

*Leave of Absence**Friday, August 09, 1991***HOUSE OF REPRESENTATIVES***Friday, August 09, 1991.*

The House met at 1.35 p.m.

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

Mr. Speaker: The following Members have been granted leave of absence: the Member for St. Ann's West (Mr. Eden Shand), from July 18 to August 11; the Member for Diego Martin Central (Mr. Kenneth Valley), August 9; the Member for Siparia (Mr. Govindra Roopnarine), from August 4 to 22; and the Member for Port of Spain North (Mr. Jenson Fox), from August 1 to 31.

PAPERS LAID

1. Report of the Committee appointed by Cabinet to undertake an independent investigation into the financial affairs and management practices of Caroni (1975) Limited—June, 1991. [*The Minister of Planning and Mobilization (Hon. Winston Dookeran)*]
2. Report of the Auditor General on the accounts of the Point Fortin Borough Council for the year ended December 31, 1983. [*The Minister of Finance (Hon. Selby Wilson)*]
3. Report of the Auditor General on the accounts of the Point Fortin Borough Council for the year ended December 31, 1984. [*Hon. S. Wilson*]
4. Report of the Auditor General on the accounts of the Naparima Bowl Board for the year ended December 31, 1986. [*Hon. S. Wilson*]
5. Report of the Auditor General on the accounts of the Naparima Bowl Board for the year ended December 31, 1987. [*Hon. S. Wilson*]
6. Report of the Auditor General on the accounts of the Naparima Bowl Board for the year ended December 31, 1988. [*Hon. S. Wilson*]
7. Report of the Auditor General on the accounts of the Republic of Trinidad and Tobago for the year ended December 31, 1990 and on audit activities conducted during the year. [*Hon. S. Wilson*]

Papers 2 to 7 to be referred to the Public Accounts Committee.

Papers Laid

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8. Report of the Auditor General on the accounts of the Deposit Insurance Corporation for the year ended December 31, 1990. [*Hon. S. Wilson*]
9. Report of the Auditor General on the accounts of National Insurance Property Development Company Limited for the year ended June 30, 1987. [*Hon. S. Wilson*]
10. Report of the Auditor General on the Accounts of National Insurance Property Development Company Limited for the year ended June 30, 1988. [*Hon. S. Wilson*]
11. Report of the Auditor General on the accounts of Fertilizers of Trinidad and Tobago Limited for the year ended December 31, 1988. [*Hon. S. Wilson*]
12. Report of the Auditor General on the accounts of Fertilizers of Trinidad and Tobago Limited for the year ended December 31, 1989. [*Hon. S. Wilson*]

Papers 8 to 12 to be referred to the Public Accounts (Enterprises) Committee.

ORAL ANSWERS TO QUESTIONS

Personal Letter

49. Mr. Patrick Manning (*San Fernando East*) asked the Prime Minister and Minister of Economy:

Would the hon. Minister kindly state:

- (a) Whether the secret and personal letter read into the parliamentary records on Friday, June 16, 1989, that was subsequently described as lost has been located to date?
- (b) If the answer is in the negative, have any attempts been made to obtain a copy of the said letter from its author?
- (c) If not, then why?

The Prime Minister and Minister of the Economy (Hon. A.N.R. Robinson): Mr. Speaker, I have located a copy of the letter I read into the parliamentary records and I have made several other copies.

The following question stood on the Order Paper in the name of Mr. Trevor Sudama (Oropouche):

LIDP Projects

- 53.** Could the Minister of Works, Infrastructure and Decentralization state:
- (a) What are the procedures and processes involved in determining the nature and location of LIDP projects in various parts of the country in 1991?
 - (b) What provisions has his ministry made for elected parliamentary representatives of the people to have an input in the decisions taken on these LIDP projects?
 - (c) What criteria are used in recruiting labour for these projects and by whom is the recruitment made?
 - (d) How is accountability exercised with respect to the expenditure of public funds on these projects?

The Minister of Works, Infrastructure and Decentralization (Dr. The Hon. Carson Charles): Mr. Speaker, I would be happy if the Parliament would be kind enough to permit me one more week to answer this question, please.

Mr. Sudama: Mr. Speaker, I am prepared to give him as much time as he wishes, but I hope he does not go beyond the expiry date of the term of this Parliament's session.

Question, by leave, deferred.

Picton Presbyterian School

- 54. Mr. Trevor Sudama (Oropouche)** asked the Minister of Education:

Could the Minister state whether the rebuilding of the Picton Presbyterian School at Diamond Village, San Fernando, for which representation has been made by me for the past eight years, is to be undertaken through funding from the IADB and, if so, could she state when the rebuilding exercise is scheduled to commence?

The Minister of Education (Hon. Gloria Henry): Mr. Speaker, the Government of Trinidad and Tobago and the Inter-American Development Bank signed a loan agreement on March 26, 1987, for a primary education programme.

One of the prime purposes of the programme was to address the pressing problem of the shortage of primary school places by providing for the construction and equipping of 16 primary schools. The Ministry of Education

subsequently sought the agreement of the bank to increase the number of schools to be constructed to 18 in the first instance.

During the execution of the project by careful management of the funds, sufficient savings were generated to allow for the construction of an additional 18 schools. Proposals for the construction of these schools were approved by the IADB in December, 1989. Picton Presbyterian School was not included on this list of 18 additional schools, as it was listed for reconstruction under the normal programme of the Ministry of Education. The Picton Presbyterian Primary School has been scheduled for replacement since 1988.

An architect's brief for the construction of a 420-place school was issued in August 1988, to the secretary of the Presbyterian Board of Management, which has the responsibility for rebuilding the school with the financial assistance of the Government

At this stage the board is required to have the preparation and submission of the designs done for the replacement of the school. Based on these and after approval, costings would have to be developed, tenders invited and a contract awarded which would be funded in part, to the extent of 75 per cent by the Government.

Since this is a denominational school the lead has to be taken by the board which, in accordance with the current procedures, selects its contractor and commences the work. The cost of the consultant's design services is borne by the Ministry of Education and therefore the board's effort to move the project along is facilitated at every point.

My advice is that in July 1991, the secretary of the board requested that the brief be revised. It should be noted that the Ministry of Education has continuously maintained the Picton Primary Presbyterian School under its repair programme, while it awaits the board's submission of approved designs for rebuilding.

1.45 p.m.

Mr. Sudama: Mr. Speaker, I have a supplemental question to the Minister. Has the Presbyterian Board ever indicated to the Ministry that they are not in a position to make their 25 per cent contribution to the reconstruction of this school?

Mrs. Henry: I am unable to answer that question with respect to Picton Presbyterian. Debe Presbyterian, which was also part of a package, has requested support by the Presbyterian Board but I cannot tell you about Picton Presbyterian right away.

Mr. Sudama: My information is that the Picton Presbyterian School was in that same category, and my question to the minister is whether she is aware that in August, 1989 the Presbyterian Board made a release to the effect that they have agreed to joint management of the Debe and Picton Presbyterian Schools with the objective of bringing these two schools under the financing of IADB funds. Is she aware of this?

Mrs. Henry: I am aware of the request in the case of Debe Presbyterian.

Alderman Narine

55. Mr. Raymond Palackdharrysingh (*Naparima*) on behalf of the hon. Member for Siparia (Mr. Govindra Roopnarine) asked the Minister of Works, Infrastructure and Decentralization:

Would the Minister kindly state:

- (a) How many statutory meetings of the Caroni County Council has Alderman Henry Narine missed over the last two years?
- (b) Whether Alderman Narine received monthly allowances for this period?
- (c) Whether steps were taken to have Alderman Narine removed from the Council, and if so, why is he still a member of the Council?

The Minister of Works, Infrastructure and Decentralization (Dr. The Hon. Carson Charles): Mr. Speaker, Alderman Henry Narine has missed 14 ordinary statutory meetings of the Caroni County Council during the period July 1, 1989 to March 31, 1991. He received monthly allowances up to February, 28, 1991, and was removed from office by the Caroni County Council with effect from April 1, 1991.

Local Government (Scavenging)

56. Mr. Raymond Palackdharrysingh (*Naparima*) on behalf of the hon. Member for Siparia (Mr. Govindra Roopnarine) asked the Minister of Works, Infrastructure and Decentralization:

Would the Minister state:

- (a) Whether the contract agreements for scavenging in local government areas expired in June 1990?
- (b) If so, why were steps not taken to establish new contract agreements via the tendering procedure for the period July 1991/June 1992?

The Minister of Works, Infrastructure and Decentralization (Dr. The Hon. Carson Charles): Mr. Speaker, the answer to question No. 56 is as follows:

- (a) Contract agreements for scavenging in Local Government areas expired on August 6, 1991.
- (b) Following the normal tendering procedures, the Central Tenders Board awarded contracts for scavenging with effect from August 7, 1991.

**Bridges
(St. Patrick)**

57. Mr. Raymond Palackdharrysingh (*Naparima*) on behalf of the hon. Member for Siparia (Mr. Govindra Roopnarine) asked the Minister of Works, Infrastructure and Decentralization:

Would the Minister state:

- (a) Whether materials were purchased to build the Katwaroo Trace and Sammy Trace bridges in County St. Patrick in 1989?
- (b) If the answer is in the affirmative, what has happened to these materials?

The Minister of Works, Infrastructure and Decentralization (Dr. The Hon. Carson Charles): Mr. Speaker, no materials were purchased in 1989 to build the Katwaroo Trace and Sammy Trace bridges in County St. Patrick. However, the Chief Administrative Officer of the St. Patrick County Council has indicated that in 1988, materials were purchased to build the Katwaroo Trace and Sammy Trace bridges in County St. Patrick. However, due to inclement weather conditions, work on the two bridges had to be stopped.

The Chief Administrative Officer has reported to the Permanent Secretary of the Ministry of Works, Infrastructure and Decentralization, that the materials are

currently stored at the Penal sub-office of the St. Patrick County Council. The Ministry of Works, Infrastructure and Decentralization is currently conducting investigations into this matter.

Stolen Cars

58. Mr. Patrick Manning (*San Fernando East*) asked the Minister of Justice and National Security:

Would the Minister kindly state how many cars have been reported stolen for the following years:-

(i) 1986

(ii) 1987

(iii) 1988

(iv) 1989

(v) 1990

(vi) 1991 to date?

The Minister of Justice and National Security (Hon. Joseph Toney): Mr. Speaker, the information which I have received from the Commissioner of Police to respond to this question is as follows:

Year	No. of Vehicle Reported Stolen	No. of Vehicles Recovered	Percentage Recovery Rate
1985	1043	340	32.6
1986	1125	392	34.8
1987	1077	284	26.3
1988	1515	660	49.6
1989	2055	1087	52.9
1990	1700	725	42.6
1991 to date	1091	531	48.7

Mr. Speaker, the larceny of motor vehicles has been and continues to be, a source of concern for the Ministry of Justice and National Security. It is for this reason discussions are now taking place between the Minister of Justice and

National Security and the Minister of Works, Infrastructure and Decentralization to have the licensing office of the transport division of that ministry be the sole legal authority to make, issue and register number plates. Current discussions are also taking place with the Attorney General to have laws in place for the registration of motor vehicle garages.

Mr. Manning: The Minister talks about 1991, to date. To what date is he talking about, please?

Mr. Toney: This would be to July 1, 1991.

**Courland Bay
(Marina)**

59. Mr. Patrick Manning (*San Fernando East*) on behalf of the hon. Member for Diego Martin Central (Mr. Kenneth Valley) asked the Minister of Planning and Mobilization:

Would the Minister state:

- (a) Whether the Government has given permission to construct a marina at Courland Bay in Tobago?
- (b) If yes, would the Minister state the steps that have been taken to avoid pollution on the beach?
- (c) Further, would the Minister state whether he is aware that the presence of the marina would affect the livelihood of small fishermen at Courland Bay?

