

*Paper Laid**Friday, October 30, 1992***HOUSE OF REPRESENTATIVES***Friday, October 30, 1992*

The House met at 2.00 p.m.

**PRAYERS**[MADAM SPEAKER *in the Chair*]**PAPER LAID**

Comments of the Chief Personnel Officer on the recommendations contained in the 23rd, 24th and 25th Reports of the Salaries *Review* Commission of the Republic of Trinidad and Tobago. [*The Minister in the Office of the Prime Minister (Hon. Gordon Draper)*]

**WRITTEN ANSWER TO QUESTION**

**Lands and Buildings  
(Purchased, Leased, Rented)**

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

Would the hon. Prime Minister give particulars of land and/or buildings which the Government has purchased, leased, rented, agreed to purchase and/or agreed to lease, and/or agreed to rent since it came into office in 1991 stating the particulars of the land and/or buildings in question, the names of the parties to the respective transactions, the sums of moneys involved and any other material aspects relevant to the transactions?

**The Minister in the Office of the Prime Minister (Sen. The Hon. Gordon Draper):** Madam Speaker, may I crave your indulgence to ask for one week's grace to reply to this next week.

**Mr. Maharaj:** This is the third time. This is a very important question and at least the Government could give us some reason why this answer cannot be given. There must be a reason. The public and the Parliament are entitled to know it.

**Mr. B. Panday:** Incompetence. That is good enough reason.

**Madam Speaker:** I see it is a question for written answer.

**Mr. Maharaj:** I asked for an oral answer, but it was changed to a written answer. I spoke to the Clerk. It depends on the length of the statement. But I

*Written Answer To Question*  
[MR. MAHARAJ]

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should like an oral answer and I could then determine whether I would like to change my mind. I had asked for an oral answer.

*Question, by leave, deferred.*

**Central Market  
(Traffic Congestion)**

**30.** *The following question stood on the Order Paper in the name of Mr. Krish Jurai (Nariva):*

- (a) Is the Minister of National Security aware that serious traffic congestion occurs daily in and around the Central Market on the Beetham Highway, Port of Spain?
- (b) If the answer is in the affirmative, would he tell this honourable House what steps are being taken to rectify this problem?

**The Minister of Local Government (Hon. Kenneth Valley):** Madam Speaker, there are four questions on the Order Paper. We wish to defer the first one, as well as Questions Nos. 30 and 39 for one week. Question No. 36 can be answered today.

*Question, by leave, deferred.*

**Water Shortage  
(Cipero Road)**

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

Could the Minister of Public Utilities state what steps, if any, are being taken to ease the acute water shortage on the Cipero Road from Jordan Hill Village to Lengua Village?

**Madam Speaker:** The Member is not here.

**Debe/Penal Regional Corporation**

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

- (a) Will the Prime Minister indicate to this House whether it is the intention of his Government to house the Debe/Penal Regional Corporation or any other governmental agency at the Southland Mall?

- (b) If the answer is in the affirmative, will he indicate under what terms and conditions will this be done?
- (c) If the answer is in the negative, will he indicate where will Debe/Penal Regional Corporation be housed and under what terms and conditions?

*Questions, by leave, deferred.*

#### FINANCE COMMITTEE REPORT

**The Minister of Finance (Hon. Wendell Mottley):** Madam Speaker, I beg to present the First Report (1992—1993) Session of the Finance Committee of the House of Representatives of the Republic of Trinidad and Tobago on proposals for the Expenditure from Public Revenue which were not included in the annual Estimates of 1992.

#### ADJOURNMENT MOTION (LEAVE REQUEST)

**Madam Speaker:** The Member for Tobago West has an application before me.

**Miss Pamela Nicholson (Tobago West):** Madam Speaker, the issue that we have before the House is very important and urgent.

**Madam Speaker:** The matter before me concerns air and sea transportation between Trinidad and Tobago with regard to the lives and livelihood of the people of Tobago. That in substance is what the Member's letter states.

