

*Leave of Absence*

*Friday, June 26, 1992*

**HOUSE OF REPRESENTATIVES**

*Friday, June 26, 1992*

The House met at 1.50 p.m.

**PRAYERS**

[MADAM SPEAKER *in the Chair*]

**LEAVE OF ABSENCE**

**Madam Speaker:** Hon. Members, I have granted leave of absence from today's sitting of the House to the hon. Members for La Brea (Mr. Hedwige Bereaux), San Fernando West (Mr. Ralph Maraj) and Arima (Dr. Rupert Griffith).

**PAPERS LAID**

1. Errata in respect of the Annual Reports of the Trinidad and Tobago Electricity Commission for the years 1986 and 1987. [*The Minister of Public Utilities (Hon. M. Marshall)*]
2. Report of the Auditor General on the Accounts of Trinidad and Tobago Television Company Limited for the year ended December 31, 1989. [*The Minister of Finance (Hon. W. Mottley)*]

*To be referred to the Public Accounts (Enterprises) Committee.*

**ORAL ANSWERS TO QUESTIONS**

**Energy Sector  
(White Paper)**

- 55. Mr. Trevor Sudama** (*Oropouche*) asked the Minister of Energy and Energy-based Industries:

Could the Minister state when the White Paper on the energy sector will be laid in Parliament as promised in the Prime Minister's contribution in the 1992 Budget debate in mid-January?

**The Minister of Energy and Energy-based Industries (Hon. Barry Barnes):** Madam Speaker, a draft of the White Paper is ready. It is being audited and reviewed and, after consultations, it is expected that it will be laid in Parliament during the third quarter of 1992.

**Mr. Sudama:** Is this draft White Paper being preceded by a Green Paper, and is it the intention to lay that in Parliament?

**Mr. Barnes:** Yes, it is the intention, after consultation, that the document will be laid in Parliament as a Green Paper, and then public comment will be invited.

**Mr. Sudama:** Could the Minister indicate why it is taking the Government so long to present this White Paper to the House when the commitment was made early in January of this year? We are now being told that this Paper will be laid in the third quarter, which, presumably, will be September 1992. Can he explain why it has taken the Government so long since they had done so much work prior to the election?

**Mr. Barnes:** All the Government is seeking to do, is to provide a White Paper on energy policy which will serve to guide this country, hopefully, for a number of years to come and to make sure that we get a document that, in fact, can fulfil the requirements.

**Mr. Sudama:** Could the Minister state whether proposals for supplementary petroleum tax adjustments have been prepared and forwarded to the oil companies and will, in fact, be part of this White Paper? If so, why were not those proposals given to Members of Parliament for consideration?

**Mr. Barnes:** What I can say is that tax proposals are not part of the White Paper—

### Tax Arrears

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

Could the Minister state:

- (a) The total arrears of income tax owed by individuals as at the end of 1990 and the number of taxpayers involved?
- (b) The total arrears of corporation tax owed by businesses as at the end of 1990 and the number of businesses which owe in excess of \$100,000?
- (c) The total arrears of valued added tax as at the end of 1991 and the number of debtors involved?

**The Minister of Finance (Hon. Wendell Mottley):** Madam Speaker, the answer to the question is as follows:-

- (a) The total arrears of income tax as at the end of 1990 amounted to \$128,270,456 and was owed by 48,167 individuals;

- (b) The total arrears of corporation tax owed by businesses as at the end of 1990 was \$44,296,059. The number of businesses which owe in excess of \$100,000 was 213.
- (c) The total arrears of value added tax at December 31, 1991 amounted to \$37,870,479. There were 763 debtors involved.

**Mr. Sudama:** In view of the large amount of arrears owed by individuals, can the Minister state whether the Inland Revenue Department is operating satisfactorily and efficiently with respect to dealing with the recovery of these arrears?

**Mr. Mottley:** The Board of Inland Revenue is moving expeditiously to collect its arrears. The Inland Revenue Department is hampered in one respect in that some of the arrears are owed by state corporations. In another respect, the Inland Revenue Department is suffering from being understaffed and we are moving expeditiously to fill the staffing in those departments.

**Mr. Sudama:** Can the Minister explain to this House why the arrears of income tax owed by state enterprises is hampering the work of the Inland Revenue Department? I do not understand why this should be so.

**Mr. Mottley:** I am sorry if that was the impression gained. What I did say was that some of the revenues are owed, for instance, by T&TEC and therefore with the tight situation at T&TEC and Caroni (1975) Limited, the collection of those taxes presents certain kinds of problems.

**Mr. Sudama:** Are state enterprises treated differently from individuals in the collection of arrears? Why is the Minister applying one standard to state enterprises who may be suffering from cash flow and liquidity problems, and another standard to individuals—charging penalties and interest and selling off their properties? Why the double standard?

**Mr. Mottley:** The taxes reported here were of a certain type. We are moving expeditiously to collect the back taxes, nobody is exempted.

### **Foreign Debt Obligations**

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

Could the Minister state:

- (a) The foreign debt obligations of the Government (both direct and contingent) for the remainder of the year?

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- (b) The names of the external creditors and the respective amounts due to them?
- (c) Whether sufficient foreign exchange reserves are available to the Government to satisfy these obligations?

**The Minister of Finance (Hon. Wendell Mottley):** Madam Speaker, the answer to the question is as follows:

- (a) The Government's foreign debt obligation for the period May to December 1992 amount to US \$462 million, of which US \$213 million is direct Government debt and the remaining US \$249 million is contingent debt.
- (b) The external creditors comprise multilateral, bilateral and private institutions. The names of the individual multilateral and bilateral institutions are readily available to the Member. However, credit from private institutions is mainly through commercial loans and bonds. Such securities are negotiable and change hands from time to time making it difficult to identify the holders at any time. Since the holders of these securities account for over 50 per cent of the list of external creditors, it is not possible to give a complete list with the names of the external creditors.
- (c) To date, the Government has met all its foreign debt obligations. All indications are that sufficient foreign exchange reserves will be available to comfortably satisfy the country's obligations for the remainder of the year.

**2.00 p.m.**

**Mr. Sudama:** Does the assurance given by the Minister that these debt obligations will be satisfactorily met for the remainder of the year incorporate the investment of state enterprises in the energy sector?

**Mr. Mottley:** Madam Speaker, those collections are indeterminate and contingent. When we budget for the payment of as important a matter as foreign debt, we do not include contingencies. These are based on certain cash-flow projections and, therefore, do not include any realizations from divestment for 1992.

**Mr. Sudama:** Could the Minister indicate to this House from what source of foreign exchange revenue these obligations are to be met, this \$412 million, both direct and contingent liability obligations that he has for the rest of the year?

**Mr. Mottley:** Madam Speaker, I do not have the detailed table and cash-flow projections in front of me. I am, therefore, not in a position to give a detailed answer. I can so provide at a later stage.

**Mr. Sudama:** The Minister did indicate that the names of the bilateral and multilateral creditors are available, but I should also ask for the amounts which are due to them and I do not know of any source where these exact amounts are available. Could you name those sources?

**Mr. Mottley:** Yes, Madam Speaker, I will provide the hon. Member with the information that he requires.

**Madam Speaker:** We proceed to question No. 61.

**Mr. K. Valley:** Madam Speaker, you will recall that on the last day there were some questions which were deferred for one week and others for two weeks. Most of them are inadvertently listed on today's Order Paper. They are questions Nos. 61, 62, 63, 65, 67, 68, 69, 75, 77 and 87.

We apologize for this, Madam Speaker.

**Madam Speaker:** So then we come to the Member for Couva South, question No. 70.

*The following question stood on the Order Paper in the name of the Member for Couva South (Mr. Ramesh L. Maharaj):*

**Tax Appeal Board  
(Pending Matters)**

**70.** Would the Minister of Finance state how many new matters were pending on December 31, 1981 in the Tax Appeal Board?

**Mr. Ramesh Maharaj (Couva South):** I think the same position applies. I spoke to the Clerk and I think we can just leave it like that.

**Madam Speaker:** Leave it as it is. All Right. Then, the answers to these questions have been deferred for a period of one week. Let us get it clear, that is Friday next.

**Mr. B. Panday:** On a point of clarification, Madam Speaker. It is my understanding that a Member is entitled to three questions on the Order Paper at any given time. May I have some clarification as to what happens when questions are deferred; are they added to the three to which he is entitled the following week, or is he deprived of the three to which he is entitled?

A Member is entitled, at every sitting of this House, to have three questions on the Order Paper in his name. If the questions are deferred from time to time, it means that every time a question is deferred he loses the right to one; or shall we add them, so that one Member may at one time have six questions on the Order Paper, three deferred and three to which he is entitled in the new week?

**Madam Speaker:** This is something that has been engaging my attention. As a matter of fact, I did have a word with the Clerk of the House today and I think in the course of next week I will be looking at this matter and coming up with some solution.

**Scott's Road  
(Repairs to)**

**72. Mr. Sahid Hosein** (*Siparia*) asked the Minister of Public Utilities:

Can the Minister indicate to this House when will WASA release funds to the Highways Division of the Ministry of Works so that Scott's Road can be repaired?

**The Minister of Public Utilities (Hon. Morris Marshall):** Madam Speaker, the sum of \$129,000 has recently been made available to the Ministry of Works and Transport to commence restoration works on Scott's Road. A further release of \$105,000 will be made available in July 1992 to facilitate the completion of works.

**Clarke Rochard Government School  
(Toilet Block)**

**74. Mr. Sahid Hosein** (*Siparia*) asked the Minister of Education:

Could the Minister of Education indicate to this House:

- (a) Whether anything is being done to effect replacement of the toilet block at the Clarke Rochard Government School?
- (b) If the answer is in the affirmative, how soon?

- (c) If funds were released in previous years to effect this replacement?
- (d) If the answer to (c) is in the affirmative, in what year and what was done with these funds?

**The Minister of Education (Hon. Augustus Ramrekeringh):** Madam Speaker, in answer to the first part of the question, may I state that arrangements are being made with the Ministry of Works and Transport to effect replacement of the toilet block at the Clarke Rochard Government School.

In answer to the second part, at the moment, designs and working drawings are being prepared. Actual construction work should commence during the coming July/August school vacation.

In answer to the third part, no funds were released in previous years to effect this replacement of the toilet block at the school.

#### ORDER OF BUSINESS

**The Minister of Local Government and Minister in the Ministry of Finance (Hon. Kenneth Valley):** Madam Speaker, there is a statement to be made by the Minister of Health, but we are asking that it be taken later in the proceedings.

*Leave granted.*

#### ST. ANN'S SPIRITUAL BAPTIST CHURCH (INC'N) BILL

*Question put and agreed to,* That a bill to provide for the incorporation of the St. Ann's Spiritual Baptist Church and for matters incidental thereto, be now read a first time.

*Bill accordingly read the first time.*

#### ORDER OF THE CARIBBEAN COMMUNITY BILL

Bill to give effect to the agreement instituting the Order of the Caribbean Community, [*The Minister of Foreign Affairs*]; read the first time.

#### SPECIAL JOINT SELECT COMMITTEE (1992 BUDGET)

[THIRD DAY]

*Order read for resuming ajourned debate on question* [April 24, 1992]:

*Be it resolved,* That this honourable House appoint a Special Joint Select Committee to monitor and report to the House on the performance of the

Government in relation to the implementation of the budget proposals for 1992.  
 [Mr. B. Panday]

*Question again proposed.*

**Madam Speaker:** The hon. Member has 15 more minutes of his time.

**Mr. R. Palackdharrysingh** (*Caroni Central*): Madam Speaker, on the last day I was making reference to a report of the Auditor General of the Republic of Trinidad and Tobago on a comprehensive audit on the internal audit function. This report indicated that the Auditor could assist management by way of adequate financial and management controls that must be established.

What was extremely interesting in this report is the fact that the Auditor General was indicating that even at departmental levels of ministries, the mechanism for monitoring how moneys were spent, even quite large sums, was not satisfactory and that the supervisory role of the Ministry of Finance was not really effective.

It is indicated on page 22 of that report, and I quote 6(11):

"It was established, therefore, that a central agency does not exist to provide the following services:

- Develop standards, guidelines and procedures for internal audit sections;
- monitor the function of the internal audit;
- make recommendations for improvement of internal audit functions; and
- establish procedures to receive feedback on internal audit progress; institute procedures for taking corrective action as necessary.

With respect to the above, make recommendations for staffing."

The Auditor General was of the view that those services should form the foundation for the creation of internal audit sections, and he concluded that these criteria have not been met.

He went on to recommend that the Minister delegate, as a matter of urgency, a body or agency with the responsibility for the control and direction of the internal audit function and that the body should proceed to take action as necessary.

It is precisely when you look at the nitty-gritty functioning of how moneys are spent that you would recognize that the parliamentary system has not effected

mechanisms that can really look at how moneys are spent, much less whether or not moneys are spent in a way as to bring value for money. That is why it is necessary, as the hon. Member for Couva North has pointed out by piloting such a motion, that in lieu of these mechanisms, it is necessary to set up a select committee to look at these matters. Otherwise, we would have these unfortunate experiences occurring again and again.

Is it not instructive, to see what the learned Justice Lucky said on Thursday, March 26, 1992 as reported in the *Trinidad Guardian*. This is headlined, "Justice Lucky condemns King George V contract." I quote:

"Justice Anthony Lucky said yesterday that a scandalous situation existed in the award of the contract to build sporting facilities at the King George V Park in 1981, in which the Central Tenders Board, Ministry of Education and Ministry of Works and an eager contractor plunged headlong, involving millions of taxpayers' money."

Madam Speaker, you see what is happening. It was in 1981, when the PNM was in power, in their heyday of arrogance and corruption. It is the same arrogance and corruption that are displayed time and again. You can talk how much you want on this side, they will not move an iota, a comma or anything at all. That is the measure of insensitivity they have. Madam Speaker, I want you to understand that these are very serious matters. It was pointed out in the same article:

"Consultation was virtually non-existent between the Ministers and their advisors. It appears to be a case of bureaucratic bungling, the result being a waste of time, energy and money.

The court also awarded the defendant the sum of \$183,000 on its counterclaim, together with an interest of 12.5 per cent."

So again, they do not care how much the taxpayers of this country have to pay for their bungling.

I must indicate what the learned Judge said.

"It was passing strange, the Ministries agreed to a contract without proper planning and without giving careful and precise knowledge of drawing up the documents."

So, Madam Speaker, you see what is happening in this system, this sacred Westminster system that they wave a flag and hold up to the high heavens as being a system that is so good. It is very important to take note of what I am saying.

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I listened, very carefully, to the presentations made on the last day and I wondered when the neophyte Member for Arouca North got up and spoke about the Public Accounts Committee as being the panacea for all accounting ills, whether he understood what he was saying. When the pedantic Member for Ortoire/Mayaro got up and spoke in the same manner, I wondered also what system he was talking about. It could not have been the system as carried out by us here in Trinidad and Tobago. And both of them took almost their entire time in talking about the Public Accounts Committee as though it was the cure-all for the problems.

**Mr. Narine:** A matter of clarification, Madam Speaker. I have not made any contribution on this matter in this House.

**Madam Speaker:** I think the hon. Member will stand corrected.

**Mr. Palackdharrysingh:** I stand corrected, Madam Speaker.

Madam Speaker, let me go on to the most critical report that has been surfacing in this House, for years and years and no action has been taken on this. When you set up committees of the House and they bring their findings here, is it not important that those findings are debated and some action taken? If that procedure is not followed, then it is a waste of time to have committees of the House. It is important when committees meet, their findings are reported, and deliberated upon and, at least, a position is taken by the House.

When I look at a document that I consider to be pretty important—House Paper No. 6 of 1985—let me turn to page 14 of that report which states in section 12(2):

"The First Report of the Public Accounts Committee was unanimously accepted by the Committee at its meeting on September 22, 1982 and was laid in Parliament on December 10, 1982."

That first report was never debated.

The findings of that report made some very serious observations in terms of accountability. Let me read this in terms of what transpired in section 2.4. In the committee at that time—I will not call the names there—the names are appended at the back—but it was during the time when the PNM was in office anyway.

"The Committee felt that the Report should be placed on the Order Paper as a report of a Joint Select Committee of Parliament. The Chairman expressed this

view to the Leader of Government Business and the Speaker of the House. In spite of assurances, the report was never placed on the Order Paper, as requested by the Committee. Subsequently, the Report has been placed on the Order Paper as a private motion in the name of the Member for Chaguanas, who is the current chairman of the Public Accounts Committee. The Report has not been debated in Parliament."

Madam Speaker, what is the point of having a functioning committee and then spending so much time doing work, hoping that the findings of that committee would help in the workings of Parliament but it is just not being debated? Again, that is the same attitude displayed by the PNM. This was in the PNM time.

**Madam Speaker:** I will give the hon. Member a minute to wind up. His time has expired.

**Mr. Palackdharrysingh:** I have extension time left to me, Madam Speaker.

**Madam Speaker:** I do apologize. I thought it was the final 30 minutes. Your initial 45 minutes has expired.

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

*Question put and agreed to.*

**Mr. Palackdharrysingh:** Madam Speaker, let me refresh the minds of those Members on the other side who believe that nothing is wrong with this parliamentary system—especially when they assume office.

The principal findings, recommendations and the problems encountered as narrated in that report are:

- “(i) Delay the preparation and submission of detailed Income and Expenditure Budgets for the approval of the appropriate Minister.
- (ii) The large number of qualified audit reports by the Auditor General, resulting from over-expenditure of budgeted items due to a failure to exercise budgetary control. Absence of the necessary approval of the appropriate Minister for variation of provision for items in the Budget; Inability to provide on a timely basis documentary evidence of expenditure and control.
- (iii) Late submission to the Auditor General of Financial Statements for examination.

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(iv) Untimeliness of reports to the Public Accounts Committee:"

It stated, that:

"Many of the financial statements presented to the committee are outdated. The Exchequer and Audit Act, (Chap. 69:01) provides that financial statements be presented to Parliament on an annual basis, not later than six (6) months after the end of the financial year."

Madam Speaker, that has been abrogated so many times and there is nothing whatsoever being done to correct it. When reports are coming in five, seven and 10 years late, then somebody has broken the law and there is no mechanism whereby anyone can be held accountable. That is why I believe it is necessary not only to support the motion moved by the Member for Couva North, but also to act upon it immediately so that there would be some semblance of sanity with respect to the expenditure of the people's money in this country.

**2.30 p.m.**

Again, as we move on to another problem, the report continues:

"(v) Inadequacy of operations in accounting systems to provide operations to provide operation support, appropriate reporting and budgetary and accounting controls"

The Auditor General has shown that over and over again—

"(vi) Lack of adherence to established procedures, eg. to seek approval for overseas visits;

(vii) Failure to collect or account for many outstanding debtors or debts of great age and dubious value."

This was laid in the House on May 2, 1985. It will be interesting to note what the findings of the committee were again—that there was not adequate information available to members of that committee; there was no effective mechanism for obtaining additional information from the organization concerned; and in many cases, as was stated, the reports were outdated. There was a considerable backlog of financial reports to be examined by the committee and it lacked an independent research staff organization to perform important research and investigation in order to equip the committee with the information necessary to support its findings and recommendations.

It is well known that when the Public Accounts Committee meets, it does so at great inconvenience and does a lot of work. If nothing is done with the recommendations that it makes, then it is worthless. Recommendations of that report indicated that there was a need to amend the Constitution, especially section 119 where the power to have the Public Accounts Committee is enshrined. That committee also felt that there was need for public hearings. When large sums of money are misappropriated, you have hearings in camera and no member of the public knows what is happening. It is a sort of cover for those who do not even have to face the glare of the public for their misdeeds. It is important, if this committee is to have any sort of teeth whatsoever, that these recommendations be taken seriously.

