mr. Maharaj: Well, it is fraudulent behaviour.

Mr. Imbert: I am asking: Is there no such specific thing like “fraud”?

Mr. Maharaj: Well, it involves fraud, but it is not called fraud.

Mr. Imbert: The reason I am asking is, you could easily see income tax fraud; everybody could understand that. For corporation tax, it is the same thing, but now with the value added tax—

Mr. Maharaj: Well, in all these, that is fraudulent behaviour.

Mr. Imbert: Is failure to keep books and records fraudulent?

Mr. Maharaj: Yes. If you are supposed to keep books and records in order to be able to see what you are doing and you are not keeping it—

Mr. Sinanan: It only becomes fraud if you make a fraudulent benefit.

Mr. Maharaj: Yes.

Mr. Imbert: I find you are stretching it a bit here.

Mr. Maharaj: Which one? Section 38?

Mr. Imbert: Yes. Does section 56 not cover section 38? If you commit an offence under 56, do you not also commit an offence under section 38?

Mr. Maharaj: But section 38 is the principal and section 56 is the one if you cannot get anybody.

Mr. Imbert: You see, that is my problem. Section 56 is a catch all. That means any offence under the Value Added Tax Act.

Mr. Maharaj: Section 38(1) says:

“Every registered person shall keep, at his principal place of business in Trinidad and Tobago or such other place as the Board may approve, such books and records, expressed in the English language and the currency of Trinidad and Tobago, as are appropriate to enable the Board to ascertain the liability of that person...”

So, if a person is not keeping books and collecting value added tax, is that not fraudulent?

Mr. Imbert: Agreed. But, section 56 covers everything, does it not?

Mr. Maharaj: It is residual.

Mr. Imbert: Any offence whatsoever under the Act.

Mr. Maharaj: But it says:

“(a) without lawful excuse fails to comply with a requirement made under this Act; or

(b) knowingly provides any information...that is false or misleading...”

That is fraudulent behaviour. I mean, the whole purpose of getting to the profit of crime is to get to the fraudulent behaviour and people who make profit from crime. I do not think we can have any sympathy for people who make profit from fraudulent behaviour.

Mr. Imbert: It is not a question of sympathy; not at all. It is how you apply this Act. You see, like I get section 29(6), you do not return your certificate of registration. So, what? If you do not display it or whatever, what is the crime there? You do not return it; so, what? Unless you give it to somebody else.

Mr. Maharaj: Under section 29(6), you have cancelled the registration.

Mr. Imbert: Good.

Mr. Maharaj: But you cancel it; do not return it but you are still using it.

Mr. Imbert: Ah! But that would be section 27(5) because if the thing is cancelled, you are not registered anymore.

Mr. Maharaj: Section 29(6) says:

“A person who contravenes subsection (5) commits an offence...”

Mr. Imbert: No. Under section 27(5), it is an unregistered person displaying a certificate of registration. That is section 27(5). If your certificate is cancelled, then you automatically become an unregistered person.

Mr. Maharaj: What is the point?

Mr. Imbert: Take out section 29(6). I just find that if you have section 56, it is covering everything. Why all these things?

Mr. Maharaj: Well, if the man is not making a profit, there is no problem but if he is using a contravention of the Act to make a profit, why do we want to give him a loophole? So he can make profits and break the law? It is not to say that a Minister will decide this; it is the court. Or, an Opposition Member will decide it; it is the court.

Mr. Imbert: Are you designating the authority?

Mr. Maharaj: The designated authority is only for the reporting of the suspicious transaction and in order to get the information. No proceedings under this law for confiscation can be instituted without the Director of Public Prosecutions. No police could institute these proceedings. That is why the Act is structured that it must go from the Magistrates' Court to the High Court and only the Director of Public Prosecutions could institute proceedings. No police officer can deal with it.

Mr. Imbert: All right.

Mr. Chairman: Hon. Members, the question is that the Second Schedule be amended in terms of the circulated draft. Do you also want to tidy up the nature of offence in section 29(6)—failure to return to certificate?

Mr. Maharaj: Yes. There is a typographical there. It is the “failure to return the certificate”.

Question put and agreed to.

Second Schedule, as amended, ordered to stand part of the Bill.

Certificate of the Speaker ordered to stand part of the Bill.

Certificate of the President of the Senate ordered to stand part of the Bill.

Preamble ordered to stand part of the Bill.

Question put and agreed to, That the Bill, as amended, be reported to the House.

House resumed.

Bill reported, with amendment.

Question put, That the Bill be now read the third time.

3.10 p.m.

Mr. Imbert: Mr. Speaker, I really should not be assisting the Government but he did not put the question regarding the Preamble.

Mr. Maharaj: Yes.

Mr. Imbert: No. When?

Mr. Speaker: I did it. I remember it.

Hon. R. L. Maharaj: Mr. Speaker, I would like the Member for Diego Martin West to apologize to us. [*Laughter*] He was asleep.

The House voted:

Ayes 28

Maharaj, Hon. R. L.

Panday, Hon. B.

Persad-Bissessar, Hon. K.

Lasse, Dr. The Hon. V.

Griffith, Dr. The Hon. R.

Humphrey, Hon. J.

Sudama, Hon. T.

Maraj, Hon. R.

Rafeeq, Dr. The Hon. H.

Assam, Hon. M.

Job, Dr. The Hon. M.

Khan, Dr. F.

Singh, Hon. G.

Nanan, Dr. The Hon. A.

Partap, Hon. H.

Mohammed, Dr. The Hon. R.

Singh, Hon. D.

Ramsaran, Hon. M.

Sharma, C.

Manning, P.

EBC Order

Monday, August 21, 2000

Imbert, C.

Joseph, M.

Sinanan, B.

Boynes, R.

Hinds, F.

Narine, J.

Hart, E.

James, Mrs. E.

Mr. Speaker: Hon. Members the result of the division is 28 for, none against and no abstentions. [*Desk thumping*]

Bill as amended, accordingly read the third time and passed.

ELECTIONS AND BOUNDARIES COMMISSION (NO.2)

ORDER

The Attorney General and Minister of Legal Affairs (Hon. Ramesh Lawrence Maharaj):

Whereas it is provided by subsection (3) of section 72 of the Constitution of the Republic of Trinidad and Tobago (hereinafter referred to as “the Constitution”) that as soon as may be after the Elections and Boundaries Commission (hereinafter referred to as “the Commission”) has submitted a report under paragraph (a) of subsection (1) of section 72 of the Constitution, the Minister designated by the Prime Minister for this purpose shall lay before the House of Representatives for its approval the draft of an Order by the President for giving effect, whether with or without modifications, to the recommendations contained in the report;

And whereas on August 11, 2000 the Commission submitted a report to the Prime Minister and Speaker in accordance with the provisions of paragraph (a) of subsection (1) of section 72;

And whereas the draft of an Order entitled “The Elections and Boundaries Commission (No. 2) Order, 2000” giving effect without modifications to the recommendations of the Commission was laid before the House of Representatives on the 18th day of August, 2000:

Be it resolved that the draft of the Elections and Boundaries Commission (No. 2) Order, 2000, be approved.

Mr. Speaker, I rise to move this Motion and I think in order to bring to hon. Members the point which is here is that under the Constitution it says if, for example, there are to be any modifications of the report as contained in the Order, then those modifications and the reasons for such modifications should also be stated and laid. Mr. Speaker, there have been no modifications to the report to the Elections and Boundaries Commission. The Government has laid the report and has filed this Motion for the Order to give effect to the recommendations of the Elections and Boundaries Commission. Mr. Speaker, for the records, the report itself summarizes really what this Order is about.

Mr. Speaker, if I may refer to the *Year 2000 Report of the Elections and Boundaries Commission* dated August 11, 2000, the Commission stated as preliminary to the report that, I quote from paragraph 3:

“To section 71 aforesaid, a deeply entrenched provision of the Constitution, there were added the following important subsections to provide, *inter alia*, for the Commission’s status and stability as well as its security and independence:

- (9) The Commission shall be provided with a staff adequate for the efficient discharge of its functions.
- (10) The salaries and allowances of the staff of the Commission shall be a charge on the Consolidated Fund.
- (11) The registration of voters and the conduct of elections in every constituency shall be subject to the direction and supervision of the Commission.
- (12) In the exercise of its functions under this section the Commission shall not be subject to the direction or control of any other person or authority.”

Mr. Speaker, I think that the Constitution framers intended that the Elections and Boundaries Commission should be completely independent in the discharge of their functions. One of the functions of the Elections and Boundaries Commission, under Section 72 of the Constitution, is to have reviewed the number and boundaries of the constituencies into which Trinidad and Tobago is divided and to submit that report to the Prime Minister and the Speaker for presentation to the House; showing the constituencies into which it recommends that Trinidad and Tobago should be divided and stating, in the opinion of the

EBC Order
[HON. R. L. MAHARAJ]

Monday, August 21, 2000

Commission, that no alteration is required to the existing number or boundaries of constituencies in order to give effect to the rules. The Commission has recommended in its report, as I would show you, Mr. Speaker, that there should be no alteration to the number of constituencies. This Order, in effect to a great extent, would reflect that because there are no modifications to the report.

Mr. Speaker, in the report the Commission made it a point of view to mention in paragraph four that:

- “(a) Trinidad and Tobago shall be divided into thirty-six constituencies;
- (b) not less than 2 constituencies shall be allocated to the island of Tobago;
- (c) each such constituency shall return one member to the House of Representatives;

3.20 p.m.

Mr. Speaker, in the submission of the report the Commission stated:

“The last Report of the Commission was submitted on May 9, 1996. Consequently, the deadline for the presentation of the instant Report is May 8, 2001. However, as the last Parliamentary Election was held on November 6, 1995, and the first sitting of the Parliament occurred on November 27, 1995, the expiration of the life of the current Parliament is due to take place on November 26, 2000 in the ordinary course. In anticipation of this event and for the convenience of all persons and parties concerned, the Commission, in conformity with past practice, hereby submits its Review at this stage.”