**Miss Nicholson:** It really deals with the state of air and sea transport between Trinidad and Tobago. It is the view of the representatives and also of the people of Tobago that it has reached a state of collapse. Because you have two ferries between Trinidad and Tobago; one is limping at this stage, the other is totally non-functional, that is the m.v. *Tobago*. The m.f. *Panorama* is at the limping stage.

You had the situation this week where the Tobagonians who came to Trinidad to do business, to buy food and so on for the people of Tobago could not travel between Trinidad and Tobago on Tuesday. They were not informed. Nobody had the courtesy to tell the Port of Tobago what would be happening. That was seen in the media.

So the Tobagonians came down to do business and they were not able to leave until around 11.40 in the evening. Madam Speaker, what they were told is that Lloyd's of London were inspecting the m.f. *Panorama* because they were not

certain whether they wanted to continue insuring this boat. After some work was done on the engines, they were off; but they had to return. They were sent off again around 11.40 p.m. On Tuesday the boat returned and you had another inspection taking place. So they left at 11.40 in the night and got to Tobago at 6.05 in the morning. And that situation is continuing.

So one feels that one, one day you can hear that this boat has disappeared into the deep waters and lives are lost. That is fact, Madam Speaker, and two, the whole question of the boat not being able to function between Trinidad and Tobago and no provision of an alternative. One is not told whether a boat is leased to take up the slack and also to immediately function, so that the m.f. *Panorama* which is really functioning at a frightening level can be put on the dry dock and serviced. So the situation is very, very urgent and disastrous.

On Wednesday not only were they cut off by the ferry but they were also cut off by BWIA services, in that the last flight could not come in. It was delayed for a number of hours and then the people of Tobago were told it was not coming again. The tourists in the boat were put to stay—

**Madam Speaker:** I think the hon. Member is experienced enough to know that under Standing Order 12 a Member succinctly makes out a case that the Speaker can rule whether the matter is urgent.

**2.10 p.m.**

**Miss Nicholson:** Madam Speaker, that is what I am doing; I am trying to show how urgent it is, and what it means to the public of Tobago. I want to know if it is succinctly understood.

**Madam Speaker:** I have tried to discern the urgency of this matter from the hon. Member's letter. Unfortunately, the letter itself does not indicate. All it states is that the matter concerns air and sea transportation between Trinidad and Tobago with regard to the lives and livelihood of the people of Tobago.

Again, from the hon. Member's presentation, I tried to discern the urgency of the matter. I have no doubt that is definite and it is a matter of public importance, but the hon. Member also has to satisfy the area of urgency.

I have not discerned from the Member's presentation any danger to life, limb, or whatever else is required to come within the ambit of urgency. I think this is a matter that deals with the delay with respect to the boat that is involved in the journey between Trinidad and Tobago. On the question of the seaworthiness etc.

*Adjournment Motion (Leave Request)*

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of the boat I do not think that it falls within the ambit of Standing Order No. 12. I will therefore give the hon. Member leave to raise it under Standing Order No. 11.

**Miss Nicholson:** Madam Speaker, with due respect, I want to...

**Madam Speaker:** Hon. Member, I have ruled, and please desist from making any further comment on this matter.

**Miss Nicholson:** It is a clarification I was trying to seek from you, Madam Speaker, when you stated that the point of urgency was not made. That is what I was trying to find out.

**Madam Speaker:** I have already ruled and I have no explanation to give on that. I think the hon. Member knows the matters I take into consideration in determining the question of urgency.

**Miss Nicholson:** When they die, you will understand.

#### **TAX APPEAL BOARD (AMDT.) BILL**

Bill to amend the Tax Appeal Board Act, Chap. 4:50 [*The Minister of Finance*]; read the first time.

