

Leave of Absence

Friday, July 10, 1992

HOUSE OF REPRESENTATIVES

Friday, July 10, 1992

The House met at 1.45 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 to the following Members: Hon. Dr. L. Baboolal (Barataria/San Juan); Hon. K. Sobion (Ortoire/Mayaro) and Hon. K. Valley (Diego Martin Central).

PRESS ROOM

Madam Speaker: I also wish to inform hon. Members that a room along the corridor has been equipped for members of the press wishing to interview Members of the House while the House is in session.

PAPERS LAID

1. Report of the Auditor General of the Republic of Trinidad and Tobago on the Accounts of the Trinidad and Tobago Unit Trust Corporation for the year ended December 31, 1991. [*The Minister of Finance (Hon. W. Mottley)*]
2. Report of the Auditor General on the Accounts of the Deposit Insurance Corporation for the year ended December 31, 1991. [*Hon. W. Mottley*]
3. Report of the Auditor General on the Accounts of National Maintenance Training and Security Company Limited for the year ended December 31, 1991. [*Hon. W. Mottley*]
4. Report of the Auditor General on the Accounts of Trinidad Nitrogen Company Limited for the year ended December 31, 1991. [*Hon. W. Mottley*]

Papers 1 and 2 to be referred to the Public Accounts Committee.

Papers 3 and 4 to be referred to the Public Accounts (Enterprises) Committee.

ORAL ANSWERS TO QUESTIONS

The following questions stood on the Order Paper in the name of Mr. Mohammed Haniff (Princes Town):

Rental of Buildings

61. Would the Prime Minister state:

- (a) How many buildings are presently being rented by Government and state agencies?
- (b) Where are these buildings situated and which ministries, departments or agencies are occupying these buildings?
- (c) What is the individual cost of rental to the Government of these buildings?
- (d) Who are the owners of these buildings?

Building Construction

62. Would the Prime Minister state:

- (a) Whether the Government has any plans to construct buildings to house ministries or agencies presently housed in rented premises so as to reduce the cost incurred annually?
- (b) If the answer to (a) is yes, where and when are these buildings due to be constructed and for which ministries, departments or agencies?

The Minister of Education (Hon. Augustus Ramrekarsingh): Madam Speaker, it is with considerable regret that I ask for questions Nos. 61 and 62 addressed to the hon. Prime Minister and standing in the name of the Member for Princes Town, to be deferred for one week.

Mr. Haniff: Madam Speaker, I have listened to the hon. Minister and I wish to indicate that I will not rise in this House on another occasion to ask this question.

I wish to remind you, Madam Speaker, most respectfully, that I have risen on five occasions to have this question answered. I will now leave it for the decision of the authorities to take some action on it, because I am frustrated with this type of exercise.

Madam Speaker: Questions Nos. 61 and 62 will be deferred for a period of one week.

The following question stood on the Order Paper in the name of Mr. Basdeo Panday (Couva North):

**Development Finance Company
(Disbursements)**

63. Would the Minister of Trade, Industry and Tourism state:

- (a) The names of the recipients of loans and/or other financial assistance given by the Trinidad and Tobago Development Finance Company and its subsidiaries during the years 1985 to 1991 (inclusive) stating the amounts given to each recipient and the purpose therefor?
- (b) The number of non-performing loans, the names of the recipients, the years and amounts of each such loan and the purpose for which it was given?
- (c) The names of all applicants for loans and for other financial assistance from the Trinidad and Tobago Development Finance Company and its subsidiaries for the years 1985 to 1991 (inclusive) the purposes for which such financial assistance was sought and the reason(s) for refusal, if any?

The Minister of Finance (Hon. Wendell Mottley): Madam Speaker, question No. 63 has been referred to me for answer and I ask for a deferral of one more week. I am awaiting a return from the company.

Mr. B. Panday: Madam Speaker, I do not know if they are aware of it, but this is becoming ridiculous now. It is for several weeks that these questions have been put on the Order paper as is required by the Standing Orders, and consistently and persistently, the Government has either refused and/or, failed, and/or, neglected, and/or, was unable—

Mr. Maharaj: And/or disabled itself.

Mr. B. Panday: and/or disabled itself—as my friend said—to answer these questions, and something has got to be done if this House is to function as it was intended to function.

Also, Madam Speaker, I do not think they have answered any questions a very long time, and the rule, as I understand it, is that where the questions are not answered—

Madam Speaker: Could the hon. Member familiarize the Chair with the rule? Is it No. 19?

Mr. B. Panday: ...the answers ought to have been given in writing. I note that on the last occasion, when the time specified in the Standing Orders was reached, the hon. Member for Diego Martin East was on his legs answering the question. The rule, as I understand it, is that all the questions on the Order Paper from that point ought to have been, therefore, given in writing. We have not received a single answer in writing.

Is the Government going to flout these rules and simply ignore the parliamentary procedure? Are we going to fold up the Parliament? What are we going to do? I think the time has come for ruling, Madam Speaker.

Madam Speaker: I think the hon. Member is aware that the Chair can hardly do anything in such a situation, except that, on the last occasion the Chair did ask Ministers to note that answers to all questions pending at 2.15 p.m. should be given in writing to the Members, in whose names the questions stood.

With respect to the particular question, No. 63, the hon. Minister of Finance is saying that it really comes within his portfolio, it has just reached him and he has asked for a deferral of one week.

In the circumstances, there is nothing that the Chair really can do.

Mr. B. Panday: This question has been on the Order Paper for three weeks, I think. Madam Speaker, you may not be able, as you say, to do anything, but I may formally refer this matter to the Committee of Privileges, because I believe this is a breach of the privileges of this House. Incompetence of the highest order! Shameless incompetence!

Question, by leave, deferred.

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

**High Court/Magistrates' Courts
(Filed and Determined Matters)**

- 71.** Would the Attorney General and Minister of Legal Affairs state how many matters were filed and how many were heard and determined in the following categories in each of the ten years from January 1, 1982 to December 31, 1991:
- (1) Number of matters filed in the Magistrates' Court:
 - (a) Criminal?
 - (b) Civil?
 - (2) Number of matters heard and determined in the Magistrates' Court:
 - (a) Criminal?
 - (b) Civil?
 - (3) Number of matters filed in the High Court of Justice as specified:
 - (a) Civil -
 - (i) Chamber applications?
 - (ii) Other actions?
 - (b) Criminal?
 - (4) How many witness actions and proceedings were heard and determined in the High Court of Justice:
 - (a) Criminal?
 - (b) Civil?
 - (5) How many matters were heard and determined at Chambers in Civil cases in the High Courts?
 - (6) How many written judgments (including written Reasons for Decisions) were delivered in the High Court in civil cases?

- (7) How many matters were heard and determined in the Court of Appeal specifying the number in each Division for each year in which the Court sat in two Divisions:
- (a) Civil?
 - (b) Criminal—
 - (i) From Magistrates' Court
 - (ii) From the High Court at Assizes?
- (8) How many written judgments (including Reasons for Decision) were delivered in the Court of Appeal or in each Division of the Court of Appeal as the case may be?

The Minister of Education (Hon. Augustus Ramrekersingh): Madam Speaker, with reference to question No. 71, as hon. Members would have learnt a few minutes ago, the hon. Attorney General will not be here today. There are certain duties which do not permit him to be here but he has given the assurance that he will be ready next week.

Mr. B. Panday: If you are unable to run the Government, why not say so.

Mr. Maharaj: Madam Speaker, the absence of the Attorney General is no reason why a question should not be answered. It is the practice in this House that the answers can be read by another Minister.

As you may recall, this question has been deferred previously. It involves matters affecting the administration of justice, delays, facts and figures which are at the core of the society. I know, Madam Speaker, that you cannot command the Government to answer the question—

Mr. B. Panday: We shall move a motion of no confidence.

Mr. Maharaj: but I would ask you to give a ruling that the Standing Orders be observed by the Government.

Question, by leave, deferred.

Industrial Court Matters (82/1/1 to 91/12/31)

72. Mr. Lawrence Maharaj (Couva South) asked the Minister of Labour and Co-operatives:

Would the Minister state:

- (a) How many matters were filed in the Industrial Court in each of the ten years from January 1, 1982 to December 31, 1991?
- (b) How many matters were heard and determined in the Industrial Court in each of the ten years from January 1, 1982 to December 31, 1991?
- (c) How many written judgments (including Reasons for Decisions) were delivered by the Industrial Court in each of the ten years from January 1, 1982 to December 31, 1991?

The Minister of Education (Hon. Augustus Ramrekersingh): Madam Speaker, on behalf of the Minister of Labour and Co-operatives (Hon. Kenneth Collis): Question No. 72 will be taken instead by the Attorney General and Minister of Legal Affairs. We ask that it be deferred for one week.

I think it is important to note that with some of these questions, the answers are going to be voluminous, so that it will take some time to compile them.

We had indicated at some time that questions be prepared and sent to us expeditiously, and secondly, that this should go before the Attorney General and not the Minister of Labour.

Mr. Maharaj: The question was initially, as I recall, to the Attorney General. It was allotted to the Minister of Labour, but the Attorney General said that he was going to answer it.

The point that the hon. Member for St. Joseph made as to the questions being received late, has been dealt with. I know that he did not mean any attack on the staff itself, but I think in respect of this question, it has been some time on the Order Paper, so that really and truly, it should have been answered. I would expect that the Government would answer the question next week.

Madam Speaker, as you know, I had read to you before, a passage from Erskine May and another book, that the main purpose of questions by the Opposition to the Government is for the Government to account to the population as to what it is doing. It is an integral part of the parliamentary process. I would ask the Government to respond to the dictates of Parliament and the rules.

Question, by leave, deferred.

**Land Acquisition
(Moneys owed)**

75. Mr. Sahid Hosein (*Siparia*) asked the Minister of Planning and Development:

Can the Minister indicate to this House:

- (a) How many persons do the Government owe moneys to for land acquisition?
- (b) What sums are involved?
- (c) How does the Government intend to address this situation for (a) and (b) giving a breakdown on a yearly basis?

The Minister of Planning and Development (Dr. The Hon. Lenny Saith):
Madam Speaker, it gives me pleasure to respond.

The number of parties whose lands have been acquired by the Government and whose compensations have not been settled is estimated to be 749. Government's commitment in respect of these acquisitions is estimated to be \$26,614,095.00.

Of the 749 parties mentioned, an estimated 286 have not submitted claims, the estimated value of which is \$4,550,235.00; 11 parties have reached settlements with the Commissioner of Valuations amounting to \$75,198,98 for which funds have been released and these payments are now being processed.

The titles of another 19 parties who as of July 6, 1992 had reached settlements with the Commissioner of Valuations amounting to \$2,382,170.00 are being verified. In addition there are 34 parties in respect of whose lands Government has published notices of intended acquisition. These acquisition proceedings are still in train and Government's commitment in respect of these acquisitions is estimated to be \$5,728,200.00.

In response to (c) of the question, Government proposes to meet compensation payments from the annual budgetary provisions for land acquisition as negotiated settlements become due.

**Salt Water Seepage
(Off Butler Highway)**

80. Miss. Hulsie Bhaggan (*Chaguanas*) asked the Minister of Works and Transport:

- (a) Would the Minister state whether he is aware that hundreds of acres of arable agricultural lands west of the Uriah Butler Highway and north of

Pierre Road have been abandoned by farmers due to seepage of salt water?

- (b) If the answer is in the affirmative, would the Minister indicate whether he has plans to deal with this situation and when he intends to implement those plans?

The Minister of Works and Transport (Hon. Colm Imbert): Madam Speaker. The answer to the question is as follows:

The area west of the Uriah Butler Highway, north of Pierre Road and bounded on the south by the Cunupia River, and on the east by Bernard Road is targeted for short-term improvement works by the Ministry of Works and Transport under the 1992—93 development programme.

The proposed works include:

- (1) Improvement to the Cunupia River and its embankments.
- (2) Reconstruction of the various sluices which are located at the intersection of the drainage channels and the Cunupia River.
- (3) Provision of pumps to discharge excess storm run-off.

The long-term solution to the salt water intrusion into the area is expected to come out of the Caroni River Basin study, which the Government is undertaking at present. Consultants have already been pre-qualified for this study and proposals for the implementation of the study are expected to be invited soon.

Mr. S. Panday: Have funds been allocated for these development programmes?

Hon. C. Imbert: The necessary developmental work will arise out of the study. At that time, a decision will be taken about which developmental work will be implemented.

Flooding (River Basins)

81. Miss Hulsie Bhaggan (*Chaguanas*) asked the Minister of Works and Transport:

- (a) Would the Minister state whether he has plans to alleviate flooding in areas in the vicinity of the Caroni River, the Cunupia River, the Guayamare River and the Bovell Canal?

- (b) If the answer is in the affirmative, would the Minister state the details of those plans and when he intends to implement them?

The Minister of Works and Transport (Hon. Colm Imbert): Madam Speaker, the Ministry's plans to alleviate flooding associated with the Caroni, Cunupia, and Guayamare Rivers and the Bovell Canal are both short term and long term in nature. The strategy adopted by the ministry in its pursuit of long-term solutions to the problem, is the undertaking of a comprehensive study of the Caroni River Basin, the objectives of which are:

- (1) To determine at the prefeasibility level, whether the following projects should be pursued either in part or in whole.
 - (a) Rehabilitation of the Caroni Savannah area.
 - (b) Construction of a storage reservoir in the Basin.
 - (c) Development of the following watersheds:
 - (1) Guayamare
 - (2) Cunupia

This should include the determination at the prefeasibility level of the resource methods and skills needed to implement and operate the projects, and an estimation of the financial and economic benefits which would accrue from the sale.

- (2) Adequately manage the following watersheds: Tacarigua, St. Joseph and San Juan.
- (3) Determine at the feasibility level whether the proposed irrigation drainage and flood control measures for Aranguez, north and south area, El Socorro rice area, and Barataria food gardens should be implemented either in part or in whole. This should include the determination at the feasibility level of the resources methods and skills needed to implement and operate the projects, and the financial and economic benefits emanating therefrom.
- (4) Assess environmental impacts of all proposals, so as to determine alternative options or mitigation measures where required.

- (5) Facilitate financing from international loan agencies, if necessary, to assist in:
- (a) Undertaking feasibility studies;
 - (b) Implementing the projects for which the feasibility studies were completed.

2.05 p.m.

Consultants have already been pre-qualified for these studies and proposals for their implementation are to be invited soon. In the short term, the Ministry will continue to use its flood relief and development programmes to bring relief. High priority is being given to County Caroni under these programmes.

I think it is very important for me to indicate to hon. Members on the other side that almost 50 per cent of the funds available under the Flood Relief Programme of the Ministry of Works and Transport, for the entire country, has been allocated and is being devoted to County Caroni.

Miss Bhaggan: Would the Minister indicate what time-frame is short-term and, secondly, whether he is aware that at present in many parts of the constituency of Chaguanas and in Caroni, there are people under flood waters with loss of crops, homes and livestock? Could he indicate what he intends to do about it in the immediate-term.

Hon. C. Imbert: In answer to the first part of the supplemental question, short-term is on an annual basis. In answer to the second part, I would respectfully ask the Member to ask that as another question, please.

BCCI—Relief to Depositors

82. Miss Hulsie Bhaggan (*Chaguanas*) asked the Minister of Finance:

Does the Government intend to provide any relief to persons who have suffered losses beyond \$50,000.00 with BCCI?

The Minister of Finance (Hon. Wendell Mottley): Madam Speaker, persons who held deposits with the BCCI and who suffered losses as a result of the closure of the company will be entitled to such relief as provided in law.

Section 44N(2) of the Central Bank Act, as amended, states:

"Deposit insurance coverage is limited to \$50,000 or such other amount as the Minister may prescribe, by Order, save that where the depositor maintains

deposits in more than one institution or in different capacities and rights, the limit shall apply to the total amount maintained on deposit in each institution in each capacity and right".

**NHA Lots
(Debe)**

84. Mr. Trevor Sudama (*Oropouche*) asked the Minister of Housing and Settlement:

Could the Minister state when will the NHA lot sites developed at Wellington Road, Debe be distributed to qualified applicants?

The Minister of Housing and Settlement (Dr. The Hon. Vincent Lasse): On November 16, 1991, a lot allocation exercise was carried out at Debe. At that exercise, 20 applicants who paid the required \$7,500 and more, were allocated lots. Subsequent to this allocation, 12 persons who upgraded their payments to \$7,500 were allocated lots. To date, therefore, 32 lots have been allocated.

Mr. Sudama: Is the Minister aware that the infrastructural works on this site were completed in June 1989? Could he, therefore, say why it has taken so long to distribute those lots for which payment has been made?

Dr. Lasse: The question of the allocation of lots depends on the fact that the persons who are included in the programme would have each tendered the required amount of money to obtain the lot. Once that is done the person would be allocated the lot.

Mr. Sudama: Could the Minister indicate what is necessary now for those to whom lots have been allocated to start construction of houses?

Dr. Lasse: I believe that is going way beyond the question filed. One can safely say that it is up to the persons to acquire the funds to do their construction.

Mr. Sharma: From the answer given, it appears that applicants have difficulty raising \$7,500. Is there any intention on the part of your Government to lower that ceiling?

Dr. Lasse: No, it is not the intention of the Government so to do.

Mr. Sharma: Can the Minister say what efforts will be made by his Government to assist these people in acquiring the lands?

Madam Speaker: Will you put that in the form required so that it can be answered at some other time.

**Siparia/Erin Road
(Repairs to)**

88. Mr. Trevor Sudama (Oropouche) asked the Minister of Works and Transport:

Could the Minister state when the San Fernando/Siparia/Erin Road between the 0—3 1/2 m.m., which is in a very deplorable condition, will be resurfaced?

The Minister of Works and Transport (Hon. Colm Imbert): Madam Speaker, available funding does not allow for the complete resurfacing of the San Fernando/Siparia/Erin Road in 1992. Efforts are being made, however, to source additional funding in order to expand the 1992 road resurfacing programme.

The ministry intends to carry out resurfacing work on the SS Erin Road between the 0 and 3 1/2 mile mark once additional funding is obtained and barring unforeseen circumstances. In the interim, however, extensive surface repair work is currently being carried out on this section of the roadway.

Mr. Sudama: Could the Minister enlighten this House as to whom the Government approaches to seek additional funding? I have been having similar responses in this House over the last 10 years, but no additional funding has been coming for the constituency of Oropouche.

Hon. C. Imbert: I see that as another question. I would ask the hon. Member to direct the question to me in the proper manner.

**Salt Water Seepage
(Oropouche)**

89. Mr. Trevor Sudama (Oropouche) asked the Minister of Works and Transport:

Could the Minister state what plans his Government has to prevent salt water intrusion into the arable lands of the Oropouche lagoon area which has been experienced now for three decades?

The Minister of Works and Transport (Hon. Colm Imbert): Madam Speaker, consultants have been directed by the Ministry of Agriculture, Lands and

Marine Resources to prepare a development plan for the Oropouche River catchment area. One of the primary objective is to identify a cost effective option for improved water management and agricultural development. It is expected, therefore, that definite proposals for the prevention of saline intrusion into the Oropouche Lagoon would result from this plan.

The Ministry of Works and Transport, however, continues to implement, on an ongoing basis, maintenance work to the tidal exclusion gates on the Trinidad River and the St. John's River in order to minimize salt water intrusion through these openings.

The ministry has recently completed repair works to the north/south embankment of the Trinidad River and Newcut Channel, and these measures will further assist in the prevention of salt water intrusion.

Mr. Sudama: Is the Minister aware that there are, at least, 10 development plans in the hands of the Government for alleviating the problems of the Oropouche Lagoon? Could he indicate why none of these plans has ever been implemented? What guarantee do we have that the plan he is talking about now will be implemented?

2.15 p.m.

Hon. C. Imbert: Madam Speaker, again, I see that as a different question.

**Purchase of New Equipment
(Local Government Bodies)**

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

90. Can the Minister of Local Government state:

- (a) Whether the Government intends to purchase new equipment and machinery for use by local government bodies in order to provide adequate services to the people of the various municipalities?
- (b) If the answer is yes, can he say how soon?
- (c) If the answer is no, how he intends to resolve this problem?
- (d) What he intends to do about the large number of vehicles laid up at various local government bodies?

- (e) If they are to be repaired, can he say how soon and what sums would be involved in these repairs?

The Minister of Education (Hon. Augustus Ramrekersingh): Madam Speaker, I am acting for the hon. Minister of Local Government, who left the country yesterday.

An answer has been prepared, but I have not been able to brief myself sufficiently on it to take supplementary question. So I ask that it be deferred for one week.

Mr. B. Panday: Go ahead, read what you have.

Mr. Ramrekersingh: I did not bring the answer. If the hon. Members wish, I can have it sent for later in the sitting.

Mr. B. Panday: That is not what you said. You said you had it but you were not prepared to answer questions.

Mr. Ramrekersingh: No, I said that an answer has been prepared. I did not have the time, since I was only acting from today, to brief myself on it to respond properly to any supplementary questions.

