

*Leave of Absence**Friday, May 10, 1991***HOUSE OF REPRESENTATIVES***Friday, May 10, 1991.*

The House met at 1.46 p.m.

PRAYERS[MR. SPEAKER *in the Chair*]**LEAVE OF ABSENCE**

Mr. Speaker: The following Members have been excused from today's sitting: the Member for Siparia (Mr. Govindra Roopnarine) and the Member for San Fernando East (Mr. Patrick Manning).

PAPERS LAID

1. Report of the Auditor General on the accounts of Point Lisas Terminals Limited for the year ended December 31, 1990. [*The Minister of Finance (Hon. Selby Wilson)*]
 2. Report of the Auditor General on the accounts of Point Lisas Industrial Port Development Corporation Limited for the year ended December 31, 1990. (*Hon. S. Wilson*)
 3. Report of the Auditor General on the accounts of Small Business Development Company Limited for the year ended December 31, 1990. (*Hon. S. Wilson*)
- Papers 1 to 3 to be referred to the Public Accounts (Enterprises) Committee.*
4. The Supreme Court (Amdt.) Rules, 1991. [*The Minister of Industry, Enterprise and Tourism [(Dr. The Hon. Bhoendradatt Tewarie)]*]
 5. The Matrimonial Causes (Amdt.) Rules, 1991. (*Hon. Dr. B. Tewarie*)
 6. Report of the Elections and Boundaries Commission on the Parliamentary Bye-Election held on December 17, 1990—Electoral District of Diego Martin Central. (*The Prime Minister and Minister of the Economy (Hon. A. N. R. Robinson)*]

ORAL ANSWERS TO QUESTIONS

Police Commissioner's House

The following question stood on the Order Paper in the name of Mr. Patrick Manning (San Fernando East):

29. Would the hon. Minister of Justice and National Security kindly state:

- (a) How much money has been expended from 1987 on the Police Commissioner's house which was being prepared for the then Attorney General?
- (b) What new facilities have been added to the above-mentioned house?

The Minister of Industry, Enterprise and Tourism (Dr. The Hon. Bhoendradatt Tewarie): Mr. Speaker, the Minister is not present and we are asking for a deferral of that particular question.

Question, by leave, deferred.

**Winsure
(Outstanding Claims)**

30. Mr. Kenneth Valley (Diego Martin Central) asked the Minister of Finance:

- (a) Would the hon. Minister state how much is outstanding to legitimate claimants under policies issued by Winsure?
- (b) Would the hon. Minister further state when these claims will be paid?

The Minister of Finance (Hon. Selby Wilson): Mr. Speaker, Winsure Life and General Insurance Company has been placed under judicial management since February 18, 1988.

The judicial manager has advised the Ministry of Finance that the amount outstanding to legitimate claimants under policies issued by Winsure is approximately \$5.4 million.

The existing assets from Winsure are insufficient to take care of its policy liabilities. The consulting actuaries to the insurance division are currently considering proposals by an insurance company which has expressed the interest in taking over the policy liabilities of Winsure.

Road Improvement

31. Mr. Raymond Palackdharrysingh (*Naparima*) asked the Minister of Works, Infrastructure and Decentralization:

Would the hon. Minister state:

- (a) What measures, at what costs have been taken within the last two years to improve the conditions of the following roads:-
- (i) Colonial Road from the Barrackpore Junction to the No. 2 scale;
 - (ii) Rochard Douglas Road from the No. 2 scale to the No. 6 scale;
 - (iii) Papourie Road from Princes Town to Barrackpore Junction;
 - (iv) Hamilton Drive—Borde Narve;
 - (v) St. Croix Road;
 - (vi) Realise Road;
 - (vii) Cunjal Road;
 - (viii) Inverness Road;
 - (ix) Oropouche River Road (South);
 - (x) Naparima Mayaro Road from Corinth Junction to Princes Town;
 - (xi) Gordon Plantation Road from Light Pole No. 47 to Light Pole No. 58?
- (b) What measures would be taken in 1991 to improve the road and drainage conditions?

The Minister of Works, Infrastructure and Decentralization (Dr. The Hon. Carson Charles): Mr. Speaker, four of the roads in question fall under two districts of the ministry, and I will give information by the districts.

In the Victoria West district the following works were done over the last two years.

- (1) New Colonial Road, at a total cost of \$41,147.60
- 1989—drainage, cutlassing roadworks—\$16,486.50
 - 1990—drainage, patching and cutlassing—\$24,661.10

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- (2) Rochard Douglas Road at a total cost of \$79,719.72
 1989—drainage, patching cutlassing—\$33, 866.93
 1990—drainage, patching and cutlassing—\$45,852.79
- (3) Papourie Road at a total cost of \$1,101,137.20
 1989—drainage; cutlassing and roadworks and restoration of roadways
 at the 2-9mm—\$221,240.62
 1990—Drainage, patching cutlassing and rehabilitation of roadway at 1-
 6mm—\$879,896.58
- (4) Hamilton Drive—Borde Narve—This road falls under the jurisdiction of
 the Victoria County Council and we have had some delays in getting that
 information for both years. I will supply that information to the hon.
 Member in writing if he is prepared to accept it.
- (5) St. Croix Road at a total of \$417,606.35
 1989—drainage, cutlassing, roadworks and repair to landslip—
 \$218,734.98
 1990—drainage, patching, cutlassing and roadworks/landslip—
 \$198,871.37
- (6) Naparima Mayaro Road at a total cost of \$422,264.18
 1989—drainage, cutlassing roadworks and landslip repairs and paving—
 \$171,623.07
 1990—drainage, patching, cutlassing, restoration of roadway and
 paving—\$250,641.11

In respect of the Victoria East districts:

- (1) St. Croix Road at a total cost of \$377,480.74
 1989—drainage, patching, cutlassing—\$65,318.06
 1990—drainage, patching, cutlassing and repair to three landslips—
 \$312,162.68
- (2) Realise Road at a total cost of \$272,002.13
 1989—drainage, patching, cutlassing and repairs to landslip at 114-
 112mm—\$216,825.25
 1990—drainage, patching, cutlassing and restoration of roadway at 114-
 112mm—\$55,176.88

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- (3) Cunjal Road at a total cost of \$77,008.67
 1989—drainage, patching and cutlassing—\$41,276.47
 1990—drainage, patching and cutlassing—\$35,732.20.
- (4) Inverness at a total cost of \$53,915.26
 1989—drainage, patching and cutlassing—\$31,409.30
 1990—\$22,505.96.
- (5) Oropouche River Road, at a total cost of \$87,559.82
 1989—drainage, patching and cutlassing—\$61,869.65.
 1990—\$25,690.17.
- (6) Naparima/Mayaro Road at a total cost of \$1,448,664.27.
 1989—drainage, patching, cutlassing, landslip repairs and road-resurfacing—\$469,101.30
 1990—drainage, patching, cutlassing, landslip repairs, construction of footpath, drain and miscellaneous construction—\$979,562.97

In respect of Gordon Plantation Road, I am informed that is a private road and I do not have information for that. The Ministry of Works has not done any improvement work in that area.

Mr. Speaker, I wish to indicate that the ministry will continue to make all efforts to improve the condition of the roads in question. The details of these plans are being reviewed at the present time. Thank you.

Mr. Palackdharrysingh: Mr. Speaker, I have a supplemental question. Is the Minister aware that in spite of all these maintenance works the roads are still in a deplorable condition?

Dr. Charles: Mr. Speaker, the Minister is aware that in spite of the work undertaken there is much more work to be done.

The following question stood on the Order Paper in the name of Mr. Govindra Roopnarine (Siparia):

**Recreation Ground
(Expenditure)**

33. (a) Would the hon. Minister kindly state how much money was spent on the Wilson Road Recreation Ground in the county of St. Patrick in 1990 and to date in 1991?

- (b) Could he also state the total sum expended for the same period on all other recreation grounds in County St. Patrick?

Mr. Palackdharrysingh: Mr. Speaker, I beg that question No. 33 be deferred.

Question, by leave, deferred.

ORDER OF BUSINESS

The Minister of Industry, Enterprise and Tourism (Dr. The Hon. Bhoendradatt Tewarie): Mr. Speaker, I seek leave of this House to move on to Bills Second Reading.

Question put and agreed to.

NATIONAL AGRICULTURAL MARKETING AND DEVELOPMENT CORPORATION BILL

[SECOND DAY]

Order read for resuming adjourned debate on question [April 12, 1991]:

That the bill be now read a second time.

Question again proposed.

The Parliamentary Secretary in the Ministry of Education (Mr. Oswald Hem Lee): Mr. Speaker, as we resume debate on this bill to provide for the establishment of the National Agricultural Marketing and Development Corporation, I am happy to lend my support to the Member for Nariva, the hon. Minister of Food Production and Marine Exploitation who, indeed, moved this bill in a very efficient manner a few sittings ago.

The hon. Minister went into great detail outlining the purpose and the need for establishing the corporation and to detail as well the benefits which are likely to accrue to the country as a whole and to the agricultural sector in particular.

The agricultural sector has always played a major role in the national and economic development of Trinidad and Tobago and we in this Government recognize this. We are committed to ensuring that the agricultural sector continue to play a pivotal role in national development. More than that, we are committed to the expansion of production of the agricultural sector since we recognize its great potential as a foreign exchange earner and there is need in the country to earn more foreign exchange and we feel and we know that the agricultural sector has the capability as well as the capacity to increase the amount which it presently

earns. So I am certain that all will agree that there is need to increase the country's foreign exchange earnings by better developing and expanding the agricultural sector.

So to this end, when we look at the composition of the corporation which is vital to the importance of achieving this and we look at the areas of competence required of members of the corporation, it is instructive to us as to what the Government hopes to achieve.

I just want to read this into the records once again. It states quite clearly in Part I of the bill "Constitution of the Corporation":

"4(1) The Corporation shall consist of—

- (a) no fewer than six nor more than eight members appointed by the President, four of whom shall be chosen from amongst persons who have special qualifications in, and have had experience of matters relating to economics, finance and management, marketing, food technology and agro-industrial processing, nutrition or other fields of agri-business; and
- (b) the Chief Executive Officer.

It seems to me, that the composition of the corporation exemplifies the fact that the Government indeed, wants to point the corporation in a particular direction and that is, in the area of improved marketing as well as the expansion of agricultural production with the view to increasing exports which will result in added revenue to the country through the greater earning of foreign exchange. This is something that we pledged in our 1986 manifesto. When we look at the manifesto under the heading "Recovery and Reconstruction", we stated quite clearly under the subheading "Self-Sufficiency In Food"—and if you will recall that in 1986 our food import bill was in the vicinity of \$1 billion—that:

2.05 p.m.

"The objectives of the NAR agro-industrial policy will ..."

and among other things:

- “(c) Increased employment opportunities
- (d) Increased foreign exchange earnings and saving of foreign exchange
- (e) Greater utilization of local foods"

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We know that we have already achieved a greater utilization of local foods. Examples showing with the reintroduced school feeding programme, that over the last two years over one million pounds of chicken were utilized, as well as over 800,000 pounds of bananas and so forth.