#### **SUPPLEMENTARY APPROPRIATION BILL**

Bill to make provision for the Supplementary Appropriation for the service of Trinidad and Tobago for the year ending December 31, 1992. [*The Minister of Finance*]; read the first time.

*Motion made*, That the next stage be taken at a later stage of the proceedings. [*Hon. W. Mottley*]

*Question put and agreed to.*

#### **ORDER OF BUSINESS**

**The Minister of Local Government and Minister in the Ministry of Finance (Hon. Kenneth Valley):** Madam Speaker, I beg to move that the item under "Private Business"—Bills, Second Reading—be taken before we move the motion. I also ask that we then take motion No. 4 on the Supplemental Order Paper.

*Question put and agreed to.*

#### **ARMARJYOTH SABHA (INC'N) BILL**

*Question put and agreed to*, That a bill to provide for the incorporation of the Amarjyoth Sabha and for matters incidental thereto, be now read a second time.

*Bill accordingly read a second time.*

*Bill referred to a special select committee of the House appointed by the Speaker as follows: Hon. R. Griffith (Chairman), Mr. E. Hart, Mr. C. Rajaram, Mr. R. Palackdharrysingh.*

#### **SALARIES REVIEW COMMISSION REPORTS**

**The Minister of Public Administration in the Office of the Prime Minister (Sen. The Hon. Gordon Draper):** Madam Speaker, I beg to move the following motion:

*Be it resolved:*

That the 23rd, 24th and 25th Reports of the Salaries Review Commission of the Republic of Trinidad and Tobago be now considered and approved subject to the recommendations of the Chief Personnel Officer.

The Constitution of the Republic of Trinidad and Tobago in sections 140 and 141 provides for the establishment of a Salaries Review Commission and the functions of this commission. It states:

- “(1) The Salaries Review Commission shall from time to time with the approval of the President review the salaries and other conditions of service of the President, the holders of offices referred to in section 136(12) to (15), Members of Parliament, including Ministers of Government and parliamentary Secretaries, and the holders of such other offices as may be prescribed.
- (2) The report of the Salaries Review Commission concerning any review of salaries or other conditions of service, or both, shall be submitted to the President who shall forward a copy thereof to the Prime Minister for presentation to the Cabinet and for laying, as soon as possible thereafter, on the table of each House.”

The 23rd Report of the Salaries Review Commission was laid on August 30, 1991 by the Attorney General. In laying the report at that time, he made the following comment to Parliament:

“By letter dated December 19, 1990, His Excellency the President conveyed to the Salaries Review Commission his approval for the review of the salaries and other terms and conditions of service of all officers within the purview of the commission.

The Salaries Review Commission undertook the said review and on August 20, 1991, submitted its report to the President.”

Madam Speaker, at that time the Attorney General noted that the Cabinet of the day had decided that consideration of the report should take place in the overall context of salaries and conditions of service in the entire public sector and proposed to adopt this course of action in dealing with that report.

**2.20 p.m.**

On August 7, 1992 the 24th Report of the Salaries Review Commission was laid in this House and in laying it then I made a statement to this honourable House, and I should like to return to that to put today's matter in perspective. At that time I stated, on August 2, 1991, the then Cabinet agreed that the posts of Commissioner of Prisons and Chief Fire Officer be brought within the purview of the Salaries Review Commission. In pursuance thereof, and in accordance with the provisions of section 22 of the Constitution of the Republic of Trinidad and Tobago (Prescribed Officers) Act 1989, His Excellency, the President made an Order on September 6, 1991 amending the Schedule to the Constitution of the Republic of Trinidad and Tobago (Prescribed Officers) Act to include the offices of the Commissioner of Prisons and the Chief Fire Officer. That was contained in Legal Notice 106 of 1991.

By letter dated November 22, 1991, His Excellency the President conveyed his approval to the Salaries Review Commission for the revision of salaries and other conditions of service of holders of offices of the Commissioner of Prisons and the Chief Fire Officer.