Madam Speaker: What is the Member asking, that it be deferred for later in the proceedings?

Mr. Ramrekersingh: If hon. Members wish, it can be given later in the proceedings. We do not have a problem, I will just send for it.

Question, by leave, deferred.

Erosion of House Lots (Cipero River Banks)

The following question stood on the Order Paper in the name of Mr. Subhas Panday (Naparima):

- 91.** Can the Minister of Works and Transport state what immediate steps are being taken to prevent the erosion of house lots on the banks of the Cipero River in the constituencies of Naparima, San Fernando East and San Fernando West?

The Minister of Works and Transport (Hon. Colm Imbert): Madam Speaker, I respectfully request that answer to this question be deferred for a period of one week, at which time I assure this honourable House I will answer the question.

Question, by leave, deferred.

**Health Hazards
(Cipero River)**

The following question stood on the Order Paper in the name of Mr. Subhas Panday (Naparima):

- 92.** Can the Minister of Health state what immediate steps, if any, are being taken to cease the nuisance and health hazards caused to residents in the vicinity of the Cipero River in the constituencies of Naparima, San Fernando East and San Fernando West as a result of the emission of effluents into the Cipero River by Caroni (1975) Limited?

The Minister of Health (Hon. John Eckstein): Madam Speaker, I, too, request a deferral of this question for one week.

Question, by leave, deferred.

**Guaracara River
(Effluent Discharge)**

- 93. Mr. Subhas Panday (Naparima)** asked the Minister of Agriculture, Land and Marine Resources:

Can the Minister state:

- (a) Whether the discharge of effluents by Trintoc into the Guaracara River adversely affect that flora and fauna in the said river and its environs?
- (b) If the answer is in the affirmative, what immediate steps, if any, are being taken to prevent Trintoc from polluting the said river?

The Minister of Agriculture, Land and Marine Resources (Dr. The Hon. Keith Rowley): Madam Speaker, the discharge of petroleum effluents into rivers and waterways adversely affects flora and fauna, and this would be true of the Guaracara River into which Trintoc discharges its effluents.

The specifics of the impact of effluent discharges by Trintoc on the Guaracara River, as well as what steps, if any, have been taken to prevent Trintoc from polluting the said river are being pursued at this time with the Ministry of Planning and Development.

Mr. B. Panday: One supplementary, Madam Speaker, and you know that I usually do not ask supplementary questions. Having regard to the fact that the Oil and Water Board specifically states that all damage to people that results from oil effluent in rivers and streams and so on must be taken to the Oil and Water Board, and having regard to the fact that for the past 20 years there has been no Oil and Water Board, does the Government have any intention of reviving that Board?

Mr. Maharaj: They answered that question last week.

Mr. B. Panday: All right, fine. I withdraw it.

Fourteen-Plus Examinations

94. Mr. Raymond Palackdharrysingh (*Caroni Central*) asked the Minister of Education:

Would the Minister state:

- (a) What is the purpose of the 14-plus examination?
- (b) Whether the results of the 14-plus examination for the years 1990 and 1991 were made available?
- (c) If the results were not available on time, would the Minister state the criteria used for placing students in their respective classes in the senior comprehensive and other schools?

The Minister of Education (Hon. Augustus Ramrekersingh): Madam Speaker, at the time when the 14-plus examination was introduced, the country could only have provided continued secondary level education for only 38 per cent of the junior secondary school leavers.

The 14-plus examination was designed as the instrument to facilitate selection of such students. The examination also serves to test and document students curriculum exposure and so is particularly useful for students transferring into other systems.

By the mid-1970s the Government took a decision to place as many junior secondary graduates as possible into fourth forms across the school system so that

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the selective aspect of the examination was no longer applicable. However, there have always been other important functions of the examination such as:

- (1) To evaluate the system so as to determine strengths and weaknesses of students, particularly in numeracy and literacy;
- (2) To serve as a guide to teachers with regard to syllabus coverage and student performance in relation to national norms and other appropriate criteria;
- (3) To guide the reward system by which awards are made to deserving students.

The 1990, 14-plus results were released to the junior secondary schools in June, 1992. The 1991 results have not yet been released.

The ministry decided, for 1991, to undertake the scoring of the examination using its own data processing resources and to discontinue the service of Educational Testing Service of Princeton, New Jersey, who had previously scored these examinations.

Unfortunately, the implementation of the latter decision fell within a period when unforeseen demands had to be made on its key-punching service in respect of preparation of payrolls for disbursing some of the arrears owed to the public servants. This resulted in a serious delay in the scoring of the 1991 examinations. The results will be released in September of this year.

It has been the practice in recent years to promote students to senior secondary schools before the release of the 14-plus results. Other strategies have been devised for placing junior secondary school graduates.

For example, students are interviewed at the time of registration and their career preferences are taken into consideration. Assessments based on performance in their three years at the junior secondary level are also utilized.

By way of information, the Government has certain reservations about the existing 14-plus examination and part of the comprehensive revision of the education system now being undertaken by the Education Task Force involves the nature and scope of the entire system of examinations and certification.

Mr. Palackdharrysingh: Madam Speaker is the Minister saying that the 14-plus examination has no useful purpose in the education system and at the same time, if that is so, there is nothing in place by which to evaluate students before

pushing them into the senior comprehensive school except, maybe, having probably an interview with teachers of the senior comprehensive schools and others?

Mr. Ramrekersingh: I will answer that starting at the end, Madam Speaker. I made the point that the Government of the day have certain reservations about the examination and we have asked the Education Task Force, among other things, to examine the whole system of examinations and certification.

It is not merely a question of analyzing the examination and deciding to change it or not to change it. It must be done in a particular context. All the examinations and systems of certification are being dealt with in the context of comprehensive education reform.

When all students move forward to senior comprehensive schools, for many years what has been done is to have interviews with students and to test them. On the basis of that, students are assigned to particular programmes of work. I agree that the results for 1990 to 1991 have been extremely late. However, even when the results were done expeditiously, as in previous years, it was not possible to have the results of the 14-plus before the registration of students for the comprehensive schools because the 14-plus examination is held towards the end of June and the registration for the senior comprehensive schools is done in the first week of July.

What would happen is that after those results come, certain adjustments could be made. But the system of interviews and looking at the report cards of the students from the junior secondary school is nothing new. One must remember that I made earlier in my response, the point that originally, and in a particular context, the 14-plus examination was supposed to be a selective examination when only 38 per cent were going forward from junior secondary school as outlined in the 1968—83 Education Plan.

In 1975, there was a policy change which meant that everyone would go forward so that the examination was no longer a selective tool, but it performed certain of the functions which I have mentioned in the response.

The following questions stood on the Order Paper in the name of Mr. Shamshuddin Mohammed (Caroni East):

Hyatali Report Commission

123. Will the Prime Minister state:

- (a) What is the present position with regard to the Hyatali Constitution Commission Report?

- (b) What plans, if any, his Government has for dealing with this report?

Ministerial Trips

124. Will the Prime Minister state:

- (a) The Number of overseas trips made by members of Cabinet since assuming office?
- (b) Will he give details of such trips, including:
- (i) Names of Cabinet Ministers making such trips?
 - (ii) Officials accompanying such Ministers?
 - (iii) Places visited?
 - (iv) Purpose of each trip?
 - (v) Cost of each trip?
 - (vi) Total cost to date of all such trips?

Mr. Mohammed: Madam Speaker, may I ask your leave to defer questions Nos. 123 and 124 to next week.

Questions, by leave, deferred.

Madam Speaker: I notice that it is now 2.38 p.m. Therefore, all—

Miss Bhaggan: Madam Speaker, before you move on to the next item on the Order Paper, I may state that last week, you had requested a written answer to question No. 78 which the Member for Diego Martin East was on his legs delivering. I should like to inform the House that I have not received that written answer.

Madam Speaker: Yes, this point was made by the Member for Couva North that of those answers that were supposed to be in writing, only some were received.

Having regard to the time, Ministers, please take note, written answers should be provided to the Members in whose names these questions stand.

Mr. Ramrekersingh: Just on a point of clarification, Madam Speaker. To all the other questions on today's Order Paper, written answers must be supplied, with the exception of those two raised by the hon. Member for Caroni East. I want us to be clear about it.

Madam Speaker: That is my ruling; I said that.

The following questions stood on the Order Paper:

**Untrained Teachers
(Primary Schools)**

- 95.** Would the Minister of Education state:
- (a) The number of untrained teachers in the primary school system.
 - (b) How many are trained each year and where?
 - (c) Whether the existing physical arrangements for the training of our primary school teachers are satisfactory?
 - (d) If the existing physical arrangements are not satisfactory, would the Minister state what plans he has for improving the training facilities of primary school teachers and when would they be implemented? [*Mr. R. Palackdharrysingh*]

**Common Entrance Students
(County Caroni)**

- 96.** (a) Is the Minister of Education aware that a number of common entrance students from county Caroni who were placed in secondary schools outside country Caroni could not take up their places?
- (b) Could the Minister state:
- (i) The number and percentage of common entrance students from county Caroni who were placed in secondary schools in each of the last five years?
 - (ii) The number and percentage of common entrance students from Tobago who were placed in secondary schools in each of the last five years?
 - (iii) The number and percentage of common entrance students from Trinidad and Tobago who were placed in secondary schools in each of the last five years. [*Mr. R. Palackdharrysingh*]

**Medical Commissions of Inquiry
(Cost of Reports)**

119. Could the Minister of Health state:

- (a) The total financial cost expended in the completion of the following medical reports:
- | | |
|------------------------------------|------|
| (i) The Julien Commission | 1957 |
| (ii) The National Advisory Council | 1978 |
| (iii) The Toby Commission | 1981 |
| (iv) The Holiday Inn Report | 1983 |
- (b) How many of the recommendations of these reports were accepted and implemented to date? [*Dr. C. Singh*]

**St. Ann's Hospital
(Use of ECT)**

120. Could the Minister of Health state:

- (a) Whether ECT is used in the management of patients at the St. Ann's Mental Hospital?
- (b) If the answer is in the affirmative:
- | |
|---|
| (i) What precautionary measures are taken before it is used? |
| (ii) What cadres of medical personnel are present when the ECT is administered? |
- (c) If the answer is in the negative, why was the method abandoned, and whether it is intended to be reintroduced, and how soon? [*Dr. C. Singh*]

**Port of Spain General Hospital
(Operating Theatres)**

121. Could the Minister of Health state:

- (a) How many operating theatres are fully equipped and operational at the Port of Spain General Hospital at the present time?
- (b) If there are any that are not operational at this point in time, what are the constraints and how soon will they be put in use?

Social Assistance

- 132.** (a) Would the Minister of Consumer Affairs and Social Services indicate to this House what facilities are available to citizens of Trinidad and Tobago who are in need of basic items of food, clothing and shelter?
- (b) Would the Minister also state what are the criteria used to determine if a citizen is entitled to social assistance and how many persons now receive such benefits?
- (c) Would the Minister also state what steps are being taken by the Government to assist non-governmental agencies who undertake to help these underprivileged citizens? [*Mr. C. Sharma*]

Vide end of sitting for written answer.

School Feeding Programme

- 132.** (a) Would the Minister of Education state how much money has been spent on the School Feeding Programme for the period 1991—1992
- (b) Would he also indicate which schools are presently receiving these meals and why others are yet to be included in the programme? [*Mr. C. Sharma*]

Cascadura (Nariva Swamp)

- 138.** Would the Minister of Agriculture, Land and Marine Resources state:
- (a) Whether or not aquaculture cascadura projects were undertaken in the Nariva Swamp by the Government?
- (b) If the answer is in the affirmative:
- (i) Would the Minister please state how many projects were undertaken?
 - (ii) What were the criteria used for financing these projects?
 - (iii) What was the total cost involved on these projects?
 - (iv) What is the present status of these projects?
 - (v) What is the Government's policy towards similar aquaculture projects? [*Mr. K. Jurai*]

- 139.** Could the Minister of Works and Transport state the following:
- (a) What is the length of the span of the rebuilt portion of the bridge on the Cunapo Southern Road in Sangre Grande?
 - (b) What is the total number of man days employed on this project?
 - (c) How long it took for the bridge to be completed?
 - (d) What is the total cost involved in rebuilding the said portion of the bridge? *[Mr. K. Jurai]*

**LID Programme
(Agricultural Estates)**

- 140.** Would the Minister state the following as it relates to the LID Programme on agricultural estates:
- (a) Names of estates, acreage and location?
 - (b) Number of man days labour engaged per year since work started on each estate?
 - (c) Total cost incurred as at December 31, 1991?
 - (d) What are the returns in terms of dollars from the investment on these estates?
 - (e) What is the present number of persons engaged on these estates?
 - (f) What type of activity is being undertaken at present on these estates?
 - (g) What is the present cost incurred per month on these estates?
 - (h) What does the Government plan to do with these estates both in the short run and in the long run? *[Mr. K. Jurai]*

ADJOURNMENT MOTION (LEAVE)

Flooding

Mr. Raymond Palackdharrysingh (*Caroni Central*): Madam Speaker, I seek your leave to move the adjournment of the House for the purpose of discussing a definite matter of urgent public importance under Standing Order 12(3) re the flooding problem in the country today.

The matter is definite, for it is about flooding in the country at the present time in the rainy and hurricane season.

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The matter is urgent because any delay in debating the matter and taking immediate action could result in untold hardship and disaster, namely mass destruction of wealth and epidemics like cholera, et cetera.

The matter is of national importance, because it affects all of Trinidad and Tobago and the national community are anxious for help to relieve their distress.

Madam Speaker, apart from that, it is well known that the flooding has been very extensive in the central areas, in south and possibly in some of the heartland areas, like East Caroni, and so on. So I seek leave to discuss the matter with respect to the problems it has caused and the possible consequences of not reacting to it immediately.

Madam Speaker: I notice that the question is flooding in the country. I am not aware that this country is marooned or there is any serious threat. I wonder if the hon. Member would like to rephrase his question because it does not fall under the limb of "urgent" at all. Certainly, it is a matter of very great importance it is a definite matter, but the urgency—the rains have subsided, it is a perennial problem when it rains. It is a bit wide: Flooding in the country. We are not aware that this country is marooned at all.

Mr. Palackdharrysingh: Madam Speaker, as you have given me the chance to elaborate; in yesterday's newspapers you had the headlines: "Flooding in the south", "Firemen to the rescue", "Homes and business places flooded", "Flooding hits San Fernando", "Mootoo flood damage could run into millions".

Mr. B. Panday: I think what the Speaker is saying is, do you want to relate it to a specific part of the country.

Mr. Palackdharrysingh: South and Central.

Madam Speaker: You are speaking about flooding in the country. There are several areas, probably specific areas, but not the country, and this is why I think that it is a question you need to rephrase. I will give you leave to raise it under Standing Order 11, Adjournment of the House, so you can rephrase your question accordingly.

Mr. Palackdharrysingh: Thank you very much, Madam Speaker.

ORAL ANSWER TO QUESTION

The Minister of Education (Hon. Augustus Ramrekersingh): Madam Speaker, please pardon my rising at this time. I simply want to remind this

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honourable House of my commitment to read the answer to question No. 90 a little later in the House. We could do it immediately before the suspension for tea or immediately on the resumption. I have sent for the answer.

Madam Speaker: I will give you directions accordingly.

MOTION (CLARIFICATION)

Miss Pamela Nicholson (*Tobago West*): Madam Speaker, I should just like to have some clarity on the position that we agreed on. I heard something a while ago but I am not sure.

Madam Speaker: The question was deferred, until later in the proceedings. The hon. Minister was not in possession of the answer but he will be a little later on. So I have given him a couple of minutes to give the answer at that time. Your position remains the same.

The hon. Member will be guided accordingly. Having regard to our discussions, the hon. Member will be given leave to raise the matter on the Adjournment of the House.

LAND ACQUISITION

The Minister of Planning and Development (Sen. Dr. The Hon. Lenny Saith): Madam Speaker, I beg to move,

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

This acquisition is in respect of land acquired for two projects. The first was used in the redevelopment of Lower Scarborough and comprises:

"Two parcels of land situate approximately 100 metres north of Carrington Street midway between Wilson Road and Bay Street, Lower Scarborough, in the Parish of St. Andrews, in the ward of Tobago and comprising 385 square metres and 288 square metres and said to belong now or formerly to John H. Armstrong and Felicity Bruce, respectively."

Proceedings for the acquisition of the subject parcels of land were initiated on March 24, 1966, when a Notice of Intended Acquisition under section 3 of the Land Acquisition Act, Chap. 58:01 was published in the *Trinidad and Tobago Gazette*, following which the authority to commence work on the said parcels of land was issued on April 17, 1966, under section 4 of the Act.

Land for the second acquisition was used in the construction of a police station at Barrackpore and comprises:

"A parcel of land comprising 0.2744 of a hectare situate at the corner of Papourie Road, and New Colonial Road, Central Barrackpore, in the ward of Naparima, in the county of Victoria and said to belong now or formerly to Zora Resalsingh."

Proceedings for this acquisition of the subject parcel of land were initiated on August 28, 1990, when a notice of intended acquisition under section 3 of the Land Acquisition Act was published in the *Trinidad and Tobago Gazette*, following which the authority to commence on the said parcel of land was issued on September 7, 1990, under section 4 of the Act.

Madam Speaker, I beg to move.

Question proposed.

Mr. Trevor Sudama (*Oropouche*): Madam Speaker, I just want to ask the hon. Minister a question. The last time that he rose in this House to move a motion for land acquisition, certain assurances were given, particularly with respect to the transfer of lands owned by Caroni (1975) Limited to the respective local government authorities and I should like to find out where that matter is now. Recreation grounds, cemeteries, and so on, have been in public use on lands owned by Caroni (1975) Limited and we should like those to be transferred to the local government authorities for developmental purposes so that developmental work could be undertaken on those facilities. Could he inform this House where we are now?

Sen. Dr. Saith: Madam Speaker, I do not want to quibble. I do not recall giving the assurance that I would ensure the transfer of lands from Caroni (1975) Limited to local government.

I think the matter was raised and I indicated that my ministry was involved in some of the survey work which was necessary to prepare the plans which would be used if and when a decision was taken to make that transfer. The information that I have is that 32 recreation grounds for the county of Caroni and 31 for the county of Victoria were to be surveyed by my ministry. For the county of Caroni 28 surveys have been completed and four are still to be done. For the county of Victoria 16 surveys have been completed and five are still to be done. So we have completed 44 and we have nine still to be done. We hope to complete them within

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a reasonable period, and the necessary survey plans will then be available for the transfers to take place.

Mr. Maharaj: Madam Speaker, before the Member sits, I wonder whether he would agree to a question.

Madam Speaker, on the last occasion a land acquisition motion came before this House, the hon. Minister had promised this House that the legislation, which was instituted or which was drafted by the last administration and which made better facilities for land acquisition, and a fairer system as far as the people are concerned who own these lands, was anxiously being looked at by the Government and every step was being taken to have it introduced in this House. I wonder if the hon. Minister could give us some indication as to when it is intended that it would be introduced?

Sen. Dr. Saith: Madam Speaker, I did not realize we were back on question time. But, as part of my contribution, I would wish to advise that, yes, we are continuing work on the bill. We have completed our analysis of public comments and I propose to go to Cabinet shortly with the bill that I should like to see brought to Parliament. As soon as that work is completed—

Mr. Maharaj: How soon?

Sen. Dr. Saith: We are still working towards the end of the year and there is nothing that indicates, so far, that we shall not be able to make it by that time.

Miss Pamela Nicholson (Tobago East): Madam Speaker, mine is more in line with a question, too.

I should like to ask the hon. Minister whether these two parcels of land include where the Tobago United Co-operative parcel is. If you notice, this one was acquired 28 years ago, and I want to know, because it is a very long time that that one, too, was acquired. The people are at the risk of losing their lands because a receiver was sent there. Government acquired the lands and the people were never compensated for the lands, and we, the people of Tobago, I do not think we are going to entertain the people losing those lands in that way.

I raised the matter with the hon. Minister some time ago. I raised it with the hon. Minister of Finance re the state that the thing was in at a particular point, and by now the people should have been compensated.

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I want to know if this is in that or if it is out and it is only the monetary position now. I just want some clarity, that is all. Thank you.

Sen. Dr. Saith: Madam Speaker, I do not have the information here which would enable me to answer that question.

The Member did raise the fact that the notice was published in 1966 and we are dealing with it only today. The reason for that is that the notice was published for an entire portion of land. The work was done, but it was only in 1989 that a claim was made by the owners for compensation.

Madam Speaker, I beg to move.

Question put and agreed to.