These same recommendations have been put forward by subsequent Public Accounts Committees. There is the need for an independent research staff because the limited support given by the Auditor General and the Comptroller of Accounts is not really the sort of assistance that is necessary for the committee to detect serious misappropriation of public funds. Today, no matter what accounts come to us, if there is no system in place for value for money auditing, all the books could be good, but the public would get second-class work, second-class service and many people will continue to be practising some bogus element of indiscretion. So, I want you to note that the Public Accounts Committee is less than satisfactory as an instrument of this Parliament for overseeing the expenditure of public finance.

The first report of the Public Accounts Committee for the 1987 to 1991 term—fortunately under the chairmanship of the Member for Laventille West—was debated in the House of Representatives on July 29, 1988. The principal findings of this committee were almost the same as those of House Paper No. 6 of 1981 because you go through the same thing over and over and experience the same frustrations. Among the things mentioned in this document are: inadequate information, no effective mechanisms, lateness of reports, backlog of financial reports, no independent research staff, members are overworked, prevalence of the violation of regulations—and again, the recommendation was to review constitutional provisions—public hearings, performance auditing, performance reporting—the same things coming up over and over again—augmentation of the staff of the Auditor General's Department, computerization, upgrading of accounting staff, independent research staff. This report was debated in the Parliament and, at the end of the debate, what the Minister concluded was that they were going to take note of this report. They took note and nothing happened.

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There was a second report—this time for the short while—the last year of the last parliamentary term when the Opposition was changed. I became Chairman of that committee and again, more or less, there was a repeat in this report.

So, Madam Speaker, is it not as clear as daylight, that the mechanism in this Parliament to deal with accountability is hopeless? Is it not time to take stock of what is happening? So many violations have taken place and all that you would be told when you come to this Parliament is, it is time to close the books. Close the books! There are so many matters outstanding, but we have to close the books because we have to get along. That is the procedure. Is it not a shame that in a civil society, such as ours, we have to allow so many misdeeds to go unchecked, unpunished? Why? For every dollar that is badly spent, stolen, or misappropriated, there is a hungry mouth somewhere crying for a morsel of food, and that is what we do when we abuse the system and fail to act to put mechanisms in place.

It is a pity that the Member for San Fernando East is not here today. For all that is being said and done, he has to take a lot of the blame because nothing could either exonerate the PNM, or wash them from their sins of mismanagement and corruption. Nothing could really absolve them from the crimes against this country. Nothing whatsoever! Yet they come to this Parliament and when we indicate to them our willingness to make a meaningful contribution they jump upon constitutionality.

Madam Speaker, you will have to forgive me but, you know, in olden times, the Scribes and Pharisees spoke about the law; in the new times, they talk about the spirit of the law. He came not to do away with the law but to fulfil the law, and the fulfilment of the law is the spirit of the law. Where it is obsolete and anachronistic, you change it.

**Mr. Sudama:** Who are the Scribes and Pharisees?

**Mr. Palackdharrysingh:** Madam Speaker, the Scribes and Pharisees are before my eyes. Sometimes they are transformed into camels.

Madam Speaker, if you ever put your hand on this document called "Report of the Committee Appointed by Cabinet to Review the Entire Programme of Government-to-Government Arrangements" and you read it, when you see what has happened your blood is going to crawl.

Every single accounting procedure was violated. In the end, rather than doing anything good whatsoever for this country, the government-to-government arrangement was a monstrous crime against our people with respect to mismanagement of funds. You see, you cannot rule it out as an option, because the PNM are back in power, it is one of their mechanisms and they might very well go back to some of their old tricks.

**2.40 p.m.**

They indicated that by the end of 1978 the society's development objectives, as represented by its priority projects, were being hampered by certain infrastructural bottlenecks, and they went on to adopt a system of government-to-government arrangements in which they bypassed the then normal practices of the Central Tenders Board, saying that the normal practices were too time-consuming and that the delays and erratic delivery of materials to government projects coupled with poor management of the work-force, were factors to consider. Probably after they had engendered that, they were now thinking about it.

Shortage of staff and engineers was among their concerns. The rigidity of the fee-structure of local consultants—these were some of the matters they thought about—inability of local contractors to maintain agreed schedules. And they went on with their government-to-government arrangements.

Projects which should have cost  $x$  dollars, started in the long run cost  $2x$  plus  $2.5x$  plus,  $3x$ . That was the type of thing that happened. Then they came back to the poor population to ask them to pay the burden. It is a pity that we do not have a crime commission in our arm of this Parliament. A number of those who abused it in the past, would have been before it.

If you read the conclusions of this report, you would see that it indicates that government-to-government arrangements promoted exploitation, inflation, discrimination and animosity. It also indicates that foreign governments had a field day with us in this country, it also indicates that rather than helping to reduce unemployment, it escalated it. It also indicates that there were tremendous increases in the cost of projects.

Our local contractors were given a raw deal and there was a monopoly on economic activity by foreigners.

The report concludes that this sort of thing should never happen again. Among its principal recommendations, this is what is stated:

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"Projects contemplated but not yet in the process of implementation should not be undertaken under Government-to-Government arrangements. Steps should be taken to review urgently the operations of the Central Tenders Board so as to ensure that it functions efficiently and expeditiously. In this regard, consideration should be given to the establishment of Tenders Committees in Ministries similar to those in the State companies and statutory boards which do not fall under the purview of the Central Tenders Board."

So it is a good document for some of us, as Parliamentarians to have in our hands, especially when we see those on the other side defending systems that are anachronistic, weak, wicked, vicious and tempting to those who do not have stability. I am sure that if the Minister for Laventille West were to rise to speak in this debate, he would support my contentions.

**Mr. Casimire:** On a point of clarification, Madam Speaker. Would the hon. Member for Caroni Central indicate whether he is advocating a committee with concurrent jurisdiction with the Government, or a committee to look at the operations *ex post facto*. I am a bit confused.

**Mr. Palackdharrysingh:** Madam Speaker, he will be confused because much of this is new to him. In the process of learning, when you hear it for the first time, you are confused. When you come to terms and to grips with it, it will be clear. I am simply supporting the motion moved by my colleague the Member for Couva North.

Before I wind up—and I do not know how much more time I have.

**Madam Speaker:** The Clerk advises the Chair that you have about seven minutes.

**Mr. Palackdharrysingh:** Thank you, Madam Speaker.

There is a new phenomenon emerging in this country today called DFC. That phenomenon, Design/Finance/Construct. What worries me about it is that it is left entirely in the hands of those companies which are undertaking projects. As far as I can recall, no matter of that nature has ever come before this Parliament. When I think about \$250 million which is going to be spent without reference to here, I shudder.

I believe that the new police headquarters was undertaken under that same arrangement. We have not really heard what the original estimates were, and what happened in the end; how much it cost.

So if you have DFC left entirely in the hands of those who are going to initiate and carry through projects to their finality, and if the assumption is that the cost is not going to increase, then what sort of monitoring function is there to indicate that the quality of work indicated is going to be given?

**2.50 p.m.**

Madam Speaker, it is plain, and all those people—even the petty contractors—know very well that if what they said originally cannot work out financially to their advantage, the original arrangements stand, but the quality of materials delivered, the type of work executed and so on would fall short and, in the end, you get sub-standard work done for money spent.

I think that this procedure is going to be an even greater scandal in the future and we in this country have to look at those arrangements. Matters of this nature should be brought to this Parliament, debated and consensus arrived at before contracts of this nature are awarded. I am terribly upset and disgusted by it.

At one time those on the other side said that the former government had committed the state to that arrangement. Then, later on in the newspapers we saw that the agreement was signed only this year—I am sure I saw that. Then a statement was made, again to the effect, that the arrangement was only made this year in terms of signing the agreement. So, there are many inconsistencies in this and I am extremely fearful that if no mechanism is put to monitor what is going to be the final product—in a situation in which we have inflation, instability of income and employment levels, all sorts of irregularities are likely to occur.

I do not think we can continue to go through the trauma that we have gone through in this country for the past many years. Even from a very early age, I detected a type of behaviour pattern among many members of the PNM, a certain arrogance, a feeling that once they were in power they were not concerned with what happened to others. I recall, when I came as a young boy and sat in that public gallery, the late Dr. Eric Williams—who is being revered so much—would turn his back to his colleagues, and others, and do as if he did not hear what was being said. This is the type of thing that happened. You must know that all of us in this country are taxpayers and we are all part of this country. Therefore we all have the right to know; we all have the right to participate; we have the right to help make decisions and we have the right to either share in the glory or the failure. This is a system that once it is being mismanaged on one side, it is left for the other side that is going to come to take up the pieces, and it is a heavy load.

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Madam Speaker, I cannot help supporting the motion moved by the Member for Couva North. As small a measure as it is, it can be the beginning of something meaningful that would come at a time when we badly need changes in our system, and, at least, start the process for the entire re-examination of the relevance of Parliament and the accounting system as we try to evolve this system of parliamentary democracy to a level that would be acceptable to all, whether we are in Government, Opposition or on the outside.

Thank you very much, Madam Speaker.

**Mr. Basdeo Panday** (*Couva North*): Madam Speaker, the major thrust of the argument against this motion, which I want to read so that we can bring this argument back to what is before the House—a very short motion without preamble which says:

*"Be it resolved* that this honourable House appoint a Special Joint Select Committee to monitor and report to the House on the performance of the Government in relation to implementation of the budget proposals for 1992."

That motion was really brought under Standing Order No. 77 which says:

"(1) A Select Committee other than a Sessional Select Committee shall be known as a Special Select Committee. It shall be appointed by order of the House and shall consist of such Members as may be directed by order of the House and, in the absence of such direction shall consist of such Members as may be chosen by the Speaker."

Much is not said about this special type of committee. It says that:

"(2) The quorum of a Special Select Committee shall be such as shall be specified in the order of the House or, in the absence of such Order, by the Speaker."

This Special Select Committee has to be understood against the other kinds of committees that we have in this House under the Standing Orders. The Standing Orders, if I may add, are over 30 years old. We have here sessional committees. The sessional committees, as you know, are the Public Accounts Committee, the Public Accounts (Enterprises) Committee, the Standing Orders Committee, the House Committee, the Committee of Privileges and the Regulations Committee.

What we are saying is that these committees are merely procedural—basic with respect to what takes place in the House—but because our Standing Orders are so

old and have not been revised for such a long time and so much water has flowed under the bridge, and Government's activities have expanded so enormously, there is need for mechanisms to monitor the activities of the Government.

I want to stress one point, "to monitor", because I shall come to the point which I thought the Member for Toco/Manzanilla raised—and it is a good and valid point, it needs to be answered. The answer lies in the motion itself. Because the motion itself says:

"...to monitor and report to the House on the performance of the Government in relation to its implementation of the budget proposals..."

In raising that point by merely mentioning it, I thought the Member gave away the Government's position on this motion. The Government has used all kinds of ruses in order to escape the issue that is before the House—and the issue is, control of the Government. It is clear that this Government does not want any kind of control over its activities. A point raised by the learned Attorney General was that the appointment of such a committee violates the principle of separation of powers. He went on to explain that if you have a committee such as this—the same question that my friend the Member for Toco/Manzanilla made reference—he thinks it is concurrent jurisdiction. That is the fallacy. That is why they are rejecting this motion. They are paranoid by anything that touches on that power.

### **3.00 p.m.**

They do not know what power really is; they do not know how to use it; they fear it and they feel that if anybody is going to touch it they must resist it immediately. Therefore, they come with all kinds of spurious arguments. I really feel awfully sorry for the learned Attorney General because it is better that he had not spoken. As the Attorney General of this country, he should know the law—he probably knows the law. I do not know—but be versed in constitutional law as well.

Let us now see how good he is. He says that we cannot have this motion because of the separation of powers. I want to read—because when I say it, he would not think that is too much an aside—from a book called *The Changing Constitution* which is a series of articles written by several well-known parliamentarians and political scientists in Britain. On page 127 of that book, Chap. 6 is entitled, "Select Committees and Backbench Power" by Gavin Drewry. At page 28 of that very incisive and well-researched article, having raised certain issues, he says:

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"We shall return to these matters in due course, but it is important to bear in mind at the outset that once we get beyond descriptions of what committees are and how they work, and start asking what they are for..."

which is the question being asked—

"—we enter difficult and hotly contested territory, strewn with conceptual mines. We must keep two things clearly in mind throughout the discussion. First, as we have observed, there is in Britain a fusion of powers:"

I want to read that again for the Attorney General—

"...there is in Britain a fusion of powers:"

The author is saying that is what causes confusion in people's minds when they talk about select committees.

"First, as we have observed, there is in Britain a fusion of powers: the executive is part of Parliament and ministers are individually and collectively responsible to Parliament."

You do not agree with that?

**Mr. Sobion:** I am not saying I disagree either.

**Mr. B. Panday:** I thought however, when you say "separation of powers" you meant there was a separation of powers between the judiciary, the executive and the legislature, because that is what separation of powers is. There is no separation of powers between the executive and the legislature, even in the British Parliament. I think I should read that. I do not think my brothers understand it.

"First, as we have observed, there is in Britain a fusion of powers: the executive is part of Parliament and ministers are individually and collectively responsible to Parliament. Secondly (and therein lies the basis of the 'floor-of-the-House' argument against select committees, noted above), the House of Commons has in modern times operated on 'adversarial' lines, whereby a united government front-bench, sustained by the votes of disciplined back-bench supporters, confronts a main Opposition party (and some minor parties) across the floor of an oblong chamber.

The first point, reinforced by the second, rules out any meaningful comparisons between the House of Commons and other legislative bodies, such as the United States Congress (which has a profusion of powerful

committees). The Constitution of the United States is based upon a separation of powers. Congress is a legislature, a body that takes initiatives, and one which requires specialized and well-staffed committees to do its job; Parliament, although it has an important legislative role, is a parliament, a forum of discussion, which spends most of its time reacting to actions and initiatives taken by the government of the day."

As a matter of fact, if the Attorney General knows political history, he would know that the American Constitution is a reaction to what obtained in Britain in those days. It is because there was no separation of powers and the executive dominated the legislature, that the executive determined what the law was, so in effect, the executive passed its own laws. That is why there was no separation of powers. The executive, because of the party system determined what the law was and then implemented it. Where there is separation of powers, the legislature enacts the laws; the executive implements them and the judiciary interprets them. That is the separation of powers.

I hope that I have dealt quite clearly once and for all with this whole question of you cannot have this kind of select committee—because that was your argument—because it impinges upon the doctrine of the separation of powers. That was the thrust of your argument. Do you know that in the British Parliament today, there are committees which actually monitor every single government department and ministry?

Your problem is that you are so afraid of losing power and people sharing power, that you are paranoid. You do not understand that a committee such as this does not share power, in the sense that you are afraid of. That is why you use this spurious argument about the separation of powers to justify your refusal to support the motion.

It came out when the Member for Toco/Manzanilla asked the question, if this committee is going to have concurrent jurisdiction, or is it going to be an *ex post facto* committee. Concurrent jurisdiction of what, is what he did not say, and that is where the confusion is in his mind. Is it concurrent jurisdiction of policy making? If the answer is no, obviously. This committee is not going to make policy. There is only an encroachment, if you want to put it that way upon your power. If the committee has power to make policy decisions, but it does not do so, the question of concurrent or non-concurrent really does not apply. If you are asking, does it have concurrent jurisdiction in the area of policy making, the answer is no,

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but if it is concurrent with the exercise of power by the government, the answer is yes.

It is not *ex post facto* at all. In a sense, it is concurrent, because it is monitoring the government, while the government is doing, not afterwards. For example, if the Government says it is going to spend money on something that was not in the budget, there is that committee monitoring the government and reporting to Parliament and the country and saying, “listen, this government is going to spend money illegally on something which was not in the budget”. It forces the government to come to Parliament to change its own budget proposals. We have seen that the budget proposals change so easily. As we say, you come to Parliament with one budget and you implement another; then you come the following year with a Supplementary Appropriation Bill and you simply ratify all that has been done. That, you admitted, was a wrong thing.

**3.10 p.m.**

You also admitted—the argument of the Member for Caroni Central—that in the Government contracts there was an enormous amount of corruption and mal-administration. If there was such a committee at the time monitoring the activities of the Government, that would not have happened. Let me answer your question right away because that seems to bother you so very much. You are talking about the Opposition wanting to share power through the back door. I think that was one of your statements. You said: We have a mandate to rule and no committee must impinge upon that mandate and that power; the people voted us into the Government and they voted you all into the Opposition. Let me explode that myth immediately. Nobody votes anybody into the Opposition. So do not tell anybody that they voted people into the Opposition. Nobody votes anybody into the Opposition when they go to the polls. *[Interruption]*

**Mr. Casimire:** How come you got in there?

**Mr. B. Panday:** I will explain it to you. I believe this Member is a genuine Member. He is genuinely ignorant. I did not use that word in the pejorative sense—“ignorant” coming from the Latin root meaning not knowing coming from the Latin route. Take no offence, I did not mean that in the pejorative sense at all. You seem to me to be a Member who wants to learn and I think that is a good sign. You are the only Member on the other side who demonstrates that quality, and I am prepared to answer every question you ask. I will not allow the Members on this side to harass or interfere with you. I am sure the Speaker will not either.

[*Interruption*] Do not talk for that Member, they put his name on the paper with a female picture on the top, and I think it is very instructive.

The Member asked, how come we are in the Opposition. When people go to the polls and vote, they are voting a party to form the Government; not to form the Opposition. Nobody votes to create an Opposition. When you vote, for a candidate you are not voting a candidate into the Opposition. You are voting for this candidate in the hope that if he wins he goes into office. Everybody is voting for their candidate in the hope that he wins and their party will win. The rule is that the party that wins the majority of seats forms the Government. It does not mean that they vote you into the Opposition. It means that because you did not have as many seats as the other side you form the Opposition. The people do not when they go to vote say, "I am going to vote for the Opposition." Let us get rid of that one time. That is a myth, a fallacy.

I am saying that I am prepared to debate with this Member. He is the only genuine Member who wants to debate in this House. Everybody else on that side shuts it out. So, we get rid of that to start with. I continue the argument as raised by my friend. A mandate to rule means a mandate to implement what you said in your manifesto. That is what it means. It is not a mandate to mash up the place at all. In fact, it is a very limited mandate. It is a mandate to implement what you promised in your manifesto. It is not a mandate to be incompetent. You cannot say, "we were voted into power and we have a right to be incompetent; we were all voted into power and therefore we have a mandate to be corrupt, or, we have a mandate to discriminate, to hand over power to the conglomerates if we so feel. Every time I say that, my friend from Laventille cringes because he knows the truth of that statement. You do not have a mandate to do that. The mandate is limited.

You have a mandate, and what does that mandate say? Well, okay, you have policies which you have already indicated to the electorate you are going to implement. This committee is not going to interfere with your mandate. It has nothing to do with your mandate. It has nothing to do with the fact that you will formulate policies—of course, in accordance with your mandate. You will come with a budget and tell this Parliament and this country that this is what I am going to do. I propose that we allocate so much money for this, that and the other. Then the committee monitors that. In that sense, it is *ex post facto*. If you change the conceptual framework, there will be no confusion. It is merely a committee to monitor what the Government is doing. In every civilized country in the world today, every Parliament has been struggling to find ways and means of controlling

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its executive. It is only here in this backward, primitive Parliament that we have people who do not want any control at all. They do not want any change.

What we are seeking to do in this debate is to see if there is need for this commission. Is there a need for this commission? Is there a need for a body to monitor the activities of the Government—genuinely, openly; not fearing that "my God these fellows are going to encroach upon my power"? The only way you are going to be afraid of your power being encroached upon is if you believe that your power is corrupt. If you think that is power, yes, there will be an encroachment upon it.

I want to quote from an article reported in the *Express* of Monday June 22, 1992, an article in which the reporter was reporting what the Prime Minister, the Member for San Fernando East, said. Let me tell you what he said and then you ought to know whether you should have this committee or not.