The Salaries Review Commission then undertook a review and on May 15, 1992, submitted its 24th Report to His Excellency the President in accordance with the provision of section 141 (2) of the Constitution of Trinidad and Tobago. His Excellency, the President submitted the said report to the Prime Minister for presentation to Cabinet. The 25th Report was subsequently laid in this House on October 9, 1992 and so today we treat with three of these reports, the 23rd, 24th, 25th. We need to recognize that in doing this we are bound by the Constitution of the land to have the report of the Salaries Review Commission submitted to Cabinet and then laid in this House.

We noted however, that in reviewing proposals contained in those reports of the Salaries Review Commission we needed to take account of circumstances within the country, the economic and financial status within which we are operating and, indeed, in the statement made in the 24th Report.

The Minister of Finance in presenting the 1992 Budget indicated Government's intention to pay to public servants salaries which were awarded by the Special Tribunal. These salaries have been paid to public servants since March 1, 1992.

The Minister of Finance has also begun discussions with the Public Services Association with respect to arrears owed to public officers. Over the last six months we noted that a number of other negotiations with respect to wages and terms and conditions of service have been settled. These include a settlement to the Contractors and General Workers' Trade Union representing the hourly, daily and weekly-rated workers employed by the San Fernando Corporation, as well as a settlement to the National Union of Government and Federated Workers on behalf of daily-rated workers employed by Government. In both cases the settlements were in respect of all outstanding collective agreements covering the triennial periods from 1984, to 1986, 1987 to 1989 and 1990 to 1992.

We noted then too that by using a tripartite approach Caroni (1975) Limited had already agreed on an approach to settle outstanding arrears to their workers. The Government was therefore mindful of the fact that while public officers outside the purview of the Salaries Review Commission are receiving their negotiated salaries and other terms and conditions, those under the purview of the Salaries Review Commission continued to serve without reference to the terms and conditions proposed by the Salaries Review Commission.

In short, all of the public officers outside those included under the net of the Salaries Review Commission have to date been treated with, and have as of this time had their salaries, terms and conditions afforded to them which were granted either through negotiations or through the Industrial Court.

Today, therefore, we have come to treat with that group who up to now has remained outside that net to be treated with. The Salaries Review Commission includes a number of posts including officers of Parliament, the higher Judiciary, the Industrial Court, the Tax Appeal Board, top managers in the public service, top managers in the Central Bank, top managers in the public utilities and statutory authorities, senior officers in the protective services, the Defence Force, senior diplomatic representatives, chairmen and members of Commissions and Boards, the Judicial and Legal Service.

Some 621 persons fall within that purview and today, therefore, we come to this House with proposals to treat with these persons who up to now have been omitted from the provision of their terms and conditions of service.



Permit me to treat with some of the principles which the Salaries Review Commission utilized in arriving at their recommendations to Cabinet and to this House.

In the 23rd Report, we find several statements which provide us with some guidance to understand the way in which the Salaries Review Commission operated, and therefore, the principles and guidelines which they used to arrive at their recommendations.

In paragraph 12 of the 23rd Report, we find the following principles and criteria laid out by the Salaries Review Commission:

- (i) “Fair comparison with current levels of remuneration paid outside of the public sector for broadly comparable jobs, taking into account, of course, differences in other conditions of employment;
  - (ii) The necessity to attract, recruit and retain persons of suitable competence, experience, knowledge, skills and personal attributes to fill positions of highest responsibility and trust in the State; and
  - (iii) The need to ensure appropriate differentials in compensation to take account of significant differences in the levels of responsibility between one office and another.
13. Having regard to the wide range of offices within our purview, we hasten to reiterate that no single principle applies with equal force across the entire spectrum of offices.”