Of course, the limited importation of apples and grapes assisted as well in the greater utilization of local fruits. As we are well aware in 1985 and 1986 we had fruit kings such as the apple king and the grape king. Now we see a lot more local fruits and foods all around the place which are more utilized by the public.

Mr. Speaker, when we look at the functions of the Corporation we see:

"9. (1) The functions of the Corporation are to create, facilitate and maintain an environment conducive to the efficient marketing of agricultural produce and food products through the provision of marketing services and the stimulation of business investment in the agro-industrial sector of Trinidad and Tobago."

Mr. Speaker, I see this as being vital to the overall marketing and exportation of products in Trinidad and Tobago. In order to market the agricultural products more efficiently and effectively, it will require, in my view, an improvement in both the quality of the product, as well as the quantity of the product.

With respect to the quality, high standards will have to be met in order to satisfy, both the local and the international consumer. We should all understand that the better the quality, the better the price we will be able to command. There will have to be programmes to educate the farmers with respect to ensuring that the farmers produce the kind of ideal quality product that will be able to capture, as well as retain the foreign markets.

With respect to quantity, very often we know that small farmers experience difficulty in producing large quantities of any particular type of crop for any sustained period of time. This, of course, would hamper the export thrust that the Government is embarking upon and we would want the Corporation to enthusiastically pursue. So with respect to quantities, I can see as well the Corporation encouraging agricultural co-operatives, bringing people and communities together into co-operatives, after the Corporation would have sourced a market for a particular produce, and getting them to grow the crops in sufficient numbers in order to satisfy the demand for the product abroad. I also see this as assisting in job creation and, indeed, in building communities, as we establish agricultural co-operatives and, of course, overall contributing to benefit the society.

Mr. Speaker, the Export Development Corporation which was established in 1985, has done some work with respect to finding markets for the exportation of non-traditional crops. In my view, its work clearly indicates that there is a great need on the international market for produce from our country. It indicates as well, that all we need is to get out there and vigorously tap this market. I would just like to give some figures which indicate this.

In 1986, the total export of agricultural produce for the Export Development Corporation was \$1,450,191. That was in its first year. This increased in 1987 to \$2,720,183. It grew further in 1988 to \$3,947,218. It grew further still in 1989 to \$5,220,242. It fell somewhat in 1990 to \$4,551,532. In my view, this demonstrates the great potential for marketing agricultural produce in the foreign markets, particularly in the area of the non-traditional crops.

I would just like to zero in on the exportation of fresh pumpkins. When we look at how the figures, with the exportation of fresh pumpkins, grew from 1986 to 1990, it would indicate that there is a vast market out there which we can tap and indeed, the overall country can benefit from. In 1986, the Export Development Corporation exported \$125,920 worth of fresh pumpkins to the United Kingdom. That grew in 1987 to \$203,000. In 1988 it grew to \$334,000. In 1990 it decreased slightly to \$311,446.

So you will understand that outside of the traditional crops, with crops such as pumpkins, peppers, ginger and so on, a certain amount of work has already been started. This particular bill and this Corporation which we are advancing here today, will be able to advance the work of the Export Development Corporation and to work alongside with the view to benefiting the country through a greater export thrust or a greater marketing capability of our agricultural products which we can produce quite easily in Trinidad and Tobago.

Mr. Speaker, when we look at the functions of the Corporation again, clause 9(2)(b) states:

"develop and provide information in respect of domestic and export markets in order to assist in the efficient organization of production, storage and distribution of agricultural produce and food products in a manner that promotes entrepreneurial development;"

2.15 p.m.

Mr. Speaker, in my view, this function is very vital and I would like to indicate that along with dealing with other aspects of the marketing sector, what

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the corporation would need to look at as well is the variety, packaging and very important, the use of fertilizers and chemicals. I say this because the developed countries test for residue of chemicals and acidity in fruits and crops that they would import from time to time. Therefore, we will be required to have or implement a very strict guideline, with respect to the use of chemicals, so that our produce would have the residue of such chemicals at an acceptable level in order for us to continue holding the market and for our produce on the international market to remain acceptable. Thus, we need educational programmes to be mounted for our farmers with respect to ensuring that strict and rigid procedures are followed when it comes to these types of things.

When the Member for Oropouche gave his contribution, he sought to give the impression that this Government is averse to giving subsidies in the agricultural sector. He stated that all over the world, farmers are given subsidies in order that they can provide food at a reasonable price to the consumer. As I said, he sought to give the impression that this Government is allowing the farmers to bear the whole brunt of the cost of food production. I want to indicate that this is not so, as he well knows. Subsidies are provided in several areas in the agricultural sector. I have a little document in my hand, *Incentives in the Fishing Industry*. So with respect to the fishing industry, exemption of purchase tax is given on boats. There is also duty-free concession on fishing nets and other types of fishing gear, fishing hooks and so on, as well as rebate on gasoline, diesel and lubricating oils used. Apart from that, there are subsidies on soil conservation and vehicles, tractors, four-wheel drives, land rovers and so on. Apart from that, there are subsidies on other types of crops such as sugar cane, coffee, cocoa, sorrel, as well as milk. I am certain that the Minister, in the closing stages of this debate, would be able to further advance to the Member for Oropouche, the quantum of subsidies that are given on various crops.

I want to indicate that the problem with the CMA is not the fact that subsidies are not given to them as the case might be. The problem with the CMA is the inefficiencies in its operation which has resulted in Government's subvention to the particular organization, being made the order of the day. That is where the problem is. What we must understand is that from year to year when these subventions are given, they are given at great cost to the taxpayer. I have some figures here which indicate that Government's subvention to the CMA in 1984 amounted to \$17.8 million. In that said year, the Central Marketing Agency had an operational deficit of \$27.3 million. In 1985, Government's subvention to the CMA was \$20.6 million and in that year the operational deficit was \$16.3 million.

In 1986, Government's subvention amounted to \$11.7 million and the operational deficit was \$15.7 million. In 1987, Government's subvention was \$10.8 million and the CMA had a deficit of \$15.4 million.

With dwindling financial resources, surely, one would expect the CMA to organize its management capability and its business in a much more efficient manner. Therefore, this bill is one of the avenues in so seeking to restructure the organization in order to make it much more efficient.

When we look at the solution advanced by the Member for Diego Martin Central—because you would know, as I have said, the operations of the CMA have to do with its inefficiencies to manage and make itself financial or cost effective—he advanced a very quick-fix solution. It says here, and I quote from the *Trinidad and Tobago Guardian* of Saturday, April 13, 1991 on page 3—

"Diego Martin Central representative, Ken Valley, of the People's National Movement (PNM), has recommended retrenchment as one of the methods of making the Central Marketing Agency (CMA) more efficient."

Mr. Valley: Mr. Speaker—*[Interruption from public gallery]*

Mr. Speaker: Anyone in the public gallery interfering with the proceedings of the House will be asked to leave. No one in the public gallery should be interrupting any Member in the exercise of his responsibilities. Proceed, please.

Mr. Valley: Mr. Speaker, *Hansard* has a record of my contribution on that debate. If the Member is referring to my contribution, I would appreciate it if he would quote from the *Hansard*, which is the official version, rather than the newspaper version.

Mr. Hem Lee: Mr. Speaker, I have the unedited presentation of the *Hansard*. I want to read what he said from the *Hansard*. I want to put it on the record that nowhere did I read that the Member for Diego Martin Central denied that he said this in the newspapers. That is the first thing. It says here clearly—

"There might be inefficiency. Let us face it, in any organization at any time, there will be fat that you can always go in and cut. You can always make an organization more efficient. 'Do that. Change the board'. The organization has too many employees, retrench some of them if you wish."

[Interruption]

The Member for Point Fortin said:

"You saying that!"

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And he said:

“Listen, I am a businessman.”

Mr. Speaker, I am reading now from the *Hansard*. He said:

"Listen...."

This is what it says here.

2.25 p.m.

Mr. Valley: Mr. Speaker, the Member is wilfully leaving out two words. I said if the organization is efficient and there are too many employees retrench some, and I stand by that. I have no problem with that, but those are two important words.

Mr. Hem Lee: It is the same thing, but that is not the issue. The issue is that had that come from the NAR. they would have vilified us and say that the NAR is an uncaring Government, but the Member for Diego Martin Central who is the shadow Minister of Finance, advocated to retrench public servants in order to make an agency much more efficient.

Mr. Valley: Obviously, one sees again, that they just do not understand. If any business organization is overstaffed it has to come down to size. That is a factual situation, but that is quite different from a crucial public service.

Mr. Hem Lee: That is exactly what I am saying. I am saying that had that come from this side, we would have heard it high and low, that this regime is uncaring. That is the point and we must also understand that when the shadow Minister of Finance is advocating that kind of solution the population must be made very aware of what he is saying. That is the issue because they are the ones who always say that they care for people and put people first, but today, the member is indicating clearly, that once the thing is too heavy, you can retrench. He did not say anything about retraining, about doing a personal audit or having people not work one day or anything like that; he simply advanced a quick-fix solution in order to make the CMA efficient. I am saying that the population must take notice of this.

The fact of the matter is that we understand the situation as it is and we have decided that what we need to do is to restructure and to change the direction, in order to make it much more efficient and less burdensome on the taxpayers of the country and as a responsible Government, the Minister of Food Production has

come forward and advanced the argument for so doing and that is the way in which we are seeking to pursue. I want to indicate that in giving full support to this particular bill that has been moved so ably, by the Minister of Food Production, I am satisfied that the objectives as outlined by the Minister would surely be achieved.

I simply want to re-read that objective which he indicated: "The Corporation is intended for improving, developing and maintaining the domestic agricultural marketing system as well as the development of the export capability in the agricultural and food processing sector."

I have no doubt that these laudable goals that the new National Agricultural Marketing and Development Corporation intends to achieve will be achieved, once the bill is passed in this House and the Corporation comes to fruition.

Mr. Raymond Palackdharrysingh (*Naparima*): The hon. Member for Nariva stated that the major aim of this bill which is before us, is to transform the Central Marketing Agency, generally called the CMA, from the cumbersome, omnibus, umbrella agency which it has been for many years, into a scaled down, more clearly focused market-oriented institution.

He went on to say that the bill seeks to set up a structure, whereby the present increased production of agricultural, marine and aquaculture commodities can now find outlets both locally and abroad, at most competitive prices. In the longer term, if the bill succeeds in these purposes, there will be a greater stimulus to production in agriculture and fishing. One hopes of greater inclination towards investment in the agro-industrial and fishing area.

[MR. DEPUTY SPEAKER *in the Chair*]

That is his theme and his focus. Yet, for all that he has gone on to say, he recognizes that if the bill succeeds, what great conditionality, in other words, he is not even sure that what he is proposing is going to succeed. Such a hoax in this Parliament as to indicate the transformation of the CMA. into an institution that will be efficient and functional.