Resolved:

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

APPENDIX

Description of Land	Public purposes for which to be acquired
<p>1. The following parcels of land containing together 673 square metres, more or less, situate at Scarborough, in the ward of Tobago, in the parish of St. Andrew, described in the Schedule hereto and coloured (1) pink and (2) raw sienna on plans of survey filed in the office of the Director of Surveys.</p> <p style="text-align: center;">THE SCHEDULE</p> <p>Two (2) parcels of land situate approximately 100 metres north of Carrington Street midway between Wilson Road and Bay Street, Lower Scarborough, in the parish of St. Andrew, in the ward of Tobago and comprising 385 square metres and 288 square metres and said to belong now or formerly to John H. Armstrong and Felicity Bruce, respectively.</p>	<p>Re-development of Lower Scarborough</p>

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<p>2. The following parcel of land containing 0.2744 of a hectare, more or less, situate at Barrackpore, in the ward of Naparima in the county of Victoria, described in the Schedule hereto and coloured raw sienna on a plan of survey signed by the Director of Surveys and dated January 7, 1992 executed under Survey Order No.44/91 and filed in his office.</p> <p style="text-align: center;">THE SCHEDULE</p> <p style="text-align: center;">A parcel of land comprising 0.2744 of a hectare situate at the corner of Papourie Road and New Colonial Road, central Barrackpore, in the ward of Naparima in the county of Victoria and said to belong now or formerly to Zora Resalsingh.</p> <p>This parcel is more particularly shown coloured raw sienna on a survey plan filed in book 114, folio 104 in the vault of the Lands and Surveys Department, Red House, Port of Spain.</p>	<p>A police station</p>
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2.45 p.m.

ANTI-DUMPING AND COUNTERVAILING DUTIES BILL

Order for second reading read.

The Minister of Trade, Industry and Tourism (Sen. The Hon. Brian Kuei Tung):
Madam Speaker, I beg to move,

"That a bill to authorize the imposition of anti-dumping and countervailing duties where goods have been dumped or subsidized; to provide for an Anti-dumping Authority to investigate dumping or subsidizing of goods; to repeal the Customs Duties (Dumping and Subsidies) Act. Chap. 78:04; and for related purposes be now read a second time.

Madam Speaker, in introducing this bill, I cannot help but reflect upon a previous bill in which this Government gave the introduction of safeguard mechanisms as key to the trade reform programme that we have embarked upon. And in doing so, I should just like, quickly, to reflect a little on trade reform and, perhaps, from two perspectives.

Firstly, let me remind this honourable House that trade reform started for us way back in 1988, when a decision was made for us to approach the World Bank and other international lending agencies. At that time, trade reform was contemplated as a means of putting our economy on a sustained path to recovery. At that time, trade reform was contemplated initially in terms of the removal of the negative list. Again, I should like to remind this honourable House that a substantial portion of the negative list was removed in September of 1991, approximately 40 per cent.

I wish to remind this honourable House, as well, that even at that time, there were no safeguard mechanisms introduced to ensure the protection of manufacturers, as we have attempted to do since. The first significant measure to ensure that the removal of the negative list can be done in an orderly and effective manner, was the imposition of a regime of import surcharges which had, as a result, the effect of allowing imported goods into Trinidad—but at a price which, hopefully, would have rendered our locally manufactured goods, price competitive. This Bill today, seeks to provide another safeguard mechanism to our manufacturers. It is intended to ensure that manufacturers in Trinidad and Tobago are not subjected to unfair trade practices in terms of dumping and subsidies. Secondly, I see trade reform in terms of the global economic mainstream. I say this because, whilst much has been said about trade reform, my Government sees export-led growth as a means to achieve some form of economic growth. I say this because many of the measures that will have to be put in place should have been contemplated much earlier. I say this, because I think it would have been foolhardy of us to think that we had enough time to put every measure in place, when trade reform started as early as 1988 and this Government came into power at the beginning of 1992.

If we choose to embark upon the luxury of deferring any trade reform, we certainly would have to reckon with the question of conditionalities. I say so because one option that we always have, and I maintain that we will at least give some countenance to, is the fact that we could easily say that we would prefer to repay some of these loans and forget about the conditionalities. But in so doing we would still be foolhardy to bury our heads in the sand and assume that trade liberalization which is taking place in many countries of the world today, and which has seen, for example, great benefits accruing to Far East countries which have introduced it as long as ten years ago, does not require that certain safeguard measures accompany it.

The Government of Trinidad and Tobago is seeking to put in place an effective programme for the monitoring and control of subsidies and dumping. The main element of this is the enactment of the Anti-dumping and Countervailing Duties Bill, 1992, which, as I said, will replace, by way of repeal, the existing Customs Duties (Dumping and Subsidies) Act, Chap. 78:04.

Although the proposed item of legislation will allow for the imposition of duties similar to those which can be levied under the existing legislation, these duties will, however, be subject to the conditions applicable under the GATT Anti-dumping code, in keeping with the current international trade practice. The existing legislation predates the GATT Anti-dumping code. The duties which will be imposed under the proposed legislation will be known as anti-dumping and countervailing duties.

Anti-dumping as such, addresses the question of dumping of goods, whereas the countervailing duties, address the question of subsidized goods by an exporting country to Trinidad and Tobago. With the dismantling of the negative list, in respect of non-oil manufacturers, this could best be viewed in the context of the evolution of the industrialization policy of Trinidad and Tobago. In the 1950s and 1960s the industrialization policy was based on one of import substitution. Implementation of this strategy was supported by a system of quantitative restrictions in the form of negative listing.

The industrialization policy has evolved to the extent that the focus is the 1990s is aimed at fostering export-led development, particularly in the non-oil manufacturing sector, to the reform of the protectionist trade regime, with particular emphasis on the dismantling of the negative list under the terms of the Structural Adjustment Loan Programme, or SAL, as it is known, which was entered into with the World Bank.

The negative list in respect of non-oil manufactured products, has now virtually been dismantled. The last phase of items took place on June 30, 1992. It is important for me to remind this honourable House that it was done on a phased basis, literally. As I said, 40 per cent of it was removed last year, and most of the balance having been removed by June 30, 1992. A residual number of non-oil manufactured items have been kept on the negative list for reasons of national security—I am sure this honourable House will recognize the need to keep certain items on the negative list for this reason—for reason of public health, or in respect of international obligations. Included in this list of international obligations are

some of the items falling under the Oils and Fats Agreement and Schedule under the Caricom treaty. In other words, a lot of our agricultural produce, particularly with respect to oils and fats, are subject to an international agreement with our Caricom neighbours. However, this Government is fully cognizant of and sensitive to the need for a co-ordinated approach to trade reform in order to ameliorate any adverse effects which the adjustment to the policy regime may have on the local manufacturing sector, in particular, the concerns expressed with respect to the consequent influx of that country's products, particularly on the basis of unfair trading practices.

2.55 p.m.

It is in this context that the programme to monitor and control dumping and subsidies must be viewed. This programme is a companion piece to other items of legislation, pertaining to other unfair trade practices with measures which the Government is in the process of instituting in order to provide the local manufacturing sector with what is generally called a "level playing field" as it encounters competition from third countries. I say "third countries", meaning countries that are not within the Caricom treaty.

In this regard, work is in train with respect to the strengthening of legislation and the necessary institutional mechanisms, with respect to the endorsement of standards, improvement of consumer protection and the monitoring of food and drugs in keeping with internationally accepted standards. The operations of the Customs Division are also being computerized in order to enhance its efficiency and effectiveness in the collection of duties and deterring other unfair trade practices.

Moreover, Government proposes to establish a revenue protection agency, as another measure to combat unfair trading practices consequent upon the removal of the negative list. It is fairly well known that under-invoicing is perhaps one of the biggest scourges that obtain in the country today. I say so because it was only recently that a consultant was able to inform us that as many as seven out of every 10 invoices appear to be understated. This agency will be charged with the responsibility of ensuring that Government is not defrauded or deprived in any way of collecting revenues due on trading transactions related particularly to the importation of products.

Prior to the drafting of this new bill, the Government consulted with the private sector and with impacting public sector agencies. Consultations were co-ordinated

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by a Commonwealth Secretariat sponsored consultant, who assisted the Government in the review of the present legislation and in the preparation of a framework for revised legislation. This consultant also evaluated the administrative arrangements to implement policies and controls.

In its consultations with the manufacturing sector, in particular, the Trinidad and Tobago Manufacturers' Association, prior to the drafting of this bill, the Government was urged to produce an omnibus piece of legislation which would, in its coverage, go far beyond the incidence of dumping and subsidies to include other allied unfair trade practices.

Now, Madam Speaker, because of our concern for the safeguard mechanisms which must be put in place to ensure that our manufacturing sector is not abandoned, I am today presenting legislation that was originally drafted but which could not have been widened to become an omnibus piece of legislation. I am told that to include other unfair trade practices besides dumping and subsidies would have required a delay of this bill of several months, merely because it would impinge upon several other pieces of legislation which, of necessity, address unfair trade practices as well.

So that, Madam Speaker, today we present a bill, with which we have had the assistance of a Commonwealth Secretariat consultant and which we hope would be just the beginning of dealing with some aspects of unfair trade practices.

Dumping in international trade means introducing goods of a country into the commerce of another country at less than its normal value, that is, at an export price which is less than the comparable price in the ordinary course of trade in the country of origin for the like product, when destined for consumption in the exported country.

Many people have asked: "Why would a foreign company want to dump goods?" I should like to offer, by way of explanation, some idea as to what happens. A foreign company may decide to dump goods in order to get its foot into our market, or simply to increase its market share in our country. It may also use dumping as a temporary means to increase exports during periods of slack demand in the home market; or as a long-term strategy for obtaining economies of large-scale production without cutting domestic prices.

However, if the company can make enough money in the home market or in other markets to offset the lost profits from dumping, it might be able to drive out

its competition and take control of the market where it is dumping. All of that time, the foreign company can set prices as it well wishes.

So that dumping is considered to be an unfair trade practice only if it causes or threatens to cause material injury to an established industry in the importing country or materially retards the establishment of an industry in the importing country. In order to offset or prevent dumping, the importing country, may levy on any dumped product an anti-dumping duty to the extent of the margin of dumping in respect of such a product.

A similarly other allied unfair trade practice, in international trade, is the giving of bounties or subsidies, directly or indirectly, on the manufacture, production or export of such product in the country of origin or the country of exportation. This includes any special subsidies for the transportation of a particular product. To offset such bounties or subsidies, an importing country may levy countervailing duties to the extent of the estimated bounty or subsidy determined to have been granted.

I should like at this time to make a very careful distinction between dumped goods and cheap goods. I have no difficulty, whatsoever, with cheap goods. Cheap goods have always been an alternative or a matter of choice. But when cheap goods are being subsidized or they are being dumped, only to extract market share and so threaten fair trading practices, then cheap goods are no longer cheap but they reap a price which is much greater than we see at first glance.

Liberal practices are considered to be unfair trade practices and for which the concerned country may levy anti-dumping duties in the form of additional customs duties or countervailing duties also as additional customs duties.

There are, however, a number of other unfair trade practices like under-invoicing, which I have referred to earlier on, over-invoicing—they both are for the purposes of misdeclaration in respect of which the value or description of the goods is deliberately incorrectly described; manipulation or forging of documents; concealment of undeclared goods or importing goods not conforming to the prescribed standards or specifications set.

3.05 p.m.

All of these unfair trade practices however, can be taken care of by strictly enforcing the provisions of the customs law, or the laws pertaining to standards, et cetera. No separate legislation is required to be enacted for taking action against

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such trade practices. Some countries have separate laws for anti-dumping and others have a combined law for anti-dumping and anti-subsidies, or bounties. However, no country has a general or mixed law for anti-dumping, and other unfair trade practices.

As a matter of interest, Australia, New Zealand and Canada all provide anti-dumping legislation in one piece of legislation confined to that subject only. In Europe, anti-dumping is also dealt with by incorporating the code by means of an easy regulation and decision, and again confined to that subject only. Even in the United States of America, where the Omnibus Trade and Competitive Act was enacted in 1988, the Anti-dumping Act has not been superceded by or merged with this Act.

The Trinidad and Tobago Manufacturers Association's proposal, that there should be a comprehensive law to take care of all unfair trade practices, including those which cannot be visualized at present, and the anti-dumping law should be a part of it is not consistent with generally accepted principle of separate law, for anti-dumping and countervailing duties.

The proper course therefore, would be to amend or revise the present anti-dumping law, or to enact a new law to take care of dumping subsidies and bounties. We have chosen to adopt this course of action since the present Act has not been operational and contains several deficiencies. Moreover, no procedure had been laid down for conducting investigations calling for evidence, or for such other requirements as for judicial review.

Furthermore, since the introduction of the present Act, GATT has evolved the anti-dumping code, which has been under constant discussion and review, both at the Tobago and the Uruguay rounds of negotiations. Dumping has no doubt, an unsettling effect on decision making for new anti-dumping proceedings. These proceedings can be adversely used as an administrative barrier to trade, and therefore are cause for concern.

Initiation of anti-dumping proceedings on insufficient grounds could be used as an effective protective device, even if no duties are finally imposed. The uncertainty caused by the commencement of investigations and provisional measures disrupts trade flows. It is desirable that anti-dumping procedures do not become a technique of harassment for exporters.

This proposed law will be a comprehensive one which will provide for imposition of anti-dumping and countervailing duties in respect of goods which are

imported at dumped prices, or in respect of which subsidies or bounties are given in the country of export, or the country of origin; and such goods have caused or are likely to cause material injury to an established industry in Trinidad and Tobago, or have caused and are causing material retardation of the establishment of new industry in Trinidad and Tobago.

This law will provide for a definition of all terms which will be used in the provisions of the new Act. These terms are: "like product, domestic industry, material injury, material retardation, interested party, country of export, country of origin, provisional duty, margin of dumping, tax appeal board." The definition of these terms will be based on the internationally accepted interpretations of them.

I should like to turn now to some of the provisions of the bill. As I said, the purpose of this bill is to repeal the Customs Duties (Dumping and Subsidies) Act, Chap 78:04 and substitute therefor an Act which would allow for the imposition of similar duties to be known as anti-dumping and countervailing duties, subject to the conditions set out in the agreement known as the anti-dumping code which is implemented in Article VI of the General Agreement on Tariffs and Trade.

Clause 3(2) explains the circumstances which must obtain for goods to be regarded as having been dumped.

Clause 3(3) states what the giving of a subsidy means for the purposes of the Act.

Clause 3(8) makes it clear that duty chargeable under the Act, is in addition to any other customs duty, chargeable under any other Act.

Clause 5 would permit the Minister, by Order, to impose anti-dumping duty where he is satisfied that goods have been imported into Trinidad and Tobago, in circumstances which are to be regarded as dumped under the provisions of the Act.

Clause 6 would permit the Minister by Order to impose countervailing duties where he is satisfied that some Government or other authority outside Trinidad and Tobago has been giving a subsidy affecting goods imported into Trinidad and Tobago. The distinction is always being made between goods that are being dumped and goods which are being subsidized by a third party government.

The amount of the duty would relate to the necessity for ensuring the prevention of material injury or a recurrence of the same or a threat of such injury to the establishment of an industry and would not exceed the difference between

the export price of the goods, and their normal value in the case of anti-dumping duty, or the amount of the subsidy in the case of countervailing duty.

At the request of a government of a third country—and for the sake of argument we could get a request from one of our Caricom neighbours—the Minister may impose anti-dumping or countervailing duty on goods produced or manufactured in another country, when they are imported into Trinidad and Tobago. This measure is to ensure that dumped or subsidized goods are not brought into Trinidad and Tobago by a third country, if the Minister is satisfied that they have been dumped or subsidized, and as a result, material injury to a domestic industry occurs, or the establishment of such an industry is materially retarded.

Clause 10 provides that the importer may apply to the Minister for relief from duty and the Comptroller shall remit or repay the duty.

Clause 11 gives the Minister power by Order, to provide for the allowance of drawback in respect of duties under the Act, to be paid by the Comptroller.

For the purposes of the Act, imported goods are to be regarded as having been dumped, if inter alia, the export price is less than the amount of the normal value of those goods.

Clause 14 empowers the Minister to determine the normal value and export prices where, because of insufficient information, they cannot be ascertained in accordance with clauses 12 and 13.

Part III provides for the designation of an Anti-dumping Authority.

Clause 16 empowers the Minister to designate an anti-dumping Authority for the purposes of the Act. The duties of the Authority which relate to the initiation and conduct of investigations into dumping and giving of subsidies are specific in clause 17. The Authority would be required to conform to any general or special directions given to him by the Minister.

Part IV provides for investigations to be carried out regarding dumping and the giving of subsidies.

Clause 18 would authorize the Authority to initiate an investigation, if he has sufficient prima facie evidence of dumping or giving of subsidies.

3.15 p.m.

Clause 19 would ensure that interested persons are given an opportunity to be heard at an investigation and have access to information, which is being used in an investigation.

Clause 20 provides for the treatment of confidential information supplied in the course of an investigation.

Clause 22 makes it an offence to give false or misleading evidence at an investigation, or false or misleading information to the Authority.

If there is insufficient evidence of dumping or subsidizing or of material injury to an industry, the investigation may be terminated, under clause 23.

By virtue of clause 24, the Minister would be required to make a preliminary determination, within three months of an investigation, if he has reasonable cause to believe that there has been dumping or subsidizing.

Where the Minister has made a preliminary determination under clause 24, clause 25 empowers him to give a direction that provisional duty be paid in respect of the goods, or that security be given in accordance with clause 31.

Clause 26 requires that the Minister make a final determination within six months of the making of a preliminary determination as to whether or not goods which are the subject of an investigation are dumped or subsidized.

Part VI deals with appeals.

Clause 27 would enable persons aggrieved by an order of the Minister imposing duty under the Act to appeal to the Tax Appeal Board.

Clause 28 would empower the Minister to accept undertakings by governments or exporters to so conduct future export trade to Trinidad and Tobago of like goods to those which are the subject of an investigation, as to avoid causing or threatening material injury to an industry, or materially retarding the establishment of such an industry. In such an event, the investigation may be suspended or terminated.

Clause 33 imposes liability on directors where an offence is committed by a body corporate.

There is no doubt that there is a crying need for such a safeguard to ensure that the level playing field, which is the desire of all importers and manufacturers in

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Trinidad and Tobago, is maintained. To maintain a level playing field requires that we have adequate safeguard mechanisms in place, the likes of the Anti-dumping and Countervailing Duties Act, 1992.

In urging this honourable House to adopt this piece of legislation, I wish to assure the House that every effort has been and will be made to achieve such a level playing field—a playing field in which business is no longer prospering only on the basis of privileged protection or patronage, but on a basis where equal opportunity is given to everyone, far and wide, to ensure that he has an opportunity to play the role that is expected of him in our beloved country.

Mr. Humphrey: Would the hon. Minister indicate to this House examples of goods imported into Trinidad and Tobago that have been considered in the past to be dumped? Also, are there any goods exported that other people consider to be dumped?

Hon. B. Kuei Tung: I would volunteer a guess, but I am not sure that there is any such record being kept. For the sake of argument, there are a number of goods which have been the subject of a UN study that indicates developed countries' granting large subsidies. I could think—and I am not saying that this is a case necessarily—of rice and soya beans of the US as being subject to large subsidies, and which may very well be imported into Trinidad and Tobago on this basis.

I am quite pleased to ask this House to provide this piece of legislation with safe passage, because it is going to ensure for us a level playing field.

Madam Speaker, I beg to move.

Question proposed.

Mr. Ramesh Maharaj (Couva South): Madam Speaker, this bill will not provide safeguard mechanisms to prevent unfair trade practices so that local manufacturers would be protected. This bill will not assist in any way in levelling the playing field. On the contrary, this bill, with its absence of adequate machinery to enforce an intention in the bill, will create valleys, hills, and even mountains, in which the monopolists and the rich manufacturers and traders would be on the hill and mountain tops and the small trader and manufacturer would be in the valley.

Mr. B. Panday: Down in the valley below.

Mr. Maharaj: I think that it is fair to say that the Government, by this bill, is demonstrating an intention—whether genuine or otherwise—to protect the local

manufacturer, but I cannot accept the hon. Minister's explanation that it is recognized that there are other measures which have to be put in place, but that time has not permitted the Government to bring those measures before this House. I think the hon. Minister was, in effect, recognizing that the Opposition would have much to say about the conduct of the Government in allowing what it has called the trade liberalization policy, to be frustrated by the lack of measures, to protect the local manufacturers.

3.25 p.m.

Under the bill one recognizes that in order to determine whether goods have been dumped, there is need to have some information.

Dumping, according to the bill and what it means in legal terms, refers to a differential in pricing strategy adopted by foreign producers. They price their products for export lower than what they sell them for in their own market. The process of investigating whether a product is dumped will involve examining the price in the domestic market and also in the producer's market. That, by any stretch of the imagination, cannot be dealt with by an investigative machinery which may consist of a Permanent Secretary in the Ministry.

When one studies the countries which have adopted this policy, whether one goes to the European Economic Community, Canada, Italy, France, Germany, the United Kingdom or the United States of America—it is all set out in a magazine, *Corporate Finance*, January 1992, "Competition and Anti-trust Law"—one sees that the responsibility of the Government in such a situation is to create proper investigative machinery in order to protect local manufacturers.