It is important to note, Mr. Speaker, that the Commission's review of the number and boundaries of constituencies was based on the annual list of qualified electors published on July 21, 2000. This list showed that the electorate stood at 901,035 in Trinidad, and 36,995 in Tobago. It states that, in effect, the total electorate of the country is 938,030, and it gives the Appendix.

The data in respect of the number of constituencies is mentioned in the report. I take it that Members have read this report. In paragraph 11 it says:

"In the final analysis, however, having regard to the approval by the House of Representatives on July 14, 2000 of the Commission's 1996 Report, and in particular paragraphs 9—14 thereof, and bearing in mind steadily improving telecommunications and transportation systems and the general physical infrastructure of the Country, the Commission considered that an alteration in the number of constituencies at this stage would be inexpedient."

The Commission did mention that having regard to Arouca South, Arima and Caroni East—and those are mentioned in (vii) and (viii)—there are some adjustments which would affect the constituencies in order to ensure that the average number of electors are uniform.

Mr. Speaker, I do not think that I should read these paragraphs, because I would think that Members are familiar with it, but I think it is my duty to say that in moving this Motion there has been no—and I want to emphasize—no modification of the Report of the Elections and Boundaries Commission. The Motion is to give effect to their recommendations and the Order is for giving effect to the recommendations of the Elections and Boundaries Commission.

Mr. Speaker, I beg to move.

Question proposed.

Mr. Martin Joseph (*St. Ann's East*): Mr. Speaker, I am pleased to participate in the debate on the Motion that I would summarize as the draft of the Elections and Boundaries Commission No. 2 Order, 2000, and to indicate immediately that we on this side also agree with the Government in accepting the report of the Elections and Boundaries Commission in its entirety. I think we should start by indicating that. In doing so, I think it is necessary for us to spend a little time treating with this report.

Mr. Speaker, as you would be aware, this report created a whole host of anxieties and concerns among citizens of Trinidad and Tobago. People were concerned as to what the EBC was going to be doing as it relates to the preparation for an upcoming general election. I would indicate why there were anxieties and concerns in the national population.

I want to start off by indicating for the record the opportunity I have had over the last two to three years, as the General Secretary of the People's National Movement, to interface with the Elections and Boundaries Commission, especially the commissioners and its Chairman. I also want to indicate that our experience with the commissioners and the Chairman of the EBC has been nothing but excellent—[*Desk thumping*—]—in terms of the manner in which they have discharged their responsibility and how they have treated with us as a political party when we raised issues and concerns.

Again, for the record, we know who those persons are: the Chairman, Sir Isaac Hyatali; Dr. Norbert Masson; Mr. Oswald Wilson; Mr. Lance Murray and Mr. Raoul John. The EBC itself has been placed under a tremendous amount of

EBC Order
[MR. JOSEPH]

Monday, August 21, 2000

pressure as it went about discharging its responsibility. So much so that there were some persons in the society who were concerned with the ability of the Elections and Boundaries Commission to discharge its independent responsibility under the Constitution.

Why so, Mr. Speaker? You would recall about two years ago that some concerns were raised. I think it was in the *TNT Mirror*, I cannot recall the exact date, but there was a front page article that the Government intended to change members of the Commission, and there was talk about the removal of the Chairman of the Commission, and to be replaced by all kinds of persons. There was all kind of speculation. We also heard that His Excellency The President decided not to go along with the suggested changes of members of the Commission. So that created the first set of uncertainty as it related to the Elections and Boundaries Commission.

Then you also heard, at one point in time, the Hon. Member for St. Augustine, the Minister of Housing and Settlements—I cannot recall if it was in his capacity as acting Prime Minister or in his regular capacity as Minister of Housing and Settlements—on opening a public building—I cannot recall if it was the Tunapuna Administrative Complex or—[*Interruption*—it was the Tunapuna Administrative Complex—alluded to the fact that there were going to be two new constituencies created. He said somewhere in Central there were to be two new constituencies created.

People again expressed some concern as to how you could justify this development. Added to that you would recall a full page article in the *Sunday Express* of the 16th indicating that EBC had taken a decision to create a new constituency. I think they went as far as naming the constituency, it was supposed to be La Horquetta constituency or something like that. Again, the Elections and Boundaries Commission had to respond by indicating—La Horquetta/Maloney was supposed to be the name of the constituency. Again, the Commission indicated that it was not aware of any such thing and so forth; so there was undue pressure.

We are aware of some of the pressures being placed on the EBC to discharge their independent responsibility. It is a credit to the EBC that they were able to exercise their independence in this matter, and have presented a report in which—and I do not need to go over, as the Attorney General in moving the Motion indicated—they were satisfied that there were two constituencies outside the

tolerance level: Arouca South on one hand and Port of Spain North/St. Ann's West. As a result, they made the necessary adjustment to bring Arouca South down to the tolerance level, but in so doing they had to impact on Arima and also Caroni East. Also, to make Port of Spain North/St. Ann's West up to the minimum tolerance level, they had to adjust Laventille West. All is well now, Mr. Speaker. We are all satisfied with the report, and we are now prepared to go into an election to make sure that when it is called, we would see the back of the UNC.

I have indicated that there were some concerns raised as it relates to the Elections and Boundaries Commission's ability to discharge its independent responsibility. I think it is only fair that the role of the Government in creating a certain amount of concern with the EBC must be highlighted, because this Government needs to take some responsibility for the manner in which the public has viewed the Elections and Boundaries Commission.

Let me indicate that just recently on a morning talk show, which normally conducts polls, a poll was conducted, and I was alarmed when a large percentage of our population, I think some 66 per cent, said that they did not have confidence in the EBC; I mean, that is cause for concern. I believe the three incidents I alluded to earlier on, contributed to that, and the Government itself in some way has contributed and they need to be aware of that.

When, for example, the EBC submitted the Local Government Report where it had suggested certain boundaries—I talked about this in the last debate—and the Government kept it for some four months before they brought it to the Parliament. That did not sit well with the national population, because the impression given was that the Government had given itself a sort of unfair advantage, when it took, for example, the last report.

The 1996 report that eventually came to this Parliament earlier in the year created confusion in the minds of the people, because they thought that that was the report that would treat with the upcoming election. Government has to take some responsibility for that. [*Desk thumping*] With respect to the recommendations of the EBC, that we just debated and passed last week, the amendment to the Representation of the People Act 2000, the Attorney General tried to explain why it took two years, from May 18, 1998 to earlier this month, to bring this amended Bill to the Parliament. That did not help the Elections and Boundaries Commission in terms of the confidence that the population is supposed to have.

EBC Order
[MR. JOSEPH]

Monday, August 21, 2000

There is something else that this Government is doing that is not helping the Elections and Boundaries Commission, and it is the latest we have heard. It was brought to our attention yesterday at our general council meeting by two members: a member from Diego Martin West and a member from St. Augustine, that there are people visiting constituencies conducting surveys and claiming to be volunteers from the Elections and Boundaries Commission.

We have instances of it happening, like I said, in Diego Martin West and in St. Augustine. I undertook, as general secretary, yesterday at the general council meeting to contact the EBC to find out. When I called the Elections and Boundaries Commission and indicated to them what was brought to our attention, they said that they were aware of it. They were also aware that there were some people in the Palmiste area conducting surveys, but then asking people—*[Interruption]* that is in San Fernando West—how they intend to vote. That is what created a little concern in the people's mind, because they wanted to know why the Elections and Boundaries Commission, in conducting a survey, would ask how people intended to vote.

Mr. Speaker, I think we need to put on the record that the Elections and Boundaries Commission has indicated that the only persons authorized to go in the field for the EBC are registration officers, and there are 15 such registration officers. Those persons are properly authorized. There are badges that identify them. In addition to the registration officers, there are assistant registration officers. I have been advised that there are some 15 assistant registration officers, so in total the number of persons from the Elections and Boundaries Commission that can go in the field are 30 in all.

They have advised me that they do not go in groups of threes and fours conducting surveys. Their role is to determine persons whose names have come on to the electoral list, persons who have been registered, to make sure that they are *bona fide* residents of the area.

We have also been involved in an exercise where we have been checking to see names removed from the list, whether or not persons are still living there. As a result, their registration officer or assistant registration officer would go to those households to make sure. They do some “ground truthing”, if I can borrow that phrase, and there are only 30 of them. They do not go in groups of threes or fours and they do not ask people how they intend to vote.

Do you know what is frightening, Mr. Speaker? Again, here it is quite clear; our understanding is that it is UNC personnel who are in the field conducting this exercise. *[Crosstalk]*

3.35 p.m.

Why can they not go and say they are UNC? Why do they have to hide behind the Elections and Boundaries Commission once more bringing the Elections and Boundaries Commission into disrepute?

Mr. Speaker, when we go into the field, we do not hide, we do not disguise ourselves, we make sure that our operatives are identifiable. I am hearing the Member for Couva North asking what evidence we have. The evidence we have is that the Elections and Boundaries Commission is not aware of it, they do not know that anybody is in the field conducting those exercises and it is not the PNM, and it is not the NAR, and Mr. Speaker I can assure you that the persons who are in the field operating and calling themselves Elections and Boundaries Commission volunteers are members of the United National Congress: they are UNC volunteers.

Again I am saying that the Elections and Boundaries Commission, as an independent commission must be able to discharge its responsibility in a way in which the public would have absolute confidence in it and I am saying that this Government by its behaviour and operation has attempted to undermine the independence. I know the Attorney General would say we are saying that the people do not have any confidence. They are attempting to bring the Elections and Boundaries Commission into disrepute.

Interestingly enough, I was reading today's *Daily Express* and there was an opinion which says:

“It all boils down to trust.”

Mr. Ramsaran: Who wrote the article?