**Mr. Maharaj:** There is a big difference between the Member for Tobago East and the Member for San Fernando East.

**Mr. B. Panday:** Chalk and cheese!

"Mr. Manning also touched on the question of..."

You see I want him to change his mind. I want him to demonstrate this thing he talked about, having an open mind about discussion. I want to prove it here today. Bear with me I would not be long.

" Mr. Manning also touched on the question of accountability in the oil sector. The Public Accounts Enterprises Committee (PAEC) set up in the 1970s, as a result of the heavy involvement of the State in business activity as dictated by the financial resources which existed then, 'has not worked as well as we would have liked it to,' he said."

He is admitting that the institutions, at present, are not working as well as he would like them to. Why do you think I have this motion? Because they are working as well as I would like them to? That is the same position I have. I believe the institutions are not working as well as I should like them to. That is why I am suggesting another. Mr. Manning went on to say:

“ Government, therefore, has been limited in its role as an active shareholder.

Clearly, where the PA(E)C hasn't worked there is the need for new arrangements—especially in the energy sector—that will guarantee the people

of Trinidad and Tobago a voice in the management of companies in which the State holds significant interest and as such a large quantity of taxpayers money is invested"

That means, not only should we set up one like that, but we should also set up, in this House, an energy committee—which is what they have in the United Kingdom at this time. There is a committee of the House that monitors every department of government. Why are they afraid of that here?

**Mr. Mottley:** If I could get clarification from the hon. Member. We both agree that this is an emerging democracy. Institutions set up are not functioning exactly as have been forecast. We have one committee which is called the PA(E)C and another committee, the regular standing committee. If that is not working, why can we not make that work, rather than just name another committee and expect it to work?

**3.20 p.m.**

**Mr. B. Panday:** Because I intend to give this one powers that one does not have. *[Interruption]* If you feel that is the way to go I will support you. I hope you support me on this one. This is going to be a committee, I hope, that is going to be able to summon people to give evidence, and I am coming to it, that that obtains also in the United Kingdom.

Do you remember when some gentleman sat on the steps of the Hall of Justice? Do you remember what it was about? It was because the PA(E)C attempted to summon the people from Plipdeco to explain certain things in the report and, instead, your Government, as it was then, caused an injunction to be filed to prevent the Committee from examining the records. *[Interruption]* No, I am doing it now. Will you support me? You see, all that is foolish argument. Did he do it five years after when he was there? He did not, so I am doing it now. It is the mindset that is the problem.

The Prime Minister himself is lamenting the lack of institutions to deal with the governmental functions of this country. He suggested the setting up of a technical committee, distinct from the Cabinet subcommittee, and comprising a group of technical people who possess the ability and the skills to study any issue in the petroleum industry dispassionately and to come to conclusions that do not take into account political considerations as the Cabinet committee would have to do. I am using this as an analogy. He is saying, there you have it in the energy sector—a hiatus. Because of that things are going astray. For example, one trade unionist

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claims it was sabotage because they keep drilling dry holes and nobody explains. Something has to be wrong. Maybe that is what the Prime Minister is talking about. I do not know who was employed to do this. I do not know who the seismic people were, but I know they drilled through a platform. *[Interruption]* I know you fired one because he was not too reliable, and he had to go back to Canada. *[Interruption]*

I go on to report your Prime Minister:

"'Management' he said, 'needs to be questioned a little more closely about the way the companies are being run.' "

I should like to set up in this Parliament a select committee, with technical expertise and the power to call people to give evidence, to look closely at the way the state enterprises are being run.

**Mr. Valley:** Madam Speaker, let me inform the hon. Member that in fact the job of the Public Accounts (Enterprises) Committee is to do that. When I spoke I mentioned that what we need to do is to strengthen the PA(E)C. That is the point I made while I was the Chairman of the PA(E)C. I can inform the House that, at present, we are to approach Cabinet for just that. We are looking at putting a management audit team together for the Corporation Sole and the reports of that management audit team will be made available to the Public Accounts (Enterprises) Committee. We understand that is a shortcoming.

In addition, we are going to be approaching—

**Mr. B. Panday:** I object. I have given you an inch and you want a yard. You are just like your Prime Minister. Do not ever make a speech in the middle of my speech. If you want to have a point of order, make a point of order or reply. Give the information at the proper time and in the proper manner, not in the middle of my speech.

The Prime Minister said:

"Management needs to be questioned more closely about the way companies are being run. Not casting aspersions, we need a mechanism to ensure a greater measure of accountability in circumstances where the mechanisms put in place haven't worked as well as we hoped."

That is the substance of this motion, but it does not relate to oil. I want to point out that this committee, also, is not a substitute for the PAC or the PA(E)C.

That seems to be the thrust of another dimension of your argument. You are going to vote against this because the PAC and the PA(E)C exist. I will come to that in due course. I hope I have convinced you now.

Let me finish this article. It is very interesting.

"The decision-making in the energy sector is now so rapid it has outstripped the ability of the Administration to keep pace. So we've had to slow it down to some extent."

That is an amazing way of dealing with problems. Because the pace is too fast, the Government slows down its own pace. It does not build up its administration to accommodate the new pace. That is an admission of incompetence; that is not the way to deal with things. If things are moving too fast, then you have got to so equip yourself that you are able to move with the times. These are the words of your own Prime Minister, not mine.

If the Prime Minister is of the view that in the energy sector there is need for mechanisms, with this motion, what I am seeking to do is set up a special select sessional committee only to deal with the 1992 Budget, so that this House can monitor, from day to day, if necessary, how the Government is implementing its budget. I believe, as the hon. Attorney General says, that they do not want to carry on any government with anybody looking over their shoulders. What are they afraid of?

### **3.30 p.m.**

Standing Order 72(1) says:

"The Public Accounts Committee shall have the duty of examining, considering the reporting on—

- (a) the accounts shown in the appropriation of the sums granted by the legislature to meet public expenditure of this Territory..."

nothing could be narrower than that—

- "(b) such other accounts as may be referred to the Committee by the House or under any law; and

- (c) the report of the Auditor General on any such accounts.

- (2) The Public Accounts Committee shall consist of not less than six..."

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This, you cannot even read from it. You really need a completely new set of Standing Orders. In the Constitution—where has he gone? He gets up and makes silly points; when I explain something, he is never there. Tell him about it when he comes. Will you?

Section 119 of the Constitution says:

- "(1) There shall be a Public Accounts Committee which shall consist of not less than six nor more than ten Members.
- (2) The Chairman of the Public Accounts Committee shall be a Member of the Opposition in the House, if any, and if willing to act. The Chairman and other Members may comprise an equal number of Members of the House of Representatives and the Senate as the House of Representatives may determine."

Subsection (4) says:

"The Public Accounts Committee shall consider and report to the House..."

Same thing. I want to know—that is my whole point—there must be more than merely considering the reporting. I am telling you what the Public Accounts Committee is, because it is you who argued—your mind is bent on not supporting this motion because you are uninformed about what the Public Accounts Committee is. But I am trying to tell you what it is.

Section 119 of the Constitution says:

- "(4) The Public Accounts Committee shall consider and report to the House of Representatives on—
  - (a) appropriation accounts of moneys expended out of sums granted by Parliament to meet the public expenditure of Trinidad and Tobago."

So that when you come thereafter and you ratify—

**Mr. Valley:** I know that.

**Mr. B. Panday:** Oh, you know that. Well, I feel better now. He admits to playing the fool. He says, you do not have to tell me; he says, I know what you are saying is right.

**Mr. Valley:** Madam Speaker, all I said is that you do not have to come the year after.

**Madam Speaker:** I gather the hon. Member said that you do not have to come the year after.

**Mr. B. Panday:** I know. You never come in the year of the budget, as far as I am aware. You have 30 years of Government and so on.

I am interested, at this stage, in more than a mere examination of the accounts. Do you know what that consists of? Let me tell the hon. Member, I have been Chairman of the Public Accounts Committee for five or six years. Do you know what that consists of? Going through the Auditor General's Report and saying, "You know there was not a voucher for this expenditure". You summon the officer from the ministry to say why there was no voucher, but a voucher is sent the day before he comes before the Public Accounts Committee and he says, we have the voucher now. If you ask, why did you not submit it before, he might say, rats got it. The most dangerous animal in this whole country happens to be a rat, actually. They are eating up everything. There must be many rats as high as a kite in this country.

The point I am making is that is not what I am talking about. I am talking about a committee that monitors the implementation of the budget, not only deviations from it but more than that. A committee that is going to have power to say, "Why this bridge cost \$300,000 when the estimate in the budget is \$100,000?" As it happens, that is the important thing. For example, if you had such a committee, do you think there would have been so much corruption in the construction of the Hall of Justice, estimated to cost about \$90 million but ended up costing nearly \$300 million? Now, that would not happen and surely you do not want that to happen.

We are saying, if that is happening, while it is happening you have a committee that is monitoring this from time to time, to call Ministers, to call public servants, if necessary, to explain what is going on. It is carrying on even on a day-to-day basis, something in the nature of efficiency audits. It is not whether this figure is equal to that figure, whether this voucher corresponds with the warrant. That is for book-keepers and accountants; that is not for me. We are talking about a political process. This committee is part of a political process, not an accounting function.

As you go on from day to day, the committee is sitting and sees that you are spending money far in excess of what has been budgeted for, it must be able to call upon you and ask why and report to this House and have this House call you to question. Obviously, you are not prepared to be called to question for anything. Be

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that as it may, my function is only to do my duty, not to persuade you. I speak for history, not for you. So that the record may show that we told you what we thought ought to be done, so that when the explosion comes, blame will be allocated to its proper quarter. When the people from behind the bridge, realize that they have been betrayed and they are not getting jobs, the jobs which they were promised, they are not going to fall for any racial argument to excuse the Government from servicing them.

We had a meeting in my constituency and my constituents said that they were very pleased to see that I was raising problems with respect to people from behind the bridge; Members of the East-West Corridor. In fact, I asked them whether they had any objections and, to be quite frank, they mandated me, I was mandated by my constituency to carry the struggle for the people Behind the Bridge because apparently they have no representation at the moment. They have been sold out. I want to give notice to this House that I shall be carrying the struggle for the people from Behind the Bridge.

**Mr. Casimire:** Madam Speaker, I want to take strong objection to the statement that was just made by the Member for Couva North.

**Mr. B. Panday:** All right. I apologize, they have very poor representation. My argument is simple: If they have representation, why do they have no work? Why are there so many suffering? Why are our children being involved in crime—the victims of crime and the perpetrators of crime? Why is there so much destitution in Laventille? Tell me, if you are representing them properly, why? Behind the Bridge is ready to explode. Why is Behind the Bridge ready to explode if it has representation? I want to guarantee my constituents that I will carry the burden of both my own constituency and those constituencies Behind the Bridge.

**Mr. Maharaj:** We are going to twin Couva with Laventille.

**Mr. B. Panday:** We are going to twin them in struggle.

**Mr. Valley:** They could get jobs at Caroni, then?

**Mr. B. Panday:** You know that racist argument did not hold.

**Madam Speaker:** Order, please. Will the hon. Members desist and please continue with the debate.

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. B. Panday:** Finally, Madam Speaker, I want to refer to a document which was compiled by Mr. Peter Riddle, the rapporteur at a conference that was held recently. The document is entitled, "Parliament and the Scrutiny of Public Finance—the report of a study group of the Commonwealth Parliamentary Association". We just had a meeting of that Association in this country.

If people think that these parliamentary conferences are of no use, I want to assure them that they are of tremendous use. Had it not been for that conference, we would not have had this document in our hands. It was given to us by our parliamentary colleagues from the other Caribbean countries. In its introduction, this document says:

"The essence of the problem is that the balance of advantage between Parliament and the Government in the day-to-day working of the Constitution is now weighted in favour of the Government to a degree which arouses widespread anxiety and is inimical to the proper working of our parliamentary democracy."

That is a very strong statement, indeed, I continue:

"It is clear to us that the present financial procedures of the House..."

they were speaking of the House of Commons, I think,

"are inadequate for exercising control over public expenditure and ensuring that money is effectively spent. The House, as a whole, has long since ceased to exercise detailed control over public expenditure in any but the formal sense of voting the annual estimates and approving the Consolidated Fund and Appropriation Bills."

That is precisely the point that is being made by this motion; it says:

"Control over the provisions of finance for government has historically been at the heart of the parliamentary system in all Commonwealth countries ...

Complaints about the excessive power of the executive compared with Parliament are not new. Indeed, the struggle between the Crown, and later the executive, and the House of Commons were the key events between 16th and 18th centuries which shaped the growth of parliamentary power."

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I made reference to this document to answer one point that has been repeated by the Prime Minister from time to time. As a matter of fact, this document relates to the history of the committee system in the British Parliament and actually gives details of a committee set up by them to report on the committee system in the British Parliament. Sweeping reforms have been made as a result of the report of the British committee.

This report has summarized its work as follows:

"There is general agreement throughout the Commonwealth that parliamentary scrutiny over public finance is, at present, inadequate and patchy."

I imagine, the PNM Government is saying that this is the only Parliament in the world where that is all right; even in the light of this report which is a report for the whole of the Commonwealth. But that is all right. Everybody accepts the fact that they have a mandate to rule.

"The growth in size and range of activities of government has far outstripped the capacity of the legislature to exercise effective control over the executive in any but the legal sense of approving the annual estimates after little detailed scrutiny. The historic 'power of the purse' has in most countries become largely a fiction.

There is a broad similarity of experience, problems and views throughout the Commonwealth, largely reflecting the common framework of the Westminster parliamentary model."

Page 81 of this report says:

"Implementation of these ideas involves both changes in procedure on the floor of the House and the formation of select committees, where legislatures are large enough, in order to undertake detailed scrutiny."

That has been the recommendation here, and this is what this motion is about: in order to undertake detailed scrutiny.

Now, for the information of my brother the Member for Toco/Manzanilla, the committee is to undertake scrutiny, not to challenge his power, not to make policy. That is the difference. I think their fears should be allayed this committee does not want to take away their power and trespass upon their preserve, your God-given right to rule. I have just told you it recommends the whole question of select committees:

"Departmentally related select committees can provide the opportunity for close scrutiny of estimates before they are considered on the floor of the House as well as general enquiries into the continued activities of departments and issues of the moment."

I believe it was the Minister responsible for the Public Service at the moment, Sen. Draper, in a report who said that the estimates are simply a rehash of last year's estimates with some addition for increase in staff and, probably, inflation. If that is the case, then the budget itself is meaningful.

Madam Speaker, I think I have adequately argued this subject matter. I have answered all the queries raised to the limits of my capacity, and I now move.

*Question put.*

*The House divided:           Ayes 14,           Noes 15*

**AYES**

Maharaj, Mr. R.

Panday, Mr. B.

Humphrey, Mr. J.

Sudama, Mr. T.

Palackdharrysingh, Mr. R.

Mohammed, Mr. S.

Singh, Dr. C.

Panday, Mr. S.

Jurai, Mr. K.

Sharma, Mr. C.

Haniff, Mr. M.

Hosein, Mr. S.

Robinson, Mr. A. N. R.

Nicholson, Miss P.

**NOES**

Valley, Hon. K.

Sobion, Hon. K.  
Mottley, Hon. W.  
Eckstein, Hon. J.  
Marshall, Hon. M.  
Baboolal, Dr. the Hon. L.  
Collis, Hon. K.  
Imbert, Hon. C.  
Lasse, Dr. the Hon. V.  
Pierre, Hon. J.  
Casimire, Mr. A.  
Narine, Mr. J.  
Hart, Mr. E.  
Allum, Mr. D.  
Rajaram, Mr. C.  
*Motion negatived.*

**STATEMENT BY MINISTER**

**The Minister of Local Government and Minister in the Ministry of Finance (Hon. Kenneth Valley):** Madam Speaker, I ask that the statement by the Minister of Health be taken now.

**Madam Speaker:** Hon. Members, there is the request that we now have the statement by the Minister of Health which was deferred earlier on in the sitting.

*Assent indicated.*

**ST. ANN'S HOSPITAL  
(INVESTIGATIVE COMMITTEE)**

**The Minister of Health (Hon. John Eckstein):** Madam Speaker, I wish to make a statement on the incident at St. Ann's Hospital which resulted in the death of several patients who were institutionalized there.

Hon. Members will recall that two statements have already been made in this House on the outbreak of diarrhoeal illness at the hospital on April 30, 1992.

The first statement recorded Government's deep concern over the incident, expressed its sympathy to the families of those who died and announced the establishment of a committee of senior officials of the Ministry of Health to investigate all the circumstances giving rise to the incident.

The second statement again expressed the Government's continuing concern over the incident and advised Parliament that the report of the Ministry of Health Committee was referred to:

- (i) the Director of Personnel Administration for any action which the Public Service Commission may deem fit; and
- (ii) the Solicitor General who was requested to advise whether the report provided any basis upon which disciplinary proceedings might be initiated against any individual or individuals of the Ministry of Health.

The Ministry adopted this course of action for the following reasons:

- (i) the unusual nature of the incident did not conform to the type of matters which are normally dealt with through the disciplinary procedures of the Public Service Commission's Regulations;
- (ii) the Ministry was satisfied that the circumstances demanded further investigation by an agency external to the ministry, particularly as the ministry had already utilized most of its senior technical staff to carry out the initial investigations; and,
- (iii) the ministry was of the view that the body charged with the responsibility of carrying out such an investigation should have power and authority over public servants and be able to command their co-operation in an investigation.

Section 121(1) of the Constitution of Trinidad and Tobago vests in the Public Service Commission the power to, among other things, "remove and exercise disciplinary control" over public servants. This is confirmed in the advice of the Solicitor General to the Permanent Secretary, Ministry of Health in another matter conveyed in a memorandum dated September 25, 1991. I quote from the Solicitor General's memorandum:

"As the law now stands, the Permanent Secretary is not empowered to suspend any officer pursuant to Regulation 88(1) for misconduct or indiscipline."

*St. Ann's Hospital (Investigative Committee)*  
[HON. J. ECKSTEIN]

*Friday, June 26, 1992*

Following the referral of the report to the Director of Personnel Administration and the ministry's confident expectation that the Public Service Commission would have acceded to our request, the ministry took the view that no useful purpose would have been served by any further public ventilation of the matter as such discussion, far from making any positive contribution, had the potential of seriously prejudicing the work of any investigating body established under the aegis of the Public Service Commission.

Unfortunately, the Commission did not share the ministry's point of view and found that it could not accede to the Ministry's request.

The Director of Personnel Administration had advised, in response to the Ministry's referral of the report, that the ministry might consider the appointment of an investigating officer in accordance with Regulation 90 to enquire into any or all of the matters raised in the Report. The ministry could not accept this suggestion as it remained convinced that what was required was an investigation by an agency external to the Ministry of Health. Further, the decision to appoint the committee of officials of the Ministry, in the first place, was based on the same principle on which Regulation 90 is founded.

The matter was again referred to the Public Service Commission for action under Regulation 87, which regulation states as follows:

"The Permanent Secretary or Head of Department shall report any case not covered by these Regulations to the Director and the Commission may issue instructions as to how the case shall be dealt with and the case shall be dealt with accordingly."

By memorandum dated June 24, 1992, the Public Service Commission, through the Director of Public Administration, again expressed disagreement with the views of the ministry and advised that—

"...the Public Service Commission has, therefore, decided that it cannot, at this time, entertain a request to take action in the matter."

In the light of this latest development, Cabinet, on June 25—the day immediately following the final communication from the Public Service Commission—agreed, on the recommendation of the Minister of Health, to the appointment of a commission of enquiry under the Commissions of Enquiry Act, with the following terms of reference:

- (i) to investigate the causes leading to the outbreak of diarrhoeal illness at St. Ann's Hospital on April 30, 1992, which led to the death of several patients;
- (ii) to specifically determine whether there was any negligence on the part of any person, or persons, relating to the said outbreak and the resulting deaths;
- (iii) to report within five weeks.