The investigative machinery which the hon. Minister spoke about—as I will demonstrate from the bill—consists basically of someone who is designated by the Minister to be the Authority. We have not had from the Minister what sort of expertise or qualifications this person would have. We already know that the Minister is burdened—one just has to read his portfolios to see what he is involved in. Questions cannot even be answered.

If it is that investigation to determine whether goods are being dumped or not would be an important part in protecting the local manufacturer, how is it that it can be seriously said that this bill will assist in providing safeguard mechanisms for the local manufacturer and will prevent unfair trade practices as far as dumping and subsidies are concerned?

Madam Speaker, it seems to me that with the machinery under this bill and the fact that both the investigative machinery, as far as dumping and countervailing duties, and the adjudicative measures, are concerned, they are, in effect, going to be administered by one set of people. What such things can do, and have been recognized to do, is to permit the possible abuse and misuse of powers. So what can happen is that the machinery that is being set up under this bill, instead of protecting the local manufacturers, would provide the means by which the rich would get richer, the strong would get stronger, the monopolists would grow. There would be unfair competition. The purpose of this policy is to have fair competition. The small manufacturers would suffer.

Let us look at this bill before we look at some of the other countries which have dealt with similar matters, and before we look at the attitude of other governments in dealing with matters in order to protect their local manufacturers.

Madam Speaker, under clause 3 of the bill:

"'Authority' means a person designated to be the Anti-dumping Authority under section 16."

Let us look now at Part III, clause 16, and "the Minister" is the Minister of Trade:

"The Minister may designate the Permanent Secretary in his Ministry, or such other person as he thinks fit to be the Anti-dumping Authority for the purposes of this Act."

It is either the Permanent Secretary or such other person, so it is a one-man Authority, from what this says. We have no criteria mentioned here as to the basis of this appointment, whether it is someone who is a party person or whether it is someone who has no qualifications. This Minister could appoint anybody as the Authority.

I shall deal with it in sequence as I go down. The duties of the Authority. Let us see the duties of this one-man team, if I may use that expression. This Authority has:

- to be able to know and to investigate;
- to have the expertise to examine the domestic market of the foreign producer;
- to know the normal price; and

— to be able to identify the producers' export price.

Madam Speaker, if one picks up *Halsbury's Laws of England*, one sees where such decisions were challenged in England, one sees the complicated machinery and procedure of the principles that were involved and how an investigating authority must be able to know what it is doing. But we shall not go into that at this stage. Suffice it to say, it is clearly not right in an important matter like this where a class of people, local manufacturers and the country as a whole can be adversely affected, that legislation does not contain any stipulations or criteria as to what kind of qualifications such a person must have.

In countries which I have studied, I have noticed that in most of them there is a separate body with experts in the particular field of manning an investigative machinery.

Mr. B. Panday: Do not misinterpret that word "Manning". I know the other day when I said "Ross" he misunderstood it.

Mr. Maharaj: Madam Speaker, the position about these investigative authorities is that not only are there experts, but there are no one-man teams, it is normally a real team, different persons with different expertise. So it would be effective; it would have teeth.

What has also emerged from studying the countries which have adopted this policy is that the investigative machinery also has the power to apply for certain coercive orders so that it can really have teeth in investigating.

Madam Speaker, when one looks at the duties of the authority, one sees—it is mentioned in clause 17—it is instructive to note that the Minister—and as I will come to show you—in effect, will control the show, he will be the prosecutor, the judge. I will show you, Madam Speaker, that although there is provision for appeal to the Tax Appeal Board, the appeal is limited to only where an Order has been made for duty.

If there is a complaint to be investigated and the Minister has the power to terminate that complaint, nobody could challenge that. So the Minister can be the dictator—and I do not mean he will be a dictator—but the Minister under this bill can be the dictator as his actions cannot be questioned at all.

Let us say, for example, local manufacturers feel that the Government is favouring certain importers and—

Mr. B. Panday: As they do right now.

Mr. Maharaj:—that they want to make a complaint and they start the ball rolling for an investigation and the Minister decides that he is going to terminate that investigation at any stage, the local manufacturers have no right to redress under this bill. It is not only that: The Minister merely takes the recommendations. If you look at clause 17(e) it says:

"To make recommendations to the Minister regarding directions and determination."

So this Authority, which is supposed to investigate, has to report to the Minister. This Authority has the power only to recommend, but the Minister determines the direction and whatever Order it has to make.

If the Authority is dissatisfied with what the Minister is doing—obviously if he is a junior officer in the ministry he cannot open his mouth, if he opened his mouth he would be fired or transferred somewhere—the authority may initiate an investigation under clause 18. Under clause 18(2), a complaint can be made. Madam Speaker, you will see under clause 18(4):

"Where the Authority decides with respect to some or all of the goods specified in the complaint not to cause an investigation to be initiated, he shall cause a written notice of his decision, setting out the reasons for it to be sent to the complainant and in the case of subsidized goods, to the Government of the country of export."

So that the authority can decide that it is not going to investigate.

Clause 18(5) says:

"Before initiating an investigation into a complaint the Authority shall satisfy itself that it has sufficient *prima facie* evidence of (a) dumping; (b) material injury; and (c) where applicable..."

So one sees that the authority is given the power to decide whether there is a *prima facie* case or not. Bearing in mind, that if you look at the appeal provision—which the hon. Minister boasted about—under clause 27:

"A person aggrieved by an order imposing duty may appeal to the Tax Appeal Board in accordance with the Tax Appeal Board Act."

So one sees that if the investigating authority decides that there is no case, but the complainant wants some redress because he is dissatisfied with the Minister's decision—if the complainant feels that the Minister is acting unfairly, is discriminating against him, for one reason or another, there is no appeal procedure under this Bill for any redress in that sphere.

Now, if the authority decides that there is a *prima facie* case, then under clause 19, the authority will give notice to the persons involved, there will be the opportunity of putting forward a case, and this one-man authority would decide and make his recommendation and even interested parties may appear, through attorneys-at-law or by an agent—clause 20(2). But bear in mind, Madam Speaker, any decision by that authority, there is no right of redress, appeal or review.

Despite the fact that the authority may be a totally incompetent authority, that it may be a man or a woman who has no idea of what this involves, there is no right of review. That, in my view, is a serious attack on the local manufacturers. The inaction, the omission by the Government to put machinery which would provide competent investigative machinery in a matter like this is a serious attack on the local manufacturers of this country.

Madam Speaker, look at the power of the Minister under this Bill. He may not—I do not know—abuse his powers. But what I am saying is that any person who has these powers—and I think it was Lord Justice Acton who said, "Power corrupts and absolute power corrupts absolutely." Here, in clause 23:

"Investigations initiated pursuant to section 18 re terminable in accordance with this section and section 28."

You would see, Madam Speaker, under clause 23(2) after (a) and (b),

"The Minister shall direct the Authority to:

- (i) Terminate the investigation with respect to those goods; and
- (ii) Give notice of such termination."

The cumulative effect of clause 23 of this bill is that the Minister can arbitrarily, without any regard to any principles, just terminate an investigation, and he does not have to account to anyone. So the Bill provides no machinery for proper accountability. There is no machinery whereby it can be ensured that powers given under the Bill may not be misused or abused. There is no machinery under the Bill

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which would ensure that local manufacturers would not be oppressed or discriminated against, treated unfairly.

How is it possible in an age like this for our Government to give power to public officials, with the ambit of the power is not circumscribed by statute? In our age governments are forced by the principles of public law to seriously consider machinery that if these powers are misused or abused, or there is a perception in the public mind that such powers are being misused or abused, there should be some machinery whereby these powers can be tested under the particular legislation.

I find it very startling, curious and incredible that the Government, in all the time it had available to it, did not consider setting up such machinery. Is it that the Government seriously intends to manipulate the machinery? I would ask the Minister to answer that. Is it not correct that the machinery under this bill can be misused and abused? If it can be, why is it that the Government would have any objection to putting the type of machinery in place that would prevent such misuse and abuse and to promote equity and justice to the local manufacturers and as a safeguard to the sovereignty of the country?

Is this Government really serious about these measures? Does it understand what these measures involve? Has it grappled with the legislative measures which have to be put in place in order to achieve the object? Is it, on one hand, trying to remove legislative barriers so that you can have free trade and free competition, but on the other hand setting up the machinery whereby some of the persons who are participating in the market can create barriers which can have the same or worse effect?

Madam Speaker, this Government cannot be serious in saying that a person aggrieved by an order imposing a duty may appeal to the Tax Appeal Board in accordance with the Tax Appeal Board Act. Madam Speaker, what will happen in the Tax Appeal Board? Has the Minister grappled with the fact that the Tax Appeal Board is clogged, nothing is being done?

Madam Speaker, may I refer to the *Bomb* newspaper of March 30, 1992, the front page:

"Lost: \$1 billion in taxes.

Government will soon start a crackdown on tax-dodgers, but the big question is how is the Inland Revenue Department going to collect over \$1 billion owing in taxes by the businessmen?"

It goes on to say that:

"Matters have been pending in the Tax Appeal Board for 15 years."

There is no way that these matters are going to be heard within a reasonable time. Probably, the Minister can answer me, I do not want to quote the names of other people, but the article even accused a Government Minister of having a matter before the Tax Appeal Board and using the delay procedure in order not to pay tax. Now, I am not saying that is correct, but it may be. Since it is referred to, when the Minister, replies he can answer that.

The point I am making, is, if you are going to have appeal machinery it must be effective. The appeal machinery must be able to deal with the matters in question. You do not have appeal machinery for icing on the cake, to just say you have an appeal machinery. It must be swift, must be competent and it must be available to deal with matters.

If we do not have such appeal machinery, we would be the laughing stock of foreign countries. How are we going to attract foreign investors? Let us say that one of the duties which have to be challenged is by a foreigner, or a foreign company and this thing would be locked up in the Tax Appeal Board for 15 years, would he be interested in coming to this country or in utilizing machinery like that?

I should have thought that if the Government has plans and it wanted to introduce this policy—I know it is dictated to them, it is not of their own, but they had an option, there were other measures they could have adopted. I would not want to utilize my time in this way, but I would invite the hon. Minister of Trade to read the magazine published by the Institute for International Economics, "The progress of policy reform in Latin America," January, 1980. He would see that there are several options.

Dr. Rowley: When?

Mr. Maharaj: From 1980. There are several options open to countries as to what they would do. In Latin America, recently, they opted for similar policies. But it is not correct for the Government to feel that this is the only policy which is open to them.

How can it be seriously said by this Government that it is going to protect local manufacturers when it is providing an appeal machinery which would not be able to function? What would happen in such a situation? It means that the rich manufacturers and traders would be able to use the delay, because they would be able to sustain the interest, the bank rate, that would be charged on loans. But the small trader and the small importer would not be able to do that.

I would submit that this bill does not really contain any proper machinery by which the local manufacturer can really feel safeguarded and that his interests are protected. But not only in that area, Madam Speaker. In all the countries which have adopted this policy, care was taken by those Governments to ensure that the adjudicative machinery is also skilled and competent in the particular field. Care was also taken to ensure that any appeal procedure from such adjudicative tribunal would be streamlined.

Madam Speaker, when one considers that in Trinidad and Tobago the Tax Appeal Board is really not an expert board in relation to what we are dealing with, how can it be considered that these people who sit on the Tax Appeal Board can automatically be skilled in dealing with these matters?

What you have is a situation where the Government is just going through the motions. It is just going through the motions, hoping for manna to fall from Heaven. It does not seem to have the knowledge, the intuition or the ability to grapple with exactly what this involves.

The hon. Minister said that the customs law as exists today can deal with many matters and he quickly said, yes, many matters unfair trade practices, the customs law, it can deal with it, there is no need to have any other law. Madam Speaker, that is not correct. The Customs Act, as exists in this country does not have skilled persons to either investigate or adjudicate. In other countries which have dealt with this matter, they have recognized that their customs laws had to be updated and in some cases had to be replaced.

Let us go to some of the countries and see what has happened. In Canada, the Canadian Government placed much emphasis on enforcing enforcement procedures where they have a free economy and there would be situations where their local manufacturer would or could be prejudiced. What happened in Canada is that they set up a Competition Tribunal Review and that Competition Tribunal Review consisted of persons who were not only trained in that particular field, but

who also had experience in the field with respect to competition law and matters relating thereto, unfair trade practices, et cetera.

In Canada, there is a separate department which is the Bureau of Competition Policy and that department is involved in investigating. That department is armed and equipped with adequate and trained staff in order to properly investigate. What happens is that either by the tribunal itself or on the initiation of the director and the agency, the tribunal investigates allegations and there are rights of appeal, and then there are further rights of appeal. In all the stages we have a situation where expertise would be involved in either manning the investigative machinery or manning the adjudicative machinery. I hope the hon. Member for San Fernando East does not object to using the word "manning".

It is very significant that the hon. Minister does not seem to want to deal with the question of monopolies and merges. If we are going to have free competition and if we are really going to level the playing field, we certainly would have to move the mountains of the monopolists and conglomerates, and the power and influence that they have. We are certainly going to make rules that where you have company and firm mergers, and you have a situation where those mergers are going to affect free and fair competition, you will have guidelines and the machinery to deal with that.

3.55 p.m.

This is not something novel, so the Government could say it has not had time. This bill before the House is merely copied, and the monopolies provisions and other provisions that we are talking about, we could merely get other legislation and adjust it to suit. So it is not something novel that the Government had to deal with that would take them months and years to formulate. This is something which a Minister could pass to the Attorney General and over a period of one month, maximum, the staff would be able to deal with it. So are we really serious, or are we trying to fool the country? Are we trying to fool people, that we really want to protect the small manufacturers?

In Canada, the Competition Review Tribunal has the power to investigate, not only monopolies, but also mergers. The key which has been used in Canada is that market power must be measured to ensure that there was no likelihood of a substantial lessening of the competition in the market.

One sees that the Government is really not serious with this piece of legislation. But if it could not go to Canada—the hon. Minister spoke about the

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European Economic Community. In the European Economic Community, the Commission which deals with these matters, which investigates and is able to adjudicate, are experts in the field, not a one-man tribunal, which the Minister could just put—and he thinks he could laugh his way through the next election—not a one-man tribunal whom he could just hand-pick and put. There are certain criteria which any responsible government would see are satisfied in appointing people to operate in these positions.

Perhaps we can go to England because it is a country with which I am sure the Minister is familiar. What are the institutions which were created in order to deal with situations where the local manufacturer would be protected, and in which they are seriously having free competition? In England there is a Monopolies and Mergers Commission, which investigates any allegation of a monopoly which is being unfair to the market. If I may read from *The Law of Consumer Protection and Fair Trading*, the second edition, by Brian Harvey, at page 280:

"Monopolies: In discussing the Monopolies Commission in the United Kingdom..."

and it refers to the Monopolies Act, sections 6 and 7—

"when a monopoly situation with regard to goods and services exists, there can be an investigation. In both cases the fundamental criterion is that at least one-quarter of the supply of goods or services, supplied in the United Kingdom are supplied by one person or one group."

So one sees that there are certain limitations placed upon companies or groups of companies so that they cannot monopolize the market. If there are any companies or a group of companies or individuals in which there is an allegation of monopolizing the market—for example, through the company law, there are devious means whereby one can have paper companies monopolizing the market—there is machinery in England to investigate and, in effect, to make effective orders.

At page 291, the author, in effect, is giving an idea of what the role of the Monopolies Commission is; its function and what it is expected to achieve. He says:

"By a desirability of maintaining and promoting effective competition; promoting the interest of the consumers, the purchasers and other users of goods and services."

So one sees that the policy behind this piece of legislation—they have accepted the policy; they have opted for the policy—is that if you make the market free, if you open up the market, in the long run you are going to have growth and, in effect, whatever you may lose with respect to jobs, ultimately you would have human development and social services being provided which could not be provided at the present time. So in other words, they are saying it is a long-term plan.

If, in order for the policy to work, there is no proper mechanism to prevent misuse or abuse or advantage being taken, then obviously, the policy would be counter-productive.

In England also, apart from the Monopolies and Mergers Commission, there is, what is called, the Restricted Practices Court. Its policies are to look at prices, at arrangements, to see whether there are, in effect, any adverse effects on the policy or on free competition.

In the United States of America, whether it was passed by one, two or three Acts, there exists legislation which prevents monopolies, which prevents companies with interlocking directorates. For example, you may have a situation where you have several companies owned by a group of persons, but in these companies in very vital areas, you have the same directors in the different companies occupying very influential positions. So you have a situation where this group of companies which can, in effect, control the economy. And this new philosophy which the Government said has been dictated to it, is an attempt to free up the economy, to remove any control, to make it free competition. But, in the United States when free trade was considered—the same thing that the Government here is considering, they had to put in place mechanisms in order to ensure that the system was not abused and to ensure that the end result was achieved. If they did not put the legislation in place, the end result would not have been achieved.

In the United States of America, they have, what is called, the Sherman Act. This Act “prohibits every contract, combination or conspiracy in restraint of trade or commerce among several states or with foreign nations”.

Then there is what is called the Clayton Act. Section 7 of that Act “prohibits mergers, acquisitions and joint ventures, the effect of which may be substantially to lessen competition”.

4.05 p.m.

I ask the hon. Minister, what provisions have the Government put in place, or intend to put in place, and when it intends to put them in place, if it has not already done so, in order to ensure that mergers of companies, acquisitions, joint ventures and companies, as a whole, do not inhibit competition. What machinery does it have in place in order to investigate and take effective action to prevent such a thing?

I have checked the Companies Act, I have not seen anything in place; I have checked the Customs Act, I have not seen anything in place. I have checked the law, but I may be wrong, therefore, I would ask the hon. Minister—I have been wrong before—to tell us yes, I have been wrong before; I am not infallible, I am not perfect; I am not God—some people think I am God, but I am not God—I make mistakes; I interpret the law wrongly at times, but I have looked at the law in Trinidad and Tobago and I think that this is something where we are really putting the cart before the horse.

As a matter of fact, it seems a bit ludicrous that the Government can start dismantling the negative list without having any machinery in place. As a matter of fact, an anti-dumping bill and measures like those I have spoken about should have come at the same time, or before. They started dismantling the negative list, then came to this House for approval of a certain measure, now months after they come to the House for this. I am beginning to think that there may be an unconscious desire for the thing just to go ahead like this and certain people would get certain advantages.

I cannot understand how this is merely a “copy bill” and it took so long—and this Government is in power for how long?

Mr. Panday: Thirty years, the PNM has been there. See how hard life is?

Mr. Maharaj: Madam Speaker, on the legal aspect of this bill, I should like to refute the allegation that the Minister made, that this bill is really going to effectively protect the local manufacturer. On the contrary, this bill is not going to achieve growth. The object of the bill, and the object of the measure, obviously, would be to achieve growth. This bill is not going to achieve growth.

Mr. Panday: No, no, the objective of this bill is to get loans.

Mr. Maharaj: The object of this bill is not going to promote human development.

Mr. Panday: It has nothing to do with trade

Mr. Maharaj: This bill is only to try to fool people.

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

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

Question put and agreed to.

Mr. Maharaj: Madam Speaker, I wish to assure you I will not take the 30 minutes.

As I was saying, this bill will not, in any way, contribute to human development and I would ask the Government seriously to reconsider whether it should not come with major amendments. If it does not, I intend, at the committee stage, to seek to have passed, major amendments in order to give it some teeth so that it can really protect the local manufacturer.

Madam Speaker, although the Government may think that it is achieving this result, it should seriously consider that if it treats the local manufacturer in this way, it will not only be acting adversely to his interest, but, in effect, its action and/or inaction could also have severe repercussions on the social life, the family life, and on the financial future of this country.

Thank you.

Mr. Krish Jurai (*Nariva*): Madam Speaker, I shall continue in the same vein as my colleague, the Member for Couva South, who has been lambasting the Government on this bill.

The Government knows full well that they were going to abolish the negative list. Hence, if they were serious about protecting local manufacturers and local industry, they would have taken steps to introduce this anti-dumping legislation before the negative list was completely abolished. The negative list was completely abolished at the end of June. Today, we are almost in the middle of July and this bill has only now been brought before this House. It would be interesting to see when this piece of legislation will really reach the statute book in a form that will really protect local manufacturers and local industry in this country.

As I said earlier, anti-dumping legislation is the precondition for trade liberalization, and legislation is sorely needed in Trinidad and Tobago to prevent

dumping of foreign goods into this country. It appears that the late introduction of this bill is merely a sham.

Hon. B. Kuei Tung: Madam Speaker, I was hoping that the hon. Member would have developed a point, that I think is a little inaccurate, and I thought he would have corrected himself. I did hear him say that the negative list was completely abolished. Now, I have taken pains to explain that there are some things on the negative list that have been retained for national security matters, for public health, and what have you. I am wondering whether the Member heard—

Mr. Panday: Is the importation of condensed milk for security reasons?

Hon. B. Kuei Tung: Madam Speaker, I wish to assure them that condensed milk, evaporated milk, and tyres have been removed from the negative list.