Let us look at what he is indicating. He indicated first of all that the idea of the original bill which puts into effect the Central Marketing Agency contained the revised laws of Trinidad and Tobago and he wanted to indicate what the CMA was originally set up to do.

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He then went on to indicate the difficulties experienced by the CMA in carrying out its mandate, and thirdly, he tried to indicate how the bill sought to treat the shortcomings by setting up more a specific and less wide-ranging mandate for the new body.

Mr. Deputy Speaker, when one looks at the CMA and its function under the CMA law, it is stated, as the Minister has also indicated to the Parliament, that it was designed:

- “(a) to regulate the wholesale marketing of agricultural produce and handicraft products;
- (b) to control and operate wholesale markets and to regulate the flow and movement of agricultural produce and handicraft products into retail markets;
- (c) to develop and carry out a co-ordinated programme for the purchasing, selling, handling, storage, processing, distribution, and transportation of agricultural produce and handicraft products and to operate and maintain services necessary or incidental thereto.”

Mr. Deputy Speaker, when we look at what are now the functions in the bill before us of the corporation proposed, it states at clause 9(2):

- "(a) facilitate and promote the effective and efficient marketing of agricultural produce and food products and advise on mechanisms available to enlarge the market for such produce and products locally and internationally;
- (b) develop and provide information in respect of domestic and export markets in order to assist in the efficient organization of production, storage and distribution of agricultural produce and food products in a manner that promotes entrepreneurial development;
- (c) establish and administer wholesale markets for agricultural produce and food products;
- (d) advise on policy formulation for the development and management of the retail marketing of agricultural produce and food products;
- (e) facilitate the promotion of agro-industrial development;

- (f) develop, administer and monitor a system of grades and standards aimed at improving the marketing of agricultural produce and food products;
- (g) take over relevant activities of functions previously discharged by the Agency;
- (h) lease any lands, buildings, facilities or equipment; and
- (i) do all things necessary or incidental to the foregoing and generally carry out the provisions of this Act."

Now, Mr. Deputy Speaker, is there really a fundamental difference in the aims and objectives of the CMA as presently obtain? And what is new here? As a matter of fact, if you look you are going to see what is emerging is merely an attempt again to knock out from the CMA certain services which are necessary but for which they cannot find an answer. Secondly, to insert clauses such as, "to facilitate the promotion of agro-industrial development", indeed, is a very general clause for which at this time projections cannot be made. And also, "to take over relevant activities or functions previously discharged by the Agency", again would suggest that there is discretion to the extent that the agency's activities will possibly never be streamlined because they have the wide clauses made in the provisions. Then the last clause in the section on the functions of the bill, "do all things necessary or incidental to the foregoing and generally carry out the provisions of this Act."

Mr. Deputy Speaker, those things could not be qualitative in its characteristics, neither can they be perceived as measures to transform the CMA, but perhaps what it might do is to relieve the CMA of some of the economic activities that they are not able to streamline but are, nevertheless, necessary for the good of the public.

What is even more telling, Mr. Deputy Speaker, is the fact that you are fundamentally changing what obtains as indicated by the Minister, yet, when it comes to the general regulations, you keep every single regulation unaltered. Is there a logic to that, Mr. Deputy Speaker? How can the regulations now be meaningful and relevant to a bill that is seeking to transform something supposed to be bad without itself undergoing some measure of amendments?

So what the Minister is attempting to do is to put old wine in new bottles. That is what he is attempting to do because if the laws are changed, it would seem to me that some of the regulations ought to change, but generally or in its entirety, all the regulations of the previous law have been retained. That, in my

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view is an attempt really to pull wool over the eyes of many of the people in this country.

I want to look at what has obtained in the accounts of the Central Marketing Agency for the year ended December 31, 1983, and this report was submitted on October 6, 1989. In the report of the Auditor General for the year ended December 31, 1983 the accounts of the Central Marketing Agency for that year were examined by a firm of chartered accountants engaged by the Auditor General for that purpose and their report thereon is attached:

“Trading and profit and loss account expenditure, \$14,534,307.16.”

So we had expenditure in excess of approved estimates.

“Authority was not seen for expenditure totalling \$173,108 incurred in excess of the approved provisions on five items.

Current transfers and subsidies, \$2,172,820.49;

Depreciation of assets, \$604,414.”

A charge for depreciation and buildings was not made in their accounts. In this respect, the requirements of international accounting standards have not been met. Deficit: \$18,157,535.38.

Sales and purchases figures were not verified as all relevant documents were not produced for audit. The balance sheet fixed assets:

The fixed assets register did not provide comprehensive information on the individual assets owned by the Central Marketing Agency.

Current assets—debtors, \$6,636,740.61.

Included in this figure \$6,636,740.61 were balances amounting to \$3,699,869 relating to four of the agency's largest customers. A total of \$1,715,262 of this amount remains unpaid for over six years up to the time of audit in 1987. It was not ascertained whether any provision was made in respect of these large amounts which were outstanding for the six years, the adequacy of bad debt provision is doubtful therefore.

Advances: Paddy rice—\$11,485,899.16. In December, 1982 the amount outstanding as stated in the general ledger totalled \$8,949,491.36. However, the amount claimed as owing to the agency as per letter dated December 8, 1983 to the Ministry of Agricultural Lands and Food Production was

\$5,980,126, a short claim of \$2,969,365 existed. The reason for this shortfall in claim was not given. The 1983 were similarly affected.

In liabilities, there was a bank overdraft of \$4.7 million approximately, and the authority of the Treasury to incur the overdraft on the current account was not seen. The development programme of \$2.6 million approximately, certified statements of cheques, disbursements and balances on all projects funded from the funds for long-term development were not made available.”

So tell me, is it really a problem of a structural nature, or is it really a problem of an accounting and management nature? It would seem that what was practised by the last regime was, in effect, not being tackled by the present regime.

2.50 p.m.

It would seem that the ministry lacked the power or will to do anything to correct what were basically—as admitted by the Member for Pointe-a-Pierre—inefficient operations. Mr. Deputy Speaker, can you imagine what the Minister was saying in his presentation, when he said that farmers would come into the market bringing their produce, selling it at one end, going to the next end, buying it again, bringing it back to the front, selling it again; and it was a form of corruption? A problem identified like that—could there not have been a mechanism to rectify that?

I just want to take a look at what the PNM had to say in its Twenty-First Annual Convention in September, 1984, in their *Comprehensive Political Report* on the said Central Marketing Agency:

"The farmers wholesale market which was opened in December, 1983 come into full operation following a period of adjustment during the first six months of 1984. The other major achievement was the completion of a 28 million pounds capacity cold storage facility at Chaguaramas, at a cost of \$7.987 million. This plant will be of immense benefit in prolonging the shelf life of agricultural commodities especially in times of over-production."

If that is so, Mr. Deputy Speaker, then what was the problem of buying the surplus in times of glut, storing it, and perhaps, when there was scarcity, releasing it to the market, in order, more or less, to achieve a sort of viable price? That was not done. But here it is stated that that is what the PNM had put in place. Again, the PNM in its 1986 manifesto stated and claimed:

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"The PNM has recognised the importance of a comprehensive and functional marketing system for agricultural development. In this regard, major initiatives taken over the years have produced positive results such as:

- (1) The Farmers' Wholesale Market at the Beetham Highway which now handles approximately 800,000 lbs. of farmers produce valued in excess of \$1.5 million on a weekly basis;
- (2) The Central Wholesale Fish Market at Sea Lots through which some 40 per cent of the country's fish is now traded;
- (3) Establishment of the Food and Agricultural Corporation (FAC) which is already actively engaged in local marketing operations of agricultural produce, especially of a contractual basis and is now pursuing export market. The FAC has commissioned a food handling facility at Freeport with a capacity of 200 tonnes of food crops and vegetables per month.
- (4) Regulation of trade in agricultural commodities in order to provide local farmers with a reasonable level of protection from competing cheaper imports, while they develop their technological efficiency and commercial competitiveness."

They undertook to purchase farmers' figs at a guaranteed price; to maintain the regulation of the poultry industry; and to establish a market information system.

Now, Mr. Deputy Speaker, has that changed fundamentally, in this so-called transformation what we should now accept in respect of the previous practices prior to 1986? My contention is that nothing has been changed and therefore the claim of the agricultural sector as experiencing a growth, is nothing but an illusion.

I want to look at the *Central Bank of Trinidad and Tobago Annual Economic Survey 1990*, and to point out the sectoral composition of GDP at market prices, and current prices from 1986 to 1990 as a per cent of the GDP. Let us look at agriculture.

In 1986, the percentage of agriculture for GDP was 2.8 per cent; in 1987, it remained 2.8 per cent; in 1988, a slight decline of 2.7 per cent; in 1989, quite a significant decline from 2.7 to 2.1 per cent and in 1990, almost to the very slight increase from 2.1 to 2.2 per cent.

Now, Mr. Deputy Speaker, is that growth in the agricultural sector? How do we measure it? If there is a claim of overproduction and the CMA cannot effectively handle surplus, it is not reflected at all, in the proportion to GDP for growth in agriculture. When we look at some of the crops, we are going to see that there has been declining production. In the same document on page 82, we look at citrus fruits in terms of thousands of kilograms and we see a variation in that at the end of 1990 there is quite a significant decline from 1989 where you had 4,112 kilograms to 2,223 kilograms.

3.00 p.m.

Again, the production of coffee has more or less remained stagnant with slight variations. But of course, from a figure of 1,842 kilograms in 1987 taking a plunge in 1988, re-establishing itself in 1989, and of course, not surpassing by any great measure its production in 1990 of 1,935 kilograms.

I want to look at the production of tomato in terms of thousands of kilograms. In 1987, we had the production of 3,238,000 kilograms; 1988—2,278,000 kilograms; in 1989, 2,732,000 and 1990—1,025,000 kilogrammes—a drop. More or less, we can see a pattern emerging for the same things. Production and imports of selected products and local production of meat on the decline from 1986 to 1990 and I would not call the figures, though they are all listed there. But for beef and veal, there was a decline in production; pork, a decline in production from 1986 to 1990, and for mutton, there was a decline from 1986.

So, what we are witnessing is a decline in a sector that is important to the development of the country and yet, we find the Government not really addressing itself to handling the fundamental weaknesses of the agricultural sector. While he has indicated that he is concerned about the marketing function, other Members have indicated that you cannot look at the marketing function in isolation from what really obtains in the agricultural sector. Is it not clear that what is proposed will not as a matter of fact, guarantee the improvement of the CMA nor the agricultural sector? And to say in the manifesto what was promised—and obviously a farmer ought to have been in the new structure—and to omit it in the bill is to treat farmers with contempt in this country.