The Minister of Planning and Mobilization (Hon. Winston Dookeran): Mr. Speaker, planning permission has been granted for the construction of the first phase of a marina, that is, a jetty and the fuel tanks required to service this jetty at Commissioner Street, Courland Bay, Tobago.

The conditions which have been stipulated in the development approval for the jetty, are intended to prevent environmental pollution or degradation and promote operational safety. They are as follows:

- (1) the consent of the local health authority be obtained prior to the commencement of development;
- (2) the development be implemented in accordance with the conditions of the jetty licence for Commissioner Street;

- (3) the underground tanks be pressure-tested and certified by the Factory Inspectorate Division;
- (4) the tanks and fuel lines be constructed to the satisfaction of, and be inspected in its current situation by the Ministry of Energy;
- (5) no pollution of the marine environment in the form of liquid solid waste or oil, be caused by reason of this development and that waste disposal facilities be approved by the Water and Sewerage Authority; and
- (6) the approval of the Chief Fire Officer be obtained.

Mr. Speaker, the Minister is of the view that the presence of the marina would assist, rather than hinder, small fishermen in their livelihood. Indeed, existing fishermen's moorings are to be maintained, and based on the developers' proposals, the project is expected to provide the following facilities which will be of direct benefit to small fishermen in the area:

- (a) the fishermen's dock;
- (b) the provision of convenient fuelling facilities; and
- (c) cold storage, ice-making machines and fishermen's lockers.

Government Advances

60. Mr. Trevor Sudama (*Oropouche*) asked the Minister of Finance:

Would the Minister state the total of all advances made to the Government by the Central Bank under section 46 of the Central Bank Act and outstanding as at June 28, 1991 and July 12, 1991, respectively?

The Minister of Finance (Hon. Selby Wilson): Mr. Speaker, advances made by the Central Bank to the former PNM Government and left unpaid at the December, 31, 1986, amounted to \$1,003 million. This amount was borrowed in the five-month period August to December, 1986, leading up to the 1986 general election.

Outstanding advances as at June 28, 1991, amounted to \$1,033 million. Outstanding advances as at July 12, 1991, amounted to \$1,193 million. This includes the \$1,003 million left unpaid by the PNM Government as of December 31, 1986.

1.55 p.m.

Mr. Sudama: Mr. Speaker, a supplementary question. Could the Minister indicate under what item in the weekly statement of accounts of the Central Bank, this item appears: "Advances to the Central Government?"

Mr. Wilson: Mr. Speaker, I believe that is in a public document. I do not know.

**Private Attorneys
(Fees)**

66. Mr. Patrick Manning (*San Fernando East*) on behalf of the Member for Diego Martin Central (*Mr. Kenneth Valley*) asked the Attorney General:

Would the Attorney General kindly inform the House:

- (a) How much money has the Government disbursed as fees to local Attorneys in private practice since 1987?
- (b) Further, would the Attorney General kindly state to whom were these fees disbursed?

The Attorney General (Hon Anthony Smart): Mr. Speaker, this response is in reply to a question from the Member for Diego Martin Central. The amount of money the Government has disbursed as fees to local attorneys-at-law in private practice since 1987 and the attorneys-at-law to whom these fees were disbursed are as follows—and I give the names in alphabetical order:

	\$
Allan Alexander	- 203,200.00
Desmond Allum	- 157,333.34
Emmanuel B. Annisette	- 30,000.00
Leonard L. Birmingham	- 9,500.00
Neal Bisnath	- 179,800.00
Maurice Corbin	- 30,500.00
Martin G Daly	- 171,750.00
Michael A. De La Bastide	- 883,750.00
Claude H. Denbow	- 50,000.00

Oral Answers To Questions

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I answered the question just about a month ago in respect of Theodore Guerra, his figure is \$773,025.00

Fyard Hosein	-	20,000.00
Tajmool Hosein	-	125,000.00

In respect of Mr. Hudson Phillips, \$417,488.91. That figure was given less than a month ago.

Stanley H. W. John	-	27,500.00
P. H. Lamont	-	9,800.00
Trevor A. Lee	-	10,000.00
Sonny Maharaj	-	46,000.00
Russel Martineau	-	46,000.00
Douglas Mendes	-	85,000.00
Lydia Mendonca	-	48,000.00
Bruce Procope	-	69,000.00
Maureen Rajnauth-Lee	-	20,000.00
Clem A. Razack	-	12,000.00
Annestine Sealey	-	10,500.00

In the case of the last two mentioned, they are now Justices of the High Court

Gerald A. Stewart	-	154,100.00
Hendrickson Seunath	-	9,500.00
Ewart Thorne	-	856,546.30
Ruth E. Van Lare	-	38,000.00
H. A. Selby Wooding	-	65,400.00
Arthur Young	-	22,500.00
E. V. Emmanuel & Co.	-	15,500.00
Main, Lee & Co	-	25,000.00

As I said, you would recall, just over a month ago, I answered a question with respect to Messrs. Hudson-Phillips and Guerra. That was a question posed by the

Member for San Fernando East, as to what their fees were and what briefs they got from the Government.

The information just provided was available then, and the Government could have made it available to show more clearly that Messrs. Hudson-Phillips and Guerra received no special treatment because they are members of the NAR. The Government decided not to divulge the information because it is aware that most persons would prefer not to have their business affairs made public. As I said, that information has been given today in answer to a question.

To quote the Prime Minister, who recently quoted from the *Bible*—

"God works in mysterious ways, his wonders to perform."

SECONDARY SCHOOLS SANSKRITIK SANGAM (INC'N) BILL

Question put and agreed to, That a bill to provide for the incorporation of the Secondary Schools Sanskritik Sangam and for matters incidental thereto, be now read the first time.

Bill accordingly read the first time.

CARICOM ENTERPRISES BILL

Bill to give effect to the Agreement for the establishment of a Regime for Caricom Enterprises, [*The Minister of Industry, Enterprise and Tourism*]; read the first time.

BUSINESS OF THE HOUSE

The Minister of Industry, Enterprise and Tourism (Dr. The Hon. Bhoendradatt Tewarie): Mr. Speaker, I seek leave of this honourable House to proceed with Bills Second Reading, item No. 1, and if we complete it, to do item No. 2.

PARLIAMENT CHAMBER (RESTORATION)

The Minister of Industry, Enterprise and Tourism (Dr. The Hon. Tewarie): Mr. Speaker, I crave the indulgence of this honourable House, before we move on to the bills, to take a minute of the House's time to acknowledge the tremendous contribution of the Ministry of Works, all the people who actually worked on the Parliament and their agents, for restoring this Parliament after the tragic events of July 27, 1990.

I simply want, on behalf of all Members, to indicate our appreciation for the restoration of this honourable House and secondly, to ask, Sir, if you would instruct the Clerk of the House to write, on our behalf, a letter of thanks to those responsible. Thank you.

Mr. Speaker: The Clerk is so instructed.

RENT RESTRICTION (RE-ENACTMENT AND VALIDATION) BILL

Order for second reading read.

The Attorney General (Hon. Anthony Smart): Mr. Speaker, I have the honour to move that a bill to re-enact the Rent Restriction Act, Chap. 59:50 and to validate things done thereunder, be read a second time.

The Rent Restriction Act was first enacted and came into force in 1941. The purpose of the Act then, until it lapsed, was to regulate the rents of premises to which the Act applies and for that purpose rent boards were established under the said Act.

2.05 p.m.

When the Act first came into being, as I said in 1941—that was during the Second World War and history has shown that it was necessary then to deal with the regulation of rents, which was getting out of hand at that stage—it applied to all building land, dwelling-houses and commercial properties. But there is a provision in the Act for the exclusion of certain premises from the provisions of the Act. From time to time over the years, exclusion orders were made by the President for certain premises, in most cases where the standard rent was above a certain sum.

Under the Act, the standard rent in respect of premises is defined as that rent at which, if fixed by the board established under the Act; or until the rent is so fixed by the board, the premises were first let on the prescribed day as the Act says—the Act with which we are dealing which was 1954—or if the premises were not so let on that day, that is the prescribed day, the rent at which the premises were first let.

There is a mechanism for establishing what the standard rent of premises is under the Rent Restriction Act. The premises to which the Act applies are called protected premises. There are restrictions placed on the right of a landlord to recover possession of his premises, if those premises are protected premises under the Act.

Rent Restriction (Re-enactment and Validation) Bill *Friday, August 09, 1991*
[HON. A. SMART]

It is an extremely difficult and complex Act. I am attempting to make it as simple as possible, just giving the bare outlines of what the Act is about. The long and short of it is that once the standard rent of premises is below a certain amount at a certain time, those premises become protected under the Act and the landlord is not easily able to get possession of his premises, even though he gives the required notice. Once it is protected premises and even though the expiry date of the notice to quit has arrived, the tenants still have the right, under the law, to remain on the premises under what is called a statutory tenancy under certain conditions.

For instance, if the premises are protected and the landlord wants possession of his premises, he will have to prove to the court that he requires those premises for his personal use; or he must show that the premises have been acquired by the Government; or is in the process of being acquired by the Government; or he must show that a demolition order has been issued by the relevant authorities in respect of those premises. There are a number of other conditions under which a landlord can get possession of his premises that are protected under the Act.

The whole point is to give tenants certain protection under the Act so that tenants will not be forced at the whim of a landlord to find themselves on the street, particularly when rents are high and there is difficulty finding a place to stay. That, in effect, is what the Rent Restriction Act, 1941 is all about. There is an Act on the statute books that came into being in 1981. It is Act No. 45 of 1981. It is called the Rent Restriction (Dwelling-Houses) Act. Under the provisions of that Act any dwelling-house, the rent in respect of which as at December, 31 1978 was \$1,000 or less, is protected.

Once the premises are unfurnished and the rent is \$1,000 or less, the landlord will have to go through a number of processes or have to prove a number of things before he can get possession of his premises. So the tenant is protected. If the premises are furnished and the rent is \$1,500 or less, again, they are protected premises under the Act.

Now when the Act first became law in 1941 it was enacted for a specific time. The whole idea behind it being that once the economy changed, and rents were lowered, it would become easier for persons to get premises to live in, so there would be no need for the Act. The intention was to just have it for a specific period.

Rent Restriction (Re-enactment and Validation) Bill *Friday, August 09, 1991*

I will give a history now of how the Act developed. I believe then in 1941 it came into being for just a year. The 1941 Act was re-enacted in 1943; again in 1944; 1946; 1947; and in 1949. Section 1(2) of the Act in 1949 stated that:

"This Ordinance shall continue in force until 23rd February, 1951 and may be continued in force for a further period of 12 months at any time by resolution of the Legislative Council."

Of course, the relevant resolutions were passed by the legislature to keep the Act alive. In 1969, the Rent Restriction (Amdt.) Act No. 4 of 1969 was enacted and section 2 of this Act amended this same section 2(1) of the ordinance by substituting the words "three years" for the words "twelve months".

In other words, instead of the Act being in force for one year and continued by resolution after each year, the Act was put into force for three years and the provision by resolution for extension was introduced whereby the extension would continue for a period of three years, rather than one year.

Section 3 of the amended Act provides that section 2(1) of the ordinance shall be read and construed as if the reference therein to February 23, 1951 were a reference to February 23, 1972. What was being done was just updating the Act and keeping it in force. Government Notices No. 41 of 1972, 23 of 1975, and 32 of 1978, were resolutions which continued the life of the Act. The Rent Restriction Act, which we are dealing with now, Chap. 59:50, which is a revision of the 1941 Ordinance by the Law Commission, at section 1(2) states:

"This Act may continue in force until the 23rd of February, 1981 and may be continued in force for a period of three years at a time by resolution of Parliament."

2.15 p.m.