Mr. Panday: Tyres have been removed, too?

Hon. B. Kuei Tung: Yes, they have.

Mr. Jurai: Madam Speaker, exactly what I am saying is that the list has been effectively removed—not completely, but effectively removed. The late introduction of this bill, I presume, is to open the floodgates for the dumping of goods into this country. This is why this bill is being introduced at such a late stage.

It would be interesting to note that when the bill is introduced and passed—if it is passed in the present state—whether it would have any teeth in order to prevent the dumping of goods into this country. This is clearly a stage where the Government is now closing the stable door when the horses have already bolted.

The bill states that the Minister of Trade, Industry and Tourism—and the Member for Couva was at pains to elaborate on this point—has the sole authority of appointing this person, who is supposed to be an expert, to determine what should or should not be dumped.

In other words, the Minister will continue to have this absolute power by appointing this person. I suggest that a board should be appointed to administer this legislation, and this should be an independent authority. I suggest that an independent board be established by the Government. This board should be appointed by the President in consultation with the Prime Minister and the Leader of the Opposition, so that it would have that independence and people—

4.15 p.m.

Dr. Rowley: What about the Archbishop?

Mr. Jurai: This is a political matter.

This board should also include representatives from the Customs and Excise Department, the Trinidad and Tobago Manufacturers' Association who have knowledge, and have been dealing with manufacturing. It would need to include people from the Bureau of Standards and an attorney at law, because this would have legal implications as well. Let the board make the decisions and report to the Minister. I think this is the only way that the board can really be effective and people can have confidence in those decisions that are taken.

The bill goes on in detail and states—in addition to the monumental task that the Minister of Trade already has on his hands—that this Authority would also have a number of investigative roles to play. In order to determine, and may I quote some of the duties of the Authority:

Clause 17 (1): It shall be the duty of the Authority in accordance with regulations made under section 34—

- (a) to investigate into the existence, degree and effect of the alleged dumping or grant of subsidy of any goods;
- (b) to ascertain in accordance with the regulations whether any goods imported into Trinidad and Tobago cause, or threaten to cause material injury to any industry established in Trinidad and Tobago, or materially retard the establishment of any new industry in Trinidad and Tobago;
- (c) to identify goods liable for any duty or additional duty chargeable under this Act;
- (d) to submit his findings to the Minister as to the margin of dumping or the nature and amount of subsidy in relation to such goods;
- (e) to make recommendations to the Minister regarding directions and determinations.

This is a monumental task and it is not going to be easy for one person to implement these decisions. Hence the reason I am suggesting that a board be appointed to make these decisions, and to report to the Minister. The person responsible for undertaking the research in foreign countries, in order to determine

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whether the goods are dumped here is important. It means that the government must have experts in every field and in every country; or is it that the ministry intends to send personnel all over the world to investigate whether there are cases of dumping?

If we are doing that, it means that we shall need experts in Chinese, German Dutch, Mandarin, Japanese, Russian, et cetera, to have a first-hand knowledge of these languages and to be very cognizant of the laws that obtain in those countries, before they can come up with some decision.

On the other hand, are we really going to send personnel to those countries? What about the investigative teams, if we are appointing investigative teams in foreign countries? What is the possibility of bribery and corruption? It exists. Are we going to get fair reports coming out from those countries? I think it is going to be very difficult for this Government to implement this policy in the way it has presented this bill to us this afternoon. We have to consider this bill very carefully, and I have to keep stressing that we need to appoint a board to investigate and to report.

The bill also states that within six months after making a preliminary determination, the Minister shall make a final determination as to whether there was any dumping. In effect, the entire process may take three, six or even nine months. In the meantime, goods can be dumped here quite effectively and there will be no controls during that period. What about cases where there are cosmetic changes in some goods, in order to show that there is no price differential, in the market from which the goods are exported?

For example, if you take the case of agricultural products that are produced in a foreign country, and they are polished, shined and packaged nicely for that market, the identical items can be shipped here without those processes being carried out, and they will say the price is the same, but in effect, those goods are dumped here at a lower price. We need to look very carefully to determine whether this type of dumping can also take place here.

With respect to the penalties for dumping, the bill states that a person who gives false or misleading information commits an offence, and is liable on summary conviction to a fine of \$15,000.00 and imprisonment for one year. This is a deterrent. Persons will have to be cautious that they do not make any mistakes, or else they can be fined for giving false information. This fine is really a deterrent. Certainly, we shall need some kind of precautionary measure that people do not

submit false information, but imposing a fine of \$15,000.00 is surely going to be a deterrent to persons who wish to report that dumping is taking place in Trinidad and Tobago.

On the other hand, if the information is correct, that person is not rewarded, so why should he bother in the first place to give information, or to go through those pains to find out whether this has been so or not? And in order to give information that dumping is taking place, if the person is found, the bill does not state what recourse he has for redress. It makes no provision for appeal in that respect.

4.25 p.m.

Again, as the Member for Couva South was at pains to explain, the Tax Appeal Board is already clogged. The bill will not have the effect which it sets out to achieve as was outlined to us this afternoon.

On the other hand, if a person who is dumping goods here knows that he can be fined \$15,000, to him that fine may be minimal when he considers the myriads of items that will be imported. The exporter may decide to take his chances because on being caught he will only be fined \$15,000, the matter may be heard and determined after 15 or 20 years, and, within that period, he could dump millions of dollars of goods into this country.

Since the Government has opted for trade liberalization, we need to have effective anti-dumping legislation in place to protect our local manufacturers from unfair trade practices. What we need is an independent authority to monitor and determine whether dumping of goods is actually taking place. As I said, aggrieved persons would more readily accept the decision of a tribunal than that of a politician or a person appointed by the Minister. Provision must also be made for appeals for persons allegedly making false or misleading statements with respect to dumping.

This bill makes no provision for repealing the 1958 legislation, which is still in effect. It contains no provision for validating orders which may have been made under the repealed Act. I wonder whether the Minister is prepared to tell us the effect of the 1958 Act, and how many cases were brought under this Act. Has it worked successfully?

The bill gives the Minister responsibility, but it does not say to whom he is accountable. May I suggest that his actions ought to be monitored by Parliament.

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If an effective bill is passed, I would urge the Government to present an annual report to this House of the Minister's work, his actions and his findings.

I am sure that the Government has very good intentions. It has taken the pains to introduce this bill today. We, on this side, are prepared to support this bill, provided the Government make the changes outlined by the Member for Couva South and me.

Thank you very much.

4.30 p.m.: *Sitting suspended.*

5.10 p.m.: *Sitting resumed.*

ORAL ANSWER TO QUESTION

**Purchase of New Equipment
(Local Government Bodies)**

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

90. Can the Minister of Local Government state:

- (a) Whether the Government intends to purchase new equipment and machinery for use by local government bodies in order to provide adequate services to the people of the various municipalities?
- (b) If the answer is yes, can he say how soon?
- (c) If the answer is no, how he intends to resolve this problem?
- (d) What he intends to do about the large number of vehicles laid up at various local government bodies?
- (e) If they are to be repaired, can he say how soon and what sums would be involved in these repairs?

The Minister of Education (Hon. Augustus Ramrekeringh): Madam Speaker, during the interval, I showed the answer to this question to the Member for Siparia, who unfortunately had to leave at the end of the tea break, and to the Leader of the other side.

The Member for Siparia, who asked the question, having looked at the data, felt that he would like to ask supplementary questions, so we have agreed that with your leave it would be taken next week.

Question, by leave, deferred.

ANTI-DUMPING AND COUNTERVAILING DUTIES BILL

The Minister of Finance (Hon. Wendell Mottley): Madam Speaker, the Government of Trinidad and Tobago is at this time pursuing a major programme of trade reform as part of a more general programme of structural reforms aimed at stabilizing the economy and putting it on the path of sustainable growth.

The main features of the trade reform programme impinge on matters being discussed here in this House today and involve, principally, the dismantling of a system of import restrictions and import licensing and the use of import surcharges as a temporary measure of protection during that period of adjustment.

Trade liberalization or trade reform, therefore, is seen as a key element in promoting the development of an efficient economy and encouraging the international competitiveness of industry in Trinidad and Tobago. It is for these reasons, therefore, that successive governments have moved in the direction of removing distortions generated by extremely protective structures and by trying to remove the anti-export bias that was built into a previous era when the engine of growth at that time was seen in developing a structure of import substitution.

Madam Speaker, I think if we put it in some international perspective, we can better gain an idea of the importance of the anti-dumping measures. Caricom, if it is to survive, being a market of only five million people, of which only about one million are effective purchasers, has no choice, based on an import substitution market, but to see industry develop and to see gains in productivities achieved and thereby see increases in the standard of living and increases in employment generation.

By comparison with Caricom, an effective market of one million people, we have developments taking place in NAFTA, which is the free trade association between the United States, Canada and Mexico which will embrace a market of 360 million people with a combined gross national product of over US \$6,000 billion, the largest market in the world. It is in that context that we have to see what is happening. If the GATT round of negotiations conclude successfully, then we would have no choice but to be integrated into an international trading regime that the whole world would be part of and in which very quickly we would have to become very effective competitors.

But if GATT stalls, then what we are seeing with the trading blocs emerging, with what is happening on the Pacific Rim, Europe and now the Americas are taking defensive action led by the United States and Canada, followed by Mexico

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and with the possibility of accession by other Latin American countries—effectively what would happen if GATT fails is that the Americas bloc would be a contending negotiator with other trading blocs and in that situation Caricom would be dwarfed, could go nowhere and would find itself shut out.

We are finding right now, with respect to some of our major traditional exports, that the clear access that we thought we had is not there, especially for matters that vitally concern us in this House, sugar in particular. The effective pricing and so forth that are being proffered, the structures are there but when you come to eat at the table, the banquet is no longer what it was put out to be. So we find ourselves, in a world that is very rapidly changing and affecting some of the key underpinnings of our economy and, therefore, we no longer have the luxury of saying that we are going to stand still. We have to be moving forward and there are grave risks. But, for sure, if you stand still, you are absolutely stone dead. We do not have that option any more.

Therefore, in developing a strategy for the Caricom region of which Trinidad is part, we are opting to integrate this economy, hopefully within Caricom, into the wider American, Latin American or hemispheric trading bloc. With that strategy, we definitely have to become export-oriented. Time is not on our side. We have to develop in areas in which we can be competitive, in which we have some comparative advantage. It is not a fair world, it is not a situation in which we can point at the other side and say what they are doing is not fair and therefore we are going to be equally unfair. The sizes of the blocs and who we are and the strengths of our bargaining powers are grossly unequal, but we have to use the best stratagems. We have to swim like fish in shallow water to escape the sharks outside, but, nevertheless, Madam Speaker, we have to observe these current developments and move to suit.

In this respect, we have taken the decision in Trinidad and Tobago to make our industry more competitive. We have removed the negative list—or most of it—with certain exclusions which the Minister previously explained. We have done so at the same time that we have imposed certain protective tariffs that are supposed to come down to the common external tariff by the end of 1994, so that we allow our industry more time to adjust. It is in this context of an adjustment period and getting ourselves ready for international competition that is posited this particular piece of legislation.

We have, in Trinidad and Tobago, certain interests to protect. We have our revenue interest to protect and, for that reason, we, as the Minister explained, are moving towards setting up a revenue protection agency. This parallel with the anti-dumping legislation and other measures will be a series of measures in the general package of trade reform that will be introduced, some of which require legislative changes, some administrative. Parallel with the introduction of the revenue protection agencies, we will be moving, again because of some of the complaints that we have received from local manufacturers, and also because of other concerns—security, drugs, et cetera—to set up certain administrative mechanisms in Customs where, on a selective basis, we will be stripping some of those containers that come in and inspecting them on a certain basis.

I do not want to say too much about it here right now, except to advise the House that we will be introducing measures on a selective basis to strip and restuff containers so that we are absolutely sure of their contents and to make sure, one, that our security interests are preserved, and at the same time, also, our revenue protection interests, that as part of a wider reform of the whole Customs administration. I will touch on that shortly, in relation to some other measures in relation to customs reform.

Revenue, national security, our interests, we are moving to protect them. But then, specifically related to the manufacturers, we are trying to make sure that as much as possible, we create a level playing field. It is not possible to have an absolutely level playing field, but we are attempting to do so and for this reason we are structuring in this anti-dumping legislation to make sure that companies abroad that are accustomed to serving wide markets and this is especially so in the case of commodities—

For instance, steel is a commodity which you set up very large plants to produce and if the natural market of a steel plant is a million tonnes a year but because of recessionary conditions, that market shrinks to half of that, then it means that that steel plant which operates most efficiently at one million tonnes would be forced to operate now at 500,000 tonnes. But all of the employment practices—and in steel and commodities where the product is not differentiated, a piece of steel meeting a certain engineering requirement is the same whether it comes from Trinidad, Japan or wherever; so it is not product-differentiated. In those kinds of industries, price is everything, where the product is not differentiated by a brand or anything, price is everything.

Therefore, those steel plants will do their utmost to try to operate at optimum efficiency, which is at one million tonnes and not at 500,000 tonnes. They have some capacity to do some marginal layoffs of labour and so forth, but essentially they operate best at their capacity, and therefore what they will do is marginalize costs to the extreme and recover only the cost of raw materials and so forth and try to dump that 500,000 tonnes on to non-traditional markets.

And places like Trinidad and Tobago could be the non-traditional market for many major steel plants in recession in Europe and so forth and we could find items like steel, aluminium, a wide range of commodity items dumped onto this market at prices that bear no real reflection to total cost. This could go on for as long as the recession lasted, in which time the local manufacturer could collapse. It is in those kinds of circumstances, that the anti-dumping legislation views the possibility of protecting local manufacturers.

There is also another specific concern: There are a number of countries, especially in the eastern bloc, which price goods—in the first place their accounting systems developed as they have bee out of communism and so forth, really bear no reflection to costing as we know it in the West and which are driven at this time by an overriding concern to earn foreign exchange. So that, if they are manufacturing sugar, for instance, and the cost of sugar is \$100 a tonne, they will sell at \$80, \$60, \$40, \$20, it makes no difference, because their single concern is to earn foreign exchange, for that is the most urgent requirement in their economy at this time and their costing inputs are still not market oriented.

For instance, we know that gas pricing and so forth in some of these eastern European countries are still not market. The IMF was trying to get Russia to price gas in a certain way, but they have not succeeded. Therefore, it is not possible to say, for instance, what the proper price is ammonia coming out of the eastern bloc countries that would compete with our ammonia being shipped outside. But that is looking outside.

I am looking inside this domestic market. It is in situations like these that the anti-dumping legislation foresees offering a measure of protection to the domestic manufacturer. I will not get into the legal aspects, such as the hon. Member for Couva South has raised. I am sure that at a later stage the Minister or the legal people on our side will get into the specifics and deal with that. At this stage, I merely want to show the nexus between the general thrust of our trade reform and where this particular piece of legislation fits.

The Minister said that there are other items which we had hoped to have as a package of legislation, but which will take longer to come here and therefore he felt it expedient at this time to bring this first piece and bring the others later. Anti-dumping is not very successful protection against branded goods. Therefore, you have to look at other measures to deal with that: you have to look at your Food and Drugs Act, your labelling and all of these other things and those measures will be coming before the House at a later stage. But this is now ready, let us proceed with it, Madam Speaker.

We are getting benefits from the trade reform programme, or there are potential benefits. One thing that I would suggest, since I have painted this picture, the global picture, is that it suits us not to rail against the negatives and the risks, but rather to try to seize the opportunities, Madam Speaker. And there are opportunities. For instance, very early on, at the time of the budget presentation, we removed motor cars from the negative list and one of the consequences of that is that whereas before, locally manufactured car prices had been going up and up, one thing we are seeing with the competition now is that they are falling.

We are seeing, also, that there is real potential for investments in this country and we are off and running more on the energy side, because that is the business that we know best, and we are optimistic that we shall be able to make some announcements shortly on some of these developments. But there are developments outside the energy sector which we will be pursuing in the context of trade liberalization. And also let us not lose sight of the fact that with a market of five million people with effectively one million purchasers alone, we ultimately cannot attract certain kinds of investments, and therefore that gives signals as to the direction in which Trinidad and Tobago must go.

Madam Speaker, let me turn to an item that was raised by the other side. they asked if we have known for a long time that we were going in this direction, why did we not hustle to get many of these things in place? One, it takes time. I think we ought to put on record that we want to go in this direction because we see that Trinidad and Tobago's best interest is served in going in this direction, bearing all the global circumstances in mind. We are not forced into this direction unwillingly; I want to make that point. However, I want to make the point also that we are provided loan assistance to do certain things that are necessary to assist our industry in becoming competitive.

In 1990 the structural Adjustment Loan Agreement was signed with the World Bank and in that agreement were set out some of the things that we are doing now. For instance, it was stated as part of that agreement that the first phase of the negative list would have been removed by the end of 1991. In addition, there were certain other things that had been agreed:

- that import charges on items removed from the negative list would not exceed 100 per cent of the CIF;
- to reduce the number of tariff bands;
- that exemptions from import duties were to be kept to a minimum;
- to achieve a minimum rate of import charges on parts and raw materials equivalent to the Caricom set; and
- agreement to accelerate implementation of the ASYCUDA system of customs.

That is a computerized system of customs documentation.

The first sector to come off the negative list was supposed to have been removed by December, 1990, and the final section was supposed to have been removed by December, 1991. Madam Speaker, there was finally an agreement—this is important—there was to be a time-phased action plan to reduce import charges to the Caricom set by the end of 1994; in other words, implied therein is that the import surcharges that have been put on would all be removed by the end of 1994, and there should be only the Caricom set level of import duty as protection.

What I am saying is that this is a process that started some time ago. We inherited that part and we have been moving to deal with the several aspects of these matters that impinge on Trinidad's interests; namely: revenue protection security matters and interests; and matters concerning the domestic manufacturers and affording them a period of grace by which they could adjust, but also signalling to them quite clearly that the direction was set and that there would be difficulties and uncertainties, but within the context of the global economy, we in Trinidad and Tobago, for the benefit of the greater good of Trinidad and Tobago had no choice but to move in these directions.

Therefore, Madam Speaker, I would ask you and this House to consider the anti-dumping legislation, not in isolation, but as a compendium of different parts

that we will be reviewing over the next several weeks and months, other parts which will not come before this House, but which will be administrative. But we need to see the whole thing together, working together in the interest of Trinidad and Tobago.

I thank you, Madam Speaker.

Miss Hulsie Bhaggan (*Chaguanas*): Madam Speaker, I would begin my contribution by stating quite clearly that I wish to support the Member for Couva South when he said that we need to have in this House more comprehensive legislation to deal with the whole issue of trade in this country.

A while ago, the Member for St. Ann's East mentioned that we are going to have a look at things in terms of a compendium of different parts. To me, Madam Speaker, it is like trying to make a jig-saw puzzle without seeing the picture on the cover of the jig-saw box. Because what we are getting in that House are pieces of a jig-saw and we have no idea what the whole picture looks like. What we have here is a disjointed, ad hoc type of arrangement where, after six months in Government, we are not able to get a clear picture of the economic policies of this Government are concerned.

Madam Speaker, while we welcome this particular Bill in the sense that it is supposed to protect industries, we are not happy at the pace and at the type of reform and legislation that have been brought to this House with respect to protecting our industries.

As the Member for Nariva said, we are bringing this particular Bill after we have liberalized trade to a large extent. Now, although the hon. Minister of Trade mentioned that the negative list has not been totally removed, as far as we are concerned, whatever is on the negative list right now, is not material in any way to the overall trade of this country. While the items may be important for some areas, they are not really material in that respect and so we believe, in principle, that the negative list has been removed and, in effect, we are now having legislation which will ensure that we shall not have dumping onto the market and so protect our local industries.

The point is that between June 30 and the end of July when this bill should have been enforced, we could have had millions of dollars worth of imports being dumped onto this market, creating disadvantage to local industries.

Now, the larger industries and companies can survive that, but the small companies cannot survive millions of dollars worth of goods being dumped onto this market. We have to be very careful about that. We have got to take things step by step in progression. We cannot come here and bring pieces of a jig-saw puzzle and adopt a lopsided approach to economic development and expect Members on this side to accept that as brilliant economic development strategy.

Madam Speaker, we should really like to know from the other side what the short, medium and long-term plans of this Government are. We are not saying that they ought to sit in a closed room somewhere and decide upon that; we are suggesting what the Member for Couva North said recently to the Caribbean Opposition Leaders, that they use the approach of the three C's: consultation, consensus and continuity, because quite clearly the former government was introducing some of these measures and this present Government went on a platform and denounced all of those measures and now here they are introducing and continuing with the same policies. There is a contradiction.

If we had consultation taking place at the national level, whether you are in opposition or government, and we have national consensus with respect to macro development programmes, then whoever gets into government will implement them without losing face. But as far as we are concerned, this Government has reneged on many of its promises. It is now suffering from a lack of credibility. How can this Government go and say one thing on the platform and then practise something else? What we have really is a split personality: a case of Dr. Jekyll and Mr. Hyde.