The persons to serve on the commission of enquiry are:

- Sir Isaac Hyatali, Chairman, Retired Chief Justice
- Dr. Clyde Mohess, Medical Practitioner
- Dr. Elizabeth Quamina, Retired Chief Medical Officer
- Miss Valerie Foster, Retired Chief Nursing Officer
- Miss Eleanor Gittens, Secretary, Operational Research Officer II, Policy Research Unit, Office of the Prime Minister.

I also wish to inform hon. Members that the post-mortem reports in respect of the patients who died have been forwarded to the coroner for an investigation as to the cause of death.

Madam Speaker, any objective review of the situation would confirm that the Ministry of Health has not only treated this matter with the greatest concern and sensitivity but also with utmost dispatch, always mindful of, and operating within the constraints of the Public Service Commission Regulations.

I want to give you, and this House, the assurance, Madam Speaker, that the Ministry of Health and the Government will continue to act responsibly, balancing the competing interests of the public's right in a situation of this magnitude to full disclosure, the satisfaction of the friends and families of those who died and the rights of workers, the Regulations which govern their employment and the Constitution and the Laws of Trinidad and Tobago.

Thank you, Madam Speaker.

**4.00 p.m.**

**Mr. Robinson:** Would the Minister inform this honourable House whether, at any time before June 25, the Government considered the advisability of the appointment of a commission of enquiry into this matter? If it did not, why not?

**Hon. J. Eckstein:** The matter was considered but, as I indicated, the Ministry of Health's preference was for an independent committee established under the aegis of the Public Service Commission. That Commission has the power to command the co-operation of public servants in any investigation.

**Mr. Robinson:** When was the advisability of the appointment of the commission of enquiry first considered?

**Hon. J. Eckstein:** I do not know if I can give you a precise date, but it was always a second line in the event that the approach to the Public Service Commission did not succeed.

**Mr. Sudama:** On a point of clarification. If I recall correctly, a certain Dr. Rawle Edwards was mandated to do an investigation into the circumstances surrounding these deaths. Could the Minister indicate to us what has happened to his report and whether that report will be made public shortly?

**Hon. J. Eckstein:** Dr. Rawle Edwards is the Principal Medical Officer, Institutions, in the Ministry of Health. He was never appointed to prepare a report. A Ministry of Health team which included Dr. Rawle Edwards, was asked to investigate the incident. That report, as I said, was sent to the Public Service Commission for any action that the Commission deemed appropriate. That report has been published in the media and it has been the subject of a press conference at which all the media were represented, and it was carried in the *Trinidad Guardian* in its entirety.

**Mr. Sudama:** Was it laid in this House?

**Hon. J. Eckstein:** The answer is of course, no.

**CRIME  
(INCREASE OF)**

**Mr. Ramesh Maharaj (Couva South):** Madam Speaker, I beg to move the motion standing in my name which reads as follows:

*Whereas* there has been continuous increase in the incidence of crimes and in particular violent crimes in recent times in Trinidad and Tobago;

*And whereas* a great proportion of these crimes involve violent attacks on law-abiding citizens on the nation's roads, in the privacy of their homes and to their businesses;

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*And whereas* these attacks have generated a deep sense of fear; anxiety and insecurity throughout the population;

*And whereas* it is not apparent that Government is responding to this critical situation in any effective way:

*Be it resolved* that this House express its lack of confidence in the Government's handling of this continuous increase in the incidence of crime.

Madam Speaker, I propose to deal first with certain admissions made by this Government and by the governing party with respect to crime and with respect to the facts which form the basis of this motion. Then I shall examine and see, since this Government came into office, what it has done, if anything at all, to deal with the question of crime. May I say at the outset, that there seems to be a complete misconception by this Government that the limited measures that it has announced in dealing with drug interdiction and restructuring of the Police Service are measures which can effectively deal with the reduction of crime. The measures announced, merely had to do with drug investigation, detection, and prosecution. The measures which were announced—and I am being fair to the Government—by the Attorney General with respect to the administration of justice, merely dealt with delays in the administration of criminal justice in criminal matters. But there has been no plan announced, expressed or implied, in which this Government has shown that it recognizes what it has to do. It does not seem to know what it has to do and the policy and actions since it got into office on this question of crime has been a policy of *ad hocism*.

I have tried to see what this Government has introduced since it has come into this House. It came with the budget, with what flowed from the Finance Committee; with the Maxi-Taxi Bill and with some statements in Parliament. In none of these measures has it announced any national plans or action against crime. As a matter of fact in the statement on drugs, which was a comprehensive statement, the Minister did not mention anything about drug rehabilitation. So the Government does not seem to understand that you cannot deal with crime or any aspect of crime unless you get at the source of crime, unless you try to prevent crime from happening, reduce the opportunities for crime. As a matter of fact, Madam Speaker, when I refer to the statement made by the hon. Minister of National Security in relation to a question that I had asked, you would see that even he—oh, he is not here. We are talking about crime and he is not here.

**Mr. Sobion:** He is dealing with crime.

**Mr. Maharaj:** We are dealing with a motion of no confidence in the Government on crime and the nominated Minister is not here. That is the contempt that they have for Parliament and the people's business.

You would see, Madam Speaker—when I come to deal with the question that he answered on May 8, 1992 with respect to whether there was a Crime Commission in Trinidad and Tobago and if the answer was in the affirmative if it was functioning; and if there is, would the Minister say if it had formulated any plans for dealing with the escalating crime situation in Trinidad and Tobago—you would see (when I read his answers and further questions to me) he thought the source of crime in Trinidad and Tobago is dealing with the police service. I will come to deal with that. But I accuse the Minister of National Security of not knowing his job. He does not understand that to deal with crime, you have to deal with the source of crime, the causes of crime, and the source of crime is not the police service. As a matter of fact, if you improve and restructure the police service but do not deal with the causes, you would still have crime. I talked about rehabilitation and one knows that the United Nations and all international agencies which have had to deal with crime have said that two of the things that one has to attack are poverty and unemployment. So that if the Government wants to show that one is effectively dealing with crime, it must show that it has effective measures to deal with poverty and unemployment.

**4.10 p.m.**

What is this Government's position with respect to law reform? One would see that in dealing effectively with crime, one has to constantly reform one's criminal law to meet the needs of the particular day. What has it said?

Madam Speaker, do you know what has happened? The present Government have got into office but they did not think that was possible; and they were probably terribly shocked so now all the promises and everything that they put in their manifesto. One sees that the responses from the Government is, "we cannot deal with the Opposition, so therefore we respond. And how do we respond? Too much law in the Parliament." That is their response.

If I may refer to the manifesto of the People's National Movement at page 51, under Crime, it says:

"Another major concern of today is the frightening national epidemic that is crime.

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The PNM recognizes that the crime situation in Trinidad and Tobago is fast getting out of control. The number of serious crimes continue to increase on a daily basis. Accordingly, the PNM will commit all necessary resources of money and skills at its disposal to ensure:

— institutional reform, and in particular,..."

Note, "institutional reform."

- "— police service reform that will aid in reducing the incidence of crime;
- the introduction of higher levels of management and more efficient utilization of resources available to the Police Service;
- the acquisition of required technology to improve the level of crime detection and to ensure a greater sense of security to our citizens;
- improve morale in the Police Service;
- adequate transportation for the Police."

What are the institutions which deal with crime? Obviously, one knows the police service. But is that the only institution? One knows the judiciary, the prison. What are the reforms in the prison, for example? Building a new prison? That was not even their idea. That was the idea of the last government. What are the institutional reforms? Where are the plans for rehabilitation? If I may read from a paper, as we are talking on prison: *Improving Prison Conditions in the Caribbean*, a paper delivered by the hon. Member for Port of Spain North at a Caribbean conference; *Sentencing and the Use of Imprisonment*. I am just giving this as an illustration to show that this Government is an ad hoc Government. I want to show that, bearing in mind that the hon. Member for San Fernando East, in a nice pamphlet, or brochure, whichever one you want to call it, *Vote PNM, Patrick Manning, San Fernando East*, says:

"When a PNM Government is elected, we will strive to repair the damage and set this country on a path of growth, prosperity and stability once again. You too shall prevail as caring, truth, unity, dignity, justice and equality shall prevail with the People's National Movement handling the tiller and steering us into the future." *[Applause]*

Madam Speaker, I should have been ashamed to clap. But I want to tell them that they would only clap for five years or less. When we, on this side, get into power, we will nominate the Prime Minister and the Deputy Prime Minister,

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Mr. Manning and Dr. Saith to the Senate. They are clapping but they are elected Members and they have no power.

The Member for San Fernando East said:

"I am particularly upset by their *ad hocism* and the self-righteousness which they have approached the administration."

He was talking about the last administration.

What is more *ad hocism* than what we have with the crime situation in Trinidad and Tobago and the attitude of this Government? Listen to what a man who is very experienced in the law, the Member for Port of Spain North/St Ann's West, a very a man with a very distinguished practice, a man who has proved himself in the civil law, in the criminal law, in military law and constitutional law; a man who has demonstrated complete independence and a man who has been the President of the Bar Association—but he sits on this side because the Government was not committed. The Government does not want to deal with the problems. They want to camouflage. Bear in mind, I hold no brief for the Member and he knows that. But the truth is the truth. I am in no way making any imputations against the hon. Attorney General, but the truth is the truth. He states:

"Notwithstanding our independence, gained some 29 years ago, the criminal law of Trinidad and Tobago consists largely of a body of laws, both statute and common law, which derives from another society. No systematic attempt has yet been made to criticize or review our criminal law in a way which would assist us in determining whether or not the laws which regulate our society are appropriate to our requirement. This state of affairs has also left us with no identifiable philosophy of our own which might help to guide us in our approach to crime and punishment.

Reluctant to investigate ourselves, we continue to import legislation wholesale from overseas, which may or may not be appropriate to our requirements. Very little of our legislation, even in areas where it is concerned with the most intimate areas of our cultural and social life, is indigenous, for example, laws which regulate family life, marriage, divorce, real property and inheritance. If a nation is to develop healthily, its laws must be a reflection of its needs and not be a transplantation of laws growing out of the experience of foreign societies."

As I was reading this, I remembered too, that I have here a document on law reform, which was introduced by the PNM government some years ago, I think it was some time in 1978. You see, when one is dealing with criminal justice and crime, one has to consider and deal with, not only the persons who are accused of crime, in any system to deal effectively with crime, one has to deal also with not only arresting crime, but also with the prosecution of crime and with the victims of crime.

In the White Paper on law reform which was put out in 1978, *Compensation for Victims of Crime*, it states:

"The victims of a crime may seek personal redress through civil litigation in certain circumstances or the criminal court, if it thinks fit, order payment of limited compensation. Both remedies are equally unsatisfactory where the wrongdoer is impecunious, as they so often are. The circumstance can lead, not only to the ruin of the victim, but also to that of its dependant family, e.g. where by negligent driving an unauthorize, impecunious driver of a truck hits down and seriously injures a pedestrian, neither the owner of the truck nor the insurance company is liable and the unfortunate victim would go without any redress whatever.

In the end, the State, in one form or another, carries the burden. Many countries in the Western world have provided legislation whereunder compensation is paid to the victim of crime out of the resources of the State. Such legislation exists in the United Kingdom, Australia and New Zealand. Like legislation will be adopted in Trinidad and Tobago."

Up to 1985 it was not implemented, despite what the PNM said in its Manifesto, and despite the fact that it is recognized that it is a pressing problem—nothing about any policy with respect to crime, whether with respect to prosecution, detection, adjudication. There is no policy, except the bare policy statements—if you would call them that—which I had mentioned.

It is recognized that any effective programme to deal with crime must involve measures which would identify the causes of crime in a society and must involve setting up mechanisms and institutions in an effort to eliminate, or reduce considerably, the causes. That is well established.

The disease of crime cannot be effectively fought unless the cause(s) of crime are removed or reduced. Let us say there is an epidemic of malaria, one just does not inoculate, one tries to get rid of its causes. If there is salmonella poisoning at

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St. Ann's Hospital, one does not simply care; one gets at the chicken, one gets at the eggs. So, one has to get to the causes of crime. What are the causes of crime? We shall come to that.

An effective assault on crime must involve formulation of a national plan of action against crime. This plan must be integrated within the broad formula of a national development plan of any country or any society, any national objective or any national plan.

This Government has not even put out a national plan, they have not put out national objectives and it has not put out any national plan of action against crime. And it is recognized that that is how you deal with a problem which is an epidemic. And how do you deal with such a problem? Sit down for six months and not deal with it? Just say that you are bringing Scotland Yard to investigate some police, that you are going to restructure the police service? Is that dealing with crime?

This plan of action which has to be integrated in the National Development Plan—or any national framework—must be carried out from a dynamic and systematic perspective, taking into account the inter-relationship of activities and functions in the area of legislation, law enforcement, the judicial process, the treatment of offenders and juvenile justice with a view of ensuring greater success, coherence, consistency, accountability, equity and fairness within the broad framework of the national development objectives, if there are any.

Any assault on crime on a national basis would involve these matters and such an action would need co-ordination. Such an action would involve the establishment of co-ordinating committees, both at national and local levels, with the participation of the representatives of the different institutions and/or experts, and with the involvement of members of the community so that it can continuously assess the needs and priorities, collecting and analyzing data and keeping under review, crime prevention and other criminal measures in the society. That is how a problem is dealt with.

A book published by the United Nations, *Guiding Principles for Crime Detection and Criminal Justice in the Context of Development in the New International Order in dealing with Crime Prevention*, talks about these matters and states that—

"In making national plans, countries should ensure that those plans are on a global, sectoral and inter-sectoral basis, and there should be a co-ordinated approach with short-term, medium-term or long-term objectives."

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Have we heard anything for the last six months of this Government with respect to any plan of action in dealing with crime?

It would appear that if there is such a plan or genuine desire to assault crime, or if the Government knows what it has to do, then, obviously, such a plan would have been announced already. If such a plan was announced—and there was set up this machinery—this would have permitted the evaluation of the effects of decisions taken by the different bodies which are being co-ordinated; this would have the effects of mitigating any possible negative economic and social consequences and decreasing the opportunities for persons to commit crime, whilst increasing the legitimate avenue for fulfilling their needs.

An effective assault on crime, it is also recognized, must involve a serious appraisal as to whether the institutions which exist and are involved in the administration of criminal justice, whether it be the prosecution department, the court department or the prison department, are functioning properly and producing the desired results. The system, insofar as detection, prosecution and trial of individuals are concerned, apart from its being fair, is not sufficient.

In dealing with crime—and I want to make this point abundantly clear—it is no answer to say that one is dealing effectively with crime in purely announcing measures to restructure a police service. It may be appropriate, at this juncture, for me to illustrate how the Minister of National Security thinks about crime and how he can deal with it, and what he thinks of the crime situation in Trinidad and Tobago.

What I am going to do, Madam Speaker, is furnish you with facts and figures of the crime situation in Trinidad and Tobago, give an historical perspective as to crime, and how countries and international organizations have recommended they be dealt with. Then we are going to examine the facts, because there will be admitted facts that there is a crime situation. The Government has admitted that. We are going to examine and see what they have done, if they have done anything effective to deal with the situation.

Madam Speaker, on May 8, 1992—I have read the question already that the Minister of National Security had to answer. He stated how they were dealing with crime and announced, in a statement, with respect to drugs—in other words, his answer on crime was, as far as he was concerned, what he was doing with drugs. In order for it to be crystal clear I asked him—

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"Mr. Maharaj: With the greatest respect to the Minister, the question had to do with crime generally and not confined to drugs. Could he tell us what plans are in force to deal with the other crimes in the country?"

Hon. R. Huggins: Madam Speaker, on April 24, I made a statement in this House and I explained, quite comprehensively, the Government's approach to crime in general. I also indicated to this House that the agency within the Ministry of National Security would address the drug problem which I explained had a great part in the crime in this country.

Further, I explained at length the fact that the police service appears to be unable at this point to deal effectively with the crime situation and that the Government was playing a very active role in addressing this.

I believe that one has to address the problem of crime at its source, and unless there is a very efficient police service, we would get nowhere."

**4.30 p.m.:** *Sitting suspended.*

**5.10 p.m.:** *Sitting resumed.*

**Mr. R. L. Maharaj:** Madam Speaker, you would recall before the tea adjournment, I was reading the response of the Minister of National Security to a question I had posed to him some time before. I said that the Minister was in effect saying that the way the Government was going to deal with the question of crime, was by way of measures to deal with drugs, and the restructuring of the police service. He further stated that one has to address the problem of crime at its source, that unless there is a very efficient police service, we would get nowhere. I say again that the police service has nothing to do with the source of crime.

The police service has to do with the investigation and detection of crime. If there are criminal activities conducted in the police service, they are offences committed within the police service. In my respectful submission, the Minister cannot deal with the question of crime; cannot have effective measures in dealing with the question of crime, if he does not understand that crime at its source is not the police service. Crime at its source is the cause of crime.

The hon. Minister went on to make a very startling comment. I wish to make it clear therefore, that we are looking very seriously into this.

"We have started to address the whole restructuring of the police service and we feel confident that when this is done, the question of crime may not be raised in this House again."

This Minister is saying that if he restructures the police service, most likely, you would not hear about the question of crime again. That merely has to be stated to show how—with the greatest respect—ludicrous and ridiculous it is. How can a government deal with the question of crime effectively if the Minister who is responsible for crime does not understand the basics about crime; the basics about its sources and the basics that the police service, even if it is properly restructured; even if it is very efficient, would not be able to eliminate crime.

Crimes of violence which are now taking place have their genesis not in the inefficiency or weakness of the police service, but in a profound social-political law—economic crisis which has occurred in our society. It is a crisis that obviously has not developed overnight, but it is ridiculous to even suggest that the police can obliterate crime. What the police can do is to be better organized, equipped and managed in order to be able to detect crime and apprehend criminals. Police can be properly deployed in order that they can act as a deterrent to those who wish to commit crimes.

If the Minister and the Government had recognized that what they had to do was to examine what the causes are, and see what plans they could put in place to reduce or eliminate the causes if they can, then they would be dealing effectively with crime. I am not saying that restructuring of the police service will not help, but you cannot deal effectively with crime. The most important thing one has to do, if one is dealing with crime, to attack crime, is to deal with the causes and to have a plan for eliminating or reducing them.

There is a book written by Mr. Tony Platt a fellow at the Institute for the Study of Labour and Economic Crisis at the University of San Francisco. On street crime, he said:

"The roots of 'street crime' (rape, assault, armed robbery, theft, auto-theft and burglary) are deeply embedded in social conditions. Crime is regarded as a means of survival and should not only be approached as a product of the unequal distribution of wealth and chaotic labour market prices, but also as an important aspect of the demoralizing social relations in a society."

Having said that and given that perspective, one would see therefore, that by the admission of the governing party, there was an epidemic. It came into power and let us see how that admission by the governing party has been in Trinidad and Tobago. The statistics as at October 31, 1991 showed that there was one robbery

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every 29 hours; a wounding incident every 20 hours; a rape or sexual offence committed every 16 days. Serious crimes committed rose from 11,621 in 1981 to 15,467 in 1990 and minor crimes from 8,056 in 1981 to 21,981.

Police figures as at December 15, 1991 revealed that there was a total of 15,317 serious offences committed in 1991, as compared with 15,467 in 1990. In the Northern Division it was the highest at 3,259, Port of Spain Division recorded 2,771 and the Southern Division 2,694. A deaggregation of these figures shows that there were 2,941 robberies, of which 717 were committed in the Southern Division, and 542 in the Northern Division; 100 per cent increase was recorded in robberies in the South Western Division.

There were 419 felonious woundings in 1991, up from 354 in 1990; 212 rapes and other sexual offences in 1991, up from 209 in 1990. There were 6,954 break-ins in 1991 with the Northern Division having the highest 1,579; Port of Spain 1,359 and the Southern Division 1,060.

