

*Leave of Absence**Monday, November 5, 1990*

**THE
PARLIAMENTARY DEBATES
OFFICIAL REPORT**

IN THE FIFTH SESSION OF THE THIRD PARLIAMENT OF THE REPUBLIC OF TRINIDAD AND TOBAGO
WHICH OPENED ON JANUARY 12, 1987

SESSION 1990—91

VOLUME 35

HOUSE OF REPRESENTATIVES

Monday, November 5, 1990

10.00 A.M.

The House of Representatives having assembled, and it being the first meeting of the Fifth Session of the Third Parliament of the Republic of Trinidad and Tobago, the Clerk of the House read the following Proclamation:

REPUBLIC OF TRINIDAD AND TOBAGO

No. 4 of 1990

By His Excellency NOOR MOHAMED HASSANALI,
President and Commander-in-Chief of the
Republic of Trinidad and Tobago.

NOOR M. HASSANALI

President

A PROCLAMATION

WHEREAS it is provided by subsection (1) of section 67 of the Constitution of the Republic of Trinidad and Tobago that each session of Parliament shall be held at such place within Trinidad and Tobago and shall commence at such time as the President may by Proclamation appoint:

Now, therefore, I, NOOR MOHAMED HASSANALI, President as aforesaid, do hereby appoint the Red House, Port-of-Spain, as the place at which the Fifth Session of the Third Parliament shall be held and 10.00 a.m. on Monday, the 5th day of November, 1990, as the time at which the said session shall commence.

Given under my Hand and Seal of the President of
the Republic of Trinidad and Tobago at the
Office of the President, St. Ann's, this 31st day
of October, 1990.

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PRAYERS

[MR. SPEAKER *in the Chair.*]

LEAVE OF ABSENCE

Mr. Speaker: Hon. Members, the following Members have been excused from today's sitting: the Member for St. Ann's East (Hon. Lincoln Myers); the Member for Chaguanas (Hon. Winston Dookeran); the Member for Caroni East (Hon. Dr. Bhoendradatt Tewarie) and the Member for Naparima (Mr. Raymond Palackdharrysingh).

VACANT SEAT

Mr. Speaker: Hon. Members, section 69 (3) of the Constitution of the Republic of Trinidad and Tobago reads as follows:

"(3) Where a vacancy occurs in the House of Representatives within the first four years of the life of the Parliament a by-election shall be held to fill such vacancy not later than ninety days from the date of the announcement by the Speaker of the vacancy."

I have in my possession a death certificate certified by Mr. Bert Legere, Registrar General, which indicates that Mr. Leo Des Vignes, Member for Diego Martin Central, died on August 1, 1990.

In accordance with the provisions of the Constitution which I have just quoted, I hereby declare the seat of Diego Martin Central vacant.

BUSINESS OF THE HOUSE

Mr. Speaker: Hon. Members, His Excellency the President desires to address Parliament and we will suspend the sitting to meet and escort His Excellency to the Chamber.

However, since we have some time on our hands, I suggest we go through the Order Paper.

When His Excellency arrives and completes his address and the Hon. Speaker accompanies him out of the Chamber, the Hon. Deputy Speaker shall occupy the Chair for the purpose of adjourning the sitting.

PAPERS LAID

1. Tenth Annual Report of the Ombudsman—December 6, 1986 to December 5, 1987. [*The Minister in the Ministry of Justice and National Security (Hon. J. Toney)*].

Papers Laid

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2. Eleventh Annual Report of the Ombudsman—December 6, 1987 to December 5, 1988. [*Hon. J. Toney*].
3. Twelfth Annual Report of the Ombudsman—December 6, 1988 to December 5, 1989. [*Hon. J. Toney*]
4. Annual Report of the Tobago House of Assembly for the year ended December 31, 1989 [*The Minister of Works, Infrastructure and Decentralization (Hon. C. Charles)*].
5. Annual Report of the National Insurance Board for the year ended June 30, 1990 [*The Minister of Labour, Employment and Manpower Resources (Hon. A. Richards)*].
6. Report of the Auditor General on the Accounts of the Management Development Centre for the year ended December 31, 1988 [*The Minister of Finance (Hon. S. Wilson)*].

To be referred to the Public Accounts Committee.

7. Report of the Auditor General on the Accounts of Caroni (1975) Limited for the year ended December 31, 1987 [*Hon. S. Wilson*].
8. Report of the Auditor General on the Accounts of Iron and Steel Company of Trinidad and Tobago Limited for the year ended December 31, 1985. [*Hon. S. Wilson*].
9. Report of the Auditor General on the Accounts of Iron and Steel Company of Trinidad and Tobago Limited for the year ended December 31, 1986. [*Hon. S. Wilso*].