Mr. B. Panday: Paranoia, schizoid.

Miss Bhaggan: Madam Speaker, the next point we should like to discuss is the question of industries and protection. When we are determining what products we are going to impose these higher tariffs on, are we going to do that by consultation with the business enterprises and the private sector, or are we going to do it by private lobbying? Are we going to have, for instance, the powerful industries and companies going privately to the various Ministers and lobbying to have some of those things protected, or are we going to have wide consultation in this country as to what ought to be protected and what ought not to be? That is something we have got to deal with when it comes to dealing with this particular piece of legislation.

I am not going in detail into this Bill because I believe there are many issues which the Member for Couva South dealt with at length and which relate to the technical discussions.

I want to suggest to this honourable House that anti-dumping has a direct relationship to the protection of agriculture, for instance. Most of us are aware that the GATT round-table talks have stalled simply because the Europeans do not want to remove subsidies from their agricultural products. We also know that in the United States of America millions of dollars are spent on subsidies to protect their agricultural industry. We in Trinidad and Tobago are suggesting that we should liberalize the whole issue of importing rice, and so on, within Caricom. But in our case it has nothing to do with protecting, it has nothing to do with real economic policy or any real kind of measures. What it has to do with is simply that we as a country have failed to develop the rice industry. So we are therefore going to, in some cases, protect some things because they seem to be distinct somehow and liberalize others simply because we have failed to develop that particular industry, although it may be an industry which is suitable to our indigenous type of development.

5.40 p.m.

I do recall the Minister, in presenting this Bill saying that we ought to develop those industries where we ought to have competitive advantage. Well, I do believe agriculture is one of the areas where we ought to ensure that we have some kind of protectionism. But how can you protect agriculture, for instance, when 90 per cent of those places where you produce agricultural crops are at present submerged under flood? On one level, you are protecting agriculture and then you cannot have the goods entering this country at very good prices, so obviously, now you are going to have shortages on the market. So what happens to those persons who cannot afford to buy expensive foods?

There is a contradiction. On the one hand you are talking about anti-dumping legislation and you are talking about protecting agriculture, but on the other hand you do not have an agricultural policy which will ensure that agriculture is developed properly, not only at the level of primary production but also at the level of creating downstream industries. That is a contradiction.

Apart from the fact that we do not have the other supportive legislation, we do not have a comprehensive kind of programme in place to ensure that this bill really takes effect properly, at the same time, we have contradictions at the level of the

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policies that we are talking about and implementing. Of course, the history of this country has always been one where much lip-service is paid to agriculture, but, the reality is that it has been a heavily neglected industry.

I do believe that when we speak on this legislation, we ought to also look at our internal development. There is another point I should like to make with respect to agriculture. According to history, in fact, from the earliest days of civilization, rivers like the Ganges, the Nile, the Yellow River in China, and so on, have all been part of a drainage and irrigation system in those countries, but in Trinidad and Tobago, drainage and irrigation have always been a system of failure. In fact, we have seen recently where the Minister of Foreign Affairs, I believe, went about touring flooded areas. I do not know if this is part of the foreign policy, or whether this is part of internal tourism. I do believe, with respect to infrastructure, we ought to have the infrastructure in place to support our local industry.

On the one hand, therefore, you cannot speak about protecting industries, and on the other hand, you do not have the policies and programmes in place to ensure that those industries are developed.

If you are talking about stimulating industries—protecting them and so on—obviously you are talking also about industries and companies having the capacity to generate savings or to have access to credit, and to have all those support mechanisms to ensure that those industries flourish at the national level. How can industries expand, for instance, if the liquidity system in the country is such, that it is very tight, and even if you access credit, it is very expensive? So that in terms of your cost to production, your prices go up. So almost artificially, therefore, you find that products on the market are highly priced. This leads us to the question of prices and control of prices.

What is the status of the Prices Commission? Do we have a commission which is ensuring, for instance, that the prices of basic foods in this country are being lowered to the extent where the poor can have access to them? Or are we allowing free market forces to operate and so competition is very keen? While people may say, with competition, you may push prices down, I would say, with the variety of products on the market, that may not be necessarily true. So the whole question of the control of prices also becomes important when you are speaking about trade, and protection, and all these kinds of policies which relate to economic development in the country.

There is another point which we have to think about. We are speaking about protecting industries, but what about employment creation? Are these industries able to create employment? What about the fact that we have a high level of unemployment? If you have a high level of unemployment, it means that people are not earning a living. If they are not earning a living, obviously, they cannot spend or save. So there, too, you have a shortage of liquidity in the system, and that, too, has to be taken into consideration.

The question therefore is: What is this Government's policy on employment creation? I know there was a big consultation recently. There was much talk about some new project opening up. We should like to get some feedback in this House as to what happened after the consultation in Chaguaramas. We would like to know whether any of those projects got off the ground. There was a big public relations programme to do with what happened at Chaguaramas, a full-page advertisement and so on, appearing, but so far I have not seen anything coming out of that consultation. We should like to know what is this Government's policy on employment and employment-creation.

At the same time we have got to look at the question of support infrastructure for industries. In almost every constituency, you will find that the road systems is bad. So you may have a factory which is in some road somewhere—for instance, I can tell you of my own constituency, on the Bejucal Road on which I filed a question. There are two factories which create employment for, at least, 200 persons. The vehicles on that road, almost on a daily basis, suffer some form of breakdown, because every time they are driven on that road, the potholes are so large that the tyres either get punctured, because of the weight that they are carrying, or some axle breaks. So those costs, while they may seem not related, somehow, when you look at the whole question of pricing, breakdown and wear-and-tear of vehicles, is all part of the cost of production. So we, in effect, are pushing up the cost of production artificially.

Then there are those factories where you cannot get water on a regular basis. We are talking about protecting industries, but at those factories which cannot get water on a regular basis quite often their workers must go home, because some industries require water to be able to produce. And workers will not stay on the compound if they have no water in the pipes and toilets and so on, because remember we do have trade unions in this country who try to seek better working conditions for our people. So that, too, affects certain industries and factories, and so on.

Thirdly, the question of electricity. In my own constituency, several companies have come to me complaining about low voltage and power surges, which have destroyed machinery and equipment, or which have not allowed the machinery and equipment to function. Quite often, a lot of modern machinery is being purchased and so they are required to have voltage regulators and all kinds of mechanisms, are required to ensure that the machines are not damaged when there are power surges. So that, too, is something we have got to look at. We cannot speak about protecting industries with respect to legislation, and not have these kinds of support services in place to ensure that industries develop and grow.

Then many industries—I do not know whether Pt. Lisas today got them, but I do know many industries at Pt. Lisas did not have telephones. They had to employ certain vehicles commuting to take messages back and forth, using radio phones and all kinds of things to have communication. I guess now with the cellular phones, that will help. But how many cellular phones can one afford in terms of cost per unit?

Another problem is the question of transport. It is very clear that we do not have a reliable system of transport. When I say, transport, I am not speaking only about internal transport, I am also speaking mainly about air and sea transport. When you look at the docks, the wharves and so on, the kind of bureaucracy you have to go through, it is very difficult for these small manufacturers to survive.

5.50 p.m.

In addition to that, the hon. Minister, Member for St. Ann's East, in presenting this bill today, spoke about export-led development. That is very interesting. But a recent study done by the United Nations Economic Commission for Latin America and the Caribbean, revealed that 50 per cent of our exports, not only in this country but in the Caribbean and Latin America—cannot find markets abroad. Here we are talking about developing exports and an export market and ensuring that we protect our industries so that they can also export at reasonable prices, yet we cannot find markets abroad. The reason why they cannot find markets abroad is that there are high tariffs on those products when they try to enter those developed countries. You cannot penetrate those markets.

The second problem, as I mentioned before, has to do with the fact that transportation and communication problems exist, so export cannot be supported properly within the region. Madam Speaker, one of the recommendations we should like to make is that our embassies ought not just to be used where our

people who are working there just go to cocktail parties. We are suggesting that the embassies be converted to trade and business offices. They will be a link to our private sector here, our local manufacturers and exporters, so that they can help to find markets for our products. Because we do expend a lot of money with respect to overheads, staff incidentals—all kinds of things we spend moneys on. Our embassies ought to be converted to ensure that we afford our local exporters and manufacturers the support they need to be able to penetrate those markets.

Why can our embassies, for instance, not host promotional programmes for our products? Why can they not help our people over there to get through some of the red tape? I shall give you an example. We speak a lot about the one way trade with Venezuela. Recently we had the honour to have the former Prime Minister of Aruba here who told us that the one way free trade is good, except that there is one problem. While the politicians make lovely speeches and all the cameras are there to take photographs of the agreements being signed, when it comes to implementation, there is an inherent weakness. What happens is that the bureaucracy is such that you really cannot penetrate that market. That is his practical experience in Aruba; it takes years to get one product into that market. Our embassies, therefore, ought to have the kind of expertise to assist our exporters in getting into those markets more easily.

We are talking about free trade with Venezuela. Are we offering our exporters linguistic services to be able to bridge the language barrier, or are we expecting our exporters to hire some linguistic person who would be able to interpret for them? We cannot have that.

I do believe that if we are speaking about export-led growth and development, we ought to ensure that this is taken down the line; not just at this level where we talk about it, and feel that we can put pieces of legislation and that is going to create export development in the country. There has to be much more than that, and as a Government we have to intervene. Every time we come in this House we talk about global development, one world economy, free trade, NAFTA, all the things that are happening in the world. All of those things become rhetoric if you do not take the realities into consideration and formulate programmes and policies and concrete actions to move that from the stage of rhetoric to reality. If we are speaking about trading with another country, the Government, through its embassies, ought to intervene at some level and give support to the local exporters and manufacturers. That is a point we should like to make very strongly.

The next point I should like to make is that we ought not to bring in legislation that will afford protection for what we call “speculators”. For instance, the Industrial Development Corporation at one time gave a lot of industries status to get concessions and all kinds of perks. That had a time-frame to it, and when that time-frame had expired, most of those industries just uprooted themselves and left. So, we have got to ask ourselves: “Do we give foreign investors better kinds of deals, conditions and arrangements, compared to our local manufacturers and exporters? Should there not be some sort of difference?”

So, we have got to ensure that we formulate a policy where we do not protect speculators but we create entrepreneurs—people who have an interest in business, in the economy, and vested interest in the development of this country. Not because we want to invite people into our country and they come, because the climate is great for investment that we ought to, at the same time sell out our patrimony where people come in, reap all the goodies and leave us. I do believe that we ought to also have legislation and the programmes in place which would protect this country and our people. There is a history of companies which have just suddenly closed down, retrenched workers, did not pay and left. We, as a Government, right now have not been able to deal with that.

I am also very concerned that, the on one hand, we talk “liberalization”; on another hand we talk “protectionism”. What is really happening here? This is like a split dance approach to economics. Are we really into a split dance approach? Are we liberalizing or protecting? We have got to clearly decide what we want to do as a country. As I said before, this all becomes very confusing because usually in a jig-saw puzzle at least you make up a picture, but I do believe when we are finished here, we are going to make up half of two different pictures; and so we are going to confuse, not only our people, but also our country and policies.

I do believe it is very important for us, as a country, that when we bring legislation to this House, we ought to look at things, as the Member for Couva South said, in a more comprehensive manner. Secondly, we ought to look at policies and programmes which would develop the indigenous nature of our country. While we are speaking about export-led growth and development, and so on—that is fine, because that is the way the world is going—at the same time, we have got to look at domestic needs. We cannot be talking about servicing an export sector or an export market and, on the other hand, not talking about developing local industries to support our domestic needs.

On that basis, I made the point about agriculture. I do believe that agriculture is one of the sectors on which we ought to place some emphasis to ensure that we meet our domestic needs. This is in keeping with our thinking that given the level of poverty in this country, given the high level of unemployment in this country, at least if people have access to cheap food, they can survive; but the day when people cannot get food, they will riot.

As I said before, in Venezuela there were many reasons why there were riots in the streets, but one had to do with the people living in the barrios, up in the mountains—the Laventille of Venezuela—who came down the mountains in their thousands because they were hungry. If we cannot provide jobs, at least we can provide food at a reasonable cost to the people. And so agriculture is important.

Madam Speaker, there are many other points I should like to bring up, but, I know it is 5.59 p.m. and I do not want to get into a new point, except to stress that we talk a lot about exports because we feel they will bring foreign exchange to the country. We talk about foreign exchange because we want to build up our reserves so that we would be able to buy capital machinery, and so on, from abroad and be able to finance other things.

As I said before, you cannot speak only about earning foreign exchange on the export market. I do believe that we have enough resources in this country, and if we are to mobilize not only the material resources but also the human resources of this country we could do much better.

Recently, I saw in the newspapers—a lot of policies are usually discussed in the newspapers and in forums out of Parliament—a statement being made about selling off some industries to be able to settle debts. That is like saying you would sell your house to pay off your mortgage and live on the streets afterwards.

ADJOURNMENT

The Minister of Education (Hon. Augustus Ramrekersingh): Madam Speaker, I beg to move that the House do now adjourn to Friday, July 17, 1992 at 1.30 p.m.

6.00 p.m.

Tobago Airfare Increase

Miss Pamela Nicholson (Tobago West): Madam Speaker, as you know, I should have really liked saying something on this earlier in the evening, but being very co-operative with the Speaker, I subscribed to speaking under Standing Order 11—Adjournment of the House.

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The area on which I wish to talk is the very high hike in seat price by BWIA, from \$125.00 to \$200.00 on the Tobago-Trinidad route. I just want to give you a joke. I call it a joke, but it is not really funny. This morning when I went to purchase my ticket—I usually take out \$200.00 and get my change—I gave the clerk \$200.00 and I stood. She said, "Miss, I am finished with you". I said, "No. You did not give me my change." Then she said, "Miss, the price is \$200.00." I said, "Yes, it is true." The crowd started to laugh. When I looked at it, I said let me analyze this. I had to check my purse to see if I had enough to come to Trinidad, because it is \$170.00 from Piarco to Port of Spain and back; \$50.00 from the hotel to come here, and to go back to give them their keys and movements. Normally, I spend \$345.00; and then I wait to get a refund from Parliament. I usually walk with \$400.00 weekly. Today I had to walk with \$500.00.

My case is one that the Government must pay that, because I am working on behalf of the people, so the claims are there. Think about the agricultural man, the fisherman, the labourer and all those other persons who must come to Trinidad—I say must—for certain reasons. One can be terminally ill. Today there are more and more people who come to Trinidad for kidney treatment, more and more people coming to St. James for treatment. They must come after doing surgery and for heart problems. In many of the villages, we have to raise funds for some of these people to be able to cope with the situation.

It is from \$125.00 to \$200.00. BWIA is the lifeblood; air transport, sea transport, the lifeblood of the people of Tobago. Today time is of the essence, so more and more people who can afford to use the plane will use the plane instead of using the boat. The food that we eat every day, the businessman has to run up and down daily to Trinidad, but he will put his vehicle on the boat. He flies down; does his business; he has an individual to put that on the boat; carry it back to Tobago, so we can have that every day. People who do not live in Tobago cannot appreciate that situation. They clearly cannot.

When the Minister of Works and Transport, the Diego Martin representative just abruptly and snobbishly gets on the air and to the press and says, "we are going to give the Tobagonians a better BWIA service and from tomorrow they pay \$200.00," it was a big outcry. It will continue to be an outcry. The people have appealed to their representatives to raise this issue in the House, so that the Government of the day review the situation immediately, if they want to visit Tobago again.

I am just the voice of the people. It is not Sister Pam speaking here. It is the voice of the people. You have seen them on the television; you have heard them on the radio stations; you have read it in the newspapers.

What was very saddening—and the people of Tobago are very intelligent. We are very hospitable to you, but do not think you can fool us—when you take a Cabinet note, which—I would say—is totally unethical, coming from the Prime Minister of this country, and you speak to the people with an attitude, telling them, “It was NAR”. I just want to make one statement on that.

The people of Tobago are intelligent people. I am not going into any ramifications of that, because I will waste the whole evening arguing just one point. I am here to speak for the people. The Government of the day is the People's National Movement. It has taken a decision and it carries its albatross around its neck. Do not talk about anybody else for burden. You have to be a man. You cannot be weak. You have to be strong. So, Prime Minister Manning, representative for San Fernando East, you and your Government took a decision, so do not throw your albatross around anyone else's neck. It is the People's National Movement that has taken a decision. You did not implement NIC and a host of other things which I can call.

I just want the hon. representative or representatives of the People's National Movement to recognize that probably only two per cent, if so high, of the Tobagonians were fooled by what your Prime Minister was saying at his meeting last week, or by the statement that it is NAR. They were not. They are all asking. This man has taken a decision, NAR did not say you have to pay \$200.00. Bear your burden alone. We, as a Government, moved it from \$75.00 to \$100.00 in 1988. The people were told and they were prepared. It was also increased from \$100.00 in 1989 to \$125.00; they were also prepared. We had to bear our burden. We told them. You did not even prepare the people and they told you that on the television. I am not going to get into that part. You took a decision. Stand up and state what are your reasons why you took that decision. If you can fool down here, you cannot fool up there.

What are the problems? It will affect us from the kind—and before I go into that what kind of service? He said he will be giving us a better service. The same service continues. Yesterday, for two or three hours an aeroplane did not come in. You still have the problem with that. BWIA cannot give an improved service unless they either lease or purchase two new planes. The Tobagonians understand that.

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BWIA cannot do it. It is an impossibility for BWIA. We have to speak the truth to the people. Do not say that. Why should it be \$200.00, and it is not an improved service, as the Minister promised.

6.10 p.m.

Secondly, why only the airbridge was given a rise? BWIA, in general, are a subsidized institution. They always get subsidies. When their real cost was \$230, the price was \$105 and they received a subsidy of \$125. When they did not get the subsidy in their hands, they got it in the form of a guarantee, by the Government, of their loans. BWIA holds the ticket tax and everything. Is it that Tobago has to bear the general cost adjustment of BWIA? I do not know. The people want to know, so I am posing the questions.

There is also another situation where American Airlines lowered their prices and BWIA stated on television that they were going to lower prices, too. They were going to be competing, so, Government's action regarding BWIA now seems to the people to be quite contradictory. There seems to be open discrimination, and the people are very upset: they are outraged by the whole scene. They just cannot understand it.

The people are asking whether BWIA alone receives a subsidy. Even though you wanted to raise the fare a little, you could have told the people and allowed them to become attuned to it. What is happening with PTSC and their subsidization? If you want to open up and everybody bear it, open up right through. What about Caroni and its subsidization? What is happening to all those people? We are not against the people. What we are saying is, if you can subsidize Caroni to keep it open, why can you not subsidize people coming to seek their health?

All over the world an airline service is one that governments—if they run it—have to subsidize, because they cannot put all the burden on the people. When we are doing these kinds of things, the people must be considered—they say—because this is a people Government; this is a caring Government; this is a consultative Government, but we see today that it is a non-consultative and a non-caring Government. We do not have a caring Prime Minister any more. We have a total anti-people Prime Minister. People want to know how this Prime Minister who boasted that he was going to remove every anti-people thing from the books of Trinidad and Tobago, has suddenly gotten anti-people, anti-caring and anti-consulting? Where is the olive branch? This is “pikka”, real “pikka”! Madam

Speaker, I am really talking from my heart. The people are very concerned and they are appealing to the Government for an immediate look at the air service.

I was listening to the representative for St. Ann's East talking about the Government dealing with the underpinnings of the economy. What of Tobago? Diversification is very critical. In the same blocs that you are talking about all over the world and what they are doing, what do we have regarding tourism? It is a fact that people can leave Trinidad and go to Venezuela with their families, at a cheaper rate than they can go to their sister island, Tobago. What are you doing? Basically, in the local economy, you are chasing those people away. In the outside economy, too, you are also chasing away the people. What of these people who have just built their guest houses worth \$.5 million and \$400,000 in the Crown Point area and throughout Tobago. They have to pay for those buildings. What the people are saying is that they are seeing a total collapse surrounding them. Not only can the Tobagonian end up losing service, or the economy crumbling, he can also lose his property to the banks, which are very vicious today. They are not crawling or begging. They are coming very seriously to everybody.

When the Minister talks about underpinnings, after energy and oil, the next thing is tourism, all over the world. When Government raises the airfare so quickly and steeply what would happen is what happened this morning on my way down. Normally, we leave people in Tobago wanting to get on that plane, but today it was quite cool. Seats were empty and you were feeling the temperature.

What the Government is in fact doing is closing down the small guest houses which belong to the people of Tobago. It will also be doing something to the larger hotels because they will not get the service they used to get. The people who do their marketing abroad will now ask to go to Grenada or any of the other Caribbean islands, if the airfare to Tobago is so high. It is very important to look at.