What is even more crucial is the response of the Ministry of Agriculture to the farmers themselves. Nothing has been said about the farmers in that respect, except to say that some of the farmers are undergoing some training at the university. But, he has not pointed out what percentage of the farmers will be trained and what percent of the total farming community will benefit from the

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streamlining of these activities. I think that report—and I want to call it “the Myers Report”,—tried to identify some of the problems in the agricultural sector, using extensively some of the figures produced from the 1982 agricultural census. What the Minister sought to do, was to look at some of the findings coming out of that report, synchronize them with what is the aspiration of the medium term macroeconomic programme and indicate that there is a plan to really transform the agricultural sector.

This definition of marketing is somewhat different from the general expectation. But if the marketing function is perhaps the final function of the whole system, with respect to the sales of produce, then there must be some linkage to the farmers as resource that is necessary for putting in place the whole system of agriculture. There must be some link with their training and preparation, there must be some linkage with what is going to happen in agriculture, with respect to access roads, and there must be some linkage with the provision of some of the basic tools and equipment for farmers in order that they produce. But these have not been addressed and again what you see has been explained is the matter of the reduction of subventions. And in the reduction of subventions, it is giving the impression that the NAR Government is beginning to streamline things. But you ask: at what cost and the disadvantage of whom?

Will the so-called new measures proposed in this bill be able to take care of the bad-debt situation of the CMA because NAMDEVCO is going to take over the assets and liabilities? Will the new measures be able to create the network responsible for the communication system to be effective? Will the new system be able to provide the sort of infrastructure with respect to wholesale markets throughout the country to co-ordinate more or less agricultural production and to utilize it in a way that is beneficial to the country? I have my great doubts about it because whatever you see today, whatever is being said, when you move around the country, you will see what is happening.

3.10 p.m.

Many markets are being set up along the highways and other places where vendors would catch the eyes of the buying public. Many people have migrated from one area to another—internal migration—and I do not think that any effort has been made to look at the internal migration and what it means for the provision of certain services.

Mr. Deputy Speaker, take a practical example, you go to the Princes Town Market on a Sunday Morning and what do you find? You find the whole town is

virtually cordoned off for people to be selling their products, either wholesale or retail. The Minister and the Government promised a long time ago, to put a market in Princes Town that would have met the needs of the people resident in that area. To that extent, they removed the county council to another building at an exorbitant cost per month and nothing has happened. The old county council building is still there with no use at all and there is no movement towards the building of a market with proper facilities for people to sell their goods and the same old story continues.

Mr. Deputy Speaker, can you imagine what is taking place in other areas, like Marabella, even in San Fernando and elsewhere? There has been absolutely no attempt by the present Government to improve upon some of the functional facilities, perhaps laid there by the previous government, no matter how ill-conceived and misplaced they were. But you will be told to wait for a comprehensive package, until all the relevant laws and what not are reviewed and so on. *[Interruption]* Why must I talk about Debe when I have an interest in Princes Town?

Mr. Deputy Speaker, I want to turn to one matter raised by the Minister, the matter of the employees of the CMA having to fit in their schedule of the Public Service Regulations and as a matter of fact, because they fitted in that schedule, they were not required to work at times when business was being carried out. If that was a problem, do you have to wait four years and more in order to start addressing that? If bureaucracy was one of the problems, could there not be some initiation by the Government to get the management of CMA and those who were involved as employees—if there is a union, I do not know—to sit and work out an arrangement, whereby some measure of amelioration would have taken place, so as to reduce Government's subventions on the administration and the working of the CMA? Nothing was done about it, except to state that it was a constraint. If that was a system which could not be resolved, has the new bill really provided for resolving that situation? You see the answer is clearly no, because if economic activities, with respect to the CMA would take place on special days, especially on the weekends, there must be some in-built mechanism to take advantage of that situation. So I cannot understand it all.

The other thing which I want to note, is that the CMA would be willing to export whatever produce might be grown. Over the years if you noticed what has been happening with agricultural lands, you would say that there is a diminishing amount of productive agricultural land. So on the one hand, you want to market

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agricultural produce, export it, and on the other hand there are diminishing agricultural lands with diminishing returns. Yet there would be no effort made to bring about some measure of balance between what is perceived for export and what lands are available for growth and production of produce. Again, if you read the Myers' report, he has pointed that out.

Mr. Deputy Speaker: The speaking time of the hon. Member has expired.

Motion made, That the hon. Members' speaking time be extended by 30 minutes. [*Mr. T. Sudama*]

Question put and agreed to.

Mr. Palackdharrysingh: I was making the point that there should be some measure of monitoring, with respect to agricultural lands to ensure that there is, in the future, the means for producing in order to market.

Marketing has been defined, or as indicated in the Myers' draft, that:

"marketing relates to all the activities between the stages of production: procurement, assembly, storage, processing and distribution of food products. The consumption and the manufacture and distribution of agricultural inputs such as seine, fertilizers, feed, pesticides and machinery. Co-ordination of these forces is achieved through the market process. It is the area of fresh fruits vegetables and food crops that market problems exist to such extent that production of farm incomes are adversely affected."

Mr. Deputy Speaker, if that is what marketing involves, according to the report which we have had before us from the Member for St. Ann's East when he was the Minister responsible for agriculture, there is no linkage whatsoever with some of these items here. This is the point I am making, that in an effort to streamline and to show a balance in the books by NAMDEVCO, you are going to trim some of the most useful and essential services to farmers and the provision of certain basic goods, and I do not believe that it is reasonable.

3.20 p.m.

I would like to suggest, therefore, that some attention be paid to some of the areas of weaknesses with respect to administration, with respect to making more efficient, some of the areas that brought about bad debts to the company through mismanagement and through neglect and carelessness, if you want to call it that—

the Minister seems to suggest, some measure of corruption. When that is done, then the wholesomeness of the wholesale market would begin to take shape.

There is just one other point I would like to touch. I am not clear as to what was being envisaged really, with respect to the marketing of fish. Indicated were two areas that would be looked at in Port of Spain and in Carli Bay, Couva, by upgrading facilities. But there are several other areas in the country where fishing is carried out for a livelihood. Some places on the north coast, Mayaro; certainly, on the south coast like Moruga, Morne Diablo, Iacos and these places. It is important also, to have facilities placed in these areas. You are going to start with two areas—if you say so—but there must be some indication as to when provisions would be made for other people in the country to benefit from their labour.

Go to the beach in Mayaro one day; see the fishermen go out, they throw their nets; they labour; pull them in; when they pull them in, you see few trucks or vans coming down the beach; there is some measure of bargaining and then after this takes place, sometimes the fish is sold; sometimes it is not because the fishermen think that they are not getting a fair price. In cases where they decide not to sell, they are faced with the problems of not having storage for their fish; or they might take it perhaps to the retail market and obtain a better price. In my view, for the fishing industry to be treated in such a way really shows great discourtesy to fishermen throughout the country.

The other related matter is the question of the National Fishing Company. What is the role of the National Fishing Company? Where is its catch taken to and sold, and how does that impact upon the local fishermen? Is it a matter outside the marketing arrangement of NAMDEVCO? Is that company a law unto itself? If that company should remain a law unto itself, then how would the co-ordination of fishing in this country be properly dealt with? What would be the encouragement to fishermen, if we have a company that perhaps is subsidized in some way, that would perhaps short-circuit the system that is put in place? Yet we expect the local fishermen to compete with them when they have added advantage.

It is my view that the Minister must explain the functions of National Fishing Corporation in the scheme of things. That is important to explain if one looks at a report in the *Sunday Guardian* of April 7, 1991. It is a fishy tale, and more or less from the figures given here by Frank Rampersad, one would see the enormity of the inefficiency of the National Fishing Company, but nothing has been

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mentioned about that in the bill. Yet those who operate under the umbrella of the National Fishing Company, carry on in a manner that is not particularly welcomed or healthy to fishing in this country. Therefore, the Minister would fail tremendously in his obligation not to address that matter, especially as he fails to give assurances to other fishermen throughout the country with respect to their earning a livelihood.

It is well known in this country that at certain times there are gluts of commodities being produced by the farmers. The simple law of economics applies where there is an over-abundance of supply; the prices would be low and when there is scarcity, there is the likelihood of increased prices for the commodity. The seasonal nature of some of the products would indicate that there is need for some measure of processing and storing so that in times of scarcity, we would be able to obtain a supply. Therefore, talk about the promotion of the agri-business just in a way leaves much to be desired.

I would like to hear the Minister tell the country what is being projected for the agri-industry. What are the industries identified? Where are they to be located? What is their expectation of what is going to be produced and how is that going to stabilize both the supply and the price of the commodity for the population at large? That is important because too often, we have our farmers having to dump their commodities when they cannot get guaranteed prices and ready markets for their products. Those are critical factors. Those measures have been spoken about for years and nothing has happened.

3.30 p.m.

You go all around the country and you see it. You see the overproduction of water melons one season; then again, you see scarcity; you see the overproduction of tomatoes, then scarcity, and when you want tomatoes in scarce times and you go to the supermarket, you will see imported, canned tomatoes. Those are some of the facts.

It is important that the Minister indicate what is on the drawing board for us, because it is not good enough to say that it is going to facilitate in the industrial development, without trying to intimate what has been set in place to facilitate such a move. The farmers in this country would be glad to know, not only the farmers but also the consumers, because the consumers would be a little more assured of finding a ready supply of their local products when it is needed.

We talk about the agricultural sector being a part of the entire economic system, but one has to look at what has been taking place from 1980 to 1989 with imports for food, beverage, tobacco, animal and vegetable oils. These are the figures for food alone:

Year	Million
1980	\$707.8
1981	\$839.7
1982	\$904.7
1983	\$928.8
1984	\$894.1
1985	\$764.1
1986	\$786.1
1987	\$833.4
1988	\$720.2
1989	\$863.0

There was an increase in 1989. The figures are also there for beverage, tobacco, animal and oil fat, so this will bring it up almost to the billion dollar mark.

When you look at exports for food, they say:

Year	Million
1980	\$176.9
1981	\$159.7
1982	\$125.5
1983	\$107.6
1984	\$100.7
1985	\$ 88.4
1986	\$160.6
1987	\$190.4
1988	\$241.7
1989	\$231.6

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It has increased to some extent between 1987 and 1989, but overall there is still a situation where import is so great that it has not really significantly altered our need for food and food security in this country. It has not done that and in that respect, there is need to expedite the agri-processing industry in this country, if only as a matter for providing some measure of security for farmers and some measure of food production for the country at large.

I do not think that the Minister cares much about this because he has not indicated at all what has been happening in this respect. It is coming to the close of the term for the Government and, therefore, something has to be done in Parliament and this is being brought here, merely consistent with a plan. I have no doubt also, it might be dictated by the IMF. with respect to the streamlining of the CMA.

For too long, we have been told that our population has not been able to manage a lot of the industries. For too long, we have heard about a lot of corruption, but there must come a point somewhere in the life of a nation, when we ought to move forward and bring out a renewed sense of self-esteem to our people, by equipping them to run their business. It must start with a comprehensive measure of education, and again that measure of education is not forthcoming.