Mr. M. Joseph: It is an editorial, Member for Chaguanas, so I do not know who wrote it.

I will quote two relevant parts.

“ The election, in November 1995, of the United National Congress (UNC) also suggested a new direction for the politics of Trinidad and Tobago. The popular perception was we'd elected a government led by an Indo-Trinidadian and thereby ushered into the corridors of power something that had never existed before.

And that vote for the UNC in 1995 could only be construed as a vote of goodwill, and of trust.

EBC Order
[MR. JOSEPH]

Monday, August 21, 2000

Unfortunately, the *modus operandi* of the UNC Government has not exactly buttressed that trust. On the contrary, mistrust and suspicion about the UNC Government has grown by leaps and bounds with each succeeding month in office.”

We have seen examples of it in terms of their relationship with the Elections and Boundaries Commission.

Mr. Speaker, I make a final plea now. The Elections and Boundaries Commission in its report indicated and the Attorney General quoted this. It says:

3. To section 71 aforesaid, a deeply entrenched provision of the Constitution, there were added the following important subsections to provide, *inter alia*, for the Commission’s status and stability as well as its security and independence:

“(9) The Commission shall be provided with a staff adequate for the efficient discharge of its functions.

(10) The salaries and allowances of the staff of the Commission shall be a charge on the Consolidated Fund.”

Mr. Speaker, when I participated in the debate on the amendment some days ago, I indicated, and we had made an amendment to ensure that returning officers must be subjected to training, the same kind of training that presiding officers and other staff associated with the conduct of elections are exposed to. I said there were 1,800 plus polling stations each of which is headed by a presiding officer who is responsible for the conduct of the poll.

I want to put on record again the need for identifying suitable persons to be involved in the election exercise and associated with that is adequate funding to the Elections and Boundaries Commission so that those persons so identified can discharge their responsibility in the way in which they are required to do. [*Desk thumping*] So the extent to which the adequate amount of funding is necessary for the Elections and Boundaries Commission, and the extent to which it is provided with the resources so it can hire and train competent persons to participate in the upcoming election is going to be extremely critical.

With those few words, I indicate our acceptance of the report of the Elections and Boundaries Commission and to place on record, our appreciation for the manner in which the Elections and Boundaries Commission has discharged its responsibility under real trying and testing times and it is a credit to the commissioners that their independence remains intact.

Thank you.

Mr. Colm Imbert (*Diego Martin East*): Mr. Speaker, I wish to congratulate the Elections and Boundaries Commission for not succumbing to the pressure put on them by the Prime Minister. You see all of these rumours of two additional seats in Central Trinidad and so forth, where there is smoke, there is fire you know, and I am sure if the Prime Minister could have had his way, we would have seen the creation of these two seats. But the good thing about the Elections and Boundaries Commission is that it is an independent commission appointed by the President and even though there was an effort when the term of office of the persons who currently comprise the Elections and Boundaries Commission expired some years ago, and we heard talk of efforts to appoint different persons, the President did not succumb—this is my information—to the pressure placed on him by the Prime Minister and the re-appointed commission did not succumb to the pressure placed on them by the Prime Minister. Those two seats in Central Trinidad that the Prime Minister wanted so badly had not been created. He did not get through.

There is a feeling among certain people in this country that one must not talk about certain things. We seem to have sacred cows in this country. There are things one must not talk about. I am sorry, I will speak about these things. I am well aware of the fact that the gerrymandering of the constituencies was on the Prime Minister's wish list and the Elections and Boundaries Commission stood firm and resolute. You can see it because quite often, when reports are presented by the Elections and Boundaries Commission there are consequential changes here and there in boundaries. So one sees changes even when there is nothing controversial; one sees this polling division moving to that polling division and so forth. On this occasion, the electorate is 900,000 or thereabouts, if you divide it by the number of seats, you get 26,000 electors as average, just two constituencies were outside the limits, the 10 per cent above and the 10 per cent below. Minor adjustments were made and the structure of the constituency boundaries has remained more or less as it was in 1995 and one can see that the Elections and Boundaries Commission was very careful not to make any changes that would give the impression that they had succumbed to the intense pressure which, in my opinion, they were under from the political directorate. So I congratulate them for standing up and demonstrating what independence truly is.

Now that the boundaries have not changed significantly, the only thing that has really happened is that the PNM's majority in Arima has been increased from a statistical, historical analysis and consequentially, the UNC's statistically, historical majority in Caroni East has also been increased, so now there is no

EBC Order
[MR. IMBERT]

Monday, August 21, 2000

advantage. You have Caroni East being traditionally a seat not won by the PNM since 1981 and Arima being won by the PNM continuously, except that aberration in 1986, so there is no advantage to any side. A PNM seat has been strengthened and a seat in which the PNM traditionally does not have success, has also been strengthened, so no problem here at all.

One has to look at what the Government would do. It has been unable to cause a gerrymandering of seats, so what else could it do? And this is why I must return to this report of all the Commonwealth citizens and there are persons who do not want to hear that at all. They do not want to hear about the 5,000 Guyanese. They do not want to hear about the fact that suddenly, 5,000 Guyanese are registered to vote, and there are certain questions that have to be answered. [*Cross talk*]

Mr. Speaker, the question that must be answered and it is not being answered by the Government, and I am calling on the Government to answer this question. When did these 32,000 Commonwealth citizens—let us forget where they are from for the time being—become eligible to vote? We do not have the information. We do not know whether it is within the last five years, or the last five months because it is all perfectly illegal. A Commonwealth citizen simply has to reside in Trinidad and Tobago for one year and that person becomes eligible to vote, and in a particular district, the residency requirement is even less, it is two months. So between now and the general election there could be movement of some of these people, between now and November or whenever the election is going to be, you could move 500 persons into the constituency of St. Joseph, 500 persons into the constituency of Tunapuna, 500 persons into the constituency of San Fernando West and Mayaro and so forth, and that may be sufficient to tip the balance. I wish to put the Government on notice that whatever it is planning, whatever it is up to in terms of importation of voters, we are going to be looking at them from Canada and elsewhere, Toronto, New York and so forth.

3.50 p.m.

We will be watching them very, very closely because the only way the Government could win this election is to “t’ief” it—by fraud, Mr. Speaker, and there are many types of fraud. You see, they could pick up a whole population of people and plant it in St. Joseph, for example, and it could be legal because there is no problem. The way the law is worded, there is no problem at all with it, but that is all right. They could carry on all they want. They tried everything. They tried to change the commission—failed. They tried to change the boundaries, they

failed; and when they try to import voters into these marginal seats there too they will fail because, Mr. Speaker, there is going to be a tidal wave starting in Chaguaramas, just as it was in 1991. In 1991 there was a tidal wave that started in Chaguaramas and it swept—[*Interruption*]

Mr. Speaker: That is very dramatic; that is all very, very dramatic, but could I appeal to you to return to the matter before the House. That is slightly an aside.

Mr. C. Imbert: Mr. Speaker, with the greatest of respect, we are talking about constituency boundaries.

Mr. Speaker: Do I understand you to be questioning my gentle suggestion?

Mr. C. Imbert: No, Sir, not at all. We are talking about constituency boundaries. We are talking about an Elections and Boundaries Commission Report that puts voters in certain geographical locations, Mr. Speaker.

Mr. Speaker: May I suggest that the tidal wave with respect to Chaguaramas and the like is outside of it.

Mr. C. Imbert: Thank you, Mr. Speaker, but the tidal wave will be going from Chaguaramas to Toco. However, I know it is outside. You see, as we pick up victory after victory from Chaguaramas to Toco on election night, Mr. Speaker, as we move along these boundaries as we did in 1991, and we regain Baratania/San Juan, we regain St Joseph and then it floods down to Mayaro and we take back Mayaro, once again we will see the return of good PNM government to Trinidad and Tobago.

I would also impress upon the Government—and I see the Member for Baratania motioning—in the remaining two or three months available to Members, such as the Member for Baratania, to be Members of this House, I would ask the Government—and this is a serious matter, to do something about the problems with identification cards. I have made this point on more than one occasion in this Parliament. There are problems with the issue of identification cards. Persons have been waiting for more than six months, Mr. Speaker, to receive their ID cards. I call upon the Prime Minister, instead of dealing with an issue like this in his usual flippant way, to give them the resources.

Give the Elections and Boundaries Commission the money. Give them the personnel, give them the offices, give them the computer machinery and so forth, Mr. Speaker, to allow as many persons as possible in the upcoming election to have up-to-date identification cards, including also all Commonwealth citizens, 90 per cent of whom will vote for us. You see, this is going to be a very, very,

EBC Order
[MR. IMBERT]

Monday, August 21, 2000

very serious election. When the UNC realizes it is losing the election, as they are realizing now, we are going to have problems on election day, because they are not going to give the EBC the money. It is all very well, Mr. Speaker, to put an allocation in the budget, you know, but the funds must be released.

So that I call on the Prime Minister, do not put any obstacle in the way of the Elections and Boundaries Commission. He has had his fun. He has had five years in my constituency playing golf with the parasitic oligarchy. He has spent five years playing golf in Moka. Now he will have to play golf as a private citizen, Mr. Speaker. So I call on the Prime Minister—he has had his fun. He is leaving office very soon. He is returning to obscurity. Give the EBC the tools that they require so that when we beat them, Mr. Speaker, fair and square, there will be no controversy in this country. I thank you, Mr. Speaker. [*Desk thumping*]

Mr. Patrick Manning (*San Fernando East*): Mr. Speaker, I am sorry, I was trying to suggest to you that I did not wish to intervene, but since you called my name I will. I will intervene briefly to put on record my own appreciation of the work of the Elections and Boundaries Commission. Those of us who have been involved in the governance of this country for some time, and those of us who look very closely at the system of government under which we operate, recognizing that we are a developing country and that the system is in a process of evolution, constantly examine the way our institutions work to see whether the institutions are serving the purposes for which they were intended when they were set up in the first place.