If the Government is talking about diversification of the economy and wants Tobago to contribute, even though tourism is developed throughout Trinidad and Tobago, Tobago must be the centrepiece of development. Anybody with any upstairs will tell you that when you look at the whole thing from a tourism perspective, Tobago should be the centrepiece. You cannot destroy what is there already. The Tobagonian is a fighter. Many people are building by raising their own funds. People borrow money to put additional rooms to their homes because some of the tourists enjoy staying with families. That is now developing in Tobago.

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When you do not have the tourist coming in, the Trinidadians come in. I can talk about this because I am involved in it. I know what I am saying. I am talking about the impact of the increase in airfare on that. The timing was poor; and if it was thought that the timing would carry them home with another thing, I am very sorry.

You really threw away the race, Mr. Prime Minister. When you went to argue that it is Miss P. and Mr. R., and they know better than that, you threw away the race, baby—sorry, Madam Speaker. I withdraw “baby”.

6.20 p.m.

Right now, I do not think you can find two per cent of Tobagonians that are comfortable and happy. Those who clapped and cheered are hiding right now, because they are not understanding when it is being shown to them and so on. So the impact or the contribution Tobago made re foreign exchange and can make in the development that the Minister of Finance is working on and he wants to see, that the Government wants to see—because you just cannot depend on energy alone. You must diversify the economy. It is just like when they told us, no divestment no diversification. The PNM Government is now doing that. If you have to do it, you cannot act in this way.

So you can go to islands in the Caribbean, you can go to Venezuela at a cheaper rate than you can go to Tobago. So, therefore, your foreign exchange—I heard the Minister speaking about some countries in the bloc, how they will just go for foreign exchange. We are going for foreign exchange for the economy of Trinidad and Tobago. Diversification is important. If you do not do that, what we are feeling and seeing already in oil and energy, in a year or two it will come across very clearly what you should have been doing and why this decision is wrong.

I hear the hon. Prime Minister also arguing that the Tobagonian does not use plane, we use the boat, so we are boat people. We know that air and sea transport really made up our lifeblood. But what of the boats? Panorama—how does she go into the harbour? She goes into the harbour not by her stern any more, she goes in by the bow. She has many engine problems. You could say it is almost the Panorama alone that is functioning. The last time the other boat functioned was in May. She is on the docks. They do not know when that will be out. The time has come for the licence fees and so on, what happens?

A situation confronts the Tobagonian, and the Government; the whole sea transport is a problem. You have two things, sea and air transport at the same time. So you just cannot send us to the boat, Mr. Prime Minister.

We understand time, too, in Tobago. Only people who have the time really use the boat. People who are coming on business usually come just as how I function in the House here, Madam Speaker. They come down, spend the day, transact business, and back on that plane in the evening. And that is why some people suggest—I think I hear somebody from the business community on the air suggesting that you could have a price like \$150 for the people who travel daily, who come down in the morning and back in the evening. Did the Government think about that? That is not my business, that is their business. Let them carry their burden. Our business is, we want you to review the situation.

I am talking about the country as a unitary state, and this affects the whole unit called Tobago and Trinidad. The Trinidadian would not be using it as often as the Tobagonian in the way we will use it. We are coming for business; we are coming for birth certificates; to get this certificate and register this and register that in Trinidad. We come for that. We come to go to the same banks to borrow money down here because they might not allow the other banks somewhere else to transact it over a certain amount and so on. Then they have certain other sections only down here.

You also have a situation—and I am very strong on this—the medical area. It is very serious. Many terminal cases, many cancer cases going to St. James, many kidney cases coming down here, heart, orthopaedic surgery. Everything almost is down here by our sister, and our sister treating us bad. This is what the people are saying. The health part is the strongest part that we have there.

Food, of course, business is transacted down here and nobody seems to care, because the way the hon. Prime Minister spoke over the weekend is, "You take it or leave it; I am the boss". That is how it came across, a very arrogant approach. Note that I am saying what the people say, Madam Speaker. *[Interruption]* People feel very strongly about it, the implementation.

When you analyze a situation: \$15.2 million for unemployment in Trinidad, for people getting that money to go and do the same work somebody else is doing in a school—wasting the money. You have to pay \$50 million for people who stormed this very Parliament on a simple case that it was, they said they were angry—*[Interruption]* I am speaking, Madam Speaker, will you protect me?

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I think it was \$500,000 for somebody who died for the people and they said they were angry so they had to storm and clean up these people in here. Now, \$50 million; is the Tobagonian paying that through that \$200?

You also have simple cases. I have one in my hand right now that a Member of Government claimed for a wall falling down at one of the utilities. She claimed \$55,000. I said no, investigate it and so on and see if it is worth that. The engineer said no, \$21,000. But she sends a note to her colleague now and says, boy I want my \$55,000. So these kinds of things are going on. I am not saying that you would not have other things that are happening that must happen. But we should not be paying \$50 million for that atrocious act that took place in this country.

Madam Speaker: I would ask the hon. Member to refrain from referring to that. That is a decision of the court.

Miss Nicholson: We cannot talk about it?

Madam Speaker: No, please.

Miss Nicholson: Madam Speaker, the point that I am making is that the Tobagonian is complaining.

Mr. Robinson: Excuse me. Madam Speaker, you know the famous dictum of Lord Atkin: "Justice is not a cloistered virtue."

Miss Nicholson: Madam Speaker, as far as Tobago is concerned re the airfare I just want to state to the other side that they are the Government, they made the position, they took their decision, please stand by that decision. I am not going into that other side because there are heavy detailed arguments.

From the people I am bringing the message of the impact the \$200 will have on the economy, the health of the people, the amount of money they have to spend, and I gave the example of myself to show you that people who could be coming down for their own health reasons, that same \$500—and I did not talk about food and so on in that—is what that individual has to face. Remember the people; do not become anti-people, do not become uncaring.

Our food and our lives depend on air and sea transport, particularly air transport for the business people, for the people with their health. The sea transport, it is also there, but it is in a state so you cannot say well this one we do not use it, so the other one.

My next point is—I do not know, I am asking the simple question—is it a position, why would you increase only the air bridge route? Why did we not hear any rise in the prices of the other routes? So the people are saying, is it that only we are going to bear the cost adjustment of BWIA?

Some people argue, Madam Speaker, that the Tobagonian does not travel. But remember the role of the tourist to the Tobagonian: Tourism. When those thousands must use the airline to come into Tobago it means something to the economy of Tobago. It means something, also, to the economy of Trinidad and Tobago re the foreign exchange. We do not want the people to lose their properties. We do not want the people to lose their businesses. We do not want unemployment to increase in Tobago. Thank you, Madam Speaker.

The Minister of Works and Transport (Hon. Colm Imbert): Madam Speaker, I noted with interest that the Member for Tobago West sought not to debate issues relating to the decision of raising the fare and instead proceeded along another line.

I think it is necessary to inform this honourable House about the circumstances that have taken place since 1989 up to the present time in order to clear up certain misconceptions which have appeared in the media and elsewhere.

Madam Speaker, before I speak about this, let me first inform this honourable House about the manner and the amount in which the fare between Trinidad and Tobago has increased since 1982. Prior to 1982, the return airfare between Piarco International and Crown Point Airport was \$29. On June 1, 1982, the airfare was raised from \$29 to \$40. Subsequently, on January 12, 1984, the airfare was raised from \$40 to \$75. Then, on January 11, 1988, the fare was raised from \$75 to \$100 in a budget speech. It was also raised on December 16, 1989, from \$100 to \$125 in a budget speech. The fare has now been raised from \$125 to \$200.

I quote these figures, Madam Speaker, because I believe it is necessary to put into perspective the manner in which the increases in the fares have taken place over the years from 1982 to 1992. You will note, Madam Speaker, that between 1988 and 1989, the fare to Tobago was raised from \$75 return to \$125 return without any prior notice to the national population.

I think it is important, to raise these points, because my reading of certain interviews in the newspapers had indicated that certain Members of the other side found that the decision was shocking and inhumane, a 60 per cent increase and so on, and we wish to stress that between 1988 and 1989, the fare to Tobago was

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raised by 67 per cent by Members of the other side, suddenly and without consultation.

Mr. Robinson: Madam Speaker, is the Minister really saying that those increases took place without consultation; is he really saying that?

Hon. C. Imbert: Yes, Madam Speaker. As I stated, these decisions were reported to the national population in budget speeches. I am not aware that there was consultation with the national population, nor is there consultation with the national population on increase of rats and so on in budget speeches. I do not think we need to address this point any further.

I just wish to point out that the reference to the Cabinet note of November 28, 1991, was made because of certain statements made by Members on the other side that the increase was shocking, inhumane and done without consultation, while Members on the other side have done exactly the same thing.

Mr. Robinson: Madam Speaker, I must now formally protest and say that is false. There was consultation and I am in a position to know because I was Chairman of the Cabinet.

Hon. C. Imbert: Madam Speaker, as I said, I do not wish to dwell on this point, but the fares were raised in budget speeches; there was no consultation with the national population.

Let me go on to the Cabinet note of November 28, 1991, which has caused some confusion among Members on the other side. Cabinet decided on November 28, 1991, that there should be acceptance of a proposal from a private company to provide the air service on the domestic route and that the fare structure that this private company would provide would be no less favourable than what they tendered. That was the Cabinet decision.

I shall now go into the history of this matter. *[Interruption]* You did not hear the Cabinet decision? The Cabinet of Trinidad and Tobago, on November 28, 1991—18 days before the last general elections—decided to accept a proposal from a private company to service the domestic air route and they also accepted that the fare structure would be no less favourable than that tendered by the private company, and they did not advise the national population.

Let me now go into the history of tis case. In 1989, Madam Speaker, June 26—

Mr. Robinson: I, Madam Speaker, ask the Minister to repeat that quote.

Hon. C. Imbert: Madam Speaker, am I going to be continuously interrupted?

Mr. Robinson: The fare being no less favourable than what?

Hon. C. Imbert: November 28, 1991, Cabinet agreed to accept a proposal—I am not going to call the name of the company, I do not think that is proper—from a private company, and they agreed that, in the said contract, I am quoting:

"...steps be taken to enter into negotiations with (a private company) with a view to concluding a contract for the provision of a domestic air service between Piarco and Crown Point. In the said contract the fare structure should be no less favourable than those detailed in the tender offer."

Madam Speaker, I think I have said enough on this. The tender offer figure was \$200.

Mr. Robinson: No more favourable but no less favourable.

Hon. C. Imbert: Madam Speaker, if it is the intention of the Members on the other side to disrupt my presentation they shall not succeed.

I shall now go into the history of this matter. Madam Speaker, June 26, 1989, the former Minister of Industry, Enterprise and Tourism presented a matter to Cabinet and I quote specifically on the item on fare structure:

"The fare on the domestic route has always been set and controlled by the Government. In this regard, the fare being charged on the route is lower than the economic fare. The shortfall is being subsidized by the Government of Trinidad and Tobago.

In 1985, based on current statistics of total cost of operation, the economic market fare of 1985 was calculated at \$208."

It is now \$254. This is the rate currently being used for the calculation of the subsidy based on a customer fare of \$125.

The note goes on to say that:

"Thus, the determining factor for the successful opening up of the Trinidad and Tobago route to private operators is the fare structure which must be decided."

This was the note taken by the Minister of Industry, Enterprise and Tourism which indicated that in order for a private carrier to economically operate the route, they must have a proper fare.

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Then, in 1989, again, the former Minister of Works, Infrastructure and Decentralization was asked for his comments and he gave them as follows—

Miss Nicholson: Madam Speaker, I just wish to apologize a little bit. I have to catch the plane at 7.30 p.m. I am not afraid to stay, but I have to go, I do not want to go but I cannot stay for certain domestic reasons—I am speaking to the Speaker. *[Interruption]*

Madam Speaker: Order, please. The hon. Member did indicate to me that since the matter would be taken on the adjournment she would have to make an application to leave at a certain time.

Hon. C. Imbert: She cannot take it.

Madam Speaker: Proceed.

Hon. C. Imbert: Madam Speaker, in 1989, the former Minister of Works, Infrastructure and Decentralization commented on the following policy positions and I will quote the relevant part:

"The fares must be on a market-determined basis so as to derive the benefits of competitive pricing."

That was the position of the former Minister of Works, Infrastructure and Decentralization.

Mr. Robinson: Madam Speaker, I wonder whether the Minister understands what he is reading.

Hon. C. Imbert: Madam Speaker, is this a point of order?

Mr. Robinson: If he would permit me, and if you would permit me Madam Speaker. Since there was no consultation, if he had asked the Chairman of the Cabinet at that time what all of that meant, I would have been in a position to tell him.

Madam Speaker: I cannot allow that. The hon. Member is replying to a matter raised on the adjournment of the House. If the hon. Member wishes to clarify certain things, I am sure he knows in what manner he can raise them in this House.

Mr. Robinson: Very well, Madam Speaker, I accept your ruling.

Hon. C. Imbert: Madam Speaker, it is necessary to go back to June 1989, and to point out that the reason for the note from the Minister of Industry,

Enterprise and Tourism was a move towards deregulation of the route; in other words, to allow free market conditions to operate. I shall now go on. The former Minister of Works, Infrastructure and Decentralization was of the view that the fares must be on a market-determined basis. He supported the orderly deregulation of the route to allow private operators entry into the air bridge service.

Quoting from the note of the former Minister of Works, Infrastructure and Decentralization, 1989—this is the same individual who said he never intended to raise the fare, they were going to subsidize them. When you look at these things, it is quite clear.

I will now go—and this is casting no aspersions, Madam Speaker, this is merely the documentation I have in my hand, I have to go on this. Comments of the Tobago House of Assembly:

"Without prejudice to the future deliberations of the proposed review team and in light of the current problems attendant to the domestic service, the Assembly would favour the liberalization of the service to permit better operation of market forces."

I am quoting verbatim. *[Interruption]* Read it again? January 16, 1990, note for Cabinet: Air bridge service to Tobago—Comments of the Tobago House of Assembly:

"Without prejudice to the future deliberations of the proposed review team and in light of the current problems attendant to the domestic service, the Assembly would favour the liberalization of the service to permit better operation of market forces."

Madam Speaker, when I was appointed—

Mr. Robinson: Madam Speaker, the hon. Minister is misrepresenting decisions of the Cabinet; he is not even referring to decisions of the Cabinet. May I state that it is impossible to tell the cost of the fare of the run from Tobago to Trinidad through BWIA. BWIA is a monopoly that has several regional and international operations and it is impossible to isolate the Tobago run.

If you are going to have some idea of what the economic cost is, then you have got to liberalize. That does not say you do not subsidize.

Madam Speaker: I do not think the Member is going into a debate at this point, which is not permissible on a matter of this nature. The hon. Member is

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experienced enough to know how this matter can be treated if he feels strongly about it.

Mr. Robinson: That is why, Madam Speaker, I am saying he is misrepresenting. I was the Chairman of the Cabinet and I am present in the House and I must protest if he is misrepresenting.

Madam Speaker: All right. Your point is misrepresentation.

Hon. C. Imbert: Madam Speaker, since I have been accused of misrepresenting, let me quote again. Note from Cabinet, January 16, 1990: Air bridge service to Tobago—Comments of the Tobago House of Assembly:

"Without prejudice to the future deliberations of the proposed review team and in light of the current problems attendant to the domestic service, the Assembly would favour the liberalization of that service to permit better operation of market forces."

I am not misrepresenting anything; I am merely quoting comments from various arms of the Government.

Mr. Maharaj: I wonder if the Minister can answer the question posed by the Member for Tobago East.

Hon. C. Imbert: Madam Speaker, I am answering a motion on the adjournment brought by the Member for Tobago West.

Madam Speaker, several bids were received from private companies in answer to this invitation by the former Government, in 1991, and the fares ranged from \$200, the lowest, to \$350, the highest. The lowest fare was \$200. May I stress: A Cabinet-appointed committee evaluated all the tenders, evaluated the fare structure, they were directed to do so and they made recommendations to Cabinet.

The Cabinet-appointed team included a representative of the Tobago House of Assembly and several other representatives appointed by the former Government. That team recommended acceptance of the lowest tender with a fare of \$200 and as I have stated before, on November 28, 1991, the Cabinet of this country agreed to accept the recommendations that—and I think I had better read this slowly, since I am being accused of misrepresenting:

"...steps be taken to enter into negotiations with Air Caribbean Limited with a view to concluding a contract for the provision of a domestic air service between Piarco and Crown Point.

In the said contract, the fare structure should be no less favourable than those detailed in the tender offer."

Madam Speaker, this must be viewed against the background coming out of the Ministry of Industry, Enterprise and Tourism for deregulation and free market operations on the Tobago air route which went through 1990/1991, to a recommendation to award the route with no subsidy to a private company which was accepted by the then Cabinet.

When I was appointed Minister of Works and Transport, this matter came to my attention. Seeing the decision to increase the fare to \$200, and seeing that a time-frame was given—I shall now quote from the Cabinet decision—"that agreement should be reached within 60 days", a decision was taken at the end of November, 1991, which meant that at the end of January or February 1992, after the election, the fare would have been increased to \$200.

6.50 p.m.

Mr. Manning: Is the Minister suggesting that the decision was taken before the election and kept secret, to be implemented after the election?

Hon. C. Imbert: It would appear so. After being appointed Minister of Works and Transport, I reviewed this decision, which some would call, shocking, and I conducted a thorough review. I called in the chairman of the team appointed by the former Cabinet, I asked for a complete report, and was forced to conclude that the direction and the decision taken by the former Cabinet, was the way to go. After having reviewed it, it was the way to go. There was no alternative.

I must express great regret that our financial circumstances did not permit us to continue subsidizing the air service provided by BWIA at that level. But I reviewed all the documentation. Remember this process started in 1989 and there were clear recommendations, bearing in mind the Government's inability to continue to subsidize BWIA to the extent that it had in the past. While I am on my feet, I wish to point out that BWIA lost \$650 million during the period 1986 to 1991, and the Government can no longer subsidize the operations of BWIA in the manner that it had in the past.

Mr. Maharaj: The Minister is saying that the Government cannot subsidize trips from Trinidad to Tobago—

Mr. Manning: He did not say that.

Mr. Maharaj: Yes. The Minister has said that it regrets that it cannot, having regard to the financial situation. Am I not correct?

Hon. Members: No.

Mr. Maharaj: Could the Minister repeat what he said?

Hon. C. Imbert: Madam Speaker, I said the Government can no longer subsidize BWIA at the level it had in the past. I wish to point out that the economic fare to Tobago has been determined at \$254, therefore, with a fare of \$200, it is still being subsidized to the tune of \$54.

Mr. Robinson: May I ask, Madam Speaker, who determined the economic fare of \$254?

Hon. C. Imbert: Madam Speaker, I have read documentation, correspondence, over and over, deliberations of the former Cabinet, which determined a procedure for determining the economic fare. I showed it went to \$208 in 1985; it has now gone to \$254. That is a frivolous question—frivolous.

The Member for Tobago West made several points during her address, but in particular, she made the point that she pays a taxi-fare of \$170 between Piarco and this honourable House, return. That is almost the fare to Tobago. If the Member for Tobago West does not wish to travel first-class, all the time, there are other forms of transportation she could use that would cost far less than that. In addition, she has a travelling allowance. So I really do not understand her problem.

I wish to make the point that the majority of Tobagonians travel between Trinidad and Tobago by sea. That is an important point. The passengers on the air service are, by and large, international passengers, who are allowed to travel free, once they purchase a ticket from an international destination. If you purchase a ticket to Trinidad and Tobago from New York, you can travel between Trinidad and Tobago free.

I cannot understand the inference that was made as regards tourism. If tourists buy their tickets abroad and in that ticket they are allowed a concession whereby they can travel between Trinidad and Tobago free, I cannot see how this measure affects them. It escapes me.

Mr. Robinson: Madam Speaker, is the Minister aware that there is a high level of domestic tourism between Trinidad and Tobago?

Hon. C. Imbert: Madam Speaker, as far as my memory serves me, the Member for Tobago West was talking about international tourism. It is a pity that she has left.

In addition—and it is a pity that I keep being interrupted—the Member for Tobago East, as a Member of the former government and Chairman of the former Cabinet, was involved in approval of expenditure of approximately \$100 million, on expansion of the Crown Point aerodrome, to allow international flights, assuming that tourists would come directly to Tobago, from international destinations. So again, I cannot see the relevance of the remarks from the other side. They do not seem to take into account the dynamics of the tourist industry.

There are some figures I wish to inform this honourable House of. They relate to the Government shipping service. In 1991, the revenue from the Government shipping service was \$10 million. The cost of running the service was \$40 million. So in 1991, the Government subsidized Tobago transportation to the tune of \$30 million. This Government is continuing to subsidize Tobago transport to the tune of \$30 million in 1992.

Mr. Robinson: May I say, Madam Speaker, that is another misrepresentation. It is not Tobago transportation, it is transportation between Trinidad and Tobago.

Hon. C. Imbert: I am glad the Member from the other side has made that point, because previously this matter was being debated from a very narrow perspective. I am glad he has opened up the debate now to inform this honourable House that it involves all transportation. I am very grateful for that intervention.