Papers 7 to 9 to be referred to the Public Accounts (Enterprises) Committee.

SUPREME COURT OF JUDICATURE (AMDT.) BILL

Bill to amend the Supreme Court of Judicature Act, Chap. 4:01 [*The Attorney General*]; read the first time.

MECHANICAL RECORDING OF COURT PROCEEDINGS BILL

Bill to make provision for the mechanical recording of court proceedings and for matters incidental thereto [*The Attorney General*]; read the first time.

Ronald Perry (Retirement Benefits) Bill

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RONALD PERRY (RETIREMENT BENEFITS) BILL

Bill to provide for payment of retirement benefits in accordance with the Police Service Act, Chap. 15:01 to Mr. Ronald Perry, former Magistrate [*The Attorney General*]: read the first time.

STAMP DUTY (AMDT.) BILL

Bill to amend the Stamp Duty Act, Chap. 76:01 [*The Attorney General*]; read the first time.

Mr. Speaker: I expect the arrival of His Excellency the President will be around 10.30 a.m.

10.10 a.m.: *Sitting suspended.*

Members of the Senate arrived and took their places in the Chamber.

10.55 a.m.: *His Excellency the President, accompanied by the President of the Senate and the Speaker of the House of Representatives, arrived in the Chamber.*

His Excellency, Mr. Noor Mohammed Hassanali, President and Commander-in-Chief of the Republic of Trinidad and Tobago, addressed both Houses of Parliament as follows:

PRESIDENT'S ADDRESS

Mr. President of the Senate, Mr. Speaker, hon. Members, thank you for the opportunity to address you. I am pleased to bring you greetings at the commencement of the Fifth Session of the Third Parliament of the Republic of Trinidad and Tobago.

I embrace the opportunity to express my thanks to Mr. Speaker, and to all other persons or groups who have in one way or another helped to make it possible for Parliament to sit in the Red House today, after a period of some three months.

I share your grief—the national grief—over the temporary loss of use of what has over the years been the Parliament Chamber.

The accredited role of Parliament in the management of the affairs of our country requires, I perceive, that Parliament resume its sittings in that chamber as expeditiously as it may conveniently be able to do so; and I extend my best wishes for such resumption in the not too distant future.

There is an obligation on Parliament which will demonstrate to the people its faith in democratic processes and institutions; its respect for moral and spiritual values and the rule of law; and its faith in human brotherhood. These commitments, by implication attributed to Parliament, are in the result commitments on the part of hon. Members.

Hon. Members enter Parliament with the commitment—on oath—to discharge conscientiously and impartially "... responsibilities to the people of Trinidad and Tobago..." Significantly, they are responsibilities to all the people for whom, hopefully, the electorate speaks; and such responsibilities to the people remain with you as Members of Parliament.

In the democratic society the will of the people is a basic consideration in the management of the affairs of any particular country. However, even in democratic societies the people's will is not left at large.

In our own case, notwithstanding the liberties reflected in the recognized and declared fundamental human rights and freedoms, exercise of the individual will is subject to the existing laws of the land, our written Constitution being the supreme law. Restraints imposed by law on the individual will may by extension be considered restraints on the will of the people, such restraints on the individual will, however, being essential to community welfare.

As the people of Trinidad and Tobago themselves many years ago declared, people and institutions remain free only when freedom is founded upon, among other restraints, the rule of law. However, notwithstanding such restraints, under our democratic system with its emphasis on individual freedoms, the responsibilities of hon. Members to the people are, for diverse reasons, onerous and also difficult to discharge.

Hon. Members are among the first of our national leaders, and in and out of Parliament they remain saddled with their responsibilities. Generally, hon. Members are acquainted with at least the main features of our democratic system; but unfortunately it cannot be assumed that all citizens are likewise acquainted.

There are in our country other accredited leaders in different areas of human endeavour. Along with them hon. Members have in common certain responsibilities to those whom they lead or are expected to lead. Those responsibilities require the leaders to lead and not mislead. Leaders ought to strive

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[HIS EXCELLENCY]

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to communicate by reasoned language or worthy examples or both. They do not appeal to emotion when this may obstruct the path of reason or conscience.

Improved or high literacy rating in democratic societies with existing individual rights and freedoms may be accompanied or may be followed by a growing spirit of enquiry or increased incidence of uninhibited behaviour: courtesy may be perceived as weakness; discipline and commitment to standards may be perceived as repression, and conventions of traditions may be derided as evidence of a lack of or an absence of progress. Good and evil, right and wrong, may be perceived as merely relative terms, relative to individual thinking.