On February 24, 1981 and again on February 23, 1985, the Act lapsed and ceased to have the force of law. Parliament was then forced to enact the Rent Restriction (Re-enactment and Validation) Act, 1981 and then again in 1985. The 1985 Act, subsection (2) says:

"This Act shall continue in force until 23rd February, 1987 and may be continued in force for a further period of three years at a time by resolution of Parliament."

Rent Restriction (Re-enactment and Validation) Bill *Friday, August 09, 1991*
[HON. A. SMART]

By resolution of Parliament, Legal Notice No. 34 of 1987, the life of the Rent Restriction Act was extended for a further period of three years commencing February 24, 1987. This means that the life of the Act was extended to February 23, 1990. Now on that date, or some time prior to that date, there ought to have been a resolution to extend the life of the Act for a further period of three years. There was no resolution and the life of that Act subsequently came to an end and it ceased to have the force of law.

Now, the reasons for the lapse could be gone into, but suffice it to say that there was an administrative weakness that did not allow for the expiry of the Act to come to the attention of the relevant persons when it should have, and for that reason the Act ceased to have effect. As I indicated, it happened in 1981 and then it happened again in 1985. Clearly, there was an administrative weakness which the Government is certainly seeking to—

Mr. Sudama: Would the Minister care to give way to a question? Could he tell this House whether any effort was made to identify who was responsible for this administrative lapse?

Mr. Smart: The Minister of Settlements and Public Utilities will deal with the matter.

It should be noticed, Mr. Speaker, that the 1985 Rent Restriction Act, the one that came into force, the Re-enactment and Validation Act, 1985, which was passed, under section 3 provides:

"that all acts and things done or purported to be done in exercise of powers conferred under the Act are deemed to have been lawfully and validly done, notwithstanding that the Act ceased to have effect on 23rd February, 1981".

So that at this point, the Act came to an end in 1990. What we are seeking to do is to re-enact the Rent Restriction Act and to validate all things that have been done since February 23, 1990; all matters which have been dealt with by the Rent Restriction Board and all things done under the Act. So, that simply is what this bill is about. Clause 2 of the bill says:

“The Rent Restriction Act, hereinafter referred to as ‘the Act’, is re-enacted save and except subsection (2) of section 1 which is repealed and replaced as follows:

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‘(2) This Act shall continue in force until 23rd February, 1993 and may be continued in force for further periods of three years by resolution of Parliament.’ ”

Then clause 3 says:

“All acts and things done or purported to be done in exercise of the powers conferred under the Act are deemed to have been lawfully and validly done, notwithstanding that the Act ceased to have effect on 24th February, 1990.”

So that is what we seek to do here.

Today I wish to point out that because there are certain restrictions on the enjoyment of property under this Act in respect of property owned by landlords, the Act is inconsistent with sections 4 and 5 of the Constitution and for that reason it will be necessary for the Act to be passed with a special majority, a three-fifths majority. So having said these few words, I beg to move—

Question proposed.

Mr. Basdeo Panday (*Couva North*): Mr. Speaker, I wish merely to draw a very short point to the attention of the hon. Minister.

He has stated, rightly, that this Act was introduced in 1941 and its purpose was really to hold the rents down during the war years, because as is always the case during war, there is scarcity and as a result of scarcity, there is a tendency for prices to rise. However, I believe the time has come for the Government, any government, either this one or the one that will replace it, to look at the whole question of this Rent Restriction Act, because it is probably, having the opposite effect now, than it was intended to have in 1941. The reason being, as the Minister rightly said, there were a series of exclusion orders and they began excluding property, the annual rental of which was \$240.00 and they kept coming down, so that the rent to which the Rent Restriction Act now applies is really properties where the rent is extremely small, very low. This means that because the rents are low, landlords find that the income is insufficient for them.

Mr. Smart: The 1981 Act, No. 45 of 1981 had the effect of bringing all unfurnished properties, the rent in respect of which was \$1,000 or less, under the provisions of the Rent Restriction Act. Furnished properties with a monthly rent of \$1,500 or less, were brought within the provisions of the Rent Restriction Act. That is the effect of the 1981 Act.

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Mr. Panday: You see, that is the point that worried me. Why are you not moved then to deal with the Rent Restriction (Dwelling-Houses) Act? Is that Act still in force? If that Act is still in force, why are you going back to the Rent Restriction Act if the Rent Restriction Act is incorporated into the Rent Restriction (Dwelling-Houses) Act of 1981?

Mr. Smart: As I said during the course of my presentation, that 1981 Act makes reference to the Rent Restriction Act. So that 1981 Act is still in force but the Rent Restriction Act has lapsed, so we have to revive the Rent Restriction Act to have the 1981 Act make any sense at all.

Mr. Panday: I understand that, but that does not really defeat the argument, that is to say, that the original Rent Restriction Act applies to properties particularly. It is a separate Act from the Rent Restriction (Dwelling-Houses) Act and it really deals with premises where the rents are now very small. My experience has been that because the rents are so small the landlords are not repairing those houses and those houses are in a very dilapidated condition.

Mr. Smart: The 1981 Act is an all-encompassing one, you see. If the rent is \$2.00 a month, it would be caught by the 1981 Act. If the rent is \$1,000 a month, it would be caught by the 1981 Act.

Mr. Panday: Then you ought to incorporate this Act into the Rent Restriction (Dwelling-Houses) Act and have one Act. That is the point I was trying to make.

2.25 p.m.

The other question is, having regard to the fact that this Act lapsed for some time, what became of the Rent Restriction Boards? They would have been functioning illegally. I believe that they were not functioning at all and in several cases people had matters pending before the courts for a very long time and they were unable to deal with them. Are those cases still pending? As far as I am aware, the Rent Restriction Board went out of being. The Rent Restriction Board got its life under the Act and there has been a pile-up of cases, as a result of that. Were the Rent Restriction Boards functioning illegally? If that is the case, there was a whole legal institution functioning in this country illegally. Did that not come to the attention of the Minister responsible? Is that not an act of gross negligence on the part of the Minister, to have an institution functioning illegally? That would have been more than a year.

Has the Minister now set up any kind of machinery to ensure that such illegalities do not take place? Because as the Minister quite rightly said, this is an Act that affects property rights and requires a special majority in the House in order to be validated. So it is not a simple matter, not a matter that one deals with as of course. I have always said that the Minister responsible for Settlements is totally confused, and does not know what she is about; is totally lacking in any understanding of Government and has no appreciation for the administrative requirements of her ministry. But I just want to know if she is not going to be replaced. Has she thought that it is possible she may put into place the running of judicial institutions on an illegal basis?

Mr. Trevor Sudama (Oropouche): Mr. Speaker, the first question I want to raise pertains to the lapse of this Act on February 23, 1990. The hon. Leader of the Opposition has made the point that it is due to gross negligence on the part of the Government and its administrative arm because they ought to have known in 1990 that there was need to re-enact or to bring a resolution to this House to continue the existence of the Act. They did not bring a resolution to this House, and one would assume that the Government had decided that this Act was no longer relevant and, therefore, it should not have the force of law. That is the only logical conclusion one could come to. But to come here and talk about administrative lapse and then to say that these lapses occurred under the PNM, as if that is a justification for the lapses under the NAR Government—they are always looking at themselves in the mirror of the PNM. That is part of the problem of this administration. They are trying to form a new path in terms of government and administration in this country, but merely looking at what the PNM has done.

Mr. Smart: On a point of order, Mr. Speaker. I was merely giving the history of the Act. I made no mention of the PNM, so I do not know what the Member for Oropouche is talking about. I made absolutely no mention of the PNM. I was giving a history of the Act and what has developed. It lapsed in 1981 and again in 1985.

Mr. Sudama: Mr. Speaker, when he made mention of such a lapse occurring before 1986, what in effect was he saying? That it occurred under a PNM administration.

Mr. Smart: He drew his own conclusion.

Mr. Sudama: I do not think that it takes more than a fifth form or a second form student to draw that conclusion. I do not know if the Attorney General did any courses in logic at all in the course of his academic career. Once you talk

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about things happening before 1986, what in effect you are saying is that these things happened under the PNM administration and that now is a justification for the lapse occurring under a NAR administration, when this administration was supposed to chart a new course of government for the people of Trinidad and Tobago. But as we said, previously, Mr. Speaker, what we have here is merely a matter of exchange of faces. That is all we have. There has been no fundamental change in how government is operated in this country.

This leads to another question, and that is, what is the role of Parliament with respect to legislation, with respect to detecting lapses and illegalities which may have occurred as a result of the negligence of the Government and the administrative arm of this country? We hear a lot of talk these days about parliamentary democracy but we are failing to enable this Parliament to carry out its functions properly and effectively by the non-appointment of a series of committees, overview committees, and so forth, that would have been in a position to detect this lapse and, therefore, prevent the potential illegality that is being perpetrated in this country. So that, if the Rent Restriction Boards were functioning and the Act had lapsed, this Parliament would have been in a position to bring this to the attention of the administration.

We have not been able, over the years—and I do not want to go back to the PNM days because they are the ones who brought the country to this sorry state in 1986, so we cannot use that inadequate yardstick to judge the performance of a new administration. We need a new yardstick in order to do this. I am just making a case for a review of parliamentary institutions which will effectively oversee the work of the administration of the executive. That is sorely lacking not only in this Parliament, but in many parliaments of the world. So we would have had the possibility of detecting this lapse before an illegality was perpetrated in this country.

Mr. Speaker, we are very grateful to the Member for Diego Martin East for the details which have been provided to this House as he went through in the minutest detail of when Acts were amended and what Acts were put in place and so forth. However, he did not put this whole debate in larger context because a parliament is a place where you debate basic principles, where you talk about the larger issues, the larger problems which a government faces. This Act was merely brought into existence to deal with a certain national problem which existed in 1941 and, in fact, which continues to exist today. One would have thought that in the course of his contribution, he would have dealt with the general principles such as the need to keep this piece of legislation on the statute books, if the reason

for so doing is as a result of the market mechanisms of operation in Trinidad and Tobago. We are talking now about the supply and demand for housing on the market which would affect rents. Then they would have to say something in this House; whether the supply of housing over the years during their tenure in office has, in fact, improved and whether it has had any effect on the general level of rents which are affected by this Act and by the sister Act of 1981; or has the situation deteriorated from the time that this administration took office in terms of the supply of housing units on the market. As we all know, Mr. Speaker, the greater the supply—I want to give the Member for Tobago West a short course in basic economics—the demand remaining constant, this would have resulted in a reduction in price.

Now, as far as I am aware, this administration has not been responsible for the building of a single additional housing unit from the time it took office on December 15, 1986. So the supply situation has remained static, the demand has increased, obviously, and there is a general escalation of the average rents in Trinidad and Tobago; but escalation in a situation where incomes have been falling. Incomes have been falling in Trinidad and Tobago as a result of the retrenchment which has been experienced in this country over the last four and a half years.

Now, if rents are the same or rents are increasing and there is a general decline in income you see what has happened. There is a greater need to protect those who cannot afford housing at the going market rate. If this Government was acting properly, there would have been less need to bring a proportion of rentals under this Act and the sister Act of 1981. That is the larger issue because the average rate of rentals has an effect on how many people you want to protect. The average level of incomes would certainly be relevant to the number of people you want to protect under this legislation or any companion legislation. At this point in time, we have no clear idea of the group that the Government is targeting with this Act.

When Act No. 45 of 1981 was introduced in this House, we asked a similar question at that point in time. How many renters would be likely to fall under the purview of this Act? Who is it you are trying to protect and is the purpose of this legislation purely social, or is it an attempt to regulate the market in housing and, therefore, has an economic objective? What was the purpose of the legislation? We have never had a response from the PNM administration as to the purpose of that piece of legislation and how many people would be affected thereby. Today, 10 years later, we are in a similar position where this House, and of course the

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country, is not aware of how many people are to be protected and what are the criteria being used to effect that protection.