I am very aware, as indeed I am sure you are, Mr. Speaker, that at the beginning of the term of this Government there was much speculation in the national community that the independence of the Elections and Boundaries Commission would have been prejudiced. As of now, especially as we debate this Elections and Boundaries Commission Report, establishing boundaries for the general election of this year, we are confident that the independence of the commission has been preserved, it appears so to us, and so has the integrity of the system. [*Desk thumping*] I am not unaware that it could easily have been otherwise, that attempts could have been made, and indeed were made, to have it otherwise.

Mr. Speaker, I want to remind you that at one time there was appointed a temporary Senator, somebody who served with us some time before in this place.

While persons were saying to me that the Government did so with a particular intention, I dismissed it until I checked and found out that the President of the Senate was due to be out of the country at the same time as the President of the Republic. In other words, Mr. Speaker, it was the view—and it was a view that gained currency in the national community—that the Government's true intention was to appoint a particular individual temporarily to the Senate, then appoint that person to act as Senate President and, in the absence of the President from the country, that person would act as President of the Republic.

Where my blood ran cold, Mr. Speaker—[*Laughter*] [*Interruption*]

Mr. Speaker: Order please. Order please! Order please!

Mr. P. Manning: Mr. Speaker, it is important for the record. Where my blood ran cold is when I checked and found out that, at the time the President of the Republic was due to be away, three persons on the Elections and Boundaries Commission had their terms of office expiring. That is what I discovered. [*Desk thumping*] It is a credit to the President of the Republic of Trinidad and Tobago—[*Desk thumping*]

Mr. Assam: Whom you did not vote for.

Mr. P. Manning: I did not vote for him and that is not a secret.

Mr. Assam: And whom you despise.

Mr. P. Manning: I did not vote for him.

Mr. Speaker: Hon. Members, I want to suggest that we consider our Standing Orders and to note that it is not proper, really, to drag His Excellency the President into—hon. Members, I simply say that it is not proper to drag His Excellency the President of the Republic into debates. One ought to be very careful with that type of thing, and I ask please that we be very circumspect in whatever reference one has to make to him in these circumstances.

Mr. P. Manning: Mr. Speaker, I want to assure you that as somebody who has spent some time in this House, I am very well aware of that. More than that, [*Interruption*] while others on that side may do it, on this side it is a rule that we do not involve the President in our public utterances. [*Desk thumping*] I introduced his name into this debate to pay him a compliment. I am not dragging him into any debate. I am recording the fact that he acted in a particular way. The President made the appointments before he left the country. I do not know if he had heard what I had heard. I do not know what he heard. I am in no position to say. All I say, Mr. Speaker, is that the President of the Republic of Trinidad and Tobago acted with the greatest wisdom. That is the point I am making. [*Desk thumping*]

EBC Order
[MR. MANNING]

Monday, August 21, 2000

So that today, Mr. Speaker—[*Interruption*] Mr. Speaker, please. So that today, Mr. Speaker, the independence of the Elections and Boundaries Commission has been preserved and so has the integrity of the system. [*Desk thumping*] I compliment the Elections and Boundaries Commission on something else because, you see—and it is quite easy—the Elections and Boundaries Commission has the authority to change the number of constituencies and the boundaries as it sees fit. In fact I can tell you that, in considering this matter, a case can now be made for modification of the Representation of the People Act. This is to ensure that the Elections and Boundaries Commission can only change boundaries and recommend changes—not in boundaries but increases or decreases in the number of constituencies—on the basis of a parliamentary directive.

It is something to consider. I just put it on the table, Mr. Speaker, because I can see a lot of mischief in the future based on the authority of the commission to increase or decrease the number of constituencies in the country. I am sure the Attorney General—I see he is smiling—understands the wisdom of that. The fact that the Elections and Boundaries Commission chose not to do any such thing at this time, regardless of what was being said and so forth, was a reflection of an understanding by the commission of the very sensitive nature of the political process on which we have embarked at this time. However justified it may have appeared, to them or to anybody else, to make changes of that nature at this time, it could easily have exposed the commission to allegations of favouritism on one side or the next and could easily have led, Mr. Speaker, to a loss of confidence in the commission itself. This is an image it has spent a lot of time to set up and an image, Mr. Speaker, which it spared no effort to foster in the first place. The commission has done extremely well.

We are not out of the woods yet because it is a view in the national community—you see that is why when the Prime Minister says that now we will have free and fair elections, I want to let him know that we did not “come in tong las”. We did not “come in Port of Spain las”. We understand many things about the election process. In case he does not know it, there are members of his team, Mr. Speaker, who are going about saying, “If there is a surplus of votes in Oropouche, Naparima, St. Augustine and Caroni East, what we have to do is”—and what in fact they appear to be doing—“identify addresses in the marginal constituencies of San Fernando West, Tunapuna, St. Joseph and so forth, and transfer persons into those constituencies on the basis of legitimate addresses”.

4.05 p.m.

Take the Savannah Villas. About 215 units are there in Aranguez. Barataria/San Juan is the constituency. People on their side have been saying to persons that if they wish to transfer into this constituency from a constituency in which there is a surplus, let them know and they will find an appropriate address at which they could book them. Mr. Speaker, I want to let the Government know that we have raised that matter with the Election and Boundaries Commission. That is one of the reasons today, to get a transfer takes an inordinate amount of time.

It takes time because the Commission is not unmindful of the mischief to which the system can be exposed, and before it effects any such transfer, it puts people in the field to check out the circumstances on the ground. That does not mean to say it is foolproof still, but the point I am making is this, that the Election and Boundaries Commission understands its responsibilities to the people of Trinidad and Tobago, and notwithstanding the intention of the Members opposite, the Commission is determined to preserve the integrity of the process.

Those gentlemen opposite are playing with fire and they do not understand it. If one sees at the end of the day the election produces a result that—in fact, on this occasion, any result it produces will be questioned by some—in circumstances where serious doubt can be cast on the process, we are playing with fire. All I want to say is if what colleagues of those opposite have been saying is correct, I want to urge members of the United National Congress to desist from a course of action which will benefit nobody and which could lead to circumstances in this country that none of us wish.

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

The Attorney General and Minister of Legal Affairs (Hon. Ramesh Lawrence Maharaj): Mr. Speaker, what is before this House is a Motion to give effect to the report of the Elections and Boundaries Commission, and the Election and Boundaries Commission, we all know, is an independent commission. What has happened here today is that the Opposition is really showing that it does not have confidence in itself to fight this election. [*Laughter*] What it is doing is looking for reasons in advance to explain its defeat.

Mr. Speaker, how would one be able to explain in one breath, let us take for example, the Member for Diego Martin East. He is talking about Commonwealth citizens who can register as electors in Trinidad and Tobago. We had two or three weeks ago in this House, a Representation of the People Bill. There has been no

EBC Order
[HON. R. L. MAHARAJ]

Monday, August 21, 2000

motion by the Opposition to amend that Bill. They accept the existing law. We all know that the Elections and Boundaries Commission is responsible for registering people. So, it is a function of the Elections and Boundaries Commission. How can the Opposition blame the Government for registering people to vote, assuming what he is saying is correct?

Mr. Manning: You understand the attitude?

Hon. R. L. Maharaj: Mr. Speaker, if the Elections and Boundaries Commission is registering people and the Member for Diego Martin East is unhappy about it, he is saying that his leader is incompetent. He is saying that the Opposition Leader is inefficient. He is saying that he is not happy with his leader, because if it is that this is a problem the Opposition has, they will go and talk to the Elections and Boundaries Commission.

If they go and talk to the Elections and Boundaries Commission and there is a national problem, under the Constitution, the Leader of the Opposition requests to see the Prime Minister where matters are to be done. Here it is he comes here and says he has confidence in the Elections and Boundaries Commission, they are doing their duty properly, but then he says they are registering people and giving the impression that these people should not be registered. Mr. Speaker, what he wants to say is that he is not happy with his leader, he thinks his leader is incompetent, he thinks his leader is not doing his duty and he does not talk to his leader, so he wants to make a statement in this House that he is a better leader!
[Laughter]

Mr. Speaker, they must have meetings, they must have a caucus, unless he does not go to it. Here it is he comes again and talks about identification cards. This seems to be on his mind! He seems to dream this! Every time he talks about elections, he talks about these identification cards, 20,000 and 30,000.

Mr. Imbert: It is 100,000!

Hon. R. L. Maharaj: Mr. Speaker, he has not told us that he has spoken to the EBC about it, therefore, one must assume he has not spoken to the EBC about it. If he has not spoken to them, then one would assume that he would speak to his leader about it. He has not told us he has spoken to his leader about it, so we must assume he has not spoken to his leader. His leader knows about this allegation, because the leader hears it every time he talks about it. The leader has not told us that this is a problem that he has raised with the EBC, because the leader knows—as a matter of fact, he has boasted that he is the longest serving Member of Parliament in this House; so he knows the procedure.

Mr. Speaker, the conclusion must be that they are looking for excuses. They know their licks are booked for them and they are looking for excuses. As a matter of fact, it is like a man whistling in the dark. When he does not know and is nervous, he is whistling in the dark. They are frightened! *[Interruption]*

Mr. Speaker: Order please.

Hon. R. L. Maharaj: Mr. Speaker, on what basis could the Opposition say we will "tief" the election, it will be by fraud? In effect, in his mind, he recognizes that he will not win the election, because the only way he could talk about the other side winning, "tiefing" an election, is if he recognized the other side would win. *[Desk thumping]*

Here it is the Member for Diego Martin East is saying in his mind, "Boy, we lost! Do not worry with what my leader is saying. We lost. Do not worry with all the kind of gallery he galleried in the House. We lost!" He is saying that they lost and what they should do is start to find excuses, because, it is not only he who is thinking they are going to lose. The hon. Member for San Fernando East thinks so. That is why some months ago he talked about an election observer team, and one now sees the scenario he is trying to paint that there is fraud in the election process that is not even held yet!