The exercise of our rights and freedoms which, it is hoped, enhances opportunities for full development of individual potential, may at times be tainted with mismanagement or abuse. On the other hand, while we tend readily to proclaim and vigorously to defend our rights and freedoms, we do not always with comparable urgency or enthusiasm acknowledge our duties and responsibilities.

Some of the features which I have tried to describe reflect a phenomenon akin to selfishness in our behaviour, a phenomenon which may, but need not, impede the growth or development of democratic institutions. They are features, nonetheless, which, I respectfully suggest, we must not ignore. Perhaps there is indicated some ongoing process of instruction or guidance as desirable in the national interest; but then, democracy, being evolutionary, is characterized by processes.

11.05 a.m.

Hon. Members, whatever the irritations or other difficulties, however, those of us who are leaders in democratic societies must remain becoming examples of self-discipline, capable of objective judgment in the pursuit of truth and always in an atmosphere of goodwill. We must prefer to communicate, to dialogue and not turn our backs, or be hostile, or remain indifferent. However, we distinguish principle from expediency; and we do not seek popularity at the expense of self-respect.

Hon. Members are and remain committed to discharging their responsibilities to the people in accordance with the oath of office—" . . . conscientiously and impartially ..."

Democracy, it may be said, is not a finite system. Rather it resides in development through the processes of dialogue and public debate for enlightened opinion. It recognizes individual rights and freedoms under the rule of law and

accepted human values as essential to securing the path to peace, order and good government. It expects all citizens to participate conscientiously in the discharge of their respective responsibilities and duties. Thus it relies on the public media for, among other things, their contribution to enlightened public opinion.

We in Trinidad and Tobago have espoused democracy in preference to other systems. We feel gratified that the international community is currently witnessing events which suggest growing interest in and support for democratic processes and institutions. One expects—at least one hopes—that with time, this growth will gain momentum. On the other hand, already the perception of a Global Village is spreading, and is spanning the continents.

Caribbean territories must severally and collectively demonstrate meaningful support for this growth and this perception. In the contribution which the Republic of Trinidad and Tobago must make, our Parliament has a crucial role to play.

I appeal to hon. Members—by your commitment and by the faithful discharge of your responsibilities—to help the people of our country to demonstrate Trinidad and Tobago as a worthy example of democracy. I trust we shall thus prove ourselves worthy support for democracy in the Caribbean, and indeed in the larger international community.

It is my wish for you that in this session of Parliament hon. Members will advance the cause of our system of government, as well as the welfare of our people.

May I, in this respect, recall on January 8, 1988, when I addressed you for the first time, I said then in part and may I quote:

"Your membership in this honourable institution implies that you have accepted certain responsibility, with the prospect of sacrifice—though willingly undertaken—of time, or of income, or of family life. This responsibility may, on occasions, prove difficult or exacting, or even exasperating. I invite you, on such occasions, and in other appropriate circumstances, to draw upon resources of character—your self-respect; your patience; your courage; your common-sense; your native sense of humour; and above all, your loyalty to, and your commitment to the service of your country and mine. Hon. Members may at times be discouraged, but hon. Members are never downcast, as they contemplate that loyalty and that commitment. . . "

President's Address
[HIS EXCELLENCY]

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Today, on behalf of the national community, I express our grateful thanks to you for your services during the entire period of the Third Parliament—services which I feel sure have involved and will continue to involve sacrifices on your part and on the part of members of your respective families.

May God guide you in all your deliberations in Parliament. May He guide you in the examples of leadership which you give in Parliament as well as outside of Parliament.

Mr. President of the Senate, Mr. Speaker and hon. Members, I extend from my family to you and to your respective families our best wishes for peace and for happiness.

May God bless us all.

11.20 a.m.: *Joint sitting suspended.*

11.24 a.m.: *Sitting of the House resumed.*

[MR. DEPUTY SPEAKER *in the Chair.*]

PAPER LAID

1. Address by His Excellency the President at the Opening of the 1990/1991 Session of Parliament on Monday, November 5, 1990 [*The Minister in the Ministry of National Security (Hon. Joseph Toney)*].

To be printed as a House Paper

Motion made and question proposed, That the House do now adjourn to Thursday, November 8, 1990 at 1.30 p.m. [Hon. J. Toney].

Question put and agreed to.

House adjourned accordingly.

Adjourned at 11.25 a.m.