On the one hand, we are told that this Government wants to free up the economy. They want to adopt wholesale, the new liberal ideology which is now being propounded from on high, Washington and elsewhere, that market forces should determine everything. Are you doing the same thing in the area of the housing market? Are they attempting to free up resources to let market institutions operate unreservedly to determine prices? Therefore, if that is their ideology, then they would have a different approach to anything like rent restriction which would affect the operations of the market. But they operated in a world of contradictions, a world of expediency. *[Interruption]* Has the Member's hearing been affected, Sir? In which case I may have to do something to reach him if his hearing is in any way impaired.

I do not want to use this opportunity, the first sitting of this House to spend a lot of time on the Member for Tobago East. I am trying to raise issues, Mr. Speaker, which are of general importance to the people of this country. If I may say so, I believe the Member for Tobago East, has also lapsed as this Bill has lapsed in 1990, and we need pay very little attention to him and the conduct of the governmental affairs from now to the expiry of the term of this Parliament. I am not going to dwell too much on the Member for Tobago East.

As regards the Member for Caroni East, I want to say even less. The Member for Caroni East is probably disturbed by all these polls which are being published from day to day; which have put him in a very deleterious light. *[Interruption]* I hear he has already been taken care of but apparently news does not reach the hierarchy of the NAR very easily and quickly. He has already been dealt with.

Mr. Speaker, to come back to this Act, we on this side would like to have a clearer definition of criteria, for the application of this Rent Restriction Act. In 1991, what are the government's views with respect to the operation of this Act? Is it merely a stop-gap measure, or is the continuation of this Act in the best interest of the housing industry in Trinidad and Tobago? Is it in the country's interest to bring onto the market such a large amount of dwelling units in the circumstances? And if not, what impels them to bring this Act and to continue it for another two years? Mr. Speaker, I would have thought that the Government would have taken this opportunity to give us a clearer picture of their policy and their philosophy with respect to housing, and the necessity for the continuation of this Act and how they view this ceiling which had been imposed in 1981 where

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rents of \$1,000 or less on unfurnished dwellings and rents of \$1,500 or less on furnished dwellings have come under the purview of the Act. If that means that the majority of dwelling-house rentals come under the purview of this Act, is that a good thing or a bad thing from the Government's point of view? Are they doing anything to remedy the situation which prevails at this point in time, or is this merely an act of expediency which is now being perpetrated in the run-up to a general election or anything effective or anything drastic because they fear the wrath of an already angry population?

I just wanted to place the Government's action in trying to renew this Act in the whole context of its view, its policy and programmes, of how the government will operate in order to solve the critical problems which confront us today, one which of course is the housing problem in Trinidad and Tobago. Thank you very much.

The Minister of Settlements and Public Utilities (Hon. Pamela Nicholson): Mr. Speaker, I rise this afternoon because I want to respond to the brilliant economic analysis by this university lecturer who would not be with us in 1992.

He made the economic argument, why are we here with the Act? We believe that one has to re-enact the Act because it is effective. If one just takes a visit to Santa Rosa Heights, for example, one will see several houses empty whose rents have fallen from \$2,000 down to \$400 and people cannot get them rented.

Mr. Sudama: Is this not an indictment of the policies of her Government, that rents have fallen from \$2,000 to \$400, but the houses cannot be rented and people are homeless and there is so much vagrancy?

Miss Nicholson: The Member is making a social argument and I will deal with him at another forum. Today is not for that.

I just want to say that if the public did not know about those houses, now that they know about them they can make use of those houses.

The Member also made the argument that this Government never built a house. He belonged to this Government and cannot run away. It seems as if he has clearly forgotten.

Mr. Sudama: Mr. Speaker, on a point of order. Tell the Minister that she is misleading the House. I was dismissed as a member of the Government by the Prime Minister on February 8, 1988 and from that time onwards I have had no

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responsibility for the operation of that administration. I would like to make that very clear to this House.

Miss Nicholson: Mr. Speaker, if one is inefficient and irresponsible, obviously the Prime Minister has a duty to deal with that individual in the way that the Member for Oropouche was dealt with.

He has argued about the building of the house and it is very clear that he has forgotten the policy of the Government. This Government is handling housing from the enabling perspective and I am sure that his neighbour, the Member for St. Augustine, would remind him later on.

Mr. Sudama: Could the Member tell the House how many houses were built since she has been in charge of Settlements?

Miss Nicholson: That is the point I was coming to. Based on the Government's policy we have, by the setting up of the approved mortgage companies, financed over 800 houses. Also, if you visit Edinburgh 500 you will see under this Government over 200 houses are being constructed right now. If you go to Malabar over 100 houses are being constructed, and if you go to New Grange, Tobago, over 200 houses; all over the place, houses are being constructed because of the policy of the Government—Graham Trace, Sangre Grande; Boys Lane, D'Abadie. Members are not doing their homework and are coming to the House and making false statements. I am here to correct them and I will put it in writing so that they will say the correct thing at the correct time.

What we are saying is that the Act has lapsed and we are re-enacting it. The Act is difficult to keep in focus, and we have recognized that we must pay particular attention to it. That is why we are here and we have decided that particular attention must be paid to make sure that this situation does not come up again. That is why the Act is before the House today. It is difficult to keep in focus all the time because of the weight, and the cumbersome approach in the law. I am not a lawyer. It is something that just flows. I spoke with the Attorney General and we have decided that we will look at it very closely so that we can take corrective action.

2.55 p.m.

This Government cannot expire. We are under the Prime Minister, A.N.R. Robinson, how are we going to expire? We cannot expire. I recognize that Members cannot rise here in the House unless they attack the hon. Prime

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Minister. It is because of the Member's gross inefficiency and ineffectiveness that he cannot do that.

So what I rose here to do is to just tell Members that the Act is effective and because we consider it effective, we have decided to do the correct thing. I am brave enough to come to the House and say it was under my purview that happened. I am not running away from that, but I am brave enough to come to the House to have it corrected because I know that it is effective, and that it should be in action. That is why we are here. But do not come with any backward economic arguments to prove any points because that will not win your seat in Oropouche. Thank you very much.

The Attorney General (Hon. Anthony Smart): Mr. Speaker, the hon. Member for Tobago West has adequately, in my view, responded to the matters raised by the Member for Oropouche and in the course of the contribution of the Member for Couva North, I assisted him along the way in getting a better appreciation of what the 1981 Act and the Rent Restriction Act are about.

Mr. Panday: For that I am grateful.

Mr. Smart: So I do not see that there is much more to say with respect to this Act. I do hope that the Members of the House would see the wisdom in continuing re-enacting and revalidating the Rent Restriction Act. As the Member for Tobago West has pointed out, there is need at this stage to continue the protection of certain persons, who are tenants in certain circumstances and this is what the Act is about. So I look forward to the entire House supporting this bill.

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.

Preamble ordered to stand part of the bill.

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

House resumed.

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

Dr. Tewarie: Mr. Speaker, some of our Members are out of the House at this time, and I wonder if we can have a short adjournment so that I can get them in.

3.05 p.m.: *Sitting suspended.*

3.18 p.m.: *Sitting resumed.*

The House voted: Ayes 28

AYES

Tewarie, Hon. Dr. B.

Robinson, Hon. A.N.R.

Dookeran, Hon. W.

Richardson, Hon. S.

Smart, Hon. A.

Hosein, Hon. Dr. E.

Johnson, Hon. J.

Myers, Hon. L.

Charles, Hon. Dr. C.

Wilson, Hon. S.

Nicholson, Hon. P.

Henry, Hon. G.

Samaroo, Hon. Dr. B.

Toney, Hon. J.

Hector, Hon. M.

Hem Lee, O.

St. George, A. Dr.

Panday, B.

Humphrey, J.

Sudama, T.

Palackdharrysingh, R.

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Raphael, R.

Manning, P.

Marshall, M.

Donawa-McDavidson, M.

Butcher, K.

Shand, E.

Sanderson, A.

Question agreed to.

Bill accordingly read the third time and passed.

CENTRAL TENDERS BOARD (AMDT.) BILL

Order for second reading read.

The Minister of Justice and National Security (Hon. Joseph Toney): Mr. Speaker, I have the honour to move that the bill to amend the Central Tenders Board Ordinance be read a second time.

Some 30 years ago, the legislation governing the procurement on goods and services to man and run the machinery of the state, was enacted. At that time the law as it stood was considered adequate. The range and scope of Government's operations, since then, have expanded widely and have altered dramatically. At the Ministry of Justice and National Security, for example, we are now operating, among other equipment and facilities, fast patrol boats, fixed-winged aircraft, specialized fire-fighting appliances, a fleet of approximately 800 vehicles and 100 stand-by generators.

For obvious reasons, and because I am responsible, ministerially, for the safety and security of the state, I cannot outline to you all the other appliances and equipment for which we are responsible and which we operate. But never in one's wildest dreams could anyone have imagined 30 years ago, that in order to ensure that law and order is maintained in this country, our Ministry of Justice and National Security would have had to so equip and outfit itself. The times have changed and so must the law, otherwise one would hear the most degrading descriptions of the law. This is the primary reason for this amendment today. The law must keep pace with what is happening in the real world in order to provide security and safety and, of course, law and order.

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To ensure that the security of the country is at all times intact, many and varied are the tasks carried out by the various arms of our protective services: the defence force, the police service, the fire service and the prison service. These tasks touch and concern almost every facet of life of the people of this country and, in many instances, have much to do with the preserving of life, as well as property. The ability of the various units of our protective services to carry out these functions efficiently and effectively, depends to a large degree on the tools at their disposal, and if they do not have the tools, the quickness in obtaining them.

Already for this year, we have been able to provide and are still in the process of providing for the protective services, the many tools that they need to properly enable them to carry out their responsibilities. The police service, for example, has been provided with a sizable number of vehicles. Just yesterday, through the kind graces of the United States Government, on behalf of the Government and people of Trinidad and Tobago, I received 25 jeeps for use in the defence force, in particular the regiment. We have also ordered for the fire service and the prison service, the vehicles that our budget could have allowed us. We are also making sure that they are well equipped and that they are properly outfitted for the many responsibilities which they have to carry out every single day.

This is not all, Mr. Speaker. This Government places considerable emphasis on training and a substantial number of officers have, courtesy the state, been exposed to training courses both here and abroad. I do not think that I need spell out to hon. Members this afternoon, the value and benefits to be derived from ongoing training courses and refresher sessions for those whose job it is to look after the security and welfare of the state. That, I presume, is understood. Let me go on record this afternoon and say that there are times when, from the reports which I receive, I know that our law enforcers are not as equipped and as outfitted as any modern-day Ministry of Justice and National Security would like them to be. In spite of this, they soldier on, protecting and serving, responding to every emergency call and manning our security institutions to the best of their ability.

3.25 p.m.

I would be failing terribly in my duty, if as Minister of Justice and National Security, I did not pay public tribute to all of them, be they soldier, sailor, police officer, fire officer or prison officer, for their dedication and devotion to duty in sometimes very trying and difficult circumstances. They deserve every

commendation and praise and I think that I speak on behalf of every law-abiding citizen of our country as I pay this public tribute to them.

We are also trying to provide the best possible working conditions for members of our protective services. Under an agreement with Maritime Life (Caribbean) Limited, a major construction programme is underway. The following projects have been completed the new Woodbrook Police Station and the Cedros facility, which has accommodation for a police station, the coast guard, the immigration division, the customs division and the Ministry of Health.

I was reading—and I took it in a very jocular fashion—what the prospective candidate for the PNM in Point Fortin said, that it was his dream to see a security complex constructed in Cedros. Let him know that under the NAR Government, his dream has already been realized.

Renovations have almost been completed on the St. James Barracks and both the new administration center for the police on Sackville Street, Port of Spain and the Barrackpore Police Station, are nearing completion.