The world is becoming complex and the longer we use the excuse of mismanagement and inefficiency, it would be a great indictment upon us with respect to motivating our people, changing their perspectives and their value system if we cannot instil in our people some of the values that are necessary for them to build confidence to produce, and at the end of the day to have a society that is geared for self-sufficiency.

When we look around, we see a number of Third World countries especially in the Pacific Rim that have been making tremendous progress with respect to their economic viability of the nations. Some of the leaders have said that it has to be education; it has to be the building of self-esteem; it has to be the wiping away of corruption, that people begin to feel part of the economic system; integrated and not alienated.

Unless we address these issues in the context of what is proposed, we are going to fail but in the end, as the Minister has said, I am not too sure that the change from the CMA to this NAMDEVCO bill will bring about what he hopes, because he has made it conditional and in that measure of conditionality, I am not

hopeful that anything much would happen, except the prolonged agony of some of our people.

Thank you

The Minister of Food Production and Marine Exploitation (Dr. The Hon. Brinsley Samaroo): I want to begin the summation of this debate by expressing my very deep gratitude to all those who spoke. I wish to deal especially with some of the substantive issues raised by the Member for Oropuche, but I would come to that after I have dealt with some of the other Members who have spoken in this debate.

I shall deal with the Member for Naparima first. I wish to tell him that when he is preparing for a debate, that he should try to read beforehand what this bill is replacing, what amendments; try to read statements by Ministers on matters like the fishing industry, so that he comes here informed.

He started off by saying and he ended by making the same point, that I was not sure that this NAMDEVCO would succeed, because I started off by saying "if this bill succeeds" and since I said "if this bill succeeds", then, I have great doubt in my mind that the institution we are trying to set up will succeed. He ends up by saying it is the same conditionality.

At the beginning of his speech he said it was a hoax that I have brought before the House and that I do not know if the bill would succeed. As someone who has studied Political Science, when we say, "if this bill succeeds", we mean if the bill succeeds in its passage before this House and in another place. If I were to say when this bill succeeds then the very same Member would accuse me of arrogance and ordering the House how to vote and saying beforehand that this bill must succeed. So, in my statement, "if this bill succeeds", has no bearing on the operation or the non-operation of NAMDEVCO because we are quite sure that when it comes into being it will work well, but I have in the normal parliamentary manner to say that if this bill succeeds, and I hope that this bill will succeed in its passage before this House and in another place because of its importance.

3.40 p.m.

The Member for Naparima also went on to say—and he repeated this—that the regulations in the bill that we are seeking to pass come here completely unchanged from what they were in the original CMA Act, Chap. 68:01, and I find that absolutely amazing, Mr. Speaker. Two entire sections of the regulations of the original Act are removed: sections 33 and 34, which take almost two and a

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half pages of close written type in the original Act. We also took certain parts from section 35 and put them in this bill, and indeed not all the conditions, all the regulations in the original Act, but just those that assist in focusing NAMDEVCO on the particular marketing functions which are envisaged.

However, here we have a Member of Parliament coming and saying that the regulations are unchanged, and then he says all the regulations of the previous law are still there and the Government is trying to pull wool over people's eyes, which I submit very respectfully, Mr. Speaker, that the hon. Member must prepare himself a little more properly, look at the bill that this one is seeking to replace, and see what changes have been made, and do not come here and say that all the original regulations are unchanged and the Government is trying to pull wool over people's eyes, because that is patently untrue. The hon. Member must read his legislation very carefully before seeking to mislead the House.

He wanted to know what we are doing about something he calls the National Fishing Company. I do not know of any organization called the National Fishing Company, but that is what happens when people do not prepare properly. On Sunday, March 3, 1991 I gave a very expansive statement to the Al Moorings Fishing Co-operative Society which was published subsequently in the newspaper and in which I indicated quite clearly what decision the Cabinet had taken with respect to the National Fisheries Company, if that is what he means. I indicated a number of changes that were going to take place. It is a fairly long speech; if the hon. Member wishes, I could send it to him. I shall read one paragraph from that particular speech, Mr. Speaker:

"Towards the development of a better marketing capability, the Government has now placed before Parliament a bill for the creation of a national agricultural marketing development company which will put in place the mechanisms necessary for the national development of marketing in the agricultural sector, including fisheries. With the closure of NFC, the new company will assume responsibility for the operation of the Central Wholesale and the Orange Valley Fish Markets. Such responsibility was, in fact, taken up by the CMA on December 1, 1990 and will be transferred to Namdevco as soon as that company replaces the CMA."

So its replacement by NAMDEVCO is one of the purposes of the bill that is now before the Parliament.

This bill was very well planned. I indicated earlier on that it formed part of the manifesto of the NAR. I spoke about it on Sunday, March 3 at Al Moorings.

The Member for Naparima, of course, possibly does not read as regularly as he ought to read or else he would have seen a comprehensive account of what the Government is doing about National Fisheries Company, and its very determined attempt to include local fishermen as much as possible in the reconstruction of that company which is why the speech was given to the Al Moorings Fishing Co-operative Society.

The Member for Naparima said that we are starting with two areas. We certainly are not starting with the two areas that were mentioned here. Apparently, he was not here for my budget presentation, Mr. Speaker, in which he would have heard extensively about what the Government has done and continues to do in Claxton Bay, in Carli Bay, in Orange Valley, in Gran Riviere. Of course, in their response, they said that these things that we are doing, good as they are, are not enough. That is the normal complaint one hears, but it does not mean that we are starting with these two fishing centres. In fact, these two fishing centres will be taken over by NAMDEVCO, but work is continuing on a number of fishing centres all over the country.

The Member also talked about the generalized nature of this legislation and he referred us to clause 9 of the bill which talks in general terms, as indeed all such bills must talk about, to facilitate and promote the effective and efficient marketing of agricultural produce and food products. He says that this is not sufficient detail. Does he expect to see a long list of tomato, cabbage, baigan, bodi, all the various things mentioned in a bill? These details are not to be put in a bill, Mr. Speaker, which must deal with the general parameters and the overall arrangements. What does the Government envisage that it is doing in the creation of this corporation? Those things are put in clause 9 of the bill and in a little more detail in Part IV, clause 31 of the general regulations. So I believe it is very important, Mr. Speaker, that the hon. Member understand how legislation is passed. You do not detail everything in any particular bill, but you state the broad policy outlines and you hope that the details will be filled out as NAMDEVCO comes into operation and as these general things that are indicated begin to be done.

Now, Mr. Speaker, to talk about some of the points raised by the Member for Diego Martin Central. The Member for Point-a-Pierre spoke about the formula for retrenchment that the Member for Diego Martin had envisaged. I wish to indicate to the Member for Diego Martin Central that when Members come to the Parliament, they must be very careful about what they say and how they say it. Shortly after the last debate, an article appeared in the *Trinidad Guardian*,

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Saturday, April 13, 1991 in which it was reported, "Valley favours lay-off at CMA." The result is that we have had a flood of requests, protests and enquiries, "Are you going to do more laying off at CMA in the way that Mr. Valley has recommended?" So that I feel, Mr. Speaker, Members of Parliament ought to be very careful about what they say in the Parliament and the way in which this gets reported in the press. It causes the Government embarrassment. We had to indicate quite clearly that that is a PNM position and that this Government does not intend to layoff anybody further in the Central Marketing Agency.

In fact, Mr. Speaker, as the Member for Point-a-Pierre was saying that the Member for Diego Martin Central simply speaks about laying off, once there is inefficiency, you lay them off. This Government did not do that. What we did is that we worked out an arrangement with the Centramart Co-operative with those workers who were to be retrenched to take over the operation of the agencies of the Central Marketing Agency in a manner that was satisfactory to the Government as well as to the workers. The Government ought be congratulated for this because we did not decide to simply lay them off or retrench them in the way that the Member for Diego Martin Central says, but we have worked out a very—*[Interruption]*

Go and ask the people in Centramart Co-operative. The Member for Oropouche said that this was a question of political patronage. It certainly is not political patronage. What we decided to do is call the workers, work out an arrangement with them, and let them operate the various agencies of the CMA in an arrangement that is mutually agreeable to themselves and to the Government. That is why the CMA is one area where you did not have large public protest. In fact, the arrangement that we have made with the CMA is now being used as a model for other areas in the Government where we have to do what the PNM prescribed but we do it with humanity, we do it with consideration for the workers.

Mr. Sudama: Could the Member give way to a question? Could he indicate to this House what is the status and viability of that co-operative which has taken over the assets of the Central Marketing Agency at this point in time?

Dr. Samaroo: Mr. Speaker, I cannot give absolute figures for what the accounts are. They are working, they are operational, they are in constant dialogue with the present Central Marketing Agency, and we are advising them on their accounting procedures, as to the setting up of their marketing institutions.

Mr. Sudama: Have they met the obligations to the Government?

Dr. Samaroo: No, they have not met their obligations to the Government, but we have worked out a time schedule with them, which is part of the whole arrangement for retrenchment. We do not expect those obligations to be fulfilled before another six or seven months. So far, they are fulfilling that section of the obligation, and we expect that the matter will be satisfactorily resolved when the agreed time comes to an end, which it has not at this particular time.

In any event, Mr. Speaker, I wish to warn this House and the country of the kind of economic advice that the PNM generally gives, and in particular, the Member for Diego Martin Central. In that particular respect, I wish to quote from an article on March 31, 1991 in the *Trinidad Guardian* called "Patrick Manning's master plan", given by someone called Mr. P. L. Cezair, who I am told was a member of that particular party. I think this House and this country ought to be apprised of the kind of advice that the Member for Diego Martin Central gives. I quote from the said article:

"When the PNM leadership speaks of being people-oriented, more caring, with a willingness to ease the pressure, this creates nostalgia for the good old days.

This energizes those who believe Mr. Manning will save their mortgages, make jobs for them, free them from the discipline of self-reliance and return them to the days of Government as mother.

Supporters accustomed in the past to PNM largesse, have been trekking back, calabash in hand, heading for Mr. Valley's promised land. In whatever form the PNM has now been re-emerging, it certainly is not new.... But it is Ken Valley's ideas that Mr. Manning has for the time being embraced as the economic blueprint for Trinidad and Tobago.

None of Mr. Valley's stated economic propositions are new. They have failed before."

This is not from an NAR document, Mr. Speaker, but it is from someone who belongs to their own political party.

Now, Mr. Speaker, to deal with some of the more substantive issues raised by the Member for Oropouche. The Member for Oropouche is quite contradictory in so much of what he says, and we are not at all surprised by that contradiction that ramifies itself in his speech continuously. He said, for example, that he applied

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for and he is responsible for the Debe Market, but then he went on to say that it was in the wrong place and on the wrong slope. So he asked for a market in Debe. The Government, as he claimed, responded to his request, and then he said, "But it is in the wrong place and on the wrong slope." I wonder if he is the one who also asked for the Macoya Market, the market in the North?