Therefore, I do not think I have to continue any longer. I would just like to repeat the points which I made. Between 1988 and 1989, the former Cabinet, the former Chairman of the Cabinet, the Member for Tobago East at present, raised the fare by 67 per cent, without informing the national population. I am sure it came as a shock to the national population. I wish to point that out. The fare was raised by 67 per cent, without consultation. It is necessary to make these points, because I read all sorts of things in the newspapers about, “no consultation and inhumane”. So since the fare has now gone up by 60 per cent and that is being called inhumane, 67 per cent was caring? I am trained in mathematics and 67 per cent is more than 60 per cent. So if 60 per cent is inhumane, then 67 per cent is horrifying. I cannot really describe it.

Mr. Humphrey: Madam Speaker, has the Minister given consideration to a season ticket arrangement for those who have to use the air service on a regular basis?

Hon. C. Imbert: We will consider that point. I thank the hon. Member for suggesting it.

7.00 p.m.

Madam Speaker, I wish to repeat that there have been continual increases in the airfares over the last 10 years by present and former governments. The increase was taken against a backdrop of decisions taken by the former administration to increase the fare to \$200 and to allow a private company to operate the route, without any subsidy.

I also wish to inform this honourable House that since the Government could no longer afford to subsidize BWIA to the extent that it had in the past, it was felt that the increase in fare would justify instructions to BWIA to dramatically improve the service to Tobago. BWIA has been so instructed by the Minister of Trade, Industry and Tourism.

I wish to make the point that BWIA reports to the Cabinet of this country and it is the Government of this country that makes policy decisions, and having instructed BWIA to improve the service, BWIA must comply.

Therefore, let me wind up by stating that the Government regrets the decision but our financial circumstances do not permit full subsidy. We are still subsidizing the fare to the tune of \$54 at this point but our present financial circumstances, could not afford any further subsidy.

Mr. B. Panday: Madam Speaker, if I may interrupt the hon. Minister. If the Government is going to open up the Tobago air bridge to a private company, how would that company be able to survive when the cost, according to him, is over \$200? It seems to me that there is confusion there. Would the hon. Minister assist me?

Hon. C. Imbert: Madam Speaker, as I pointed out, BWIA has chosen to provide free travel between Trinidad and Tobago as part—my colleague is reminding me that is an IATA rule—of its fare. The \$254 is based on the operations of BWIA and it is based on the specifics of their current fleet and operations. If a dedicated carrier takes over the route with specialised aircraft dedicated to the route, it is felt that the fare would be reduced. At present, we are seeking to conclude the contract and we are still examining the whole arrangement.

Madam Speaker, again, I go back to my first point, that it is necessary to go into details and correspondence because of certain contradictory—some may even say hypocritical—remarks that emanate from Members on the other side.

Thank you.

Nariva Swamp (Squatting)

Mr. Krish Jurai (*Nariva*): Thank you, Madam Speaker, for allowing me to debate this issue this afternoon. It concerns the problem at the Nariva Swamp relating to squatting and the urgent need for the Government to take the necessary steps to correct this situation and to institute, without delay, a programme of development for the swamp, a veritable source of food supply for the nation.

A very grave situation has arisen in the Nariva Swamp and it is necessary that it be mentioned in this House in order that the situation can be alleviated. As you know, the Nariva Swamp produces an abundance of rice, fish, vegetables, water melon, crabs, etc., as food for the nation.

You may recall that in my budget contribution earlier this year I made a sterling plea to the Minister of Agriculture, Land and Marine Resources for the development of the Nariva Swamp as a source of continuous food supply, for recreational, and educational purposes as well as for the development of tourism, and the protection of the wild life and the marine life that exist in abundance in the area. To date, the Government has not lifted a finger to correct these deficiencies. It is, therefore, evident that the Government is not interested in the development of agriculture in this country.

At the present time, the swamp is being raped and destroyed, beyond repair. There is no regard for the flora and fauna, the wild life—the monkeys, deer, agouti and lappe, the marine life—the sea cow, the rare birds, the pawi—which may soon become extinct. And there is need for urgent protection of these. The scenic beauty of the swamp is being destroyed forever. There is mass destruction of the ecology of the swamp as there is no proper planning or development taking place in that area.

At the moment farmers are occupying hundreds of acres of land. There is a mad scramble to occupy lands in the area. Farmers are competing against each other in order to determine who can gain control of more lands. The bulldozers,

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the backhoes, the swampdozers, destroy everything in their path, and the Government has closed its eyes to this mass destruction.

My concern goes further than that. The Nariva Swamp is below sea level and if proper development is not undertaken—as you have heard earlier on this afternoon, salt water seepage is already taking place in the Oropouche and Caroni Swamps—I fear the same will happen and destroy the Nariva Swamp completely. Hence, there is need for proper irrigation of the Nariva Swamp.

7.10 p.m.

At the moment, there is a mad scramble for land—between large farmers and large farmers and between large farmers and small farmers—and there is open confrontation between farmers. They are actually fighting for land in that area. The strange thing is that the Minister of Agriculture knows of the problem, yet, he is not taking any action to correct it.

I know that he has first-hand information. He visited the area earlier this year. If he had taken me with him on that trip, I would surely have pointed out to him all the problems which exist in the swamp, because I know the Nariva Swamp like the back of my hand. I know that the Minister will tell this honourable House this evening, that the large rice farmers are doing a wonderful job, by producing an abundance of rice for the nation. I would not disagree with him on that; I would support him on that issue because we need the large farmers; and even the small farmers in the area are heavily dependent on the large farmers for their equipment for reaping the rice.

The small farmers are crying out daily. They come to me every day spilling out the problems which affect their daily lives. They have made several appeals. We have seen several letters on the newspapers, but yet the ministry is taking no action whatsoever. The farmers' livelihood has been threatened. Their hopes and aspirations are dashed daily before their eyes.

I should like to inform the hon. Minister of Agriculture, Land and Marine Resources that the problems are not insurmountable. They are very easy to be solved. The Nariva Swamp is approximately 60,000 acres of land and there is enough land for both the large and small farmers. What we need in that area is the development of the swamp, proper planning and irrigation infrastructure, so that all can have access to their lands and they would be able to grow their crops without disturbing the other parties. What is also urgently needed is a proper system of land distribution and also security of tenure for the lands so distributed.

I get the feeling that the Minister will tell the House that the small farmers have been allocated lands for over 20 years, but they have not been utilizing them for producing rice. I wish to set the record straight. The lands which were distributed to the small farmers cannot be utilized for rice growing because of the following reasons.

There is no irrigation system. The irrigation system that was developed there over 40 years ago has broken down completely. There is no water supply; no control of water and what is happening at present is that the haphazard system of irrigation leads to either flooding, or at times no water at all. The sluice gates which were there no longer exist. There are no embankments and, there are no access roads to go to the rice growing areas.

Two weeks ago, I attempted to visit the area, but the roads are in such a terrible condition. I am sorry that I did not bring a photograph with me this evening. A four-wheeled jeep went into one of these holes and you could have barely seen the top. Believe me, Madam Speaker, that is the absolute truth. There are so many holes. I cannot call them holes any more. Air craters, certainly they are. Even under those trying circumstances, the farmers are continuing to produce rice. They have planted the rice and very shortly, within two months, they will begin harvesting.

What the farmers are asking for is repair of the roads. They are not asking for paved concrete roads. What they are asking for is to fill the potholes. The farmers have also told me that they intend to work together with the Government by providing transport. What they are asking for is materials. There are two quarries close to the Nariva Swamp, the Biche quarry and the Plum Road quarry. They are asking the Government to re-open these quarries, provide the materials; they will assist with the transport to fill those gaping holes, so they can bring the rice to the market.

Let me quote some figures with respect to rice production. At the moment, in Trinidad and Tobago, rice consumption is roughly 120 million pounds yearly. At present, the Nariva Swamp is producing roughly 25 million pounds of paddy, under the trying circumstances which exist at the moment. Let us say, if you develop the swamp, out of the 60,000 acres, if we use roughly 40,000 acres, for growing rice, and we use an average figure of 3,000 pounds of paddy per acre, per crop, that would be 120 million pounds of paddy. Two crops will give us 240 million pounds of paddy. If we convert this to rice, on a one-third proportion, we

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shall end up with about 80 million pounds of rice. To that figure, if we add Caroni, Oropouche and other rice growing areas, we can see right away how we would become self-sufficient in rice. So, there will be no need for other countries to dump rice into this country. We might be seeing that very shortly. Now is the time to develop the swamp to grow more rice. And if we are self-sufficient in rice, we would be saving on foreign exchange, because we would no longer be importing rice. This I put for the Minister's urgent consideration.

The small farmers are having problems in growing their crops. To a large extent, the ADB has come to the assistance of some farmers, but when the ADB goes to the swamp to inspect their lands and want to see their plot, all they can say is, "This is my area". What the farmers are asking for is a portion of land to be allocated to them and a document, so they can take it to the bank to raise a loan to grow the rice. I think this can be done. We cannot wait for proper surveys to be done, because that will take years, when we consider that there is a shortage of surveyors in this country.

On the other hand, in the Rio Claro/Ecklesville area, land has been officially surveyed for over three years, but they have not yet been distributed. I am asking the Minister to distribute those lands, all of which fall within the Nariva area. There are also other areas in the country where lands have been surveyed for 10, 15 and 20 years. Those lands are yet to be distributed to those persons.

Sometimes I wonder if this is the Government that says it cares for the small people. Before I go further, I wish to read from the PNM's manifesto on Agrarian Reform.

"The PNM recognizes that two major disincentives to increased agricultural production are:

- (i) lack of security of tenure; and
- (ii) the prohibitive cost of agricultural land.

Accordingly, in order to increase the acreage under production, the PNM's policy will be to:

- implement a programme of distribution of State lands
- introduce an appropriate regime of incentives designed to make agricultural lands more accessible to the population."

7.20 p.m.

On page 20 it goes on to say:

"...appropriate laws must be enacted to protect our environment. The future of our agriculture will be seriously jeopardized if our environment is degraded."

It goes on to talk about infrastructure:

"The following infrastructural requirements must be urgently addressed:

- access roads
- drainage
- irrigation..."

Madam Speaker, I am not asking the Government for anything new or strange. I am asking only for what they have promised the nation. Implement the promises that you have made.

I also want to mention another problem that is closely related to agriculture, and that is, a company based in the Rio Claro area which was advanced approximately \$10 million, which is the figure given to me by the company. The company, a massive operation, is supposed to dry rice, cocoa, coffee, etc. The information given to me is that over 15 years ago, \$10 million was advanced for this—and it is still lying there—due to some minor technical difficulty.

Dr. Rowley: I am trying to follow the Member because I should like to respond. Is he still on the problems of the Nariva Swamp?

Mr. Jurai: Of course I am. I said that it is related to agriculture. This is for drying rice so that you do not have the black, dirty grains that you are penalized for at the rice mill. This will prevent that, you will get rice of a better quality.

This company is willing to begin repaying its loans, but there is some minor technical difficulty holding it up, hence it cannot begin production. I am sure the Minister knows about this. Ten million dollars, 15 years gone by, held up for some minor technical reason; the company is willing to repay, but the Government is not prepared to go that extra inch in order to resolve that problem.

Mr. Breaux: What is the minor technical reason?

Mr. Jurai: Ask the Minister, he will tell you.

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I wonder sometimes whether the Government really cares about the people of this country. I know the Minister of Agriculture, Land and Marine Resources is a man who studied rocks and soils. He knows about the Nariva Swamp, and he will tell you how to prevent the salt water from coming in. He can tell you how the swamp can be drained for the benefit of this nation. He claims to be a man of the people and a man of action and I am sure, having heard what I have said here today, that he is prepared to answer these questions.

Before I conclude, I again make an urgent appeal for opening either one of those quarries for supplying the materials so that farmers can assist in repairing the roads to bring out their rice crop, which is due to be harvested shortly.

The Minister of Agriculture, Land and Marine Resources (Dr. The Hon. Keith Rowley): Madam Speaker, with all deference to your forbearance and patience, I will try to be, mercifully, as short as possible.

The Member has detained us at this late hour to raise a matter, which has brought little or no enlightenment to the problem which he sought to raise. In fact, if I read the subject of his motion:

"Problems at the Nariva Swamp relating to squatting and the urgent need of the Government to take necessary steps to correct this situation and to institute without delay a programme of development for the swamp, a veritable source of food".

I do not know how he got down to rice mill in Rio Claro.

There is a tradition in this House now, that every Friday evening, on the adjournment, we talk about something of national interest. I am sure that what inspired the Member to move this motion is the fact that I told him that I was particularly concerned about the problem he sought to raise and, in fact, I had myself gone down to the swamp. He knows that the matter is attracting the attention of the Minister and the Government.

Much of what he said with respect to degradation of the environment and squatting, I cannot argue with. What I was hoping to find out was where he stood on the issue of squatting, because in one breath he is a champion of squatters. It was only a week ago in this House we were hearing a defence of squatters at Siparia. Today, what are we hearing? It seems to me that the only relevant point is whether the Member would support the efforts of the Government to deal with the situation.

What is happening is that the Nariva Swamp is a fairly large area. Twelve hundred acres was developed in the 1950s and over the years there was some degradation of the facilities. It is a question of water management, but, contrary to the point made by the Member for Nariva, it is not a question of the Government having no interest in, and turning its back on, people and whatnot. In 1991, an Italian firm of consultants, coming through the assistance of the European Commission in response to the Government of the day, sought to address this very problem, which is to examine the situation properly, to make a technical assessment of what is required, and to work up a programme of activity to deal with the problems brought up by the Member for Nariva.

That Italian firm, Agri-Studio, has provided a feasibility study on the rehabilitation of the original 1,200 acres. In addition to that, a study was done on the possible extension of agricultural activity on another 7,500 acres. In February 1992, we got the final report, which has indicated the cost of \$32 million to implement a project, over a period of three years, to deal with these matters. The ministry has reviewed the report and has accepted the proposals of the consultants. It is a question now of programming the funding. The ministry is currently working on the first phase to rehabilitate the original project, which is the area where farmers have already been allocated lands, and, to the extent that we can raise the money within the context of the national financial considerations, that is a priority item on the agricultural agenda.

7.30 p.m.

With respect to the question of squatting, Madam Speaker, I can tell you, in that area our information is that there are approximately 200 small-scale squatters and another 16 large-scale squatters. Some persons are squatting on as much as 1,000 acres of land.

Among those activities associated with this kind of squatting is severe encroachment on the wildlife sanctuary and the Ortoire/Mayaro wildbird reserve. This matter attracted my attention very early and I went down myself and I saw it and, at the end of April, I had a meeting with all the officers in the ministry and associated ministries to discuss an approach to dealing with this matter. When we discussed the matter, I had reason to take to the Cabinet at the end of May, for the information of the Cabinet—because I—considered this matter to be sufficiently serious, that the Cabinet should be informed as to what is taking place there—a list of proposals for action to deal with the problem in Nariva, Plum Mitan. The

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Cabinet approved those actions and the Ministry is currently in the process of implementing them.

We recognize, that the present escalating squatting situation impacts adversely on the proposed projects which would arise out of the consultant studies. Mainly, the subdivision of land into economic sub-units may be restricted. The irrigation and drainage options for the entire area, an imperative if we are to properly develop this area, would be adversely affected. Areas earmarked for specific land use may come into conflict with existing land use. Development options for the area may now become reduced through fragmentation of the project area. Finally, expansion of the project area may be limited to availability of land not under the control of squatters.

In short, if we do not take some action now, we would end up in a situation where the squatting activity determines the national priority. I am sure that none of us on any side of this House would want that to be the case.

So, Madam Speaker, I took proposals to Cabinet and the Cabinet approved that the Forestry, Land and Water Development Divisions of the Ministry of Agriculture collaborate in defining boundaries for specified approved land use. Example, identify areas to remain under permanent forest cover and areas suitable for agricultural development. This was at the end of May.

Secondly, the Director of Surveys who was part of the team I mentioned earlier on, was to assist with the preparation of a comprehensive map showing changes in the vegetation, current land use and proposed land development as well as conservation zones using aerial photographs.

Also, the ministry, to devise an action plan to urgently arrest the escalation of squatting and other illegal agricultural activities in the area.

The ministry to take all legal steps available to it to evict those squatters from areas designated for permanent forest cover.

The ministry to devise and submit to Cabinet a proposal for commercial regularization of the existing squatting activities in the areas designated for agricultural development.

I add, Madam Speaker, that currently attracting the attention of a Cabinet sub-committee is the finalization of some ongoing work which is dealing with a comprehensive review of national land distribution policy. Only yesterday we had a

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meeting and we are working towards a deadline of July 31, and hopefully by that time this Cabinet sub-committee will report back to the Cabinet on a national basis their proposals for dealing with distribution of state land.

As you know, Madam Speaker, state lands have been distributed willy-nilly—some by companies, local bodies, the state, the Director of Surveys—and ongoing work is scheduled to be completed before the end of this year. As soon as the Cabinet has been presented with the final report and we have approval, we would be in a position to embark upon dealing with this matter. All I can say is that I call on the Member for Nariva to support the efforts of the Cabinet at the appropriate time to deal with this matter which has been attracting our attention for quite some time.

Thank you, Madam Speaker.

Question put and agreed to.

House adjourned accordingly.

Adjourned at 7.30 p.m.

WRITTEN ANSWER TO QUESTION

Social Assistance

132. Mr. Chandresh Sharma (*Fyzabad*) asked the Minister of Consumer Affairs and Social Services:

- (a) Would the hon. Minister indicate to this House what facilities are available to citizens of Trinidad and Tobago who are in need of basic items of food, clothing and shelter?
- (b) Would the Minister also state what are the criteria used to determine if a citizen is entitled to social assistance and how many persons now receive such benefits?
- (c) Would the hon. Minister also state what steps are being taken by the Government to assist non-governmental agencies who undertake to help these underprivileged citizens?

The following reply was circulated to Members of the House:

The Minister of Consumer Affairs and Social Services (Dr. The Hon. Linda Baboolal): Madam Speaker, with respect to sections (a) and (b), the Social Welfare Division is the arm of the Ministry of Consumer affairs and

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Social Services and the main governmental agency with responsibility for the provision of financial assistance to persons who are temporarily or permanently disadvantaged. The Division administers a number of programmes which cover a wide range of needs including food, clothing, housing, medical supplies and household implements. These programmes are:

- Public Assistance
- Urgent Temporary Assistance
- Emergency Cases Fund

The services of the Division are made easily accessible to applicants by the location of its offices in twelve (12) administrative districts across Trinidad and Tobago as follows:

St. George West	Nariva/Mayaro
St. George East	St. Patrick East
St. George Central	St. Patrick West
Caroni	Victoria East
St. Andrew	Victoria West
St. David	Tobago

The Public Assistance Programme provides a monthly monetary grant ranging from \$149 for a child to \$596 for a family of four (4) to needy persons who have been certified by a government medical officer as disabled from earning due to physical, mental or other causes, or in the case of needy children who are affected by the desertion, death or incarceration of their father.

Urgent Temporary Assistance to a maximum of \$200 is provided for needy persons whose claims have been verified by the Social Welfare Division or validated by reputable external sources for the purchase of medicines, toiletries, cooking utensils, as well as foodstuff and clothing. Transportation assistance is also provided in the form of a temporary bus pass. This assistance can be obtained at the District Offices of St. George Central, Caroni, St. Andrew, St. David and Siparia where imprest cash is held.

The Emergency Cases Fund provides assistance in crisis circumstances such as fire and flooding disasters.

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During the period January to June, 1992, the average number of Public Assistance recipients was 23,572. Another 25 persons received grants from the Emergency cases and the Urgent Temporary Assistance Funds.

Direct access to a facility which provides shelter, food, clothing and medical attention for the homeless is also available at the Riverside Plaza Walk-In Assessment Centre which can accommodate 174 homeless persons who voluntarily seek shelter. This ministry oversees the operations of the centre and it is managed by the Society of St. Vincent de Paul on behalf of Government.

Madam Speaker, with respect to section (c), given the important role played by non-governmental agencies in the delivery of social services, Government is committed to strengthening, supporting and collaborating with such organizations.

In 1992 the ministry has allocated \$2.4 million to 44 non-profit institutions which are involved in the provision of a range of services to the underprivileged. These services included:

Homes for Abandoned Children

Homes for Visually Impaired Youth

Homes/Care Centres for Adults

Provision of basic items, eg. food, clothing

Homes for the Aged

Night Shelters/Hostels

The ministry is conducting a survey of non-governmental agencies operating in the country to determine the services provided and type of assistance required by such organizations.

Government recognizes that the type of relief just described is critical, particularly in times of economic difficulty and it therefore remains committed to supporting the ongoing programmes of the Social Welfare Division and those of relevant non-governmental organizations. It is proposed, however, to re-organize and re-orient the Social Welfare Division with a view to enlarging its consequent introduction of programmes of a more developmental nature.