From the reports which I have as well, work is expected to start shortly on the Marabella Police Station, the Barataria Police Station, the Laventille Police Station and the Santa Rosa Police Station. In fact, very shortly there will be a sod-turning ceremony to start construction work at the Marabella Police Station.

Work is also going on apace on the reconstruction of Camp Ogden for the regiment whilst a proposal is being studied by the Ministry of Finance and the Ministry of Works, Infrastructure and Decentralization for the construction of a new camp at Mucurapo, also for the regiment. Improved facilities have also been provided for the coast guard at Hart's Cut. You may well know that, thanks again to the US Government, two fast patrol boats have now been put at the disposal of the coast guard.

Work on the completion of a maximum security prison at Golden Grove will begin shortly and it is expected that the first phase of this development will provide additional detention facilities to help us ease the overcrowding problem now at our prisons.

On July 23, this year, I had the honour of formally declaring open the Morvant Fire Station and just recently, my good friend from Chaguanas, the hon. Winston Dookeran, joined me in a ceremony to start construction work on the Chaguanas Fire Station. We are hoping that soon we would have a similar ceremony in the Santa Cruz area.

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All these are attempts on the part of the state to provide a better working environment for those who have that stressful and strenuous task of preserving law and order in our country. This is what Mr. Jules Bernard, Commissioner of Police, had to say when he was involved in an interview with the *Trinidad Guardian* of June 26, 1991, when he was asked:

"Could you give us an idea of some of the immediate problems affecting the Trinidad and Tobago Police Service?"

He said:

"One is accommodation at all the stations."

He went on to say.

"I have only recently submitted a report to the Minister on this problem which has been around for years now. No one attempted to really look at a serious rebuilding programme of police stations, but since the present Government came into office, we are getting the construction of some new stations and of course, our new headquarters on Sackville Street."

[*Interruption*] Everybody is NAR. I am not surprised if he is a NAR.
[*Interruption*] Make a contribution.

We have also increased, recently, the strength in all the various units: the police service, regiment, coast guard, prison and fire service.

Having taken up office at the Ministry at the start of this year, I placed particular emphasis on ensuring that the defence force and protective services are provided with the tools and the environment to effectively discharge their responsibilities. Thanks to the co-operation of my ministerial colleagues in Parliament and thanks to the foundations so stoutly laid by my predecessors in office, the honourable Sen. Herbert Atwell and Minister Selwyn Richardson, we have made those accomplishments so far.

A review of the procurement procedures, however, has made it abundantly clear to me and to all concerned at the Ministry, that the times required for the acquisition of the goods and services were far too lengthy and that the purchase of items for the Ministry, the majority of which were sensitive, had to pass through too many channels.

Cabinet was therefore approached with proposals for the amendment of the Central Tenders Board Ordinance to enable the Ministry of Justice and National Security to handle, in house, the acquisition of a range of goods and services

required for the defence force and the protective services. The proposals are in the form of the amending legislation which is now before this honourable House for its approval.

Having looked at the proposals, however, it is my feeling that other matters ought to have been included and during the committee stage, I propose to make certain suggestions.

Mr. Manning: Mr. Speaker, I hope that the honourable Minister would be kind enough to let us know before we get to committee stage.

Mr. Toney: Yes, I would have them circulated.

The security of our country and the ability to better equip the protective services require that the procurement function of that Ministry be localized in the Ministry. In that way, no longer will every Tom, Dick and Harry know, to our danger in some instances, the type, quantity and quality of arms and ammunition which we are purchasing for any of the units of the defence force and/or the protective services; neither will they know, sometimes to our detriment, the type, make and registration numbers of some of the vehicles which are in use by the police service for special duties; nor the manufacturer of the fabric which is used to make the uniforms for members of our protective services; the layout plans of our military institutions, prisons and/or police stations; neither will they know, to our jeopardy sometimes, who are the engineers and what type of equipment they use to repair our boats and our aircraft.

I have just mentioned a few matters to which access is now had and which access can, if not carefully contained, jeopardize the entire security of our beloved country.

Let me make it as clear as crystal this afternoon, that the Ministry of Justice and National Security has the utmost confidence in the Central Tenders Board. Their integrity and devotion to duty are characteristics that are admired by all and are worthy of emulation by others in the public service. My advice and information is that they are very sensitive to the needs of the Ministry of Justice and National Security but they too are bound by the law as it now stands.

3.35 p.m.

As I said earlier on in my contribution, the times have changed; circumstances have altered and the law must keep abreast of these shifts in the real world of security, law and order. Very shortly, I shall be submitting for the approval of

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Cabinet, a body of rules to be observed by the Ministry of Justice and National Security, insofar as the procurement of goods and services for the Trinidad and Tobago Defence Force and the protective services. Embodied in these rules will be the appropriate checks and balances.

I wish to give this honourable House the assurance that when these rules are approved by Cabinet, they would be laid on the Table of this House for the information of all Members of Parliament. As we debate this matter today, my only counsel to those who are going to participate is that national security must never ever be approached from a narrow political perspective, or from the angle of attempting to score political points. It must be approached with the mind of a patriot.

I hope Members rise to the occasion. I look forward to hearing what they have to say. I beg to move.

Question proposed.

Mr. Basdeo Panday (*Couva North*): Mr. Speaker, when the hon. Minister introduced this bill, I was a bit worried about this whole catalogue of things that were done. I wondered what the fact that the regiment had received 25 jeeps had to do with the bill, because what he says must be in justification of this bill. It must be an argument that the Members of this House should support the bill, so that what he says is that there must be an emphasis on training. I do not think anyone has a problem with that. What does emphasis on training have to do with the bill? Is it because you are thinking of purchasing equipment for training under this bill? Is it a matter of national security that this country must not know what you are doing?

I wondered what was the importance of taking this opportunity to pay public tribute to the protective services. I pay tribute to them. As a matter of fact, I pay tribute to them every night on the public platform. I pay tribute to those who are not doing their functions as well. I did not know that it had anything to do with the bill; it is the bill that matters. He admits that the agencies we have are not properly equipped. All I want to ask him is: were all these improvements in working conditions provided—the new Woodbrook Police Station, the Cedros facilities, the St. James Barracks, the Marabella, Barataria and Laventille Police Stations, the new camp at Mucurapo—using the procedure of the Central Tenders Board? That is the first point.

Did the Government use the procedure established by law which is the Central Tenders Board to effect all of these wonderful things which the Government has told us about? That can be the only importance of it. Unless he is trying to make cheap political mileage, what is the importance of telling us about a maximum security prison at Golden Grove? In providing the maximum security prison at Golden Grove, did they go through the Central Tenders Board? That I thought he would have said, that they did not go through the Central Tenders Board, that is why they were able to provide it. He did not make the link and I want him to make the link.

They are going to open the Morvant Fire Station—*[Interruption]* They did not tell you?

Mr. Shand: No.

Mr. Panday: Do you mean they opened the fire station? Do you need my knife to cut your other card?

Are we providing accommodation by avoiding the procedures of the Central Tenders Board, or are we using the procedures of the Central Tenders Board to put accommodation in place? I thought that having tried to make some political points and so on, he would have justified or given reasons for the Government wanting this bill. I think that is when he referred to the question of lead-time for the acquisition of goods. What is causing the delay in the lead-time for acquisition of goods? Is it the procedure that the Central Tenders Board must go through? If that is the reason then two things obtain. First of all, the Government must be able to anticipate in time, long before it needs the goods, what goods it would need having regard to the time it takes under the present structure of the Central Tenders Board. Any government worth its salt, any efficient government would be able to anticipate and would be able to plan.

As a matter of fact that is what budgets are all about. Is it not? If one wants certain items in order to run the government, surely, one must know that the Central Tenders Board will take a certain length of time to provide those items. So you take it in time.

The second point, assuming that the Central Tenders Board takes too long, then what is wrong with amending the procedure of the Central Tenders Board to reduce the time? *[Interruption]* No! No! They are not doing that. They are not amending the procedure of the Central Tenders Board, they are avoiding the Central Tenders Board. They are by-passing the Central Tenders Board. That is

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the difference. I am saying if the procedure is taking too long, there is too much of a lead-time, why not amend the procedures of the Central Tenders Board so that they may operate more quickly and more efficiently? They are ignoring the Central Tenders Board for these purposes. They are saying that when this Act is passed, they do not have to go through the Central Tenders Board in order to acquire certain equipment. Why? What is the justification for that?

Well, let me be fair to the hon. Minister. I think that the hon. Minister was saying that the procedures are too long and there are too many channels to go through. Those are the words which he used. Reduce the number of channels. Do not abolish the board. Reduce the number of channels but have it under the Central Tenders Board. If the real problem is that procedure is cumbersome, then what is the difficulty in amending those procedures to make them less cumbersome? What is wrong with that?

3.45 p.m.

Mr. Panday: Now, the purchase of these equipment, which is likely to run into millions and millions of dollars—that is the key—will now be handled in-house. That is a formula for corruption. As a matter of fact, we all admit in this House that was the reason for the establishment of the Central Tenders Board in the first place, so that ministers of government will not have an influence, a say and a power, in the purchasing of goods, because history is replete with examples in this country. My brother, who sits in the back of me—and he will always be in the back of me as far as I am concerned—knows as well as I do that where one allows ministers, whether they are O'Halloran or Prevatt or Gail Robinson—she is not a Minister; that is another corruption we have to deal with one of these days. Wherever political persons are involved in the purchase of equipment valued at millions of dollars, the chances are that there is going to be corruption. You are going to have a similar situation to the Bhopal situation that occurred in India where the Indian government suffered tremendous attacks and setbacks because political persons were involved in the purchase of military equipment. So is that the real reason? Because it is the first reason given for wanting to avoid the Central Tenders Board, and that is, that the Ministry of National Security will handle, in-house, the purchase of weapons.

Mr. Humphrey: But it is more than that, the amendment includes construction of physical facilities.

Mr. Panday: Thank you, John. I will come to that. Let me deal with the principle first and then I will come to the details.

At the committee stage we are told that there are going to be certain amendments and the Minister has circulated these amendments. But I found it rather strange that he should use such derogatory terms to refer to the public of Trinidad and Tobago, when he said that, "every Tom, Dick and Harry would know the kinds and quality of equipment that the Government is buying". Every Toms, Dicks and Harrys, my friend, are the people who are going to give you the money to buy it, and surely, those are the people who are going to be excluded from the knowledge of what equipment you are buying and how you are equipping the security services. Also included in every Tom, Dick and Harry are the people who voted you into power, and I say you cannot treat them like that. That is the arrogance that emanates from this Government now. The public is not entitled to know; they are now Toms, Dicks and Harrys. When 360,000 Toms, Dicks and Harrys and Marys, voted you into office, it was all right. Now that you are in office they must not know what you are doing with their money?

I find that to be disgusting, to say the least. Every Tom, Dick and Harry would know the kinds of equipment, the kinds of weapons! They would know the fabric that is being used to make uniforms! So they would not know otherwise. Because you are going to go through the tenders procedure, they will know the fabric, and because you will bypass the tenders procedure, they will not know the fabric. Tremendous logic! We live in a place called Trinidad and Tobago. We have 1.2 million people, and we live in an area with land space of less than 2,000 sq. miles, and when you spread a rumour in the morning before 24 hours everybody in Trinidad knows about it. That is a fact. So that could not possibly be the reason for introducing this bill. You do not want people to know the fabric with which policemen's trousers are made or army uniforms? That is a state secret. So they would not find out when the policemen start to wear them; they would not find out when they land here; they would not find out when the tailor is making them.