The Member for Oropouche said that the Government requested farmers to subsidize themselves to—

Mr. Sudama: Would you give way to a question? Would you tell this House whether my representation for the establishment of a wholesale market in Debe had any effect on the Government's decision?

Dr. Samaroo: Mr. Speaker, as the hon. Member for St. Ann's East who was then the Minister indicated, he had a job to do, he had to look at the whole country and see where markets ought to be located, and he decided that one was to be in Debe, the other was to be in Macoya. But the Member says that he is the one that brought it into being, and then he blames the location of the market. Instead of being thankful to the hon. Member for St. Ann's East for having put a market in Debe, he says it is in the wrong place and on the wrong slope. That is the kind of gratitude we have in Trinidad and Tobago, Mr. Speaker.

The Member also made the point that the Government has been forcing the farmers to bear the whole brunt of food production but with very little help. The Member for Point-a-Pierre has stated very clearly the number of areas and he has quoted from the relevant document, particularly in the fishing industry where there has been a good deal of indirect subsidies, and he has indicated that very clearly, so I will not go over that. But I also believe that the Member for Oropouche was not here for the budget when I indicated that in 1990 alone, this Government gave \$33 million in subsidies to farmers for cocoa, coffee, rice, milk, coconuts and copra; to mention only a few. I do not think he was here when I detailed the exact subsidies to each of these areas and the totality of that particular subsidy.

3.55 p.m.

He asked if there is going to be a postal agency in the Debe market. We have made enquiries from the postal department and they have indicated that there is an approved site in very close proximity to the Debe market, therefore, there is no need for a post office in the Debe market. Apparently, the Member for Oropouche does not know that.

Mr. Sudama: Would the hon. Member give way to a question? How long ago was this site approved? Was it 10 years ago since I have been making representation for a post office in Debe? Why is it that your Government refuses to spend a pittance—

Dr. Tewarie: I think the hon. Member is out of order. He is addressing his questions directly to the Minister and not to the Speaker.

Dr. Samaroo: You see, Mr. Speaker, the Member is now getting information that there is going to be a postal agency in Debe. Now that he has gotten the information, he stands and takes front by saying he is the one who asked for that postal agency. If there is already a postal agency, why did he ask if there is going to be one in the Debe market? Continuous contradiction all the time on the part of the Member for Oropouche.

Then he talks about the status of the audited accounts—since this Government came into office we have not audited the accounts of the CMA. When he took responsibility for the CMA, the last audited statement that was prepared for that agency was in 1978. We have, so far, audited all the accounts up to 1985. We have now completed amendments on the accounts of 1986 and 1987; and have reached the final stage for 1988 and 1989 which is the trial balance. So that the last audited accounts I indicated we found were for 1978. We have worked on the accounts right up to 1989. Yet the Member for Oropouche spoke about audited accounts of the CMA—and indicated that this Government has not been auditing the accounts.

Mr. Speaker, there is another point I want to deal with, that was raised by the Member for Oropouche, and I think it is an important point that must be dealt with, because it indicates the fundamental difference between the thinking of those of us on this side and the thinking of the Member for Oropouche. He said that because of the special skilled qualifications that are required—and this was repeated by the Member for Naparima, so that one ought to deal with it—of members of the CMA, no farmer will be represented on the CMA. I want to go through this and to deal with it at some length—the kind of experience in matters relating to clause 4; matters relating to economics; finance and management; marketing; food technology and agro-industrial processing, nutrition or other field of agro-business. Then the Member for Oropouche and the Member for Naparima went on to say, "that what the Government has done is put these conditions so high that farmers will not be represented.

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I think this represents a fundamental difference between ourselves and themselves because we on this side believe that there are farmers in this country who are experts in agro-industrial processing; in other fields of agri-business; in marketing and in food technology, therefore, when we took these specifications we are quite certain that among the farming community, we shall find persons who are thus qualified. Members of the Opposition do not believe that. They believe that farmers are illiterate, farmers are incapable of performing these functions and therefore, in their view, no farmer will be on the board. I wish to let them go and look at two other boards that come under the aegis of this particular ministry. The Member for Naparima must be particularly careful—look at the same kinds of high qualifications that are required and look at those boards and he will see farmers on them.

Mr. Palackdharrysingh: Why could the hon. Minister not have drafted the legislation in such a way as to include farmers, and when you are looking for somebody find a farmer with this special skill rather than the other way around?

Dr. Samaroo: No, there is no need for that. There are specific requirements you need for NAMDEVCO. We are not saying we should put farmers, fishermen, cooks or gardeners. We are not defining it by that category, but we are defining the special areas of expertise that are required.

I have before me, Mr. Speaker, the Board of Directors of the Central Marketing Agency which is a highly specialized agency, and you have a farmer from Aranguez, for example, who is not an engineer or a marketing expert in their terms, but as far as this Government is concerned he is a farmer who is well qualified to sit and exercise these particular functions. On the Board of the Agricultural Development Bank where the Act states that you need people of such high expertise, we also had three farmers out of six representatives, and yet the Members are saying that we have placed the qualifications on this board so high that farmers and fishermen will not find place. I wish to reiterate—

Mr. Sudama: Could the hon. Minister tell us who these farmers are on the Board of the Agricultural Development Bank with the respective skills that you indicated?

Dr. Samaroo: Yes, I would. Mr. Prakash Narinesingh, a fisherman from Orange Valley.

Mr. Palackdharrysingh: From which constituency?

Dr. Samaroo: I do not know his constituency. Mr. Glen Ramjohn, an executive of the National Food Crop Farmers' Association—you must tell him he is not a farmer do not tell me he is not a farmer; Rev. Garnet Springer, an agriculturist from the Tabaquite area. Three farmers out of six persons. I could talk about Dr. Rajkumar who is also a farmer but I would not include him because that would make it four out of six, but then you would say it is because he comes from the university.

Here we have three people out of a board of six fulfilling these same precise and high qualifications and they are farmers performing very well on the Board of the Agricultural Development Bank. It is the same kind of thing that is envisaged on the board of NAMDEVCO where you would require these high skills, but because this is a Government that has confidence in the farmers and fishermen of this country, we are sure we would be able to find people who possess these skills.

Mr. Palackdharrysingh: Would the Minister say for sure whether or not by the present arrangement that you are always going to have a farmer there? Secondly, would the farmers' organization really have a chance to nominate one of their representatives on the board?

Dr. Samaroo: On both counts, yes, Mr. Speaker. Because so far as the ADB is concerned, we requested organizations to nominate people and so they were nominated to the ADB. There is no reason why this procedure should change. I cannot speak for any other future government that might be operating this NAMDEVCO Bill, to say that they would ensure that farmers are kept on the board, but as long as the NAR is the Government of this country, now and in the next government, you would find that farmers will certainly be on the board of the National Agricultural Marketing Development Company.

I think it is absolutely important that Members on the other side understand the difference between the philosophy that guides this particular Government, and their own philosophy. They say one thing in public and they come here and say that they cannot find farmers and fishermen who would be able to function in the professional and expert way in which we expect the National Agricultural Marketing Development Company to function.

Mr. Speaker, I think that these are the major points I wanted to make in respect of the arguments raised by Members on the other side. I wish to reiterate the view that I had made at the beginning, which the Member for Naparima

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summarized so very well, that instead of an omnibus organization namely, the CMA, which has so many diverse functions which it could not perform, we have decided that out of all those diverse functions, we are going to focus on the marketing arrangements, and those marketing arrangements and the new focus are going to be exemplified in the CMA.

4.05 p.m.

Ministers of Government in Parliament and outside of Parliament have been talking about the other kinds of infrastructures that we have been laying down. For example, I have indicated on many occasions, that it is to a large degree—and the Member for Oropouche would strongly disagree with this—because of the incentives we have given to rice farmers—loans, for example. A whole new range of machinery has been developed by CARIRI; the new varieties of seed that we have imported from Colombia which we have bought at \$1.50 and sold to farmers at \$1.00; it is these things that the Government has deliberately done. We have increased rice production from three million pounds in 1986 to 33 million pounds in 1990. So that those other infrastructures have certainly been put in place. This then, is part of a whole general agricultural programme for dealing with this particular piece of legislation with the marketing section of that comprehensive programme.

I repeat I hope that this bill will be passed. If it is passed—and I repeat this for the benefit of the Member for Naparima—we can assure the country that we will be putting in place an institution that will provide a good deal of assistance to the marketing sector of this country.

Mr. Palackdharrysingh: Mr. Speaker, on a point of order. The Member is misquoting me. I want to read what I said, because I quoted him so he will get the drift of what he said.

"The bill seeks to set up a structure whereby the now present increased production of agricultural, marine and aquaculture commodities can now find outlets both locally and abroad and at most competitive prices. In the longer term if the bill succeeds in these purposes there will be greater stimulus to production in agriculture and fishing."

Dr. Samaroo: There is no difference. It is the same thing he is saying in different words—that if the bill succeeds either in the short term or long term [*Interruption*] "These purposes" for which it has been set up. We do hope that

this bill will succeed in its passage through this House and, therefore, I wish to commend it to all Members of the House.

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 to 3 ordered to stand part of the bill.

Clause 4.

Question proposed, That clause 4 stand part of the bill.

Dr. Samaroo Mr. Chairman, the amendment which I am proposing to Clause 4 seeks to do two things. One is to increase the size of the board and to specify a number of areas which we think ought to be included in this bill namely, a representative from the Ministry of Agriculture and from the Tobago House of Assembly. That is the first function that the amendment seeks to do. And then amendment 4(1)(a) seeks to declare a quorum for the said NAMDEVCO, which quorum was left out in the original drawing up of the bill.

Mr. Chairman: Please read out the proposal.

Dr. Samaroo: In clause 4, delete existing subclause (1) and replace as follows:

- "(1) The Corporation shall consist of nine members selected as follows—
- (a) six members appointed by the President, each of whom shall respectively have special qualifications or experience in matters relating to—
 - (i) business management;
 - (ii) finance or management accounting;
 - (iii) produce marketing and trade;
 - (iv) food technology or agro-industry;
 - (v) information technology; and
 - (vi) agricultural production;

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- (b) a representative of—
 - (i) the Ministry responsible for agriculture; and
 - (ii) the Tobago House of Assembly; and
- (c) the Chief Executive Officer who shall *ex officio* be a member of the Corporation.
- (1A) Notwithstanding subsection (1), vacancies in the membership of the Corporation shall not affect its legal existence, unless its membership is reduced to less than five."

Question put and agreed to.

Clause 4, as amended, ordered to stand part of the bill.

Clauses 5 to 12 ordered to stand part of the bill.

Clause 13.

Question proposed, That Clause 13 stand part of the bill.