One saw that when the Government came into power, there was not only an admission by it that there was a crime epidemic in Trinidad and Tobago, but there were also the figures which supported it. One saw from the history of this Parliament that it was only after the Leader of the Opposition the hon. Member for Couva North, had raised the issue of drugs and the police service, as a matter of urgent business, that the Government responded in making an announcement with respect to drugs.

Let us deal with violent attacks. Law abiding citizens of this country have become the victims of violent and malicious attacks, both in the privacy of their homes and in their business places, both to person and property notwithstanding the fortresses which they have been forced to erect around them in order to protect their families and property from the criminal element. Burglar-proofing is no impediment to the lawless. People are savagely ravaged and brutalized.

One only has to remember the headline in the newspaper reporting on an incident, the stabbing of a person at, and burning of a Mount Hope shop. All over Trinidad and Tobago persons have had to change their lifestyles out of the fear of being robbed, raped or killed. No longer are people's homes robbed only when they are away or asleep. Nowadays, while they are at home, bandits armed with firearms storm into their homes, and not content merely to rob, they do violence to the victims. This trend emphasizes the explanation that most crimes are economically motivated.

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According to David Gordon in an article 'Class and the Economic Crime':

"Almost all these crimes are economically motivated. Their main purpose is to obtain money or property. Moreover, many of the relatively true violent crimes of these persons occur inadvertently, in the process of committing crimes against property?"

Madam Speaker, according to an incident reported in the *Express* of August 6, 1991:

"On Sunday five armed men raped a 27 year old woman at Santa Cruz after they abducted her from her Trincity home at gun point. The woman told the police she was talking with her neighbour outside her home around 1:25 a.m. Sunday, when a car pulled up with five men all of whom were armed. The men accosted the couple who said they first thought the men were police officers."

She was ordered by the gunmen into the house and they robbed her.

If I may give some ideas by just quoting the headlines and the dates:

Monday, February 9, 1992, *Express*: "Murder with pig foot."

On the February 19, 1992: "Chopped to Death."

On the January 7, 1992 - *Express*: "Murder in Tunapuna. Attacker found covered in blood."

On the February 10, 1992 "Kind old man robbed and strangled by cocaine addicts."

February 9, 1992 - *Guardian*: "Mother hammered to death."

March 24, 1992 - *Express*: "Men armed with gun, cutlass; brutal killing of Penal woman."

March 14, 1992 - *Express*: "Murder in Arima."

May 13, 1992 - *Trinidad Guardian*: "Housewife killed in Arima."

My 13, 1991 - *Trinidad Guardian*: "Woman stabbed to death in Woodbrook"—those were violent crimes.

The incidence of car theft has also reached alarming proportions.

Madam Speaker, if you attend a function on an evening or even park your car to probably go shopping it is imperative to ensure that tape decks are hidden in car

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trunks and even so there is no guarantee when you return that they would be found. The car may also be taken away.

We are confronted today with a different type of approach by criminals. Previously cars were stolen from parking lots at cinemas when the owners of the cars were nowhere in the vicinity. Today the bandits have adopted a new method. Occupants of vehicles are simply beaten and injured and cars taken away from them. The *Express*, of August 6, 1991 reported the following:

"At Bridge Road in San Juan, Albert Duke of San Juan told the police he was driving his Bluebird taxi, HAR 4301, when another car drove alongside him and one of three occupants shouted: 'Police! Police! Pull aside.'

Duke, who said he was with a woman said he pulled aside and saw one of the men emerge from the other car with a gun. The man pulled him out of the vehicle and pistol whipped him. The gunman then got into the car and drove off with the woman in it."

It is important to note that car thefts constitute a booming business in Trinidad and Tobago. Therefore, car stealing must be viewed not only as a means to ensure a fast getaway from the scene of the robbery, but also as part of the merchandise of the business of crime. This situation is further intensified by the heinous nature of many crimes committed and the vicious attacks on innocent citizens with many unexplained drug killings and Mafia style executions which indicate that a drug cartel was here before.

When one looks at the question of firearms one sees that the availability and use of guns in areas in the country are intimately linked with the drug trade. One also saw that on May 3, 1992, a headline in the *Express*:

"Guns being smuggled by the crate"

"Smugglers unloaded ten boxes of arms, ammunition bullet-proof vests and several cannisters of teargas from a Venezuelan pirogue at Cedros.

There are several instances in the Newspapers of drug-related crimes. Gang warfare, unheard of in Trinidad and Tobago, is fast becoming a feature of life in certain parts of the country as is evident in Debe on April 3, 1992 when six men were killed in an encounter between two rival groups.

According to respectable crime reporter Mr. Alva Viarruel of the *Express*:

"Things get well rough out here now man"

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He is quoting one of the gangs.

"Everybody now walking with a piece and they are not taking any chances"

In the same report:

"In the past week the residents of Debe and Belle Vue have been living under a self imposed curfew with only the brave and the police venturing out after dark. Unlike most areas in Port of Spain and its environs, the sound of automatic gun fire in the Debe Valley and more particularly in the place called the 'Alley', has become the norm. Many a noted criminal has sprung up from the hills which continue to produce what the police call, the 'career bandit'."

Car stealing, stripping, kidnapping and a host of other criminal activities are known to take place there.

The account which I have given there must be in any society a deep sense of fear. I am submitting that having regard to the admission made by the governing party, having regard to what has already been stated that with respect to the facts, there is a grave situation in Trinidad and Tobago, and this situation must by reasonable inference generate a deep sense of fear, anxiety and insecurity throughout the population. The law-abiding citizens of this country are afraid to venture outside their homes out of fear of being robbed or gunned down. They are virtually under siege by the criminal element. They have been made prisoners in their own homes, yet this caring government has after six months, done nothing constructive to deal effectively with crime. Because you cannot deal effectively with crime unless you deal with the causes of crime.

I thought of doing it at a later stage but it is relevant at this stage to read from a book, *Politics in the United Kingdom* by Bill Jones and the paragraph: "The Underclass and the Governance of Britain".

I read from this because on page 4 of the PNM's manifesto, the PNM before it went to the electorate said that it has a plan for unemployment. It is a plan to deal with the problems in the society. Here is what the PNM said:

"The social fabric is collapsing as the middle class crumbles, an underclass emerges, unemployment rises and as tens of thousands face sheer poverty and daily starvation. The population is disillusioned and constantly aggravated by the political disintegration of the ruling regime."

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You notice they talked about the underclass. The PNM, the governing party, was recognizing that in Trinidad and Tobago there had emerged an underclass in our society because of the unemployment and poverty problem, and that nothing was being done.

**5.30 p.m.**

I read from page 268 of *The Underclass and Governance in Britain*, in which the author analyzed what causes underclass. In identifying the causes of the underclass system in Britain—the causes of crime and the breakdown in social disorder, it states:

- "(1) Mass unemployment caused by government economic policies.
- (2) Widening of the class division.

You see that one of the root causes of crime is unemployment and poverty. I will show what happens. I must also say that what is developing in this country is that the government, by its inaction, is allowing a criminal culture among young people to be developed, in that these people feel that they are excluded. When people are unemployed; when people are out of the education system; when people feel alienated, a situation is created where they would want to rebel against the system. What has been happening is that, in societies where the government has not dealt effectively with poverty and unemployment, there cannot be a situation where crime is effectively dealt with. In dealing with a society in which there is a problem of crime, it has to be integrated with the problem of unemployment and poverty.

On page 271, reading from the *Weekend World Programme*:

"The Weekend World Programme interviewed several young people from Liverpool who testified that crime was accepted as an everyday necessity. 'Some people have got jobs,' said one, 'they can go out and buy things they want but we are unable to do so. We are on the 'Dole'. We haven't got the money, so we go robbing to get the money. Often drugs are an additional element providing both a reason for crime and a catalyst to it."

So, one sees that drugs are not regarded normally as the general cause of crime. It is an additional element providing both the reason for crime and a catalyst for it. You cannot deal with the crime problem by merely dealing with the drug problem. Young people in these circumstances do not admire the normal model of social achievement but those of crime and delinquency. Then, he goes on:

"The indispensable civilizing force of taking responsibility for wife and children is therefore denied young men and, in these circumstances, the men who do not support families find other ways to prove that they are men, and they tend to become very destructive."

One sees that in situations where the society does not make people feel a part of it, but gives them the perception that they are excluded from the normal run of things. There you would have an increase in crime, and you would not be able to deal effectively with crime. In a society like this, where the unemployment rate is very high, where poverty is very critical, one sees that the Government has to show—not by holding a seminar on unemployment—but show what plans it has, which if implemented, would arrest the problems of crime.

Long ago, when someone committed a crime, society banished that person and, in those days, the person would live on the fringes of society or he would be transported. In this way, the society dealt with crime by just trying to exclude the criminal. We live in a world where we cannot exclude the criminal. When that person has served his time in prison, he has to live in society. Therefore, any plan to deal with crime must include a plan for rehabilitation. What are they going to do about the infrastructure of the prison system to provide for rehabilitating people, so that they would be able to live outside? The figures will show that there are many young people who are repeat offenders and one would see that that is because of the prison conditions—no trained personnel, and no plan for rehabilitation.

I would say that the seeds of the social crisis in our country fuel the fire of violence and crime, and the unemployment scourge is the greatest generator of that fuel. According to Central Statistical Office figures for the fourth quarter of 1991, the 15—24 year age group recorded the highest figure for unemployment, with a total of 38,100 persons unemployed. The overall unemployment rate was 17.4 per cent. One sees, therefore, the high rate of unemployment. That must be much higher now.

Mr. Joseph Toney, the former Minister of National Security, in an attempt to design a profile of the criminal, which was reported in the *Express* newspapers on July 13, 1991, had this to say:

“(1) Most of the perpetrators of violent crime are youths between the ages 15 and 25.

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- (2) Most of them are already facing prosecution for offences similar to those they continue to perpetrate.
- (3) Most are identified with particular housing development.”

Do you know what has happened with those housing developments? Unemployment affects those people greater because there is no place to plant anything. The planning for these housing developments was so bad that, if either parent or both parents are not working, there is no means of even getting something to eat. That is why we must not do things on an ad hoc basis, but with the nation's interest at heart. That is why it is very relevant that when one considers what was mentioned in the *Trinidad Guardian* of June 2, 1992:

"Behind the Bridge Ready to Explode

Allum: Action needed on 60% jobless problem"

and then he said:

- "(4) Most have a history of drug use, in particular, cocaine.
- (5) Most are usually overtaken and overwhelmed by domestic and environmental problems and a life of crime is regarded as an easy outlet."

Before I further quote him, I want to show that this Government really could not care. If it is really serious about reducing crime, and there are figures, and people are saying: "Listen, most of the young people have a history of drugs", and you also know that drugs overall are not regarded as the cause, but as an additional element, if you have a comprehensive drug policy, would you not want to announce that you are going to do something to try to prevent people from getting on drugs and to rehabilitate them?

**5.40 p.m.**

If you have a comprehensive drug policy, would you not want to announce something? That you are going to do something to rehabilitate people, or to try to prevent them from getting on drugs? I should have thought that the Minister would have set up an advisory council on drugs, or whatever one calls it, but some machinery to consider and report to Parliament on measures which, in its opinion, are necessary or expedient to be taken for preventing the use and/or misuse of dangerous drugs, and for dealing with social problems connected with its use and/or misuse; and to take steps to provide proper advice to persons affected by such use and/or misuse of drugs.

I should have thought that they would set up some machinery with these aims in mind. Do they want me to suggest this before they do something about it? Because that is how they have been operating. When you file a question, then they do something. If they cannot govern, they should leave there and come here and let us go there.

Does it take an Einstein? Look, one of their Members almost voted for us today—not almost, he voted and then he changed his mind. Does it need an Einstein to know that an additional aim and object of such a council would be to provide proper facilities and services for persons affected by the use and/or misuse of drugs and to ensure that proper advice is available to such persons and to secure the provision of proper facilities, services, treatment, rehabilitation and after-care of such persons? Are they interested in educating the public on the use and/or misuse of drugs? To promote research into or otherwise obtain information for the purpose of preventing the use and/or misuse of dangerous drugs? To set up co-ordinating drug councils throughout Trinidad and Tobago in pursuance of the duties and functions to, in effect, eliminate or try to reduce the use of drugs? Are they really serious, are they caring? It is ad hoc government: As it comes, "I will do a patchwork", if I can use the colloquial expression, "band-aid government".

**Mr. Bereaux:** A Panday government.

**Mr. Maharaj:** "Band-aid". A Panday government would be a real government. Madam Speaker, they can jump high and low, they will get a Panday government.

The ex-Minister of National Security said in the *Express* and I am quoting, and obviously his words must be considered because he was the Minister of National Security:

"The violence of young bandits ranging from the age of 15 to 24 is now an established phenomenon in this country. Clearly there appears to be a pervasive sub-culture among our youths nurtured by a range of factors which could completely undermine the tenuous stability of the social order.

On November 8, 1991, a Morvant teenager, age 19, appeared before a Port-of-Spain Magistrate to answer 52 charges from armed robbery to murder."

In the *Express* of July 18, 1991, the Minister said:

"Two young boys and a fifteen-year old girl were yesterday allowed \$15,000 bail, when they appeared before a Chaguanas magistrate charged with

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being in possession of the home-made shotgun and two rounds of ammunition."

One sees, that it gets very serious. And what does this Government do? It recognizes that we have to deal with unemployment and poverty. I give them credit for recognizing that; they must have recognized that, but they cannot deal with it. What they have done is they have aggravated the situation.

The 1992 Budget has effectively ensured that more persons are being pushed below the poverty line and thus closer on the heels of criminal activity. The increases in the price of food, transportation, taxation and the ensuing unemployment have all intensified the move towards poverty.

Ghia Gaspar-Taylor, director of ECHO, reported on April 30, 1992, that is just a few months ago, after the budget, *Trinidad Guardian*, pointing out that crime is often related to poverty. She said that one-third of the 1.2 million Trinidad and Tobago population is below the poverty line. So one-third is underclass. Underclass breeds crime and the Government has brought a budget which has the effect of increasing unemployment, contracting the economy and increasing the price of food. What they gave to the public servants they took away. How are they going to deal with crime? This is an ad hoc policy; the financial policy is not related to any policy on crime.

The problem of crime cannot be dealt with in isolation. One sees what I have already spoken about already with respect to the financial situation, unemployment and poverty. It is also related to the education system. According to Mr. Joseph Toney, the previous Minister of National Security, in an article in the *Express* of July 13, 1991:

"Our secondary school system and in particular our junior secondary school, from reports that I have had from the police, are not producing the type of young man and woman who fit comfortably into the society. Some of them do not fit at all and from a very early age adopt anti-social attitudes which develop into criminal traits."

Do not come and tell this House that the previous Government recognized that and they did nothing about it or they did very little about it. You know about it. If we know about it, you ought to know about it. It was published. You said there is a problem. What have you told us after six months? What credibility do you have to govern if you cannot deal with the question of crime?

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"Drugs amongst students"

"This maladjustment is clearly reflected in the use of drugs among students. According to a report conducted on substance abuse among secondary school children, in 1990, it was discovered that 84 per cent of the students use alcohol, 35 per cent use tobacco..."

Which means some use tobacco and also alcohol.

"eight per cent marijuana and two per cent cocaine. The widespread use of alcohol and tobacco by secondary school students must be a cause for alarm, since it is widely recognized that alcohol and tobacco constitute the gateway to drugs."

Therefore, when these students graduate and enter the already depressed job market, they would be confronted with the reality of unemployment. Cocaine would automatically be welcomed by an eager friend. But the government in its comprehensive drug policy, has said nothing about what it is going to do with that. It has said nothing about what plans it has, how it is going to try to prevent cocaine from reaching the students. Is it dealing effectively with crime? In such a scenario, it is clear that the life of the whole generation in Trinidad and Tobago is threatened if the Government continues to adhere to this complacent policy and fails to attack our social problems.

To see how this Government deals with things in a superficial way. Can it seriously be said if you have a problem with the administration of criminal justice, that even if you improve the system of delays, having cases dealt with quickly, but you do not, as I said, make provision for compensation for victims of crime—that victims of crime must be compensated, their families and their dependants—that by merely setting up a committee to investigate delays, that could deal with the administration of criminal justice? That cannot deal with it.

I want to read a speech made by a High Court judge, Justice Lennox Deyalsingh, in an address at the Holiday Inn dealing with human and fundamental rights. What has to happen if a government is serious about dealing with crime and it recognizes that there is a problem in criminal justice, is that the whole system of the administration of criminal justice has to be overhauled. There has to be a plan. One has to look at the appointment, selection, promotion and criteria for selection and everything else. But this Government does not have the will-power to do that; it does not have the courage to do it. It does not have the commitment to do

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it. How can they deal with a problem of the administration of criminal justice if they do not attack the infrastructure which adjudicates?

Justice Deyalsingh, after he talked about the appointment of judges and he was in effect saying that the system in the appointment of justice can have severe effects on the country, he says at page 27:

"I record these matters with anguish. Quite apart from the implications arising, the very fact that they have been expressed affects the independence of the judiciary. For not only must it be independent in the sense that it comprises fair and fearless men, but they must be competent, they must be so regarded by the legal profession and by public."

He submits with respect to the Commission:

"I submit that the Commission must lay down definite criteria for the appointment of judges."

If judges and magistrates have to administer criminal justice, one has to look at the criteria for their appointment and their elevation. Because you cannot effectively deal with crime by just reducing delays. You might be able to reduce delays but if you do not have the proper criteria, the courts may not be able to deal with any workload. Justice Deyalsingh went on:

"These criteria, I suggest, should be those that are followed by convention in England and which constitutionally should have been followed locally upon obtaining independence."

He went on to say what he thinks should happen. He said:

"Where the judiciary is concerned, the aim should be excellence; mediocrity has no place."

Justice Georges, at an International Commission of jurists Conference in Caracas, in dealing with the question of the judicial system, its appointments, its dealing with issues dealing with crime, and on an examination of West Indian constitutions—if I may read from this bulletin, the Centre from the *Independence of Judges and Lawyers Bulletin*, No. 123, at page 79, he states:

"One must not think that because a Judicial and Legal Service Commission is appointed in the way it is appointed..."

He said that:

"...Judicial and Legal Service Commissions can turn out to be facades behind which politicians carry on their manipulations."

You cannot effectively deal with crime unless you are prepared to face the music. Say, listen, I recognize there is a problem in the administration of criminal justice. I want to deal with it; I have to level with the population. But do not say I got into power and I am afraid; I do not want to put anybody there who would be independent, or I do not want to be able to deal with the problem. One has to deal with the problem. If one cannot deal with the problem, whether it is in relation to the courts, the administrative side, the prosecution side or the detection side, then obviously leave office, go, but you cannot say that you are dealing with it and try to tow the line.

**Madam Speaker:** Please wind up. It has been 75 minutes already.

**Mr. Maharaj:** Madam Speaker, if I may quickly deal with the prison system. There have been several reports in Trinidad and Tobago dating back to 1980, and even before, but in the Prison Report of 1980, one sees:

"In this country the physical and social environment within our prisons do not lend themselves either to the humane treatment of the offenders, or to the kind of climate where his growth and improvement might take place with a fair chance of success. Further, when we consider the supports necessary in the community to which the offender must one day return, we find those reports to be sadly lacking. We refer particularly to the lack of real family, the dearth of social welfare facilities, counselling services coupled with inadequate housing, lack of employment facilities and marketable skills of the majority of offenders."

Even in the juvenile and young adults home, the police station, St. Michael's Home for Boys, St. Mary's Children's Home, St. Jude's Home for Girls, one sees according to the Abdulah Report of 1980:

"The Commission is of the view that if the boys have to be rehabilitated, it is crucial that those on remand be not exposed at the very outset to conditions comparable to those which exist in an adult prison. Further, the negative effect of such conditions could, in fact, contribute to their choosing later in life a career in crime."