Mr. Speaker, I do not know on what basis could he say that there was some influence to exert upon the Election and Boundaries Commission to change the number of constituencies. Where is the evidence? Here it is that the Opposition comes and makes all these wild allegations, but the Elections and Boundaries Commission Report says clearly on what basis they have decided that the constituencies should remain. It is scientific!

Where is he saying thank God they did not listen to the other side, where is it? Otherwise there would have been basis for it. Here it is, at page XI, paragraphs 10 and 11 of the Report:

"The electorate recorded in 2000 at 901,035 is the largest Trinidad has ever had. The average per constituency of 26,501 is 2,833 above the corresponding 1996 figure and 2,054 above that for 1986, the highest two averages in the past twenty years. The Commission deliberated earnestly on whether these figures, by themselves, merited a recommendation at this stage of an increase in the number of constituencies for Trinidad."

EBC Order
[HON. R. L. MAHARAJ]

Monday, August 21, 2000

Are they saying that the Commission must not deliberate? Must not consider? As a matter of fact, if the Commission has to consider and to make recommendations, it must deliberate. Then, it goes on, Mr. Speaker, at paragraph 11:

“In the final analysis, however, having regard to the approval by the House of Representatives on July 14, 2000 of the Commission’s 1996 Report, and in particular paragraphs 9—14 thereof, and bearing in mind steadily improving telecommunications and transportation systems and the general physical infrastructure of the Country, the Commission considered that an alteration in the number of constituencies at this stage would be inexpedient.”

One of the functions of the Commission, Mr. Speaker, as I read from section 72 of the Constitution is for the Commission to consider whether it should review the number and boundaries of the constituencies. That is a matter which the Commission had to consider.

Section 72(1) of the Constitution says:

“The Commission shall, in accordance with the provisions of this section, review the number and boundaries of the constituencies into which Trinidad and Tobago is divided and submit to the Prime Minister and the Speaker for presentation to the House of Representatives in accordance with this section...”

One of the matters which the Commission has to consider as a matter of constitutional duty and law is whether there should be an increase in the number of constituencies and a removal or an alteration of the boundaries. That is a fact which they had to consider and they have considered it on the basis of the evidence they had and decided no!

Mr. Speaker, then we have this allegation that there are people out in the country doing surveys on behalf of the EBC. They are making the allegation that it is the UNC doing these surveys. Let us understand what election is about. Under the system that operates in Trinidad and Tobago, there is a system of political parties and there is a system in which political parties must try their best in order to register their people to do whatever surveys are necessary. This is all part of the political process.

The fact that an election is in the air does not take away the duty and the responsibility of political parties to do their surveys. If it is that the UNC is doing its surveys but the PNM is incompetent and cannot do its surveys and does not have leadership to do it, do not come and blame the UNC! What has happened is that for some reason or the other, there seems to be some political envy. *[Laughter]* It may be that the PNM resources have gone out. It may be they do not have, but if a political party has the resources and wants to do its surveys, its poll, to register people, what is wrong with that?

4.20 p.m.

As a matter of fact, that is what election is all about. I would have thought that the Opposition would want to ensure that everybody in Trinidad and Tobago who is entitled to vote will have a right to vote and I would have thought that they would want to ensure that people who are entitled to vote are registered so that they can exercise that right to vote and they should not come directly or indirectly to put obstructions in the way to prevent people from exercising that right to vote.

As a matter of fact, a citizen's right to participate in the government of his or her country is recognized as a major human right—Article 21(1) of the Universal Declaration of Human Rights adopted by the United Nations in 1948 provides:

“Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.”

And it goes on in Article 21(3):

“The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.”

If it is that they have expressed confidence as they have done—and we agree with them—in the Elections and Boundaries Commission, they must therefore be satisfied that there will be free and genuine elections conducted in Trinidad and Tobago by the Elections and Boundaries Commission and if they are committed to ensure that everyone in Trinidad and Tobago participates in choosing a government of his or her choice, they would join whatever movement, whatever organization or whatever party in the crusade in order to get people registered to ensure that people exercise their franchise and vote.

We even saw, quite recently, there is a programme called the "Late Registration of Births" in which people are being given an opportunity to get a birth certificate, but they are saying that people over 18 must not register. They must not have a chance to vote; they must not be given the right to go to have their names with a birth certificate. What they are saying, in effect, is they would like a padded list; they would like an unfair process; they would not let people who would want to exercise their right to vote, vote.

That is why they are coming here, knowing that they do not have the support of the population of Trinidad and Tobago, afraid, lacking confidence that they can even win this election and here it is they are coming and making these wild accusations. They have not supported it with any evidence, no letter—

EBC Order
[HON. R. L. MAHARAJ]

Monday, August 21, 2000

As a matter of fact, I put on record that the Government of Trinidad and Tobago has provided the Elections and Boundaries Commission with whatever resources it needs in order to discharge its functions and duties. It has not requested from the Government any resource which the Government has not supplied. As a matter of fact, all these allegations are totally incorrect and, therefore, it would seem that these unfounded allegations are allegations merely to try to destabilize the society. Because when the hon. Member for San Fernando East talked about asking Members on the other side not to make statements which can have an effect because whatever results come, you can say many things about it, what he intends to do is, he is a born loser; he knows he is going to lose and he is going to try to destabilize the society with the election results.

I would like to appeal to him and the PNM today, that the election process is a serious process. We in Trinidad and Tobago are very fortunate. We may have our disagreements; we may be dissatisfied with whatever institutions we may have; but when it comes to elections, Trinidad and Tobago has had over the years free and fair elections, generally, and I think that as we go into the new millennium—and Trinidad and Tobago has a bright future ahead of it—the two main political parties should recognize the fairness of the Elections and Boundaries Commission. We should be prepared to take our losses and we should not look for excuses in advance in order to use them to destabilize the society and cause disunity in our country.

Mr. Speaker, I beg to move.

Question put and agreed to.

Resolved:

That the draft of the Elections and Boundaries Commission (No. 2) Order, 2000, be approved.

ANTI-PERSONNEL MINES BILL

Order for second reading read.

The Minister of National Security (Sen. Brig. The Hon. Joseph Theodore): Mr. Speaker, I beg to move,

That a Bill to give effect to the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their destruction in Trinidad and Tobago, be now read a second time.

The purpose of this Bill is to fulfil the requirements of the Convention and to implement the obligations that were entered into under the Ottawa Convention. Trinidad and Tobago became a signatory on December 4, 1997 and ratified the Convention on April 27, 1998.

The background is described quite clearly in the Preamble to the Bill and if I may, I should like to address this issue. The Preamble states quite clearly that the Convention is:

“Determined to put an end to the suffering and casualties caused by anti-personnel mines, that kill or maim hundreds of people every week, mostly innocent and defenceless civilians and especially children, obstruct economic development and reconstruction, inhibit the repatriation of refugees and internally displaced persons, and have other severe consequences for years after emplacement,

Believing it necessary to do their utmost to contribute in an efficient and co-ordinated manner to face the challenge of removing anti-personnel mines placed throughout the world, and to assure their destruction,

Wishing to do their utmost in providing assistance for the care and rehabilitation, including the social and economic reintegration of mine victims,”

The problem here, Mr. Speaker, is that these anti-personnel mines, as opposed to land mines, which are much larger and for which maps are drawn and which can be easily located, are small and can be distributed quite indiscriminately in different war zones and the problem that occurs is that after the battle is ended and the troops move on, the mines remain and these mines cannot be easily found or detonated.

The anti-personnel mine is described as pernicious and as an indiscriminate weapon. In the Convention, it is clearly described as an instrument, not only for killing, but maiming people. After the battle, it is no longer the enemy that is at risk, but the farmer, the innocent people, the children, who go to these areas in order to restore their normal lives. What happens is that these mines can be quite easily set off by being touched, by pressure and by being handled. As pointed out in the Preamble, this gives rise to problems being put in the way of defenceless citizens and especially children. It obstructs economic development because when building sites are identified, these mines are there and they create damage and problems to these people who are innocently conducting their affairs.

Mr. Imbert: Would the Minister give way? I just would like to let him know that he has our total support for this piece of legislation.

Mr. Panday: I beg to move.

Mr. Manning: He does not know how to handle that. [*Laughter*]

Mr. Panday: Soldiers just do not give in so, you know.

Sen. Brig. The Hon. J. Theodore: I thought it only fair that I make a proper presentation so that the damage that can be caused by these mines is clearly stated.

Mr. Speaker: Hon. Members, the sitting is suspended for half an hour.

4.30 p.m.: *Sitting suspended.*

5.04 p.m.: *Sitting resumed.*

Sen. Brig. The Hon. J. Theodore: To continue, the problem with these anti-personnel mines is that, not only are they difficult to find, but the clearing of such mines is a dangerous prospect and the variety of mines that are in use today is quite phenomenal.

Mr. Speaker, we can go back from World War II, when a mine called the “PM D 6 Anti-personnel Mine” was in use. It is a rudimentary pressure activated blast device in a box. This device often, after a while, usually sets itself off or becomes inoperable. The more modern mines do not self-destruct but remain active for many years until they are tampered with or disturbed.

There is the MON 50 Anti-personnel Mine which is described as a directional fragmentation mine. Curved plates and pellets are fitted with the explosives below, so when it explodes, all sorts of projectiles can damage a human being or kill that person.

There is the PFM Scatterable Pressure Mine; a sensitive blast mine also known as “The Butterfly Mine”. It is a very colourful little mine and, strangely enough, it attracts children. Children going into fields go towards this mine and pick it up, not knowing what it is, they think it is a toy. It has become so familiar to children that they call them “Green Parrots”. The amount of explosive, while being small, can still take a child’s hand off. The war continues even after the conflict has ended.