Dr. Samaroo: Mr. Chairman, clause 13 seeks to appoint a Deputy Chief Executive officer in addition to the Chief Executive Officer. It reads as follows:

- 13 (1) Subject to section 14, the Corporation may with the approval of the Minister appoint—
- (a) a Chief Executive Officer, who shall be responsible for carrying out the decisions of the Corporation; and
 - (b) a Deputy Chief Executive Officer, on such terms and conditions of service as the Minister shall approve.
- (2) Subject to section 14, the Corporation may, on such terms and conditions of service as it thinks fit, appoint a Secretary, a Corporate Manager and such other officers and employees as may be necessary for the efficient administration, management and performance of its functions."

Question, put and agreed to.

Clause 13, as amended, ordered to stand part of the bill.

Clauses 14 to 33 ordered to stand part of the bill.

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

Bill reported, with amendment; read the third time and passed.

House resumed.

4.15 p.m.

BUSINESS OF THE HOUSE

Mr. Speaker: Just before we rise for the tea break, at 2.45 p.m. I received the 1991 Report of the Elections and Boundaries Commission on the Review of Constituency Boundaries, pursuant to section 72 of the Constitution of the Republic of Trinidad and Tobago from the Chairman, Sir Isaac Hyatali.

It is unlikely that we would have a sitting next week in view of the CPA Conference which will start over the weekend. Although it is not printed in the Order Paper as a document to be laid, I would like to have leave of hon. Members to have the document laid this afternoon so that it can be made public.

Question put and agreed to.

PAPER LAID

The Minister of Industry, Enterprise and Tourism (Dr. The Hon. Bhoendradatt Tewarie): Mr. Speaker, as you indicated, this was only made available today to you and to the hon. Prime Minister of Trinidad and Tobago. As a result, no one on this side of the House or in the Parliament knows what is in this document that we lay this before this honourable House. At some later time, after it has been read, we will comment.

The 1991 Report of the Elections and Boundaries Commission on the Review of Constituency Boundaries pursuant to section 72 of the Constitution of the Republic of Trinidad and Tobago.

4.20 p.m.: *Sitting suspended.*

5.00 p.m.: *Sitting resumed.*

DOMESTIC VIOLENCE BILL

Order for second reading read.

The Minister of Social Development and Family Services (Dr. The Hon. Emanuel Hosein) Mr. Deputy Speaker, I beg to move that a bill to afford protection in the instance of domestic violence by the granting of a protection order and to provide the police with powers of arrest where a domestic violence offence occurs, and for other purposes, be now read a second time.

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Violence in the home has emerged as a serious issue and indeed the subject of worldwide debate. The problem has been recognized internationally and is seen as a serious obstacle to development and peace and the implications for equality between the sexes are obvious. Today the violent mistreatment of women and violence perpetrated by one member of a household against another, have brought about strong public reaction in Trinidad and Tobago. There has been a lot of criticism of that situation, and many victims have indeed been forced to take their case to the media in order to make the public aware that domestic violence and wife abuse are very serious problems in Trinidad and Tobago.

A most important factor of domestic violence that we must be mindful of is that this form of violence takes place within the sanctuary of the home; within the confines of the family, and as such, remains in the society, a very well-kept secret. In addition, victims face unique circumstances because they live with their victimizer. An even more insidious aspect of this form of violence is that battered persons face repeated victimization that few victims of violence have to confront. If you are assaulted in a dark alley, you are unlikely to face the same person again. Not so in the case of domestic violence.

Data collected from within my ministry reveal that domestic violence in Trinidad and Tobago is widespread, present in every county and in every class of citizen. I want to quote, at this stage, from an extract entitled *Statistical Data on Battered wives, Probation Department Area III*—the Area III, I am referring to includes the Nariva/Mayaro and St. Patrick districts. The figures I am about to quote relate to the years 1984 and 1987. In 1984 the area comprising San Fernando, Princes Town, Rio Claro, Mayaro and Point Fortin show that there were 58 instances of reported domestic violence in that area of the country. Fifty-three of the 58 were for frequent incidents of violence; alcohol was associated with 27 of those cases and other drugs, six. For 1987, the total figure was 88; 73 was for frequent incidents of violence; alcohol associated with 54 of those instances and other drugs, 12.

I wish to assure that these statistics are indeed unduly high, especially when viewed in the context of what is the norm, that is, that the general tendency among women, is not to report domestic violence. Statistics from the Halfway House in South Trinidad during the period May, 1986 to December, 1987 revealed that 250 persons were housed, of which 55 per cent were seriously battered women, while 60 per cent of these women left home with their children

and the remaining 40 per cent were unable to escape with their children and had to make arrangements for them at a later date. Information from the Rape Crisis Center in Port of Spain, shows that in 1990 alone, 131 new cases were counselled. These statistics reveal certain things about what is happening or what is known to happen, because a lot, as I have mentioned, remains unreported. Analysis of the statistics given above, reveal that the abuse took various forms, such as, punching, hitting, choking, slapping, chopping and the use of other weapons.

In the Caricom region, Trinidad and Tobago is not alone in its concern about the violence which, over time, and especially in recent times, has been publicly manifested in our society. Regional Ministers responsible for women in development issues have mandated the Caricom Secretariat to prepare model legislation on domestic violence, sexual offences, sexual harassment, among others. The model legislation was on the agenda of the Fifth Ministerial Meeting of Ministers held in Belize in February of this year. The Commonwealth Ministers responsible for women in development issues and the Inter-American Commission of Women—an organ of the OAS—have also been pushing for legal action at the international level.

The bill placed before us today, namely, the Domestic Violence Bill, and of course, the Act to follow which is the amendment to the Evidence Bill, deal with a social problem and by virtue of their nature must result in an examination of our social value system. Violence in the family does not only adversely affect the self-esteem, psyche and the economic potential of victims. It is well known that the battered victims themselves, in reaction to the violence meted out to them, reek violence on their progeny. There is also a tendency for violence in the family to radiate into the wider society. Terrified children who witnessed battles between their parents tend to come to accept that violence is somehow an appropriate way of dealing with problems, frustrations or whatever is troubling them.

The Bill before us seeks to break this cycle of anti-social behaviour. I stress to all hon. Members, that this Bill does not propose any radical change in the existing law but provides for persons in certain specific situations to remove themselves from what is generally called domestic violence. The object of the legislation conforms with Government's policy to preserve family life. I want to, very briefly, quote from the manifesto at page 27:

“Under an NAR Government, the State will spare no effort to fulfil its obligations to our citizens in all areas of the social system.

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The weak must be afforded the necessary state support systems to make them strong or to protect them from the strong."

This policy is also set in the wider framework of Government's commitment to the principle of social justice for all citizens and the elimination of any lingering discriminatory provisions against women in our legislation and is clearly stated in our policy statement on women. Government has consistently reiterated, in its policies, the concept of human dignity as an essential attribute of every single human being at any level of our society; the provision of social justice for all peoples and the recognition of the equal complimentary roles of women and men.

In 1988, the Ministry of Social Development and Family Services was established, through which Government proposed to integrate all the separate departments which dealt specifically with social and welfare matters and the concerns of women and children in the family. Prior to the establishment of the Ministry of Social Development and Family Services, the Government, on April 22, 1987, appointed a committee to examine the entire family services delivery system in Trinidad and Tobago.

The committee's mandate was the provision of a system of delivery of family services which will effectively address all conditions of families in need and in particular the need of such services or any particular aspect thereof, with particular reference to abused children, battered wives and mothers and for the utilization of services of persons and voluntary organizations in an integrated and co-ordinated manner at the community level.

A first phase implementation of the major recommendation of that Cabinet-appointed committee, was the establishment in 1990 of the Family Services Division, in my ministry, headed by an appointed Director. In this context, family services may be defined as a provision aimed at responding to the developmental and welfare needs of families and children. Its goal is to aid individuals and family members in achieving harmonious relationships within the family, thereby contributing to the development of the nation.

In tandem, the national machinery for women has also been upgraded and as reflected in the *Macro Planning Framework, 1989-95*, Government is pursuing a policy on gender development and will—I want to quote at this stage:

"....create a national environment in which both sexes would be supported and challenged to develop their full potential based on ability and interests and not on gender based roles."

5.10 p.m.

Government's efforts in the area of social support services have historically been channelled mainly through non-governmental organizations. Government relies to some extent on these groups to fill the gaps where the public sector cannot fully operate

In 1991, Government increased subventions to a number of these organizations, that is those organizations which are providing care services to children and battered women, such as The Shelter, Samaan House and The Child Welfare League. Further subventions were also granted to three or four additional organizations which provide homes for abandoned children

In addition to this, we have provided more funds to the extent of \$1 million to increase the manpower resources of the family. Government has also recently provided capital grants and soft loans to the half-way house in Gasparillo and the St. Vincent de Paul Society for senior citizens.

The strategies pursued by Government in this respect are consistent with the Constitution of the Republic of Trinidad and Tobago in which is embodied in section 4, the principle of the equality of men and women in Trinidad and Tobago. To date, and consistent with its commitment to social justice, has been passage of the following legislation.

In 1989, Matrimonial and Property (Amdt.) Act, which seeks to reduce the period of filing for a divorce from three years to one year; in 1989, Attachment of Earnings Maintenance Act (which has not yet been proclaimed), to provide for the machinery, whereby a court can authorize an employer to remit money directly from a person's wages to the recipient. In respect of this Act, I am advised that proposals are being finalized which would facilitate its proclamation. Legislation which is before us today continues this trend.

You will note, that this principal legislation before us is entitled the Domestic Violence Bill. This bill seeks to provide protection for persons in family relationships who are victims of violence meted out by a member of the immediate family. It intends to institute a novel remedy in the nature of an injunction, that is, a Protection Order by which a spouse or other member of the family may be restrained for a period, from attempting to do violence to other members of the family, as well it proposes to include within the family common-law relationships. I will refer to this at a later stage and that is the importance of so doing.

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In this way, the bill adds to the present procedure now only available under the Matrimonial Proceedings and Property Act under which married persons can obtain injunctive relief in certain circumstances, and it also affords unmarried persons a procedure alternative to that under the common-law, by which injunctions can be obtained in an action of assault and battery. The alternative procedure sought to be instituted in the magistrate's court will provide a simpler, speedier, more affordable and accessible mechanism to victims of domestic violence than the procedures at present available.

The bill reflects an appreciation that violence in the home, especially in the extended care family situation, encompasses more than husband and wife beating up on each other. The relevance of this and the inclusion of the common-law relationships within the ambit of this bill, is particularly important in this society because the statistics will reveal that we have a high percentage of common-law relationships, and that the social norm in Trinidad and Tobago, is that, many sectors of the society indeed function in an extended family situation. As such the persons entitled to seek the benefits of a protection order are not restricted to a spouse or a child, but include a parent, and a dependant who is physically or mentally disabled.

As stated earlier, the bill does not purport to radically change the existing law. It proposes in Part I, to classify certain types of behaviour which already have the sanction of the criminal law as domestic violence. These acts just to mention a few, include murder, manslaughter, assault or attempts at the same, shooting or wounding with intent to do grievous bodily harm, inflicting injury with or without a weapon, ill-treatment; neglect or abandonment of children and are already serious offences under the criminal law, attracting very heavy penalties. The only offence probably so-called which this bill seeks to create is by clause 18 for breach of a protection order.