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One sees, therefore, that all that this Government can say is that it has made some proposals to deal with drugs. But I would say that this Government has not really confronted the problems in the country; they have not confronted the problems related to the causes of crime; they have not confronted the problem related to the reformation of the law to adjust it to meet changing conditions. There has been no law reform policy in this country announced by this Government. It has not announced any programme or any plan to rehabilitate prisoners, people convicted; people who are on drugs to prevent them from taking drugs.

This Government has regarded the police as being the source of crime and is restructuring the Police Service. If it restructures the Police Service and sets up a co-ordinating machinery in the Police Service to deal with drugs and bring down Scotland Yard to prosecute or try to get some evidence against some police officers, to the Government that is dealing with crime. In my respectful submission, it has failed to deal with it and I respectfully ask that this motion be allowed. Thank you, Madam Speaker.

#### ADJOURNMENT

**The Minister of Local Government and Minister in the Ministry of Finance (Hon. Kenneth Valley):** Madam Speaker, I beg to move that the House do now adjourn to Friday, July 3, 1992 at 1.30 p.m.

#### **Trintomar—Drilling Programme**

**Mr. Trevor Sudama (Oropouche):** Madam Speaker, I wish to bring to the attention of this House one of the most alarming developments to have occurred on the economic horizon in recent times. It is even perhaps more alarming that the Government today has maintained a stony silence on this issue; the silence of the tomb. This has to do with the permanent closure of drilling operations by the Trinidad and Tobago Marine Oil Company, better known as Trintomar.

Madam Speaker, this is a matter of enormous significance, because of the vital role that the energy sector plays in the economy and also because of the extremely vital role the investment in gas plays in the energy sector. Here we have a situation where much confidence had been placed in this investment, the premier investment in the energy sector in the last few years. Many hopes were pinned on it for the revival and the turnaround of this economy.

The amount of the investment is enormous in terms of what the Government has been spending in the rest of its development programme. Accordingly to figures given by the Minister, a total of US \$183 million has been expended as at June 5—over \$60 million in excess of the initial estimated investment. I shall come to the question of the overrun later on.

It is the quality of that investment, not only in terms of its size, but also the fact that it is by and large foreign debt financed by the Japanese consortium of Nissho Iwai. The shareholders of that company are the Trinidad and Tobago Oil Company, Trinidad and Tobago Petroleum Company and the National Gas Company which are all wholly owned state enterprises.

In view of this development—I think I shall have to deal with that as another issue—our capacity to repay this debt has certain very grave consequences for the country, for our balance of payments position, our reserves and indeed for future investment in the energy sector. We have been trying to find out the balance owing on this debt to Nissho Iwai. To date we cannot get an answer from the Minister and his Government. That indeed seems to be a matter of highest confidentiality to the Government—everything is confidential to them, whether it is the signing of a gas contract and its publication, whether it is the debts. It took them two months to set up a commission to enquire into deaths which took place at the end of April. But it is all in the nature of the secret Government that they have instituted in this country and that is why they are not giving information which is of vital concern to every citizen of Trinidad and Tobago. They have a mandate to rule, they have the prerogative to keep information to themselves: Government by secrecy, that is what the PNM has been. It is a culture they have developed in this society.

If this Government were a forthcoming Government, it would have made a statement voluntarily to the nation. I have tried to raise this matter as one of urgent public importance and now I have to raise it under the Standing Order giving the option of raising it on the adjournment. It should have made the statement voluntarily.

Now, as I said, the closure of permanent drilling at Trintomar has certain very grave effects for balance of payments and our reserves position. The capacity of the owners of the company to repay—the Minister of Finance tries to hoodwink the population, by telling people, look here, it is not the Government which owes Nissho Iwai, it is Trintomar. Now, if Trintomar cannot pay and its shareholders cannot pay, who are the owners of Trintoc, Trintopec and National Gas? Is he

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going to say that Nissho Iwai is just going to forget this indebtedness? The collateral for this indebtedness is throughput of Trintomar.

If Nissho Iwai were to enforce their collateral, would they do it in the absence of some government guarantee and understanding? What are they talking about when they say that this is not an obligation of the Government? This is an obligation of Government, because these wholly owned state enterprises have the obligation and if they cannot pay, then the Government is obliged to meet this indebtedness. One cannot just forget this indebtedness, it is not risk capital, it is debt we are talking about, not equity, it is debt.

If the Government is going to renege on its debt, then it must come out and say so, so that future investors in this country would know the type of Government that they are dealing with. He says that it is not a Government liability. I want to know: If Trintotec, Trintoc and the National Gas Company, cannot repay, will the Government renege on this contingent liability? Let them answer that.

This operation having come to grief, the consequences or the prospects of foreign investment in the energy sector are ominous. Will foreign companies come and take the risks involved, given the fact that this project, for which so much was hoped has come to grief?

What are the consequences to growth in the energy sector? This Government has placed all its reliance for the revival of this economy on the energy sector. It has never had a programme for diversification of the economy, never had one. All that it is relying on is that either there will be fortuitously an increase in oil production and an increase in oil prices or, in fact, additional resources of natural gas. That is all it is hoping for. This is a Government of hope, nothing else, because they are doing nothing concrete to diversify and to place reliance on other sectors of the economy. That is why the failure of this investment becomes more critical in view of the kind of economic policy that this Government is pursuing.

What are the consequences for natural gas supplies in an economy which is becoming more and more dependent on natural gas as a source of fuel and feedstock? What is going to happen? I shall come later to talk about the relationship of this failure and the natural gas contract, how this flagship of economic independence, having run aground, has now become even more reliant on the mercy of Amoco, the American Oil Company. So the trip to Washington that the Prime Minister took was merely to concretize that dependence and to take instructions as to how to proceed to manage our affairs.

This failure leaves us, in view of the policy being pursued by the Government, with very little room for manoeuvre. We have an outstanding debt of \$412 million to pay, both direct and contingent for the remainder in US, in addition to which, the debt due to Nissho Iwai has to be added. Because the basis of current levels of production is going to meet all claims and liabilities and also pay off that debt.

**6.10 p.m.**

Now, Madam Speaker, if we were to delve a bit into the history of this project—because the history is important to understand what has happened to date—the planning for this project was originally initiated by the PNM Government prior to 1986. That was under the then South-East Coast Consortium arrangements. Then, of course, that Government was unceremoniously put out of office in 1986 but they had envisaged all sorts of projections about how many billions of cubic feet of reserves were available, and they were to start drilling operations early in 1987 on the basis of certain projections, certain rates of returns, and so on. I am not going to deal with the hazards of exploration and so on—we know all about that. That is going to be used as wool to pull over our eyes. Hazards of exploration. The reserves really were not there, but you did not know they were there until you committed all this huge investment. And you took action.

**Dr. Rowley:** You always knew they were not there, right?

**Mr. Sudama:** No. You took action and did not tell them, “look here, this is a hazardous business and the prospects of this investment may not materialize.” You did not tell them that. You say, “Man, this is going to take this country out of economic dependence”. In fact the Prime Minister all the time when he was in Opposition said that if we had gone and made this investment and started operations, this country would not have had to go to the IMF. In other words, we would have got so much foreign reserves from this project, that we would have been able to laugh at the IMF, and so on. All sorts of propaganda surrounded this investment.

**Mr. Mottley:** That shows you the danger of taking Opposition advice.

**Mr. Sudama:** It shows you the danger of the Member for San Fernando East saying one thing when he was on this side here and when he gets on the other side, he says nothing on this important issue.

**Dr. Rowley:** Who took the investment decision? You were the Minister of Finance when that decision was taken.

**Mr. Sudama:** You see, your head is so difficult to penetrate. I have told you a million times I was not the Minister of Finance, but you are impenetrable. The viscosity in your—is that the right word?

**Dr. Rowley:** Hand back the salary you earned for the period.

**Mr. Sudama:** You should hand back all yours and all that mismanagement at National Quarries—

**Madam Speaker:** Order, please!

**Mr. Sudama:** That will be a subject for further discussion.

**Madam Speaker:** I think both Members are quite mature. This sort of crosstalk, let it be done outside.

**Mr. B. Panday:** It is all part of parliamentary life—it is not a bishop's tea party here.

**Mr. Sudama:** He is in the habit of interjecting, interrupting and, of course, when I respond—

**Mr. B. Panday:** It is not a church. It is a war.

**Mr. Sudama:** Madam Speaker, here you have all this high propaganda—projections and so on by the PNM Government—then when the NAR took over it took them two years to get this project started. I do not know what was going on in those two years. because, as you understand, I was on the periphery of Government. I am being honest to the country. I knew nothing. These decisions were taken *in camera*, somewhere in some back room, and so on.

**Dr. Rowley:** Have you ever heard about collective responsibility?

**Mr. Sudama:** Collective responsibility?

**Dr. Rowley:** Hand back your salary. “It was not me; it was not me.”

**Mr. Sudama:** Madam Speaker, based on his association with and performance at National Quarries, he should not only have to hand back his salary as manager, he should take a jail.

**Dr. Rowley:** You are just wasting Parliament's time talking foolishness.

**Mr. Sudama:** Madam Speaker, we had all sorts of talk about how the delay caused us to go to the IMF. If what has now been revealed is true, that is a lot of foolish propaganda talking about delay in the start of this project caused us to go

to the IMF. The Member for San Fernando East [*Interruption*] You were not here. When were you here in the House? You are a late-comer, you are a johnny-come-lately here. What are you talking about? I have been here for 10 years and I have a lot of time to go.

Madam Speaker, the question we have to ask is, after this project was initiated, was it actually reviewed technically in terms of the number of wells drilled and what information we were getting? When did this Government get an inkling that the reserves are really not there? And on the basis of that what review action was taken, to curtail the investment involved, or keep it within limits, or to let us know what exactly was going on with this project? I am here not to defend anybody. The previous regime has a lot of blame to take for what transpired with this project. We were getting in some gas supplies, we were getting in condensate and everything was felt to be all glowing—the future was aglow, so to speak. Then came April, 1991 and there was a blow-out on the Pelican 'A' platform as a result of drilling operations undertaken Trintomar. Now, the question is, how did this actually happen? What went wrong in April? Was it a technical mistake or was it deliberate sabotage of Pelican A-7?

**Dr. Rowley:** When was the blow-out?

**Mr. Sudama:** Madam Speaker, this is not a simple issue. If the previous government did not have the guts to have a public inquiry into this, one wonders what they have been doing for six months in order to give the country the information as to what was going on with respect to this mishap. Prior to that incident, Trintomar's operations were producing anything like 135 million standard cubic feet of gas per day and 7,000 barrels of condensate. When this incident took place, quite apart from the losses incurred in repairing the damage, the production level dropped to nearly 45 million standard cubic feet of gas and 2,500 barrels of condensate per day. So you see the sharp decline that occurred as a result of this.

My information is that when the drilling started here and the outer casing of this pipeline was touched, there were steel shavings which were coming back out. When this was reported to the people in charge, the instruction was to drill through. So they drilled through the outer casing, through the inner casing, through the whole thing, and it is in fact a wonder that that whole platform did not collapse with serious consequences for the people employed and with even further losses to the Government.

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That has cost the Government US \$68 million to repair and, to date, neither the PNM nor the NAR Government has told this population what actually happened, whether an inquiry was held, what were the consequences of the inquiry, bearing in mind all the time that substantial public moneys are involved in this investment. In the end taxpayers will have to pay; there would be lower reserves than we expected. It would mean a greater problem for debt-servicing capacity in the mean time. They behave as though it is a private matter between them and Trintomar, between the owners of Trintomar and Nissho Iwai.

**6.20 p.m.**

The sequence of events, is important. I am told that when that information came, the instruction was to drill on. That gives a little credence to the claim now being made by the President of the Oilfields Workers' Trade Union that what transpired in April of 1991 was in fact industrial sabotage, from which certain parties were to benefit.

This is not a whispered charge. This was made publicly. If the Government feels that there is nothing in that charge, it should come out and give an explanation. It says nothing; there is a stony silence on the issue; not a word. This has happened. There was this serious mishap on Platform A-7 in April of 1991. Production levels have dramatically declined on the Trintomar project, and then we negotiate a 20-year gas contract with Amoco. So you see what has happened. Your hand, whether deliberately or unconsciously, went into the lion's mouth and you are negotiating for it.

This is why they sat there—the previous regime—they negotiated a contract, and it is just amazing to know that the royalty they negotiated just before they went out of office for the gas which was to be produced by Amoco, was TT 1.5 cents for every thousand standard cubic foot of gas extracted. But you know, for Trintomar, what is the royalty? US 16 cents for a thousand standard cubic foot of gas. In other words, approximately TT 70 cents for Trintomar, locally owned—of course, they had both foreign and local experts involved in the operations—but locally owned, managed and with much local technical expertise involved, but you charge them TT 70 cents as royalty and you charge Amoco 1.5 cents. It is extremely interesting. You charge Trintomar, a locally owned company, 46 times more than you are charging Amoco.

Why was that? Why was their negotiating position weakened? Simply because Trintomar's operations did not come up to scratch, and in fact, might,

even at that point, late 1991, have been in some jeopardy which they sought to keep to themselves. Of course, Amoco knows the true story as to what actually transpired, what were the prospects for Trintomar; what happened with Pelican A-7. They know. So the Government negotiated with them and sold out the patrimony of Trinidad and Tobago in so doing.

I remember the Member for San Fernando East sitting down here, week after week in this Parliament, making that charge against the Government, as to the terms on which this contract was negotiated. Today, he is Prime Minister, but he says nothing about this gas contract. We want to have it as a public document but they say it is a private document between Amoco and the National Gas Company.

**Mr. Valley:** Madam Speaker, on a point of order. The Member is misrepresenting the fact. The contract between Amoco and the Government, as far as I know, was signed in November 1991, at which time, the Parliament was already dissolved so the Member for San Fernando East could not possibly have been making representation with respect to that contract.

**Mr. Sudama:** Madam Speaker, the question of this gas contract being signed was in the air long before November, 1991. The actual signing took place in November, 1991. But the terms were heavily criticized by the Member for San Fernando East. Today he is in the position of power and he says nothing. He says he has to go along. I do not know whether he got instructions from Washington that he had to go along, or else. I do not know. But it is for the public of this country to know what exactly transpired.

We do not know any other terms of this contract, whether, in fact, there were any terms which required Amoco to do additional drilling and exploration and so on, to maintain a certain level of gas supplies, or whether these rates apply merely to whatever they could get from their current operations, whatever gas resources they could draw. We do not know whether there were sanctions involved for non-supply, because it is a secret document between that Government and Amoco. Yet it is the country's patrimony, our national resources, a wasting asset, that has been exploited and sold out, and the people of this country ought not to know—their Government is silent. What is the position today? In June, 1992, what do we have?

On June 10, Trintomar ceased drilling operations permanently. On June 10, when comments were made in the press, it was said that Trintomar could only make one more payment on its loan from the current production levels and so on. However, on June 6, my good friend the Minister of Energy got up in this House

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and gave the assurance that all was well; all the payments were up to date, just four days before drilling operations ceased. I am wondering, when he got up in this House on June 6, and said this, whether he had any idea of what was going on and whether reservations were expressed with respect to the outcome of that A-11 which was drilled; whether there were certain expressions of concern. But when he got up in this House, he gave the impression that everything was in order. Maybe, because of what happened in April, 1991 we shall have a lower rate of return than that which was originally projected. That is the information he gave to this House.

I want to know what would be his projection now that drilling operations have ceased. What would be his projection with respect to rate of return? But the point I want to make is whether this Minister is really in control; whether he is being informed; whether he is really in charge. Because on June 10, drilling operations had stopped; the press gets in touch with him and he says he is not being advised. Now a momentous decision, surely, drilling operations are to be stopped, there would be communication right up the line. After all, as Minister of Energy he should know, because the shareholding companies are all state owned. He does not know. He is not informed.

I want to find out whether this is a sleeping Minister of Energy in that Government of inertia. He does not know—like a sleeping partner in so many firms. Things go on in the firm, they do not know, but they get their benefits from being a partner.

I want to know, in the light of what has happened and the closure of Trintomar, whether the Government is going to review its whole gas and energy policy. If it is going to do that, whether it is going to advise the citizens of this country who have elected them into office and to whom they are accountable. If they are not accountable to this Parliament, at least they should be accountable to the people who put them into office. But it shows you the disdain with which they treat the citizens of Trinidad and Tobago whose patrimony now is being whittled away, sold off.

### **6.30 p.m.**

When they came into office we had this big propaganda about British Gas Ltd. coming here to invest US \$2 billion—stated by the Member for San Fernando East—they were going to have liquid gas facilities; they were going to export and all sorts of things were going to be done. On what basis? On which reserves? Now they are saying the reserves are not there. But if the reserves are not there

and there was some question about it, why did they go about with this heavy propaganda to fool the people that British Gas Ltd. was coming here to invest US \$2 billion in the gas industry, and that would be the basis on which we would have this enormous turnaround in the economy of this country.

Finally, I want to ask the Minister to tell us, now that this development has taken place, what are the options available to Trintomar. We are looking at the question of exploring the Keskiddee and Ibis fields. If they have such an option available and if they are going to realize it, how is this going to be attempted? With what resources and from where? Or, are we saddled with production levels at the current rate at Trintomar which probably could hardly repay its indebtedness to Nissho Iwai, and other creditors and the people of Trinidad and Tobago would have to stand the economic consequences of that?

Now, whether, in fact, this would have been the case because of—they may claim—the hazardous nature of exploration activity, and so on—you never can tell—what I am insisting is, that surely, this population is entitled to know, at every stage, what is happening. You hear talk every day about levelling with the population. I think in this case the population has been put below the ground level. There is no longer the question of levelling.

So, given the extremely important role of the energy sector and made even more important by the one-eyed policy of this PNM Government, where all the prospects for growth and regeneration of this economy—if we had such prospects under the PNM regime—are placed on the viability of the gas and energy sectors in this country; if hard times are to come, because of Government's policy, then at least, they should tell the society in advance. You have failed and, in your failure, you have refused to be candid and give the population of this country the information which it ought to have.

Thank you very much, Madam Speaker.

**The Minister of Energy and Energy-based Industries (Sen. The Hon. Barry Barnes):** Madam Speaker, Trintomar. Trinidad and Tobago Marine Petroleum Company was incorporated in January, 1988 for the purpose of developing the Pelican field and the SECC. The shareholders in Trintomar are Trintoc—40 per cent, Trintopec—40 per cent, National Gas Company—20 per cent. This is the same shareholding that owns at the present time, the SECC. The Pelican field is one of four fields in the SECC. The others are Keskiddee, Oil Bird and Ibis, all of which have had discovery wells.

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Trintomar proceeded to develop a project which required the installation of a 20-slot platform on the Pelican field and the drilling of six wells. It was financed on the basis of equity from the shareholding companies of US \$31.5 million and a loan of \$120 million from Nissho Iwai. The loan comprised of US \$100 million at 11 per cent and US \$20 million at LIBOR plus 1.75. The loan is secured at a mortgage on Trintomar's assets and is backed by the guarantee of the shareholding companies.

Under the terms of the loan agreement, project completion required:

- (i) Certification that six producing wells had been drilled.
- (ii) A successful performance test demonstrating that the six wells could produce 150 million cubic feet of gas per day, over a seven-day continuous period.
- (iii) A certificate to be issued by the independent international petroleum consultancy of De Goyle and Mc Naughton certifying that upon project completion, and the production of 55 billion cubic feet of gas, there was an initial residual reserve in the Pelican field of 740 billion cubic feet of gas.

In other words, if you add the 55 bcf that was to be produced with the 740 bcf reserve that they required, that field should have 795 billion cubic feet of gas. Under the loan arrangement, project completion was stipulated as December, 1991. Until the stipulated results are achieved, the shareholders are required to make good any default by Trintomar on its obligations under the loan.

What was the situation in December, 1991, at the specified time of project completion? At December, 1991, at the time of project completion, Trintomar had drilled eight wells; five were producing at the production rate of 16 cubic feet per day, and the certified reserves of De Goyle and Mc Naughton were 227 billion cubic feet, as against the 800 bcf required under the loan contract.