And these guns; you are going to hide them, of course. You are going to hide them and lock them away where people will not see them, not even the policemen who are supposed to be using them, or the army people. They will never know. All those army officers who are living all over this country will never know the make of guns you have purchased. That is going to be a total secret because you are going to bypass the Central Tenders Board when you are ordering them. Now tell me, who is being fooled? You would not even have to open the box. The

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moment the equipment lands here, everybody is going to know what equipment has come into the country.

They will not know the layout plan for military installations. I imagine that has to do with the amendment, and the amendment to the Third Schedule is going to be increased by excluding from the purview of the Central Tenders Board, construction of a physical facility. So that, “nobody will know the layout plan of military installations”. So who is going to build that, people from Mars? You are getting worse than Saddam Hussein. “They will know who your engineers are”. Where are you bringing these engineers from? Are you bringing these engineers from Saudi Arabia, Abu Dhabi? Where are you bringing them from? Are engineers from Trinidad? Now, you say that, and say that you have great confidence, at the same time, in the Central Tenders Board. If you have confidence in the Central Tenders Board, why are you objecting to the fact that they have to advertise the tenders? Is there not something called selective tenders? And there is another system, sole selective tenders. What are you objecting to? What is it you really object to that the Tenders Board do? It could not be that they let the news out because you have confidence in them. You said that. We know that they advertise and invite tenders, but I understand that under the present law they need not do that. You have selected tenderers and it can be done with a measure of secrecy if that, in fact, is what you want to achieve.

I do not know how to interpret what Members of this Parliament are asked to be sensitive about in debate. We are asked to be sensitive about national security and the need to be loyalists, nationalists and patriots; so I have now become unpatriotic by questioning the Member. Well it is a price I intend to pay. I intend to be labelled unpatriotic for asking the Government to carry out its own mandate, that was put in its manifesto—to which I shall come before I finish this debate—in which accountability is mentioned. I am prepared to be called unpatriotic.

So do not tell me about being sensitive. No one can love this nation more than I. That was a nasty habit of the PNM, a very nasty habit, that anybody who objected to them was unpatriotic, was not nationalistic, and like a “B” team, this Government seems to have inherited that. They seem not to have transcended that kind of thinking, that mental framework: that anyone who objects to what they are doing, suddenly becomes unpatriotic, suddenly does not have the interest of the nation at heart. That is a very dictatorial attitude. It is an attitude that we must eschew in this Parliament and we must spit out those who form the Government and who advocate such ideas. National security must be approached in a

particular way. Now, how do you want to approach this thing? First of all, the explanatory note to the bill says that the Central Tenders Board Act is amended to exempt from its provisions the purchase of items and provisions of services listed in the Third Schedule. The items and services so listed are for the purposes of the Trinidad and Tobago Defence Force and those protective services listed in the Fourth Schedule.

3.55 p.m.

You do agree with me, do you not, that in this context, the President means Cabinet? The President acting on the advice of the Cabinet—that is stated in the Constitution. In these circumstances, President means Cabinet, so do not get the President involved in this thing at all. However, I mentioned it because the Constitution requires that the President formally sign the Order. Be that as it may, it does not matter. It is this Government that will be amending the Third Schedule. You want to import arms and ammunition! Now, arms and ammunition for a country like Trinidad and Tobago is not the same thing as arms and ammunition for the United States, the Soviet Union and for Britain. It cannot be. Like they have the stealth bomber, and that sort of thing, that they do not want people to know about. That cannot be for us. We are not a military country, nor do we have military ambitions, and we do not intend to import arms and ammunition that are in that category. We need arms and ammunition for internal defence. I do not know if the NAR has military ambitions. I do not know who they have military ambitions over, if they do have military ambitions.

But we know one thing. We do know that the arms and ammunition to which the Minister referred here could not be arms and ammunitions for warfare because, let us face the fact, we are a small nation and we have got to enter into treaties and arrangements with our Caricom partners and our Latin American neighbours and even with our American partners, for the protection of this country in the event that it is going to be invaded. So the arms and ammunition talked about, are going to be used by the security forces against the people of Trinidad and Tobago. Albeit, they may be criminals, attempting to take over, I am accepting that, but the people of Trinidad and Tobago, are who these arms and ammunition are to be used against; hardly likely to be foreigners.

What arms and ammunitions are to be imported that it is so secretive that nobody in the country will know what we have even after being imported? And even after being imported, no one in this country will know what it is all about, where those arms are, what kind of arms they are, who have them, when they are

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going to be used and so forth. Because they are going to be hidden in some military installations of which the public will not know either. So bunkers are being built and you are buying arms. That is what this bill is going to do. National security does not mean the same thing here as when the superpowers speak of national security. Not the same thing. It cannot be the same thing.

Now, you want also to bypass the Central Tenders Board in acquiring the services of people to repair and maintain vehicles; so you want to bypass the Central Tenders Board to fix an engine in a police car. Is that what you are telling me? Is that what you are telling this House? Now, tell me something, how are you going to improve the national security of this country by avoiding the Central Tenders Board in getting some mechanic to fix the engine of the police vehicle? I want to tell you what you are planning here. They plan to have Neal and Massy do it. That is they you really want. They want to determine who gets the contracts in this country. Thank you.

Mr. Speaker: I wish the co-operation of honourable Members to have the sitting suspended at this time at 4.00 p.m. instead of 4.30 p.m. for the tea break. The break will last for about 45 minutes. Do I have the agreement of the House?

Assent indicated.

Mr. Speaker: The sitting is suspended for about 45 minutes.

4.00 p.m.: *Sitting suspended.*

4.55 p.m.: *Sitting resumed.*

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

Mr. Panday: Mr. Deputy Speaker, the point I was making before we took the tea adjournment was that the Third Schedule to the bill enumerates the items which the Government is seeking to take out of the purview and control of the Central Tenders Board. One was the repair and maintenance of vehicles including coast guard vessels. Mr. Deputy Speaker, I ask, how is this a matter of national security? What is so secret about repairing and maintaining vehicles of the police or the fire service? You will notice that the Fourth Schedule includes those services for which equipment can be bought by the method being introduced in this bill: the prison service, the rural and estate police, Special Reserve Police, Trinidad and Tobago Fire Service. So that if they wanted to buy a fire truck, they could do so under this Act. I want to know what is so sensitive and secret about the purchase of a fire truck.

Mr. Toney: Mr. Deputy Speaker, on a point of order. I just wish to advise my friend that item No. 2 under the Third Schedule has been amended. If he looks at his list of amendments, he may wish to rephrase or redraft his argument. But it has been amended. I think I ought to inform him accordingly.

Mr. Panday: Yes, Mr. Deputy Speaker. Replace the words of item (2), that is, "Repair and maintenance of vehicles..." with "Repair and maintenance of aircraft, equipment and vehicles including coast guard vessels." I did not see that it made much of a difference. Instead of "Repair and maintenance of vehicles including coast guard vessels," it now reads, "Repair and maintenance of aircraft equipment and vehicles including coast guard vessels."

I am grateful to him for drawing that to my attention. Would he be so kind as to tell me what is the significance there at all? They have added, "Security equipment including scanners, detectors and fax machines". So that a fax machine is a very highly sensitive item of security. "Uniforms and protective gear", and I have made reference to that point. The honourable Minister justified that by saying, "we did not want them to know the kind of materials we were using to make uniforms" as though they could keep that longer than it takes for a policeman to put on his trousers. The moment a policeman puts on his trousers, they know what is the material. That is not a matter you want to get out of the hands of the Central Tenders Board. "Wireless equipment and spares". As I have said before, to replace the words of item 5 "Vehicles, aircraft, marine craft, mechanical equipment and parts thereof."

But, Mr. Deputy Speaker, there is another amendment which expands the Act in a very significant way. It says that section 20 of the Ordinance is amended in subsection (1) by inserting after paragraph (e) the following:

“items and services listed in the Third Schedule are approved by the Minister as being required for the purposes of the Trinidad and Tobago Defence Force or the protective services.”

So the Minister will determine what equipment is for the time being required. One of the amendments, as you would see, Mr. Deputy Speaker, is item (7) including horses and dogs. That is also a matter of great security. Items of the Third Schedule, construction of physical facilities. That, too, will be included under the Act.

Mr. Deputy Speaker, the Minister knows as well as I do, and as well as every Member of the House knows, that these are not items which are really required to

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be put in this Ordinance for the protection of the security of the state. It cannot be. A child will see that these items are so incapable of being kept a secret that there must be another motive for this bill.

I was reminded by my colleague who had to leave, Mr. Humphrey, that there is an international requirement that the suppliers of arms declare to their respective governments the arms that are supplied. One of the reasons the Government of Trinidad and Tobago was able to get the type and description of arms that were used on July 27 in this House. So how are you going to keep it secret?

I suspect that the real purpose of this bill is that the Government wants to take out of the control of the Central Tenders Board, the power to purchase directly and for the Ministers and Government officials to be involved in the purchase of millions of dollars worth of equipment and clothing and so forth. The moment that happens, I can guarantee that all the business will go in a particular direction. All the business will go in the direction in which this Government has indicated that it proposes to sell out this country. It will sell this country to a small clique.

Everybody in this country feels that way; that this Government is in the pocket of a very small clique in the country. I call them the parasitic oligarchy. As a matter of fact, they call them the parasitic oligarchy in this document here and that parasitic oligarchy, of course, is trying to grab up all the economic opportunities in the country and they do not want competition. They are very monopolistic in nature and so they do not want to compete with anybody as far as business of this nature is concerned. But rather, they will prefer to have a Minister making the decision or influencing the decision so that the business goes to them.

I had something here which I wanted to bring to your attention. According to a report which was carried in the *Trinidad Guardian* on May 5, 1990, a bulletin was issued by the Director of Contracts of the Central Tenders Board to all permanent secretaries, heads of departments and local government heads entitled "Risk Management Services". And it indicated that Risk Management Services was appointed as insurance broker consultants to the Government for the period March 7, 1990 to December 31, 1992. As you know, this is a company in which Neal and Massy has controlling interest. I have no problem with that at all. What I am saying is that this Government has indicated that it is in the pockets of certain powerful monopolistic business groups in this country, and I have a feeling that one of the purposes of this bill is to direct business to that group without having to go through the Central Tenders Board. That has got to be the

purpose of this bill. It cannot possibly be that vehicles, appliances, uniforms and gear, repairs and maintenance to vehicles and so forth are so secret that they have to bypass the Central Tenders Board.

We cannot support this bill because we do not believe that the Government has given us sufficient justification for doing so. None of the items—I think probably only arms and ammunition maybe—and assuming, but not admitting that arms and ammunition can be classified as secret. If the Government is bringing in UZIs and did not want the criminals to know because they would bring something better than UZIs, assuming that, why has it become necessary for the Government to introduce things like repair and maintenance of vehicles, repair and maintenance of aircraft? We have facilities at BWIA and we have to hire contractors in any case, then we should get the best prices for the repair of aircraft, equipment and vehicles. I cannot see why it is necessary to include this in the Third Schedule of this bill. Even assuming that security equipment including scanners—and I do not know that anybody with the slightest intelligence, if they see scanners or if they know that scanners exist, would not be able to find out from the international business community where these scanners came from and who produced them. The same is true for protective gear, vehicles and appliances, wireless equipment and spares. There is absolutely no justification for that, Mr. Deputy Speaker and, therefore, we on this side are going to be unable to accept this bill.

I would have thought that the Minister would have said that the operations of the Central Tenders Board are such that it leaves much to be said about it. The Central Tenders Board, unless it has absolutely good reason, has a lot of explaining to do in the manner in which it awards contracts. And there is really no principle.

For example, I have letters here from the Moonan Group of Companies which are addressed to the Prime Minister, so they are not private letters, indicating that the Central Tenders Board on several occasions has not accepted the lowest tender. We know that it has been published that it need not accept the lowest tender, but surely there must have very compelling reasons not to do so but nobody can question the Central Tenders Board about its reasons. It is a law unto itself. I would have thought that is what the Minister was going to say. These letters which Mr. Moonan wrote to the honourable Prime Minister on August 5, 1981, and to the Director of Contracts on June 27, 1991 and January 13, and 1989, again to the Prime Minister in the letter of August 5, said, and it is well

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known that the director, the moving figure in this, is a Senator of the UNC. That is well known.