Part II of the bill enables the victim to seek a protection order, and I want to emphasize not exceeding 12 months, so that the perpetrator of the offence is restrained from continuing the behaviour complained of. It just provides a form of injunction relief specifically designed to be speedy. The victim whether it be a child, a spouse, including a *de facto* spouse or common-law spouse, or other dependants normally resident with the perpetrator, may of his or her own accord go to the magistrate's court and under the bill apply for a protection order, and the magistrate's court may direct that proceedings be heard in camera.

The importance of this provision is that—and we are all aware of this—people in this country, and I dare say all over the world, have difficulty in going

to an open court and speaking freely about all their domestic matters. Indeed, this is one of the constraints in the present legal system where persons who have been subject to violence hesitate from pressing charges, because they know when these matters come to court they have to testify about all their private business.

The magistrate may, depending on the circumstances, issue an interim order, not exceeding 14 days, on the victim's evidence until such time as both parties can come before the court. In other words, if perchance the applicant goes before the magistrate seeking relief and the person against whom the complaint is being made, does not come or cannot come to the court to give his or her side of the story, the magistrate may, on the evidence of the complainant, issue an interim order not exceeding 14 days on the victim's evidence until such time as both parties can come before the court.

The involvement of the police at this stage is not crucial nor are there criminal sanctions. Should the protection order be breached by the respondent, the police may then on that occasion charge the person who of course is subject to the weight of the full criminal law. It should be noted that clause 4 provides that in certain circumstances and for certain kinds of conduct, the court may at any stage of the proceedings, instead of granting a protection order, accept an undertaking from the perpetrator. That is an undertaking for him or her not to engage in whatever is the conduct complained of. A breach of an undertaking like that of a protection order will attract the full weight of the criminal law. In other words the penalty for breaching an undertaking is the same as for breaching the protection order. The undertaking by eliminating the necessity for a full hearing is intended to speed up the court process even further, and like the counselling provision provided for in clause 5 (iii), is further intended to effect reconciliation of parties as far as possible.

The point here is that there is a view that once a member of the family seeks a protection order, the very act of seeking that protection may itself be the source of friction within the home.

5:20 p.m.

The provision of the undertaking and the opportunity for the court to mandate counselling, provides an opportunity for the situation to cool down and for both parties to receive some kind of professional help. The idea, Mr. Deputy Speaker, is to ensure as much as possible that someone taking action under the provisions of this bill does not become the source of a problem within the home.

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The magistrate in giving a protection order may, among other things, prohibit the perpetrator from being on the premises where the victim resides or works, from contacting that person and even prohibit the perpetrator from engaging in conduct of an offensive or harassing nature.

Mr. Deputy Speaker, I do not know to what extent hon. Members may be aware of the kind of things that happen in circumstances where relationships are broken down—[*Interruption*] I am grateful to the Member for Couva South who says "very often". When it does, the kinds of behaviour that take place sometimes is amusing when you hear it but not so musing when you are involved. People go to the workplace of their spouse or *de facto* spouse, they harrass them, they call them, they abuse them and so on, and this provision is intended to provide powers to the magistrate to specifically prohibit such behaviour.

The court may also prohibit the perpetrator from taking possession of personal property or may give a direction to return specified personal property in the possession or control circumstances, Mr. Deputy Speaker, is to take up some item that is essential to the functioning of the victim and go away with it and hide it, dispose of it, just to deny that person the use of it.

The bill also specifies that the court, in deciding what sort of prohibition to impose in the order, shall have regard, *inter alia*, to the welfare and accommodation needs of the victim and of any hardship that may be caused by the order.

Mr. Deputy Speaker, I wish to make a point that is very relevant at this stage, and that is, while the bill seeks to give power to the magistrate to do all of these things and to issue a protection order containing all of these restraints, the bill mandates that the magistrate, in determining what should be included in a protection order, must have regard to the needs, first of all, of the victim and, indeed, any hardship that may be experienced by everyone.

A typical example in such circumstances is the possession of a car. For example, the mother may be the person who would normally take the children to school with the family car. The husband in this instance may say, "That car is in my name. I am leaving, and if the magistrate is saying I cannot go home, well, I am taking my car," or "I am taking something in the house that I want because it is mine. I mean, you know, the receipt was issued in my name. It is legally my property", and may seek to remove such property, and hardship is created as a result.

There may be hardship for the children; there may even be hardship for the perpetrator of the acts. The magistrate is mandated by this section to have regard for all of these circumstances.

The bill also provides for arrest where the protection order or the undertaking is breached. In this case, a police officer is mandated to arrest where he believes on reasonable grounds that such an offence has been or is being committed. That is a breach of a protection order. A magistrate has issued a protection order, he has placed certain restrictions on the perpetrator. If a policeman believes on reasonable grounds that that person against whom a protection order is in force has breached that protection order, then he is mandated to make an arrest. Indeed, that is the only criminal offence created in this bill.

Generally in law where a criminal offence is committed, the person is entitled to bail, and in granting bail for serious offences, the court is guided by common law principles. For an offence under clause 18, that is breach of a protection order, however, the bill requires the court to take into account additional matters which are very specific to the situation of domestic violence and prescribes conditions of bail which are also quite relevant and specific.

This is a provision that I am sure, especially the legally trained, will take specific note of and which we believe is very critical in the circumstances.

This bill also purports to be, we hope—and hon. Members would agree—that this bill seeks to be a complete statement, both of substance and procedure when dealing with the issue of domestic violence. It is a document that we hope will become a handbook on the issue of domestic violence, that anyone who wants to know what is the law, and who wishes to gain an appreciation of the principles that guide this society in a matter of domestic violence, could take up this document and find it all contained in this bill.

This point is relevant because hon. Members may perceive in the bill before the House that there are instances of repetition of normal provisions in the law. We believe that it is important in one or two instances to have it specifically in this bill so that this document can be a handbook on the issue of domestic violence.

Nevertheless, Mr. Deputy Speaker, it reflects as well an understanding that the full weight of the criminal law has in practice proved inadequate to deal with problems in the home as generally police, and I daresay others, are reluctant to intervene in matters domestic. Nevertheless it provides a remedy or a tool for

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[HON. E. HOSEIN]

those who want protection from harm. Mr. Deputy Speaker, it is not a question here—and I want to stress that this legislation should not even be seen as an attempt by the state to interfere in matters domestic. Rather, the state is merely providing a mechanism whereby, in the first instance, parties can avail themselves of protection against violence and abuse. In other words, the onus is on the victim to go to the magistrate's court and seek protection.

In my view, the bill successfully strikes a harmonious balance between the need to preserve domestic relationships on the one hand and the need to protect persons in the domestic relationship from exposure to violence on the other. It is both innovative and educational. I am told that in many areas of the country, and in particular in Tobago, attitudes are perceived to be such that we take domestic violence to be the norm, to be acceptable. In the words of a male participant in the public workshops that were held in the discussions leading up to the drafting of this bill last year—and this person is from Tobago—"This bill will mean that we have to take a whole new look at our value systems."

Mr. Deputy Speaker, I daresay that when we begin consideration of this bill, it will emerge very clearly that we have a society in which the relationships between men and women are viewed in a particular way. I do not wish to use any language that would tend to characterize these perceptions. What I will say is that it will be clear, I am sure, to all hon. Members that this bill is necessary in Trinidad and Tobago today.

We hope that hon. Members will provide us with total support, because when a society begins to face an issue like domestic violence, and the Parliament of the country must consider this legislation, the Parliament must also at the same time, in applying its mind to the legislation, have due regard to the nature of the society—what the problems are—and must take a brave stand in implementing measures that will lead to an alleviation of the situation, and hopefully a changed pattern of behaviour in the years ahead.

No one wishes to suggest, Mr. Deputy Speaker, that this bill will be a cure-all; far be it from the truth. What we hope is that as this mechanism for relief is provided with this piece of legislation, and as persons in the society utilize the mechanism available to them for protection, that we will begin to see a changed pattern of behaviour. We hope that those who are the perpetrators of violence or abuse or neglect or harassment of their spouse or their—and I use the term loosely—"loved ones" will begin to recognize that such behaviour is unacceptable in Trinidad and Tobago, that there are mechanisms in the law to prevent them

from continuing such behaviour, and they will themselves begin to change their attitude and bring an end to that cycle of violence that I referred to in the earlier part of my contribution.

Mr. Deputy Speaker, hon. Members as well will note that the bill requires a three-fifths majority of both Houses. One of the fundamental rights enshrined in the Constitution of the Republic of Trinidad and Tobago is, amongst others, the right of the individual to respect for his private and family life. This right lies side by side with the right of every person to the protection of the law. Nevertheless, Government recognizes that the bill interferes with certain fundamental rights, especially as the protection order may have the effect in some cases of ensuring little or no contact between family members, albeit for a limited period time. I stress, however, that this period could be used for counselling or rehabilitation of the relationship rather than ignoring the issue or indeed applying the remedies available at law for what after all amounts to serious criminal behaviour.

Rather than jeopardize the intent of the bill to afford a tool for the protection of family members against violence in the home without incurring the sanctions of criminal law, and to indicate the sensitivity of the Government to the serious and ultimately private nature of the problem which the bill addresses, Government in accordance with the provisions of our Constitution seeks the approval of a three-fifths majority of the House.

Mr. Deputy Speaker, I commend this bill to the House and to all hon. Members who would be required on the second and third reading to vote on this bill which requires a three-fifths majority.

In closing my presentation at this stage, Mr. Deputy Speaker, I just wish to draw the attention of hon. Members to the fact that the list of amendments which was included in the circulated bill and which are very extensive, contains two typographical errors which I wish to alert them to at this stage. On page 3 of the list of amendments, what will be clause 4(1), there is a typographical error, that is, this amendment was moved in the other place and accepted but was not written into the amendments listed here, and that is in the renumbered clause 4(1), delete the words "in respect of a person" appearing in line 2.

5.35 p.m.

The other typographical error is on page 8 in clause 22(2) which has been renumbered in the amendments as clause 20(2); remove the word "an" appearing in line 4.

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Mr. Deputy Speaker, in winding up I wish, once more, to emphasize the hoped for effect of this bill on behaviour in our society; behaviour referring to a serious problem and one which, in the main, impacts negatively on women, children, the disabled and the disadvantaged.

I feel, therefore, that all hon. Members, from whichever side of the House they may be, will be more than anxious to support the provisions of this bill. I now beg to move. Thank you.

Question proposed.

ADJOURNMENT

The Attorney General (Hon. Anthony Smart): Mr. Deputy Speaker, as you know, the Commonwealth Parliamentary Association will be meeting next week. Under the circumstances I beg to move that this honourable House do now adjourn to Friday, May 24, 1991 at 1.30 p.m.

Question put and agreed to.

House adjourned accordingly.

Adjourned at 5.37 p.m.