The Trintomar project was, therefore, in default, but perhaps, more important than that, 16 million cubic feet per day was not sufficient to allow the platform to continue to function as a viable production platform. *[Interruption]* That was the situation at the end of December—and I will not point out the coincidence when this Government, in fact, moved in. Trintomar went into discussions with Nissho Iwai, under which several arrangements were made, but essentially to do two things. One, to increase the production level, so that, at least, there would be a viable basis for a production platform. Two, obviously, to seek to prove up additional reserves.

Perhaps I should digress here, merely to point out that there was an agreed programme, that there would be 11 wells. When the hon. Member for Oropouche asked his question, I thought that my response was abundantly clear: that there was no point in working out earning powers until well No. 11, which was being drilled at the time had been completed and until the drilling programme had come to an end.

**Mr. Sudama:** When I asked about rate of return, nowhere in your response did you indicate that when this Government took over, that the Trintomar operation, on the basis of production levels, was not a viable operation, in which case, you could not be talking about 20 per cent rate of return or any lower rate of return. You made no such statement to the House.

**Hon. B. Barnes:** Almost regrettably, I could reply only to the question that the hon. Member asked. I am speaking from memory, and what he asked was what was the initial rate of return and what was the rate of return, now.

I told him very clearly, that when the project was commenced—and I even gave him the date 1989—the projected initial rate of return was a certain figure, and that it would not be possible to work out the revised rate of return until well No.11 was completed.

However, apart from the fact that 16 million cubic feet per day was insufficient to sustain the Pelican platform, a production platform, there was also another factor, and that is that the decline in the Pelican production was in fact affecting the supply of gas to the Point Lisas Estate over the entire fourth quarter of 1991. There was rationing and gas delivery management. There was certainly a considerable need to undertake an additional drilling programme to get some more wells in to increase the gas production level, and incidentally to seek to prove up additional reserves. This, however, was not without cost.

To come to the current situation, and let me just correct the figures, the estimated committed expenditure to date is now US \$188 million. The loan remained at \$120 million; the equity was \$31.5 and the shareholding companies have been called upon to fund that difference. They have funded it in the form of subordinated loans, but as I think, everybody knows, it was a real burden upon them and seriously affected their own cash flows.

Let me make another point in the form of a digression.

**Mr. Sudama:** Does the initial loan balance remain at US \$120 million? What I was trying to get at, is what is the current balance on that loan?

**Hon. B. Barnes:** If the hon. Member would hold his patience, I would get to that.

**Mr. Sudama:** I hope you do not go on in the same fashion and hide information.

**Hon. B. Barnes:** No, I will not hide any information. The Member has in fact given the figures. We completed the drilling programme and Trintomar is now at a production rate of 49 million cubic feet per day, producing 2,487 barrels a day of condensate out of five wells.

Let me make another point. The logic of the oil industry is simple, but sometimes it is not immediately obvious. You must understand about drilling, in the particular case of Trintomar, on average, each of those wells cost US \$7 million. During the drilling period you are spending at the rate of US \$7 million per well, but you get production only after the well is completed. Therefore, if at the end of the drilling period, after you have spent US \$7 million, even if the well comes in, and you are getting 20 million cubic feet of gas, and you are selling that gas at, say, US \$1.00, so you are getting US \$20,000 per day, you then have to consider how many days of supply you have before you are ever going to recover just the basic cost of US \$7 million.

During the drilling programme, it is a time of considerable cash outflow. Your revenue starts to come only when you have completed drilling. That is the only time that you can start getting your cash back. In the particular case—and I come back to what the hon. Member was saying—and—I do admit that I arrived in my office on the basis of absolute knowledge, that an 11-well programme was set and it was supposed to be completed sometime mid-week. As I arrived the telephone rang; I picked it up and there was a gentleman from the press who told me that it was complete. I said, with respect, I am unaware of that, not unaware of the programme, but unaware that they had completed the actual drilling of the well at midday that day. In fact, I subsequently had to say whenever anybody asked me that when I want to find out what is going on in the oil industry, I have to read the *Express*. However that is a digression.

Have we covered the actual Trintomar cost today. How is it covered? Let me say that, obviously, as at the end of June, the project has still failed to fulfil the original project completion as stipulated in the loan agreement. There is the need

for Trintomar to meet with Nissho Iwai to resolve certain matters. In terms of the loan agreement, it does allow for acceleration of repayment. As the matter now stands, Nissho Iwai still have the legal right to call in the loan.

All that we can say at this point is that so far, the discussions and arrangements have continued on a working commercial basis. Let me repeat that Trintomar has to June 20, met every scheduled loan repayment. One hears that they do not have the last payment because again, there is a little confusion here. There was a payment of US \$8 million due on June 20 and that payment has been made. That is all that happened.

**6.50 p.m.**

This august House, must recognize that in terms of dealing with international bankers, indeed, in terms of dealing with international organizations of any kind, there is a certain requirement for prudence if nothing else, during the course of such negotiations.

Let me say again, that I myself have been sometimes a little bit surprised. This Government, in early February announced that a standing committee on energy had been put in place under the chairmanship of the Prime Minister himself, and the names were published. The chairman of Trintopec, the chairman of Trintoc; the managing director of the National Gas Company, the general manager of Trintomar, the Permanent Secretary in the Ministry of Energy, and Energy-based Industries, the Director of Planning in the Ministry of Energy and Energy-based Industries who is also on the board of Trintomar. Does that suggest to you Madam, that this Government was unaware, not concerned?

**Mr. Sudama:** Did you say anything to the public?

**Hon. B. Barnes:** The Standing Committee on Energy was more than published and the people named.

For purposes of this statement, I will say, as well, that under the terms of the loan, Trintomar was required to open an escrow account to cover just such eventualities—an escrow account of \$35 million in place; a letter of credit for \$25 million—in place; contract—in place; and the mortgage on the assets. So that there are ongoing discussions with Nissho Iwai. As the Member has pointed out, this is one field out of four. The platform itself, the delivery lines which are in place provide infrastructure for the development of the rest of the SECC, although it is abundantly clear that at this time, the three shareholders are obviously not going to

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be able to finance that rapid development. Let us understand that Trintomar assumed great prominence. Somebody said it was the flagship of the nation's economy—perhaps, oversold it to the country. Trintomar is one platform. There are 13 other platforms gas producing, oil producing platforms off the east coast. The difficulty that has arisen with Trintomar has not, in fact, reduced the gas reserves of Trinidad and Tobago. The 17.5 trillion alb ft. of portable reserves that is under the north coast and the east coast, *etc.*

**Dr. Rowley:** You introduced British Gas to mislead the House; that is north coast gas, and you know it. Mischievous fellow.

**Hon. B. Barnes:** Madam, having said that let me come back to another point that the hon. Member made.

The geology of Trinidad and Tobago is difficult. Ever since I was a boy in the oilfields they talked about the graveyard of the geologist—and it still continues. A most difficult geological area! It is extremely difficult in Trinidad and Tobago—you drill one well here and you find sand and you go 300 feet away and you find the same sand at the same level and you decide that you will drill in between and it is not there, and you pick it up 10 miles away. It is that kind of country.

Whatever formed this island shook us up quite a lot and this is known. It has been so for 30 million years. However, to paraphrase Walt Whitman; "say not with all those others that it is cursed or it is blessed, say only that it's here". That is what it is, given the size of our surface area as compared to the vastness of the United States, or even across the water—Venezuela—our oil industry is as old as either and if our geology had been easy, all the oil would have been found a long time ago, we would have been drilled up, we would have been produced out. It is the difficulty that keeps us in business. Having said that, in Trinidad, particularly, the geologist will tell you that the "proof of the pudding" is in the drilling. You can see the reservoirs and so forth, but you do not know what is there, until you drill and find out.

So now there can be no question. Here was a project that went ahead on the basis of initial reserves specified in the loan of 795 bcf. We have now drilled all the prospects under the platform—actually drilled wells and what we found is 227 bcf on last count. The gas was not there. You cannot dispute it. It just was not there. *[Interruption]* Madam Speaker, let me say this. Like every Trinidadian, I was disappointed, obviously disappointed. One understands that disappointment, but one gets a little bit concerned about the form in which the disappointment may

express itself, for two reasons. One, it misdirect attention from what the real problems are. There are people outside who said it was “goat mouth” because somebody called it, “flagship”. But when I hear the good hon. Minister say in this House “sabotage”, I got really concerned.

**7.00 p.m.**

Madam Speaker, we are talking about a drilling production platform; 56 metres long, 26 metres wide, 25 miles off the shore in 230 feet of water, with 66 people on board. That is not sabotage, that is attempted murder. It was Trinidadians on the rig. There were two investigations, and we have the reports of both and they showed certain things. One of the things showed is that if we have put together a special company and we have put our people on board, we would have to ask ourselves which of them had offshore experience and which of them had the necessary expertise—questions like that. In fact, they knew on the rig that they were close. They were relying on equipment—they call it measurement while drilling (mwd)—and the equipment was signalling that they were 10.8 feet away, but they apparently did not know or had forgotten that the particular bit of equipment has an allowable error of 10 feet for every 1,000 feet of depth. The allowable error was 48 feet, but it was reading 10. I do not want to go into the details of it.

There was another bit of mythology that I do not seem able to get rid of. There are eminent lawyers on both sides of the House, and the Petroleum Act under which we must operate deals with royalty. The royalty has absolutely nothing to do with the negotiation of a contract between the National Gas Company and Amoco. Royalties are part of the licence under which companies are permitted to undertake exploration in Trinidad and Tobago and, at the time of the issue of licences, royalties are agreed. More than that, the royalties are decided before anything has been discovered.

In fact, what happens is that Government, through the Ministry of Energy, prepares documents, geological packages, and interested parties have to buy the information, then they are given the opportunity to bid in international competition against a specified minimum obligation requirement. *[Interruption]* The royalty is fixed in the licence. Particularly, in the case of Trintomar, which was originally the South-East Coast Consortium lease, the original shareholding companies in 1973 were Shell (Trinidad) Limited— 37.5 per cent; Texaco (Trinidad) Incorporated— 37.5 per cent, and Trinidad Tesoro Petroleum—25 per cent. That was the original

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consortium and that licence was granted to that consortium. Royalty was 15 per cent of all hydrocarbons found and saved. You know the history. In 1974 Government acquired Shell (Trinidad) Limited and the Shell (Trinidad) participation was assigned to Trintoc. Later on, in 1985, Texaco (Trinidad) Limited was acquired. Finally, in November, Trinidad Tesoro Petroleum was acquired, and that is how ownership of the SECC was acquired by the two state-owned oil companies, and was re-arranged allowing the National Gas Company to come in.

I am making this particular point because in accordance with the provisions of the Act, the three shareholding companies, having acquired a lease with a 15 per cent royalty, had the royalty requirement reduced by the then Minister, what, with the approval of Cabinet, he has the authority to do under the Act. This, incidentally, is a one-way authority. The Minister, with the approval of Cabinet, may reduce the royalty—he cannot raise it. It was reduced to 5 per cent on natural gas and 11 1/2 per cent on condensing. I can assure you that is not a bad royalty rate. Yet somehow in the press and in various public commentaries the 5 per cent rate on gas and the 11.5 per cent rate on condensate seem to get added together and we hear about a royalty rate of 16.5 per cent and sometimes US 16.5 cents/mcf, but they are two entirely different things—5 per cent on natural gas and 11.5 per cent on condensate.

### **7.10 p.m.**

So what happened to our project? If you really want to get down to the problems, we will share them with you. One, Trintomar ordered the platform. They ordered the platform and they were going to locate it on the basis of work that had been done earlier by the original consortium in the Pelican field. Here is the record of the wells that had been drilled by Texaco in the Pelican field as part of the original consortium:

- Pelican I, 17,000 feet—hole lost due to drill pipe sticking;
- Pelican II, 7,300 feet—well abandoned due to a damaged well-head;
- Pelican III, 17,939 feet—tested gas and condensates from two zones.

The drilling seismic work was completed in 1977, and an assessment was made on what the reserves were.

March 1977, SECC—Texaco, Shell, (Trintoc was in it by then)—581 bcf. January 1980, Reider Scott Company—619 bcf. October 1980, SECC in-house—441 bcf, and so on. Not new surveys, not new seismic, just reworking the old

data, different geologists looking at it. So that you understand—Pelican field of three wells drilled only one completed and successful. This is an indication of troublesome territory—it has to be—and some uncertainty even then about the level of reserves.

The platform came, and they had their chosen spot, but when they did the sea-bottom survey, they found that there were some submarine channels, some uncertainty about the ground, so they were obliged to move the platform 2,000 feet to the south. They could reach the targets, but it did extend the length of the wells that they had to drill and the cost of the operation.

De Goyle and Mc Naughton, were petroleum consultants for the bankers—there was some concern about the level of reserves. There was almost an insistence, and certainly an encouragement: "You say that there are reserves there, drill the first well there and prove up the reserves." Well, PA-1, the first well drilled from that platform, was dry. What happened then was that the certifying agency, De Goyle and Mc Naughton, reduced the reserves under the platform to 205 bcf—these are the reserves under the same Pelican platform—with the requirement for the project was to make 759 bcf. The drilling continued.

What we can say now is that the project did not make its completion in December, 1991. The project has not, in fact, met its loan completion as at June, 1992. The project is now in the production phase. At the present level it is a viable production platform. There are negotiations continuing right now but, in fact, because of the very nature of the loan, all loan payments have been made to date. There is an escrow reserve, there is a letter of credit and a mortgage on the facilities covering the rest. What we are looking at is: how do we go on from there?

There is just one other matter that I think I need to touch on.

**Mr. Sudama:** What is the balance of the loan outstanding?

**Hon. B. Barnes:** At the present time, the balance of the loan and interest outstanding is US \$94.9 million.

The drilling programme has ended. There is no closure of the Trintomar project; it is now in a production phase.

Madam Speaker, as part of the role and function of the Ministry of Energy, we are obliged to look at gas balances, projected supply and demand to ensure on their part that balance is maintained. On July 26, 1990, the Ministry of Energy, in

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fact, projected the possibility of that shortfall and so advised the National Gas Company. It was at that time that the discussions—not merely with Amoco, but also with other potential suppliers—started. The worsening situation at Trintomar accelerated the gas shortfall, as I have mentioned, and there were new gas-based plants coming on.

The hon. Member asked whether this gas for the new Amoco contract was going to come from existing platforms. I can only recommend to him the *Amoco News*, in which there is a pretty good layout of what the project entails in terms of two new platforms that have to be built and drilled. They have given an indication of costs. They have said that the project will cost TT \$1.2 billion to get the gas ashore that they are now contracted to supply to the National Gas Company.

As I indicated earlier, during a drilling programme money is being spent, money at a considerable rate. One starts to secure any kind of return only when the production starts and one can sell the product. The recovery is over a very long period.

I do not know if I have satisfied the hon. Member for Oropouche, but certainly we can try to—

**Mr. Sudama:** I still want to find out why you are not making the contract with Amoco public.

**Hon. B. Barnes:** Why am I not making it public?

**Mr. Sudama:** Why are you not making it public?

**Hon. B. Barnes:** There are two real reasons for it—in fact, there are more than two. The most important reason is this: This country has set up the National Gas Company, which has been charged with negotiating for the purchase of gas from any available producer and also to negotiate the sale of gas to investors. If it is public property, exactly the terms of their contracts with Amoco, then obviously they are put in an extremely difficult position if they have to negotiate with British Gas or with Texaco or anyone else. One thing is certain in that type of situation and that is nobody will sell to them cheaper than Amoco. Equally, if the people to whom they must sell, whom they are trying to persuade to build plants in Trinidad and Tobago, know exactly what they are paying for gas at any particular time, it is difficult to negotiate with them as to the price they are going to pay. It is a fundamental of commercial business.

More than that, the Petroleum Act itself legislates disclosure limitations and specifies the penalties for people who use the information they get under the purposes of this Act for purposes outside of this Act. The Act itself seeks to give protection of information because it understands that we are dealing with an international industry. If you have an international company, take Shell, and they are negotiating in Angola and they are negotiating in Trinidad and the terms of their negotiations are in the newspapers, when they are in Angola they may hear, "This is what you do in Trinidad, you have to do the same for us." There has to be a sensitivity and I believe that this country and the people herein are sufficiently sophisticated and aware to know what those dangers are.

**Mr. Sudama:** Especially if you are giving it away.

**Hon. B. Barnes:** I will add only one thing in response to that, that it was exactly the price of the 1976 contract as it applied in 1991. In fact, what you had there was, essentially, a roll-over of the 1976 contract which would have ended in 1999, to take it to 2011, essentially because the National Gas Company has natural gas contract supply commitments to new plants, to 2011.

Madam Speaker, I do not know that there is anything more I can say on the matter.

### **Market Problems**

**Mr. Shamshuddin Mohammed** (*Caroni East*): Madam Speaker, I have heard so much about energy for quite a long time that I really have become de-energized; while I would have expected the contrary.

Energy being a wasting asset raises the whole question, in my view that emphasis ought to be placed on agriculture. The matter that I have filed on the motion for the adjournment has, in fact, to do with an important aspect of agriculture, and that is marketing.

We had two public holidays last week and what I have to say will affect Diego Martin, Maraval, Barataria, El Socorro, Aranguez, Bamboo, Pasea, Maloney, Trincity, all the constituencies over there, as they would affect those here. It is a very serious problem.

The farmers of this country, the people who do wholesaling, whether they are farmers or middle men, over those last two days—and what happened on the last two days will demonstrate what happens to them every day that they have to go to the Central Market in Port of Spain to dispose of their commodities—the market was closed to them. They come from all about, as far as Toco and the deep south.

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The consequence of not opening that market meant that these people had to remain outside on the verge of the highway. The instruction I have is that there was a massive pile-up of traffic and persistent harassment by the security people against the poor farmers and vendors. Not only that, they had to cope with the inclement weather that persisted over those two days.

Many of these people get up and have to go to their gardens, whatever the weather conditions might be, very early in the morning. The rain will wet them but they have to go and look after their crops. They have to reap their produce. Sometimes, the ladies and children will also go. That is the type of life that they have. When their produce is reaped, they have to come to Port of Spain to dispose of it. The conditions under which they have to operate are really abhorrent, terrible.

The question is, what are we doing? What is taking place with regard to these people who are the producers of food in the nation? I am saying, they feel alienated. I believe “alienated” will become the most popular word in our vocabulary. And everywhere it exists we must seek to expunge it.

Let us deal with some of these problems that they have to endure. We have more public holidays coming up—August 30, 1992, for example. Monday morning is an important time for these wholesalers and vendors. But we are going to have a public holiday on a Monday again and they are going to be subjected to the same thing. Those who are accustomed to agriculture or have been in agriculture will know that if you rear cattle, for example, when it is time to milk the cows, Saturday, Sunday or a public holiday, that is irrelevant. If you have consecutive public holidays falling, when it is time to reap your crop, to cut your produce and to prepare it for marketing public holidays do not count. You will be subjected to losses.

In the case of animals, we have an expression, Tunidy—I am sure most of the Members would not know what that is—a sickness one gets if milk is allowed to remain in the udder of cattle. They are subjected to spoilage of their crops. So that we have this issue here of the public holiday. Why should wholesalers and the producers of food, the farmers and the vendors, be subjected to a closed market? After all these years we have been talking about agriculture, and the importance of agriculture.