What is also well known is that a member of the Government, the Minister of Tourism, on the appointment of a certain businessman by the UNC to the Senate, threatened him. He told him, "I hope you know what you are doing. You must be able to stand the consequences of being appointed by the UNC." That is where they have reached. Sen. Moonan has argued that he has been discriminated against for political purposes and he wrote the Prime Minister. I want these letters to go in the record because if those are the reasons that the Member has for moving matters out of the Central Tenders Board, then he must say so. He must not come here and say that he has the utmost confidence in the Central Tenders Board, but I am going to take these matters out of their hands.

The letter of August 5, 1989, addressed to the honourable Prime Minister from the Moonan Group of Companies is a letter in which Sen. Mootilal Moonan was seeking to get information from the Prime Minister and to lay his complaints. And it says:

"Prime Minister, I must remind you that I have addressed you on this matter before and I enclose for ease of reference a copy of that letter dated January 13th, 1989. Unfortunately I have as yet received neither acknowledgement, nor, more importantly, a reply to the earlier correspondence."

What Sen. Moonan was saying is that there was an invitation to tender for certain works and that first package was construction relating to five schools as package B: La Horquetta Primary, El Carmen Government, Maloney Primary, Valencia Government, Sacred Heart Girls School. There was a public opening of tenders on July 11, 1988, and that revealed that Northern Construction had tendered to do the job at a price of \$10,149,000 and Moonan, \$10,154,000, and there were other tenders, of course, which were higher. After an evaluation exercise, the Central Tenders Board awarded the contract to the lowest tenderer, Northern Construction, even though the record of the company showed that the successful tenderer had no previous track record in the construction of schools; further, that it is not recognized by the trade as an established building contractor. But the Board used the principle of the lowest tender to award the contract to Northern Construction Limited.

Then again, there was another package of four schools, package C. John Williams Construction tendered \$7,271,000; Caribbean Development, \$7,424,000; Mootilal Moonan, \$7,450,000; Lange Ballast, \$8,000,000. Following

evaluation, the contract was again awarded to the lowest tenderer, John Williams Construction, and within a month of the public opening that was done. Again, the successful tenderer could cite no previous track record in the construction of schools and again that company was not considered a major building contractor.

But we come now to the other set and you will see how the criteria changed. And this was with respect to another set of tenders, package D. In package D, again for the construction of a learning resource centre, Mootilal Moonan Limited tendered the lowest bid: \$11,692,000; Northern Construction: \$11,800,000; Quentrall Industries Limited: \$11,922,000; Lange Ballast: \$11,908,000.

“It, therefore, came as a surprise to us, says Mr. Moonan, ‘one which has demoralized my organization completely’ when the precedents which had been established were set aside and the fourth lowest tenderer proved to be the successful tenderer.”

Now, I thought that the honourable Minister was going to make the comparison here and say that he does not know what to do with the Central Tenders Board. The letter goes on to say:

“And this experience would not be so tragic, if it were an isolated one, but sad to say there was even a more glaring case, what I must very reluctantly describe as discrimination against my company in the award of the contract to resurface an area of roadway for the Port-of-Spain City Council.”

Mr. Smart: I wonder if the honourable Member would give way to an inquiry. I was just wondering, Mr. Deputy Speaker, whether the line that the Member for Couva North is taking might not be a line that may run us into some difficulty, having regard to the fact that the person of whom he speaks is a Member of this Parliament. I wonder whether we are not, in fact, violating our code of ethics in a sense, vicariously, by having the leader of the party, to which that Member of Parliament belongs, argue a case for contracts in this Parliament. I am very concerned about that, Mr. Deputy Speaker.

Mr. Panday: My honourable colleague must first tell me if what I say is untrue. My religion tells me speak the truth and do not worry about the consequences. That is what my religion tells me. That is why I act differently from him because I believe in speaking the truth, and if what I am saying is the truth, he defies and tells me I ought not to say it because it is untrue. I do not care if the Member is a Member of this Parliament or if he is a member of any other organization. This is a company and he is a person, and I am dealing with a

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principle. What does the Central Tenders Board use as a principle? I am using this as an example. I do not know what the Member is talking about. If the Member wants to “brakes”, that is the Member's business. This is an act of discrimination.

5.20 p.m.

Mr. Smart: I just want again, to refer us to our code of ethics which was passed in this Parliament some two or three years ago.

Mr. Panday: The code of ethics told me nothing about telling lies. The code of ethics told me I must tell the truth, and the Member must say am I speaking the truth, or am I speaking untruths? That is all that matters with the code of ethics, because the truth constitutes the highest ethics and, therefore, if what I am saying is true, all our ethics must subserve truth. That is what my religion tells me. Do you want to get up again?

Mr. Smart: I simply raised the issue, Mr. Speaker.

Mr. Panday: Raise the issue of truth. That is what you must do. I continue, and he must say that what I am saying here is untrue. I do not care who Mr. Moonan is. Is it a fact that they discriminated against a company? That is what is important. I am not talking about Toney, Toney and Toney and the other contracts. I will come to that otherwise. When we come to deal with the elections I will talk about those contracts. So that I am talking about letters which were written to the Prime Minister. That is what I am talking about. I am talking about the paving of roads for the City Corporation. This is from the Mootilal Moonan Group of companies. The fact that he is a Member of the Senate has nothing to do with that.

"In that case, a tender bid of ours in the sum of \$285,843 submitted on August 5, 1988, was rejected and the contract was awarded to another firm with a bid of \$596,068."

That is more than 100 per cent in excess of the bid, and the Central Tenders Board must be answerable to this country. I do not care who Moonan is. They must be answerable to this country and tell us why they awarded a contract which was 100 per cent more than the lowest bidder. What happened? Do they not screen contractors? Do they not know whether contractors are capable of doing the work before there is some prequalification? They do not have to give anybody reasons. That, I think, was something that I would have preferred to see in this House, instead of this bill. Instead of the hon. Minister coming here and

by-passing what is obviously an obstacle and a problem in the Central Tenders Board, I would have preferred to see him introduce legislation which would make them accountable. They said they were going to do it in their manifesto. In their manifesto at page 5—they quote this manifesto when it suits them.

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

Motion made, That the hon. Member's speaking time be extended by 30 minutes. [Mr. R. Palackdharrysingh]

Question put and agreed to.

Mr. Panday: Thank you kindly, Mr. Speaker, and Members of the House.

At page 5 of this manifesto which I was proud to present to this country in the lead-up to the 1986 general election—and I did such a good job. We beat the PNM 33/3. So I am very proud. We said here, that as part of an immediate action plan—now I stress “immediate action plan” because this Government has less than six months in office. A NAR Government would establish on a functional basis, committees and it would revise the Standing Orders of the Parliament to provide for:

- a. The establishment of the required committees to enable continued and adequate parliamentary vigilance over national, regional and international affairs.
- b. The vesting of these committees with the appropriate authority and powers, as well as providing them with the necessary resources to function."

So that in our manifesto we recognized that there were agencies, like the Central Tenders Board, which did things that Sen. Moonan complained of and was responsible to nobody. I am sorry my learned friend and colleague had to leave. He was going to raise that whole issue of the Tobago deep-water harbour contracts today.

On page 36 of the manifesto we spoke of institutional independence. Here is what we said:

"The NAR will respect the professional independence and management autonomy of bodies that are assigned specific responsibilities in the system of public administration."

Now, you cannot have it both ways, in that in your manifesto you said that you were going to respect the professional independence and management autonomy of bodies that are assigned specific responsibilities in the system of

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public administration. The Central Tenders Board is one such body—you cannot come here and say, “yes, I respect them, but I do not trust them to do this job.” Or, “I respect them, but the rules under which they operate are far too cumbersome and I would not change the rules to make them less cumbersome; I would not change the rules to make them more responsible, I will avoid them.” That cannot be the answer, because you see, they referred specifically to the Central Tenders Board in this manifesto and so I will read it again.

"The NAR Government will respect the professional independence and management autonomy of bodies that are assigned specific responsibilities in the system of public administration. Such bodies will be required to operate within a broad policy environment as enunciated in the national policy and programme and adhere to the requirements of an enforceable system of public accountability. To this end, the NAR will restore the status, integrity and professional conduct of all state institutions which will include the following bodies: Central Tenders Board."

So that the argument I am putting forward here today is in keeping with my promise to this nation. That is to say—

Hon. Member: Let the man go to court.

Mr. Panday: Do you see the arrogance? That is the arrogance of which we speak. In other words, “I do not care about you; go to court. Who are you? I could discriminate against you.” It is the same thing they will do when the bill is passed and we come here and point out that they are discriminating; they will say, “go to court? Who is you?” That is the attitude and it is very important that they blurt it out in this way. “Go to court. You could do what you want.” They will do what they want.

I am putting forward a proposal which is consistent with what we said in the manifesto, namely, we “will respect the independence and management autonomy of bodies” such as the Central Bank, Central Statistical Office.

Mr. Manning: Central Bank?

Mr. Panday: Yes, Central Bank is here.

Mr. Manning: They are in breach of section 46 of the Central Bank Act.

Mr. Panday: The Central Bank is here, the Central Statistical Board, then Central Tenders Board. We went on to say—we were careful when we drafted this manifesto:

“Such bodies will be required to operate within a broad policy environment as enunciated in the national policy and programme and adhere to the requirements of an enforceable system of public accountability.”

So we are saying we will leave the Central Tenders Board to do their job, but we will ensure that they are accountable. How shall we ensure that they are accountable? We shall set up parliamentary committees. We shall amend the Standing Orders. We will adopt from the American system, this senatorial investigating committee. We can introduce joint investigating committees where the complaints are made against the Central Tenders Board. We do not want them to be answerable to every and anybody, but they are answerable to Members of Parliament, to tell us “why you award—you probably have a good reason, but you do not smell good after you do a thing like that—a contract which is 100 times more than the lowest bid and the person or the firm which you reject, has a long history of road-building?”

5.30 p.m.

So I go on.

"This particular contract award continues to amaze everyone with any knowledge of it. We were pre-qualified by the Central Tenders Board and they cannot therefore claim to have any reservations about our competence to do the job."

But these people are not answerable to anybody.

“The successful bid was, in our view, excessively high.”

That was Mr. Moonan's comment, I have nothing to do with that.

..."and in awarding the contract at such a price our company is more than satisfied that the best interest of the Government was not served..."

That is Sen. Moonan's opinion—

“...especially having regard to the difficult financial times...”

But he went on to say—and I am talking about the facts, not Sen. Moonan's opinion:

“I draw attention to yet another package of projects for which tenders were invited by the Central Tenders Board:

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- (1) The Tunapuna Administration Complex;
- (2) The Fire Station at Santa Cruz;
- (3) The Diamond Vale Trade Centre.”

These are facts, not Sen. Moonan's opinion.

“Our tender bid for one of the items in this package—the Diamond Vale Trade Centre—submitted on the 13th July, 1988 was the lowest. However, the Central Tenders Board, by letter dated 15th June, 1989, advised that this tender, along with others, was rejected.”

That is a fact; that is not an opinion.

“Finally there was the matter of the award of contracts for the 'supply and transport of hot and cold asphalt mix' to job sites and depots...

We were therefore disillusioned when the Central Tenders Board communicated with us on the 30th December, 1987 advising that all tenders would be re-invited...”