There is the OZM 4 Metallic-bounding Fragmentation Mine, a fragmentation mine designed to kill the person who sets it off and to injure anybody nearby, by propelling fragments. It is unbelievable, Mr. Speaker, that people can design something like this with the intent of having it lay in wait for an innocent person only to take away that person’s life or have that person become an invalid.

There is the PMN Mine which contains a large amount of explosives and the injuries it inflicts are often fatal.

More recently, there is the Vietnamese Anti-personnel Mine which is about the size of a tennis ball. This mine, I am told, works on a trip wire. It sits like a tennis ball almost on a T and once the trip wire is interfered with, the mine detonates and it would have the effect of damaging one's legs, feet or certainly the knees of the person who was going by. The important thing here is that the destructive nature of these mines has led to this convention being agreed upon. What the convention has agreed to is that never, under any circumstances, would countries use anti-personnel mines or develop, produce, or otherwise acquire stockpile, retain or transfer to anyone, directly or indirectly, anti-personnel mines or assist, encourage or induce in any way, anyone to engage in any activity prohibited to a state party under this convention.

While in Trinidad and Tobago, Mr. Speaker, we have no record of these anti-personnel mines being in the country or ever having been discovered here; it is a precautionary move to ensure that such an event never occurs as an independent, responsible state to participate in what is going on in the world as far as reduction of conflict or the making of these mines and other machineries that bring death to members of the society.

Currently, Mr. Speaker, the number of countries producing such mines has dropped from 54 to 16. There is certainly no evidence, I am advised, to signify the export of anti-personnel mines by any country: signatory or non-signatory. What seems to have happened is the whole issue of land mines is now in a static state but there are countries on the five continents throughout the world. In South America and Africa there are mines laying there. In Cambodia, which is a more current example, these mines are laying there in wait for farmers to come to till their fields once more, for children to come and see these mines and disturb them, only to have them explode and kill these people or cause them to lose their limbs.

5.10 p.m.

This Bill has attempted to reflect the concerns in the Convention and has done so by dealing with the prohibition of the mines and the handling of such devices and also to ensure that penalties are put in place to deal with any offenders. As it says in the short title:

"This Act may be cited as the Anti-Personnel Mines Act 2000."

And shall come into force on such date as may be fixed by the President by proclamation published in the *Gazette*.

Anti-Personnel Mines Bill
[SEN. BRIG. THE HON. J. THEODORE]

Monday, August 21, 2000

The purpose of this Bill is to give effect to the Ottawa Convention in Trinidad and Tobago. One or two items within the Convention that I would like to touch on deal more primarily with the definition. I would like to repeat just what is the definition of an anti-personnel mine, because it is important that we grasp the gravity of this situation. An anti-personnel mine means a mine designed to be exploded by the presence, proximity or contact of a person that would incapacitate, injure or kill one or more persons. Mines designed to be detonated by the presence, proximity, contact of a vehicle as opposed to a person, that are equipped with anti-handling devices are not considered anti-personnel mines, as a result of being so equipped. Just like the landmine, you need a certain degree of pressure from a vehicle to set such a mine off. In this case, the disturbance by a child or the weight of an average human being can set such a mine off.

What we are aware of is that in warfare it was found that it was more effective to injure one or two people rather than simply kill a few. By injuring people you need then to employ the medical services, there are other people who would be required to look after the injured person, and then there would be the problem of the morale of the troop when that person is taken back for treatment. Once that is over, the upsetting part of the whole issue of mines is that they remain there waiting for the innocent to come along.

Clause 4 lays out the prohibition with regard to anti-personnel mines. It states:

"Subject to section 6, no person shall—

- (a) use an anti-personnel mine;
- (b) develop or produce an anti-personnel mine;
- (c) participate in the acquisition of a prohibited object;
- (d) have a prohibited object in his possession; or
- (e) participate in the transfer of a prohibited object."

This extends to nationals outside Trinidad and Tobago as well.

Clause 15 of the Bill deals with the punishment being an indictable punishment:

- "15.(1) Any person who contravenes the provisions of this Act or who assists, encourages or induces, in any way, any other person to engage in any activity prohibited under section 4 commits an offence and on conviction..."

on indictment

"...is liable to a fine of fifty thousand dollars and to imprisonment for seven years."

The severity of the problem is deliberate to be indicative that such action will not be tolerated which can put our citizens at risk by having such paraphernalia available in our country.

What the Bill seeks to do is to ensure that the conditions set out in the Convention are followed, and I trust that hon. Members fully appreciate what we are trying to do here today, because the Convention by itself is really not applicable in Trinidad and Tobago, unless it becomes part of our law. I look forward to the support of all the Members of this House and also to accept a number of amendments that were made in the Senate.

Mr. Speaker, I beg to move.

Question proposed.

Mr. Fitzgerald Hinds (*Laventille East/Morvant*): Mr. Speaker, I merely wanted to say that on this side of the House we appreciate the purpose and meaning of the Convention that Trinidad and Tobago has entered into. We recognize its relevance, and though it does not in many ways strictly apply to Trinidad and Tobago, we give the Minister and the Government our full support on this side. That is the extent of this brief contribution. The Government has our full support.

Thank you, Mr. Speaker.

The Minister of National Security (Sen. Brig. The Hon. Joseph Theodore): Mr. Speaker, I appreciate the support given by the Members on the other side, and the understanding expressed by the Member for Laventille East/Morvant.

As a member of the United Nations it is also our responsibility to ensure that we participate in these worldwide international fora. Conventions such as these identify us, not as an aggressive nation that is interested in war or battle, but rather a peacekeeping nation where we are more prepared to negotiate and resolve issues without violence, and this is one indication of how Trinidad and Tobago is prepared to be seen in the world.

Under the circumstances, I appreciate the support and I beg to move.

Question put and agreed to.

Bill accordingly read a second time.

Bill committed to a committee of the whole House.

Anti-Personnel Mines Bill
[SEN. BRIG. THE HON. J. THEODORE]

Monday, August 21, 2000

House in committee.

Clauses 1 to 19 ordered to stand part of the Bill.

Question put and agreed to, That the Bill be reported to the House.
[Crosstalk]

House resumed.

Bill reported, without amendment, read the third time and passed.

SUPREME COURT OF JUDICATURE (AMDT.) (NO. 2) BILL

Order for second reading read.

The Attorney General and Minister of Legal Affairs (Hon. Ramesh Lawrence Maharaj): Mr. Speaker, I beg to move,

That a Bill entitled an Act to amend the Supreme Court of Judicature Act, Chap. 4:01, be now read a second time.

In moving the second reading of the Bill, I wonder whether I can also ask to have contributions in respect of Bill No. 3 made at the same time, since Bill No. 2 and Bill No. 3 are connected. Bill No. 3 deals with the judgments in the Petty Civil Court and Bill No. 2 deals with judgments in the Supreme Court.
[Crosstalk]

Mr. Speaker: Both Bills will therefore be taken together.

Agreed.

Hon. R. L. Maharaj: Mr. Speaker, the matter before this House is a very simple issue, and that is, the Bills would provide for a new statutory rate of interest of 12 per cent on judgment debts, and would empower the Minister of Finance and Planning to adjust such interest rate from time to time by way of an order, subject to negative resolution.

As a direct result of the amendments, which were considered necessary, there were certain consequential amendments at Section 13 of the Remedies of Creditor Act to increase the rate in a similar fashion in relation to the property of debtors which may be levied upon to satisfy a judgment.

Mr. Speaker, basically, when there is a judgment in the court there is a statutory rate of interest of 6 per cent on the judgment debt, and this is much below the lending rate in the bank. Over the years this has caused a lot of injustice to people, in that, judgment debtors would find it profitable not to pay the debt, and the creditors suffered a great disadvantage. This was a recommendation of the Gurley Report, and it is a measure which is to provide more equality in the system of justice.

I beg to move, Mr. Speaker.

Question proposed.

Mr. Speaker: I ask you to bear in mind that we are at the same time discussing the contents of Bill No. 3, which is an Act to amend the Petty Civil Courts Act, Chap. 4:21.

Mr. Barendra Sinanan (*San Fernando West*): Mr. Speaker, I wish to congratulate the Attorney General on one of his better days in presenting two Bills at the same time. I think he presented these Bills under two minutes and I wish to congratulate him.

As he said, these Bills are very simple. They are justifiable and, perhaps, they have been long overdue in coming. For one thing, while I am congratulating the Attorney General, being a senior counsel himself, I would have thought that a Bill like this would have come in, perhaps, in the first year of his office. [*Desk thumping*]

Nevertheless, it is not too late since he is leaving office soon it is better that he brings it before he leaves.

In this regard I wish to compliment and support him.

5.25 p.m.

Mr. Speaker, just a couple things I want to say with respect to the petty civil aspect of it. There is no problem as far as we see in the Supreme Court, and whilst on that—just as an aside—I indicate that in the High Court as you know, judges retire at age 65 and we have in this country our more matured and seasoned judges in the prime of their judicial life having to retire at age 65. There is a provision whereby judges can go on contract for limited periods and whilst this is good, it does not really apply to Appeal Court judges. Appeal Court judges' contracts can be extended, but only for them to sit in the lower courts.

Mr. Attorney General, I am talking about the age judges are mandated to retire which is at age 65, and I was saying whilst they can return on contract in limited cases, it does not really apply to Appeal Court judges in the sense that the age limit of an Appeal Court judge cannot be extended for that judge to sit in the Appeal Court; it can be extended for an Appeal Court judge to sit in the High Court. As I said the judges at age 65 are in the prime of their judicial careers, and we are talking about establishing a Caribbean Court of Appeal and I cannot see it

Supreme Court of Judicature Bill
[MR. SINANAN]

Monday, August 21, 2000

being staffed by judges under the age of 65. Perhaps in very limited cases, but most of them I imagine would be taken from those who have just reached the age of 65 because you would need judges to staff that court who are really of mature judicial mind. That is all I would say with respect to the Supreme Court of Judicature Bill.