Yet this is what exists. Even when they are permitted to use the market, they have very serious problems. What has happened is that the retail market that exists

at present—operated by the City Council—these farmers are now using the area there. They have no wholesale facilities because the market that was built for them, in 1976, has become obsolete. It is of no use to them any more; it is too small, there is a lack of parking, it is subject to many problems. The farmers and the wholesalers do not use it any more. Some arrangement was made and they were put into the compounds of the retail market. Do you know what happens there? These farmers who produce have to pay VAT. Do you know what happens in the process, Madam Speaker? I understand they pay VAT for using the toilet too. The concern of the authorities there would seem to be primarily to collect VAT, so that they line up with their receipt books. You have to go to the vehicle to collect the money, you issue the receipt, long pile-ups taking place in the compound of the market. And not only public holidays, these are ordinary days on which they dispose of their commodities.

They have never in the past had to pay that fee to enter the market and that is something that needs to be examined—whether it is a proper tax to be paid by the farmers who are producing food for this nation. That is worthy of the Minister's highest attention. They have placed barriers all over the compound of that retail market, creating impediments for the farmers. I am instructed that you have much unused space in the market that could properly be converted for parking. The farmers are claiming that the system of collecting fees is dilatory, discriminatory, lacking in dignity, and highly offensive.

There is constant harassment from the authorities and the security that operate. In fact, there is a particular note signed by a woman—and I have the authority to call her name, just to indicate to you the sort of pressure that these people have to endure—named Marjorie Beepath—not Beepathsingh, a familiar name around these quarters, not that one:

"The man in charge of security has more traffic cases than any national police officer. All made in the market, a spot no bigger than a small farm.

Vagrants and petty thieves are allowed to roam the compound, carrying out their nefarious deeds, day and night, in total freedom. Yet at no time is a farmer allowed to stand and make a point to the police. The police treat the farmers and vendors like dirt. I would believe no one but Government is the cause of this.

The Government should protect farmers and vendors by making better laws. Farmers have to pay for seeds, fertilizers and transportation. Now they

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even have to pay to sell. Perhaps they should say stop farming in this state of chronic unemployment. Those who choose to be self-employed ought to be treated better. They have to pay to use toilets, and, frequently and especially on certain days, there are farmers stooling all over the place, even women.

Marjorie Beepath."

Madam Speaker, this gives you an idea of what is taking place in the compound of the existing market.

If a farmer comes to the market, what happens? Many of these people will go to their garden and collect their produce and go straight to the market. They will depend on selling their commodity in the market. If they go there, per chance, and they do not have the fee which they have to pay, they are not permitted, although they have goods on their vehicle; security does not allow the farmers to go in. That is the type of thing that is happening there. The police appear to be more concerned with clearing roads and charging farmers. Little or no protection is afforded.

This is not a case where when the farmers go inside the compound of the market that they are under a covered area. When they go into the market compound to dispose of their commodities, they are in the open. So just imagine when it rains what happens. There is no protection, there is no covering, their goods are placed on the ground. I am informed that on many occasions these goods actually float away when the water is heavy.

When the sun is out, they are subjected to the heat. They have to remain there. It is not unusual for them to fall ill. I have been told that at one particular time, within a matter of days, several of them were knocked down with the flu, the virus, and whatnot. That is the environment in which they have to sell—a completely open place. They have complained that their sales have actually dropped. In the context of the cost of production, to produce their commodities now—fertilizers, chemicals, what have you, all these things have gone up astronomically. These are points that need to be taken into account. These are matters that the Minister ought properly to direct his attention to.

The Member for Couva South made reference to the fact about nothing concrete being said for the past six months about a policy on crime. What is the policy on agriculture? What has my very good friend the Member for Diego Martin West told this House and the nation about a concrete policy for advancing

agriculture in this country, an aspect of our economy that can do so much to help with the unemployment situation?

We on this side always say, when you grow your own food, a dollar saved is a dollar earned. Foreign exchange saved is foreign exchange earned. What is the Government doing about it?

Madam Speaker, we have had a new organization come into being—sometimes I wonder whether this Minister has any faith in that organization which was a creature of the previous Government—by Act No. 16 of 1991. It is called NAMDEVCO. What is happening? I should like to enquire from the Minister.

This NAMDEVCO, more or less, replaced the CMA, the Central Marketing Agency. NAMDEVCO have their head office somewhere in Aranguez, in a plaza. They are paying almost \$15,000 a month rent—I had pointed that out to the hon. Minister already—and vast structures remain at the Central Market not being used.

I just wish to point out that the same NAMDEVCO identified some of the problems in a document circulated by them earlier this year:

"For far too long the marketing and vending of food, fresh produce and livestock has been done in a manner that appears to be disorganized, unsanitary and environmentally degrading. At the same time, produce and food vending has increased significantly, as evidenced in the present economic environment, while management of wholesale and retail market facilities in the country, the responsibility of a number of Government Ministries and organizations, has not kept abreast with these dramatic changes.

At present, there exists no workable mechanism for the proper administration of various activities performed by these organizations. As a result, there seems to be only visible short-term action taking place with no strategic long-term plan developed by marketeers, municipalities and marketing experts to allow for long-term organized growth in the conduct of this category of trade."

That is what they have said is going on. They have been charged, by Act No. 16 of 1991, to do a number of things:

- to facilitate and promote the effective sale of agricultural produce and food products and advise on the importation of same and the mechanisms available to enlarge the local and international market for such produce;

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

What is happening to Act No. 16 of 1991, Madam Speaker? Could the Minister point out what provisions of this Act have been implemented by the new administration? Or is it that he intends to revoke this because it was brought in by the previous regime? Is he taking cognizance of the recommendations that they have made? In what environment do the farmers and producers of food have to operate in this country?

We have pointed out to the Minister that the whole scenario with food products is in need of dire attention. If you take poultry, you have problems, and if you take pigs, you have problems. In all areas there are problems. In all areas you have it.

**7.40 p.m.**

**Mr. Sudama:** I think the Minister should give back his salary for the last six months.

**Mr. Mohammed:** So that we need to have something crystallized. The situation cannot work at the Central Market, Port of Spain. For how long are we going to keep these people there? So, there is need for a policy to be implemented. What market do we have for the wholesalers, the people who dispose of their commodities? Are they going, in perpetuity, to be subjected to the vicissitudes of the weather? What are we doing about it?

We know that the previous regime had brought up a suggestion about some place in Orange Grove. What is the position of this Government with regard to the suggestion about Orange Grove for a wholesale market? We know that there is one at Debe. We were told that that would open in the month of March. We are almost in the month of July and we have heard nothing about the Debe market. To what extent would the Debe market be able to satisfy the needs of the farming community? What is happening? Are we going to take the people from Toco and tell them they have to go to Debe; or from the hills of Maraval, Lopinot and all those areas to go down to Debe? That area, it seems to me, is going to be a white elephant. The producers and consumers of the vegetables in this country come

from that area. I do not know what plans the Minister has with regard to the Debe market and to what extent those are going to meet the needs. We cannot build a new market overnight, but what short-term measures will be implemented to ease the blight of the farmers in the market? That is the question that has to be resolved and it is urgent.

The conditions under which these farmers have to operate are degrading, dehumanizing. The Minister boasted that he has been a farmer, or an agriculturist, although he is restricted to corn alone, but remember, besides corn there is a whole range of vegetables and other commodities. I am happy to know of his indulgence in the area of corn. Therefore he should have some modicum of sympathy for these people who have to go out, rain and sun, to produce the food. What can we do on a short-term basis to help these people?

**Mr. B. Panday:** He plants corn.

**Mr. Mohammed:** I heard that the hon. Minister plants corn and I am very happy to hear about that because that is important. The farmers and vendors, the first thing they are asking for is adjustments in the administration pending whatever decision may be taken to erect a proper market for them. In the meantime, if you go down there on a Monday, Wednesday, Thursday or Friday morning, to a lesser extent on a Saturday, these are the days that these people will come from all over the country with their goods; and the retailers from all the nooks and crannies of Trinidad purchase them.

So what they are asking is for the market to be opened a couple of hours earlier. They are already there from 2 and 3 o'clock in the morning, waiting for the market to open at 5 o'clock and their complaint is that on many occasions, even at 5 o'clock, it is not open. So the traffic builds up. There is hardly any proper lighting outside. We have heard so much about crime. We know what kind of problems we have in that area. These poor people—

**Madam Speaker:** The hon. Member is not addressing the Chair.

**Mr. Mohammed:** I turn around. I like to gesticulate, Madam, for emphasis. I want the message to go through to my hon. friend with force and vigour, so that it would remain there and propel him to do something as quickly as possible. So my diversion to him—I have great admiration for him, Madam, so you must forgive me. Not that I do not have for you. I must respect the Chair. Madam, I am asking the hon. Minister to use his good offices as a matter of urgency, to open the market at least two hours before the time that it now opens. I know he may say it

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is the City Council that now controls it, but he has to address this problem because he is the Minister in charge of agriculture, food production and what have you. It is one Government. In the interest of the farmers and the people who wholesale their commodities, he must intervene now and do something to help these people—open the market a couple of hours earlier.

Madam Speaker, we are also asking the Minister of Agriculture to use his good offices to increase the security patrol inside and outside the compound of the market, because of the problems that are encountered there. We are asking that the fee be removed and that a commuted figure be paid; or have some kind of licensing system for the farmers so that when they arrive there, they are allowed to go in rather than have to wait to pay a sum of money and be issued with receipts. This causes a big traffic pile-up, and so on. I ask the hon. Minister to take that into account because it is very important. I am informed, Madam Speaker—and I am asking the hon. Minister to look at this—there is vast unused space within the compound of the market that can readily be converted for parking.

**Mr. Valley:** Madam Speaker, on a point of order. It is now just about twelve minutes to eight, and I am wondering whether the Member would be so kind as to leave some time for the Minister to respond, because the House has to be adjourned by 8 o'clock.

**Mr. Mohammed:** Madam Speaker, I will take note of what the Minister has said, but he knows that he has the power, under the Standing Orders, to move a motion for the continuance until we finish. But in any case I am almost through.

**Madam Speaker:** Hon. Members, for your guidance, the debate shall cease at eight; with the leave of the Speaker at 8.15. I was going to draw your attention to this in the next five minutes.

**Mr. Mohammed:** I know that it is with your leave, Madam Speaker, and I will try to wind up. I may have asked the Minister in the past to pay a visit to the market, preferably on a Thursday or Friday morning to see for himself the conditions under which the producers of food have to exist and subsist in this nation. I think if he does that he would be seeing for himself. We have three or four farming organizations represented here in the Parliament this evening, Madam, and if he would agree to meet with an appropriate delegation I should be most happy. I know he has it in his heart, but sometimes you get the feeling that it is a rock; and it is difficult to penetrate that rock. But I hope that what I have said

will permeate and reach the tender spots of his heart and he would try to do something.

We have had too much talk about farming and agriculture; and in all sections of food production in this country there is need for the attention of the hon. Minister and Government. I hope it would not be too long before we get a policy on how the Government proposes to deal with agriculture. We should like to hear what the Government proposes to do with NAMDEVCO; whether it is abandoning the idea of a wholesale market at Orange Grove, because I have been told that there are sites that might be better than Orange Grove in the Aranguéz area, going down on the highway up to about the Curepe area, Uriah Butler Highway. There are other choices. I do not know. We are not hearing anything and we should like to know when the Debe market will be opened.

I hope that the Minister take cognizance of the requests of these organizations their immediate concerns about the opening hours, the security and about the other facilities. If we could get that response from him I want to let him know that they would all appreciate it very sincerely. I wish to let him know that the farming organizations within recent times met on more than one occasion with the NAMDEVCO people and they had tours of the market and met with His Worship the Mayor of Port of Spain and with various officials of Government, but so far things have not come in a way to satisfy the people who produce the food for our nation. Madam Speaker, I thank you and hon. Members for your kind indulgence and I look forward to some benefits accruing to the farmers.

**7.50 p.m.**

**The Minister of Agriculture, Land and Marine Resources (Dr. The Hon. Keith Rowley):** Madam Speaker, as you would know, the Member for Caroni East has raised an important matter, but tonight when the national team is about to be taking on Jamaica for the championship, Caribbean Shell Football—at this moment I feel totally alienated by the Member's detaining us to repeat what he has largely said in the last [*Interruption*] The Member has raised several of these points on two previous motions. He said most of it on the motion on shrimp.

However, the short point is that there are problems with respect to the administration at the main marketing centre in Port of Spain where you, in fact, have two operations. There is the wholesale market and there is the retail market, amounting to over 400,000 square feet of space, provided for the marketing of goods. That allocated space, the wholesale market falls under the jurisdiction of

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NAMDEVCO, which is the marketing organization that the Member mentioned earlier on. The retail market falls under the jurisdiction of the Port of Spain City Council.

The Member is quite correct when he says that ultimately the responsibility for the handling of food and the assistance to the farmer falls to the Ministry of Agriculture. The Member's main point, initially, was that the market was closed on the two public holidays. If one is unaware of the practice over the years, one would get the impression that this was something unusual and took the farmers by surprise and they suffered as a result of that. The Member has been in Government for a number of years and so has his colleague from Couva North. We have had public holidays for several years, and the whole concept of public holidays is that certain things which are done normally, are not done on those days.

To the extent that you have situations where once in a while you have two holidays falling one after the other, as we had on the last weekend, special problems arise. I would be the first to admit that special problems require special solutions. However, basically the point that the Member was making—and I take the point—is that given what is required to distribute the food at these markets, it is worth looking to see when public holidays fall where they may create additional inconvenience, whether we should not try to have the markets open in such a way as to minimize hardships to those who use them.

I wish to give the House the commitment that I will seek to intervene to have NAMDEVCO and the Port of Spain City Council examine the possibility of doing that, so as to bring about some relief to the farmers and other users of the market. It will incur additional cost, but in fact, it is intrinsically a management problem. To the extent that my colleague, the Minister of Local Government—and we take the point that people go there and they provide a service and they require certain basic amenities; we will seek to do what we can to ameliorate the hardships.

To give the impression that farmers are alienated and discriminated against and degraded, is to overstate the case. With respect to paying to enter the market, I listened to my friend the Member for Caroni East exhorting me to go to the market, and the Member for Naparima, making all kinds of ridiculous statements. I go to the market more often than the Member for Naparima, and I can tell you what has happened is that internal covered spaces where stalls are provided are the most unattractive sites at the market for users. They prefer to be outside in the open space. To the extent that a fee is charged for the stall on the inside, this

concept was extended out to the open space. The fee is five dollars. So all the talk about charging VAT and whatnot, it is the law of the country, for heaven's sake. I do not make the rules. If we want the rules changed, then let us say so. But if the law says that you have to pay VAT—

**Mr. Mohammed:** Madam Speaker, the hon. Minister is misleading the House. These farmers were never charged a fee at all, previously, as wholesale producers. The VAT arises because you are charging the fee now. That is what I am saying.

**Hon. K. Rowley:** Madam Speaker, I wish not to be drawn into any confrontation with the Member. I wish to observe the Standing Orders. If the Member prefers to behave like that, it is up to him.

The point is, if the VAT is being charged illegally, then that is a wrongdoing and I will draw it to the attention of those responsible, if they are committing an illegal act. To the best of my knowledge, the information I have is that VAT is not being charged illegally at the market.

**Mr. S. Mohammed:** The point is that farmers should not be charged VAT.

**Hon. K. Rowley:** That is a point of view he may have, but the fact is, the law of the country requires VAT to be paid in certain circumstances. If that is the case and it applies to a five-dollar charge to use a space, if that is the issue for discussion, then it can be discussed. I do not say that I guarantee that it will be arrived at so it is not charged. But if that is the issue, let us say so. Do not give the impression that farmers are being discriminated, degraded, dehumanized and alienated against, by this action.

With respect to the payment for use of the toilets, I understand that a token fee of 50 cents is charged by the Corporation for use of a facility so as to ensure that you get a high standard of service. As we know, nothing in this world is free—somebody has to pay for it. If the user is charged 50 cents, it is an overstatement of the case to come here and give the impression that he is being down-trodden and degraded. All this is parts of the management.

The Member made a whole presentation on vehicles. As you know, a motor vehicle is something that you have to control its course of passage. You just cannot have motor vehicles driving left, right and centre through the market. There have to be regulations about traffic flow, where you can park, where you can stop. There are arrangements for vehicles. Many of the complaints about harassment

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have to do with the enforcement of certain regulatory procedures. For example, Abattoir Road on the northern side of the market is deemed to be an open area where there is no access to that side of the market. There are persons who insist on parking there and, therefore, they violate the law and they are charged. If then they go to the Member for Caroni East and bawl, “alienation”, one has to see it in that context.

As I mentioned earlier on people are allowed to set up their selling points in the open space outside, for which they are charged a five-dollar fee, and it is reasonable to expect that you will not have traffic coursing through them, because it makes it very inconvenient. However, to the extent that it is feasible to find additional parking space, and there is a proposal for so doing, we intend to look at that. The immediate plan is to have NAMDEVCO meet with the Port of Spain City Council officials, because given the difficulties that arise—and I admit that there are some difficulties—to the extent that we can get a joint management arrangement to deal with some of these problems—a joint approach between NAMDEVCO and the Port of Spain City Council for the overall management of the 440,000 square feet of the two markets, we can come up with some improvement to the whole system. But it is not going to be, and it should never be, a free-for-all. You have to have regulations and it should be organized so as to get the best use, and I ask that all Members co-operate.

**8.00 p.m.**

With respect to the question of unutilized facilities, I am advised that the facility, to which the Member made reference, collected \$325,000 per annum, for use of the facility which represented a 32,000 member usage. There are 32,000 persons, in terms of times of usage. So, it is not really a white elephant.

The Member mentioned also the question of security. In recent times—

**Madam Speaker:** Is the Member going to be much longer? It is 8 o'clock now, so I will give you leave until 8.15 p.m but, you can conclude before that if you wish.

**Hon. K. Rowley:** Thank you, Madam Speaker, I am concluding in two minutes. Taking cognizance of the crime situation and problems of security at the market, in recent times some action was taken. There are now 21 security officers in the NAMDEVCO section alone, plus others from the Port of Spain City Council section, and some of those persons are now armed. So there is now more forceful enforcement.

There was one other point the Member mentioned and that was the question of the Debe market—on which there will be some public information soon. That market is being prepared for opening in the not too distant future. It was never intended to serve the East-West Corridor, the Maraval and Diego Martin areas. It was to serve the Debe and southern areas.

The Member also mentioned the Orange Grove site. The Orange Grove wholesale market, initially, was in the budget for 1992. However, when the Ministry of Finance made its adjustments, based on the affordability, what was made available was sums to do the design. Therefore, the idea of the Orange Grove market is still on the cards and we hope that in the next budgetary period we shall see our way to find the funding to proceed with that. The intention is to have that wholesale market in order to take the pressure off the Port of Spain market. That should bring some relief.

The Member made one more point which, again, I thought was a little overstating of the case. It was the question of the perishability of the crops. When one tries to compare mastitis in an un milked cow with the cutting of baigan or cauliflower, again, one is not comparing even apples with oranges. The question is that a 24-hour or 48-hour period does not subject most of what is sold in the market to perishability. *[Interruption]* Madam Speaker, one 24-hour or one 48-hour—especially if you know in advance that these are all part of the overall arrangement. It requires an understanding and desire, and on the Government's side, that understanding and desire are there to improve on the situation.

The Member raised the question about the Government not having said anything about policy. Well, he would have observed that this Government speaks only when it has something useful to say. To the extent that we have not been killing you every night on the television with matters. Whenever the Government has something to say, it says it.

If the Member had read the public newspapers last Sunday, he would have seen there an interview with the Minister stating that the Ministry of Agriculture Land and Marine Resources is currently engaged in the preparation of a national agricultural policy, including inhouse and external resources. He would have become aware that work is proceeding apace on it which I am sure he would have taken into account. It will be made public at the appropriate time; and, of course, that is a manifesto position.

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The Government has been in office for about 27 weeks, all that could not have been done. I expect that in due course, we will satisfy the Member. I hope when that is done, he will come back, with equal vigour, and say "Well done faithful servant."

Thank you very much, Madam Speaker.

*Question put and agreed to.*

*House adjourned accordingly.*

*Adjourned at 8.05 p.m.*