Now this is very revealing—

“Tenders were in fact re-invited and on the basis of an evaluation of these new tenders, our company was awarded a contract to supply, transport, spread and roll hot mix anywhere in the administrative area of St. George West. It is, however, very strange that not a single contract has actually been awarded to us in this area, while in the other administrative areas the successful contractors are supplying, spreading and rolling hot mix for the relevant government agencies with responsibility for these areas.”

They must say we are lying; that we are not talking the truth. The point is, when these people objected and were given a contract for a certain area, no contracts were awarded for the area. I am saying that is corruption and I am saying what we ought to do, is to implement this manifesto and set up committees. Incidentally, much of this manifesto is going to be part of our manifesto. We are going to include the setting up of parliamentary committees to actually investigate people in much the same way as the Americans do before appointing them to high office, so that you do not get a balk in the judiciary.

I congratulate my friend in the back—I am not an uncharitable man—for stealing from us a certain item from our manifesto. I see that he went to address the Chamber of Commerce and very proudly announced to them that he was going to introduce a provision whereby depositors would be allowed to open foreign currency accounts in the commercial banks.

Mr. Manning: Mr. Deputy Speaker, I thank my honourable friend from Couva North for giving way. I want to let him know that there was no policy announced that had not been announced before the address I gave to the Chamber yesterday. Indeed, the bulk of the policies announced yesterday, forms a part of my address to the 28th Annual Convention of the PNM—

Mr. Panday: In what year?

Mr. Manning: In October, 1988.

Mr. Panday: Thank you very much, my friend. I knew he would fall into that trap. You see, Mr. Deputy Speaker, I laid it for him long before I began to speak here. When I came into this Parliament, I ribbed him. I said, “Ah, I see you have taken from our manifesto the ideas of the UNC”. He said, “No, no. As a matter of fact, we advocated this first, since 1988.” I want to let him know that it was advocated in this manifesto which was in 1986. That was a provision which we promised to introduce.

Dr. Tewarie: Mr. Deputy Speaker, I am grateful to the hon. Member for giving way. Since it is clear that the manifesto of the National Alliance for Reconstruction is the “new testament”, so to speak, of all political parties, the question is simply a question of who governs.

Mr. Sudama: No, no, who wrote it.

Mr. Shand: Mr. Deputy Speaker, seeing that the three parties represented in this House, all subscribe to the same manifesto and to the same ideas, are we to conclude that these three parties are the same khaki pants?

Mr. Panday: All I can say to my friend is that a good idea, advocated by several parties, does not necessarily mean that one can come to the conclusion he has made. I am sure he knows that from a point of view of logic. The fact that three people agree that a certain item on an agenda is acceptable, does not make them the same person.

I have to deal with my friend. I have accused my friend of plagiarism and I have done it with a smile, of course. That is, I am saying that he is bankrupt of ideas and he is trying to pinch them from wherever he can. When I told him that today, he said, that was his original idea from 1988. I knew he was going to fall into that trap. The moment I said that, I knew he was going to talk about 1988, so I drew it to his attention that it was the 1986 manifesto in which we included that idea. Then, I must deal with my friend and he is right. It may be that some of the

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ideas are the same. The problem is you cannot implement them. So you may be right, it is a question of who wrote them. *[Interruption]* But you have not implemented this one. You have not implemented these that I am talking about here today. When are you going to implement those? *[Interruption]* No, no, I am talking about this one, the one about the Central Tenders Board.

[Crosstalk]

I see. I see, my friend, I see. You have not implemented them yet? So, if my friend is right, it means that they are prepared to say one thing and do something else. And that is the best reason for getting rid of them. The best reason for getting rid of these fellas is that they are prepared to say one thing and do something else. They are prepared to fool people, ride on people's backs on the promise that they are going to do certain things and then the moment they get into power, they forget the promises.

So, my friend may be right, talk is cheap and everybody can say nice things and everybody can appeal to the population and say, "Ah, we have a great manifesto" but in this election it is going to be people who have, what is called "track record". We know my friend in the back has a 20-year track record to defend. He is in real trouble. My friend is in real trouble. He has a 20-year track record. Do not talk about my dear learned and beautiful colleague from Laventille. My friend from Laventille has an even longer track record to defend. So they could say the nicest things.

My friend at the back there can say all kinds of things about foreign currency accounts, and so forth, in the commercial banks, but he will have to tell these people why, in the 20 years that he has been in the government—and the 30 years that my friend from Laventille has been there—the idea now occurred to him to say so. They will have to say that.

My friends on the other side will have to say why, after five long, bitter, tedious, hurtful and grinding years on this country, that they too have not implemented it. So it is a question of track record. That is what the election is going to be about.

While I am on that point, I just want to point out something to you which I think was forgotten. On that same page 36, not only did the manifesto state it will respect the professional integrity and the autonomy of such bodies as the:

“Central Bank of Trinidad and Tobago
Central Statistical Office

Central Tenders Board
 Public Utilities Commission
 National Insurance Board
 Public Service Commission
 Teaching Service Commission
 Legal and Judicial Commission
 Police Service Commission”

it also went on to say:

“Monopolies Commission”

Mr. Sudama: Monopolies? Over Sydney Knox dead body!

Mr. Panday: Page 36 of the manifesto states:

"The NAR will introduce a Monopolies Commission charged with the responsibility and given the powers to monitor and prevent the rise of monopolies, cartels and price fixing in the private sector."

It is the same Government who gave one company a licence to import tyres into this country. That Government has given a monopoly to import tyres to their friend; one company.

Mr. Toney: Call names.

Mr. Sudama: So, you want names called, now?

Mr. Panday: You want names called?

Mr. Sudama: Check the Moonan name. You want names called now?

Mr. Panday: You did not want me to call names before, now you want names called. All right friend. Okay, friend.

Mr. Sudama: I would call some names. I would be calling a name here of one of the badmen of the NAR and what he is doing.

Mr. Panday: I have brought to the attention of this House, certain facts. As I said, I am not concerned with who the individual is, what I am concerned with is whether a single item here was an item of untruth. If it is, I would like the hon. Member to get up and say that what was said here was untrue.

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Now, I want also to show the helplessness of people in this country because of the failure of the Government to set up what is called "monitoring agencies" for quasi-independent or, so-called independent bodies, a list of which I mentioned. This is a letter dated June 27, 1991 directed to the Director of Contracts, Central Tenders Board, Port-of-Spain—

"Re: Tender for Landslip Project at Claxton Bay"

While I am on that—before I go on—may I ask this great, sensible and wise Government, why it chose this time of the year to start repairing the highway at Springvale? Why at this time of the year, when the rain is pouring down, are they cutting dirt from one side of the highway and throwing it on the other side of the highway? The machines were lying there for about two days doing nothing. Everytime I passed up and down I asked why is the Government so insensitive to the way it spends this country's money? Why was that work undertaken in the dry season? That is exactly what was done which resulted in the land caving in. Did you know that? Did you know that at that very point, what happened was that the little hillock—if I may use this term from a former colleague of mine—on the side were cut to fill the valley on the other side? That is exactly what is being done in the rainy season. You pas there anytime and you will see that. But that is not the point. I only remembered that.

The point I am talking about is how the Central Tenders Board operate. This is about a tender in respect of the landslip project at Claxton Bay. The closing date of the contract was February 18, 1990.

"There was a public opening of the tenders and the results were as follows:

Name of Contracts	Tender Price
1. Mootilal Moonan Engineering and Construction (Trinidad and Tobago Limited	\$6,184,935.75
2. Seereeram Brothers Limited	6,629,295.75
3. Junior Sammy Contractors Limited	6,725,846.59
4. Construction Services Limited	6,804,659.35
5. Trinidad Contractors Limited	7,662,518.72

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- | | | |
|----|----------------------------|---------------|
| 6. | Dipcon Engineering Limited | 7,668,145.95 |
| 7. | Ali Meah John Limited | 8,614,270.38" |

Now, you will see from that list who had the lowest and highest tenderer. The letter goes on to say:

"You will realise that our tender was the lowest priced. You could imagine our joy at that time, as we have not had a decent job for the past three (3) years."

They began planning and they put all their stuff in place and so on until they heard that "it was rumoured that the project has been awarded to a contractor whose tender had been higher than ours by some \$400,000". I repeat again "it was rumoured"—I am reading a letter. As I said, you will tell me the facts.

"We have hastily called a meeting of our Board . . . to complain of being discriminated against, perhaps because our Chairman is Senator Mootilal Moonan, a United National Congress (UNC) Senator, the UNC being the Opposition Party in Trinidad and Tobago."

You tell me that you are different. When you say in one breath that people have a constitutional right to belong to any party but when they belong to it, you victimize them? Openly victimize them. You talk about being against corruption.

Now, I do not know what happened to that contract but I am sure my friend is going to tell me. I do not know what happened to that. This is the same Government that is telling me that it wants our "okay" [*Interruption*] Oh yes, yes. I can go on and on, quoting from documentary evidence, of the kind of corruption that exists in this society and when we were part of the NAR and went to the Government, we went on that basis. We recognized that there are institutions in the country which are not responsible to anybody. Everyone knows that the Public Service Commission is a tragedy. Everybody knows that the Teaching Service Commission is a tragedy. When you raise the matter they say "They are independent, we cannot speak to them. Nobody can speak to them".

I write them letters and say, "I am a Member of this House, the Leader of the Opposition, can you explain to me why you did so and so and so? Is there a reason you are discriminating against people?" They write back and say, "We do not have to answer to anybody." Nobody! Our founding fathers could not possibly have intended that there would exist in this country a system of government in which there were people who are accountable to nobody. They could not possibly have decided that. That is why we, of the real NAR, when we

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put our manifesto together, we had said that we are going to set up institutions to make them accountable.

So, the objections to this bill are, therefore, threefold. One, it does not deal with the real problem.

5.50 p.m.

The problem, as the Minister himself has stated, is the Central Tenders Board. The Minister said that. The Central Tenders Board Act—maybe that is better—I do not want to misquote him at all because I know when people tell lies, the roof falls down on them. You see, God does not sleep. When you betray people the roof caves in on you. That is why I do not want to misquote the Minister.

The point I am making is that the hon. Minister has said that the reason for bringing this bill before Parliament, is that there is a problem with the Central Tenders Board Act. He said that its procedures are such that it cannot meet the needs of a modern society. If we have laws which cannot meet the needs of a modern society, change them. If, therefore, the Central Tenders Board is too slow, you must tell the country if that is bad and that you want to abolish it. If the idea of the Central Tenders Board is right then you amend the Central Tenders Board Act to make it more expeditious in decision making. You do not introduce a bill which is a formula for corruption, nepotism and patronage. That is what is going to happen.

Therefore, I want to say that I do not think that we can support this bill, unless we can hear from the Minister much more justification than we have had. Thank you kindly.

**ADJOURNMENT MOTION
(LEAVE)**

Mr. Trevor Sudama (*Oropouche*): Mr. Deputy Speaker, before you move the adjournment, I have a long-standing item which is a motion on the adjournment but because of the fact that we did not meet for so long, it was kept in a state of suspension. I want to ask the Member for Caroni East whether he is willing to proceed with that motion on the adjournment today. If he is willing to proceed, I will carry on with that motion on the adjournment. If he needs time to come back next week to deal with it, I am willing to oblige. I am a very charitable man. In the dying days, in the sunset of their parliamentary existence, I want to be very charitable and I want to give them whatever favour they may request of me.

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Dr. Tewarie: Mr. Deputy Speaker, I was ready to deal with this matter on the last occasion when we met. It was some time ago. I do not know if I will be able to recall all the issues. I would be happy to deal with the motion next week. I will move the adjournment, so that he could sail into the sunset.

Mr. Deputy Speaker: We defer that motion on the adjournment.

Motion made and question proposed, That the House do now adjourn to Friday, August 16, 1991 at 1.30 p.m. [*Dr. B. Tewarie*]

Question put and agreed to.

House adjourned accordingly.

Adjourned at 5.55 p.m.