With respect to the Petty Civil Court, however, whilst again it is good that the rate of interest is increased in terms of the enforcement of judgment, there is where I have a problem. This increase in the statutory rate of interest, as I said, was long overdue, but it could have been done in 1996 when we passed the Administration of Justice Miscellaneous Provisions Act No. 28 of 1996. At that time I think section 40 of the Act fixed interest rates at 6 per cent; perhaps we could have done it at that time.

Mr. Speaker, as you are fully aware, when one obtains a judgment in the High Court it is automatically a charge on your property and in particular, your real estate, and it is lodged with the registry and it becomes an automatic charge on your property and if you have personalty, you can go by way of levy proceedings.

However, in the Petty Civil Court, the same does not apply. Section 42 of the Petty Civil Court Act, as amended, enables the judgment to be made; if you have a judgment in the Petty Civil Court, in order for it to be registered, you have to go to the High Court to have that judgment registered as a High Court judgment and I think this is not right because if you have to go to the High Court to have a Petty Civil Court judgment registered it costs time and money. It is time for the process, and money for the litigant to brief attorneys to go to the High Court. So I would ask the Attorney General to consider that.

There are the normal remedies available in the Petty Civil Court, but in terms of enforcing a judgment as a High Court judgment, you have to make an application to the Petty Civil Court for the judgment to be registered as a High Court judgment. You have to go to the High Court which costs time and money, so perhaps I do not know if we could do something in the committee stage or when it goes to the other place for the Attorney General to consider a judgment of the Petty Civil Court registrable as a judgment of the High Court and there is automatically a charge on property.

Mr. Speaker, we on this side have no difficulty in supporting these two pieces of legislation. As I have said before, the legislation is progressive, long overdue in coming, but it is better late than never.

Thank you.

Mr. Hedwige Bereaux (*La Brea*): I do not know whether I will have the opportunity again to greet some of the hon. Members on the opposite side in their present position, and as such, I want to—

Mrs. Persad-Bissessar: You are saying goodbye?

Mr. H. Bereaux: Well, I am saying goodbye to you. Mr. Speaker, I know that I am being interrupted by the Member for Siparia and the Member for Chaguanas. I was not speaking to them, I was speaking to my other friends on that side. I know that I will not see some of them.

I rise this afternoon to make a very short contribution on these two Bills. Here we are, and properly so, increasing the statutory rate of interest from 6 per cent to 12 per cent and giving the authority to the Minister of Finance to increase it further, dependent on various resolutions passed. We are doing that because the rate which you receive on a judgment after it is granted in court is substantially lower than the rate which you will receive normally on other transactions, bank loans and so forth.

What we are doing here, and maybe correctly so, having regard to the environment, is slavishly following what is happening in commercial circles. Maybe it is time for us also, that whereas we go along and increase the rate of interest, to see why the rates of interest in commercial transactions are rising as they are at this time, and to recognize also that a high rate of interest is a disincentive to investment. So I am throwing it out that whereas we are agreeing that the rate of interest needs to be increased, and should be in the case of judgments, I think it is also necessary for us not only to say we give the authority to have it increased further, but I think as a Parliament and in the future, we should look to arranging the economic situation in such a way to have rates of interest fall as opposed to rise. That is what I wanted to point out initially.

Then we come to the Petty Civil Courts and those are the courts where you have magistrates with 200 cases on their lists in each day, and things like that. I heard a lot of this in 1995, we did not hear much of it in 1996, and we are now in 2000, and the situation is almost the same. The magistrates are the beasts of burden of the Judiciary and I did not recognize the difficulty to some extent which they undergo, but it is said, he who is in the fire will feel the heat. Although I do not spend much time in the Magistrates' Court, but I have been there from time to time and I have observed, not only the physical difficulties under which they work, but also, I happen to know the very low rate of remuneration. I think it is time that something be done about that and additionally, that we look to increase

Supreme Court of Judicature Bill
[MR. BÉREAU]

Monday, August 21, 2000

the number of magistrates so that we can have the cases dealt with more expeditiously. There are cases in the Petty Civil Court from 1996, for four years, for small money, although the jurisdiction of the Petty Civil Court was increased, yet you take years and years to collect \$2,000.00 and \$3,000.00. Things like that bring some difficulty on the litigants and we are talking about poor litigants who must get attorneys-at-law to assist them. I am saying that maybe we need to look at the whole system again to see whether we cannot have more magistrates and we may even want to go further if we find it difficult to attract capable legal professionals. We may even want to look at a system which I know operates in Korea whereby you have the training of persons who enter the law so structured that some of them go straight into the magistracy or judgeship as the case may be.

You may want to look at permutations like that. So I just thought I would make this small contribution because as I said, a number of practising magistrates have from time to time pointed out the difficulty facing that limb of the Judiciary to me and sometimes they either say it directly, or they make snide remarks and they talk about their finances and I just thought I would take this opportunity to indicate that to this honourable House and at the same time support the increase in the statutory rate of interest.

Thank you.

The Attorney General and Minister of Legal Affairs (Hon. Ramesh Lawrence Maharaj): Mr. Speaker, the hon. Members have raised very important matters affecting the administration of justice and I think what they have raised probably shows that it is important for the justice sector to be looked at from time to time.

As a matter of fact, this complaint about the magistracy and delays and about the administration of justice are complaints which have gone back and notwithstanding the fact that governments have provided resources and provided what they consider to be best, the problems still continue and maybe we should look at our whole system again.

Mr. Speaker, it is only quite recently that in Trinidad and Tobago, the system is being looked at again by a Commission of Enquiry and some of the concerns which the hon. Members have raised are concerns which I know have not only attracted the attention of Trinidad and Tobago, but of other countries. As a matter of fact, just a few days ago in St. Lucia, the legal affairs committee of Caricom met with the Leaders of the Bar and Law Associations, and most of the Law Associations and Bar Associations in the Caribbean are asking Caribbean

governments to explain why they want to abolish the Privy Council and set up a Caribbean Court of Justice, to which we do not have any objection or the concept of it—but when you know that the justice systems in most, if not all the countries have failed, they are inefficient, they cannot deliver. As a matter of fact, it was the President of the Law Association of Jamaica who in a paper presented, pointed out that it is the general perception of the people in Jamaica that justice cannot be had in the local court and why should government not spend the resources on the local institutions instead of setting up a regional one at this stage.

5.40 p.m.

Mr. Speaker, what is happening with the perception of the problems of Trinidad and Tobago in the administration of justice is not singular to Trinidad and Tobago. It seems to be a problem throughout the Caribbean and it is a question which governments will have to face in the next few weeks. As a matter of fact, in Jamaica the government does not need a specified majority. It can, by a simple majority, abolish appeals to the Privy Council, but because of the mounting concerns in Jamaica, and also of the public, as to the state of the national system, the government quite wisely has decided to allow the people to talk, to get their views and to have their pulse, in order to make a decision as to what it should do in the circumstances.

I do not think that anybody can get away from the fact that the concept of a Caribbean court of justice is very good but I also do not think that we can get away from the fact that there are mounting concerns in the Caribbean about governments' inability to improve the system of justice over the years. That comes to the point, is it that our system as we have it is the way it should work? Or, should we follow other systems? As we have it, no matter what the position is, it means that there can be somebody in the Parliament who can take charge of what happens in the administrative aspect of the administration of justice. So that, whoever is the attorney general—or if there is a minister of justice under the system that we have—would have to depend upon the information he or she gets from the head of the Judiciary, even if the resources are put as to how they are managed and administered, and therefore the Parliament will have to take what it gets.

Therefore, if we want to improve the system, I think we probably would have to make decisions because the system cannot be improved if one does not know, for example—at the present time as I stand here, Mr. Speaker, the country does not know how many cases are pending in the petty civil courts, at what rate these

cases are being disposed of, how long it takes for a magistrate to complete a matter, how many of these matters are part heard, how many of these matters are part heard over a period of years, what machinery exists in order to ensure that these things do not happen, if resources are being provided, how much resources are needed and if those resources are provided, would that be able to solve that problem.

Mr. Speaker, even if the question is asked, the Government has to depend upon getting that answer from another source and if, for some reason, that answer is not forthcoming, the Parliament is impotent to deal with the statistics. As a matter of fact, in countries which have had to do this—and quite recently the IDB and the World Bank have been looking at the Latin American and the Caribbean sectors. What they have been doing is saying that, for example, in the United Kingdom there are so many judges and for so much per population there should be so many judges; there should be so many members of the lower Judiciary; in England there are so many. It would be startling to see that this country has more judicial officers per thousand people than many other countries.

So the question is, if we have to really diagnose and assess this problem, we need to do it on a scientific basis, otherwise we can be putting more and more resources and there is no guarantee that they will be used to solve all the problems. In the meantime, however, I think it is the duty of governments to give the maximum they can to the judicial sector because, if the judicial sector does not function properly, then it undermines the whole system and it can have a bearing on development. It is in that context that I agree with the hon. Members that resources must be provided.

The hon. Member for La Brea pointed out that there should be an increase in magistrates. Well, we have tried that. We have increased the number—I cannot remember the figures now—but I think that under this administration we have allowed an increase of over 20. We have come to Parliament and got legislative approval for an increase of Court of Appeal judges. I do not know if it has solved any of the problems. As a matter of fact, one merely had to read the newspaper this morning, and it is something that is not hidden, where one sees an important case of public interest and the matters are just adjourned and adjourned and adjourned.

There is also a question of remuneration, Mr. Speaker. Yes, judicial officers must be paid well. From the statistics I have seen, judges in Trinidad and Tobago are one of the best paid set of judges when it comes to terms and conditions and considering all of the benefits. I do not think there is any country in the world in which judicial officers get tax-free allowances, tax-free salaries and some of the

benefits that our judges get. Notwithstanding that, Mr. Speaker, the record shows that this administration took, even before it was due, to the Salaries Review Commission a recommendation to consider an increase in the terms and conditions of judges and this administration effected an increase. The records would also show that even before the Salaries Review Commission recommended an increase for magistrates, the Cabinet of Trinidad and Tobago gave an interim increase because there were representations made and it was considered that the terms and conditions were not satisfactory.

Notwithstanding all that, the problems still remain. So it has to do with systems and that is why, Mr. Speaker, I am very happy because what is happening here makes me feel a bit justified in the decisions this Government has taken in looking at the whole system. This report should not be long, the report on the administration of justice, and we should be able to have some idea as to whether there should be recommendations in order to change it. What will happen is, the country will have to decide whether we will want to go that route if there are recommendations to change our system. I would expect that, having looked at some of the memoranda and the people who made their contributions, the fact is that the concerns Opposition Members have been raising here are some of the very concerns that people have been raising throughout the country.

Mr. Speaker, I know so much about this because I got into difficulties years ago. I always believed that as a lawyer one had to stand up even to judges and to magistrates and I got into difficulty some years ago when I indicated that there had to be radical reforms of the justice system if the system is to change. I remembered quite clearly that there was a "World Peace Through Law" conference in the 1970s and I wrote a booklet *The Rule of Law in Trinidad and Tobago*. That was a time when, in the Court of Appeal, there was a demotion of Justice Telford Georges, Justice Malone left Trinidad and Tobago and had taken up a job in another country and Justice Clement Phillips was not made Chief Justice.

I went public and I said that the problem with the administration of justice is really not the giving of resources, there had to be fundamental changes with the system, the whole manner in which judges are appointed and promoted, because if there is a system in which there could be no effective accountability, then when one appoints a person as a magistrate that person cannot be easily removed. Therefore, if the system of justice has to be improved, one must improve the process for appointment to ensure that people who can do the job are appointed judges and magistrates and are elevated to the Court of Appeal.

Supreme Court of Judicature Bill
[HON. R. L. MAHARAJ]

Monday, August 21, 2000

Mr. Speaker, we have had the Gurley Report, which gives about 40 recommendations, and those have been implemented in part by the last administration. We also spent a lot of time implementing those recommendations, but the improvement in the administration of justice has not radically occurred because it was recognized and what we advocated was the need to change much more serious issues affecting our system. So, Mr. Speaker, I just wanted to say that in response to some of the matters which had been raised.

The hon. Member for San Fernando West has raised the question of the increase in the retirement age. Now, when I became the Attorney General I looked at this issue. I was told that this amendment which was passed to facilitate this was a temporary measure. It was intended to be a temporary measure but the temporary measure became a permanent measure and, in truth and in fact, to appoint judges on two-year contracts is not really right. Therefore either we decide to increase the age of retirement and get rid of this—and there is also the discriminatory aspect, they could only be on the Court of Appeal. Having regard to all of that, I left it to the Law Commission to have the necessary discussions, but in light of the nature of the matter, I do not think that at this stage I would want to take on that without some consensus as to how we should approach the problem.

In respect of enforcement, I agree with the hon. Member for San Fernando West. Probably one of the drawbacks of the justice system, and the civil justice system, is really that after the case is finished in court everyone is left to fend for themselves and there is no court-supervised enforcement machinery. Probably what should be in place is a system in which the court ensures that its orders are complied with, whether it is a judgment for money or a judgment for property, or whatever it is, and there should be some reporting mechanism. The court staff should be involved in assisting the successful party to implement its judgment. That again is an area of the law on which I would hope that, coming out of some of the concerns raised, we would be able to get some recommendation.

One of the aspects we have decided that could assist the backlog of cases and could also assist people in not having to pay a lot of money for lawyer services and waiting for a long time in court is to have this mediation system introduced. As you know, Mr. Speaker, we passed a law to have mediation in the petty civil court and, to some extent, mediation in the High Court, and there would be some mediation centres staffed by experts who would be able to assist in the mediation process. You would recall, Sir, that was supposed to be a pilot project for three areas and that is supposed to get going by the end of this month. I think sometime this week or next week the centres are going to be launched.

What I could report to you is that I considered the matter again and felt that it would not have been right to have just three mediation centres. Therefore we should be able to have some of the trained mediators on an itinerant basis going throughout the country on different dates in different areas so that in almost every court jurisdiction there will be people available so that there can be access to mediators. It would mean, Mr. Speaker, that under that regime there will be a mediation centre, a permanent centre in some areas and in some areas a temporary centre, and people who have petty civil court matters or even domestic violence matters or family disputes under the Act can, even before the court hears the matter, go to these experts and get some assistance as to how the mediation process can be started. They would be working with the community trying to get the two sides together. So long before the matter reaches the court it may be that they can work out an arrangement so that they can report it to the court.

There is a situation where, when the matter reaches the court, if the parties agree, the matters can be referred to mediation. That exists for some of the petty criminal offences to see if something can be worked out in order to reduce the backlog. The Ministry of Social and Community Development has been very much involved in this programme—it is a joint effort by both ministries involved in the training of these mediators; it has been involved in ensuring that the mediators who would be there would be quite capable to assist and these mediators would not be on their own. They would have the power under the Act to work with the communities.

So, Mr. Speaker, yes this is increasing the rate of interest but I would agree this is really a small measure in improving the system of justice and addressing the injustices which occur in our system. I am not blaming anybody, but the fact of the matter is that these injustices do exist and this is really just a little ripple. My only consolation is that it is a case of ripple after ripple after ripple, and ripples like these can turn into a tidal wave and ultimately there can be major changes.

5.55 p.m.

Mr. Speaker, although it is a small measure, I must thank the hon. Members on the opposite side for giving their support and I want to be as optimistic as I can by saying that we should be able to effect some reforms. When I say “we”, I mean the country as a whole, because I think whichever government is in power at any time, whether at this time or 10—20 years from now, it has a serious responsibility to redress the system of justice.

Supreme Court of Judicature Bill
[HON. R. L. MAHARAJ]

Monday, August 21, 2000

If it is one problem in the country which must be redressed—if people are to really have justice enjoyed, not only to speak justice, but for justice to be delivered—it is the administration of justice. In closing, I want to give the assurance to the hon. Member for San Fernando West that although it took four years for this matter to come, sometimes the best is reserved for the last.

Thank you very much. I beg to move.

Question put and agreed to.

Bill accordingly read a second time.

Bill committed to a committee of the whole House.

House in committee.

Hon. R. L. Maharaj: Mr. Speaker, before we start the committee stage, would you give me permission to say something? There was one issue raised by the Opposition which I did not deal with and probably, to influence their decision at the committee stage, I could tell them that the Law Commission is, at the present time, looking at the procedure in which judgments are enforced at the Petty Civil Court. They were hoping that we would be able to come with a measure before this Bill, but I want to give the hon. Member for San Fernando West the assurance that that is an injustice which has been recognized and they are looking at it. Hopefully, we will be able to redress this situation.

Clauses 1 to 3 ordered to stand part of the Bill.

Schedule ordered to stand part of the Bill.

Question put and agreed to, That the Bill be reported to the House.

House resumed.

Bill reported, without amendment, read the third time and passed.

PETTY CIVIL COURTS (AMDT.) BILL

The Attorney General and Minister of Legal Affairs (Hon. R. L. Maharaj): Mr. Speaker, in light of the contribution I have already made, I beg to move.

Question put and agreed to.

Bill accordingly read a second time.

Bill committed to a committee of the whole House.

House in committee.

Clauses 1 and 2 ordered to stand part of the Bill.

Adjournment

Monday, August 21, 2000

Question put and agreed to, That the Bill be reported to the House.

House resumed.

Bill reported, without amendment, read the third time and passed.

ADJOURNMENT

The Attorney General and Minister of Legal Affairs (Hon. Ramesh Lawrence Maharaj): Mr. Speaker, I beg to move that this House do now stand adjourned to Friday, August 25, 2000 at 1.30 p.m. Friday is the fourth Friday in the month which, under the Standing Orders is Private Members' Day, and on that day, I am informed that the Opposition will continue debating Motion No. 1 which deals with criminal activity and crime.

Question put and agreed to.

Mr. Speaker: Hon. Members, before I put the question on the adjournment of the House, on the last occasion the Member for Diego Martin Central did raise a matter and it is for the Government to respond to it. The matter which was raised had to do with the effect the indebtedness of various companies is having on the continued viability of the National Gas Company Limited and the need for the Corporation Sole to intervene to avoid the continuing deterioration of the viability of this completely state-owned company.

National Gas Company (Effects of Indebtedness)

The Minister for Tobago Affairs and Minister in the Ministry of Finance (Dr. The Hon. Morgan Job): Mr. Speaker, I refer to the matter which was raised by the Member for Diego Martin Central on the last time the Parliament met regarding the effect that the indebtedness of various companies was having on continued viability of the National Gas Company Limited and the need for the Corporation Sole to intervene to avoid the continuing deterioration of the viability of this completely state-owned company.

The indebtedness has not affected the viability of the National Gas Company Limited. The company continues to have the capability to sustain and to support its ongoing business operations and to undertake future growth and development using its own resources without dependence on its shareholders.

The National Gas Company is solvent and has adequate liquid assets to meet its liabilities. As at June 30, 2000, the company's net worth was TT \$1.856 billion. The main impact on the NGC has been the interest on investments that would have accrued had the debts been collected. However, interest is accruing on the outstanding debtor balances. The Minister of Finance, Planning and Development

National Gas Company
[DR. THE HON. M. JOB]

Monday, August 21, 2000

is aware of the position and is monitoring the situation. The company is utilizing internal strategies to manage its debt.

With respect to the collection of amounts due from state agencies, the Minister will intervene if necessary, to ensure that the viability of the National Gas Company is not jeopardized.

Mr. Speaker, I thank you.

Question put and agreed to.

House adjourned accordingly.

Adjourned at 6.06 p.m.