In a sense, therefore, what the Salaries Review Commission has been pointing out is the need in establishing terms and conditions of service to deal with two principles of equity: One deals with internal equity. In other words, a recognition that one needs to establish the terms and conditions for posts in such a way that the relative worth of these posts within an organization would be fairly dealt with. Secondly, the principles of external equity, a recognition that because we live in a society in which competitive influence would abound, we need to be concerned with how salaries within one organization would fit *vis-a-vis* within other organizations within the society and, therefore, in treating with their recommendations we need to be clear about these principles of internal and external equity.

The Salaries Review Commission went on also to point us to the importance of the management of compensations generally, with regard to the retention and

motivation of staff within an organization. I return to the 23rd Report and draw the following comments to your attention:

- “15. ...we are of the view that the principle of fair comparison in remuneration assumes even greater importance as the Public Sector is now required to attract, recruit and reward a cadre of top managers and executives who are expected to remain motivated to meet the challenges of the changing times.
16. A properly-designed compensation package is crucial to the success of any organization. This principle applies with equal force in both the public and private sectors. In designing such compensation schemes, the unique characteristics of executive level jobs must be given careful consideration. These characteristics include responsibility for formulating and implementing organizational policies and strategies, the use of extensive discretionary powers and the need for minimal supervision.”

**2.30 p.m.**

In most approaches to the determination of wages and salaries and terms and conditions, in addition to those principles already enshrined with regard to internal and external equity, evaluators and compensation managers would be concerned with looking at individual jobs, and by and large analyzing those jobs on the basis of what some people refer to as compensationable factors.

These factors would include the level of skill, experience, education and training which will be required to carry out the duties of that job. It will entail a look at the level of responsibility involved in that job. It also tends to include an examination of mental and physical effort required to pursue that job. In short, the analysis treats with the job and seeks to determine the weight of these range of factors in that job, and on that basis determines relative weight and worth of those jobs.

In a sense therefore, what the Salaries Review Commission was doing for us in these early statements relating to principles and criteria, was providing us with its sense of how these things needed to apply in the public service. They went on indeed, as we have alluded to earlier, to recognize this as mentioned in the 23rd Report. Paragraph 17 on page 4 states:

“The method of executive compensation in the private sector is such that it offers an organization the flexibility to structure the pay package of its top personnel in a manner best suited to meeting its strategic objectives.”

Here, the Salaries Review Commission began looking at the way in which compensation issues are handled for senior executives in the private sector, and began making some comparisons with senior executives in the public sector. They go on to allude very specifically to some evidence from organizations outside the public service which allows them to arrive at conclusions for settling wages and salaries within the public service. Paragraph 27 of the report states:

“An examination of surveys done by local firms, as well as our own research, reveals that by contrast, despite a period of austerity in the mid-80s, regular increases have generally been provided to top executives in the private sector, albeit not as high as in the late seventies and early eighties. While it is sometimes difficult to obtain ideal comparisons with positions in the private sector since many of the public sector offices are peculiar, we consider that in terms of duties, responsibilities and status, top executives in both sectors do perform broadly comparable functions. We are of the view, therefore, that current remuneration of chief executives in the private sector could be used as a benchmark for assessing the pay appropriate to top public sector executives.”

If we accept that notion of utilizing some of those external wage rates as a benchmark for the public sector, we would recognize that the Price Waterhouse Survey of 1992 points to the fact that over the last four years there has been an average increase of about three per cent per annum for chief executive officers in terms of their remuneration. We would also recognize that of the chief executive officers who were surveyed by Price Waterhouse, they have established that the median annual cash compensation for these chief executive officers is somewhere in the region of \$206,000.00, with a range of \$60,000.00 to over \$40,000.00.

What they are saying is that in terms of the issues relating to external equity, these are the kinds of indicators which we have coming out from public studies in Trinidad and Tobago. They are prepared to recognize these as elements which must impact on their own determination of wages and salaries within the public sector.

The Salaries Review Commission also alludes, in part, to the movement toward “pay for performance” recognizing that while outside the public service about 80 per cent of chief executive officers have their compensation linked in some way to performance, this, as of now, has not come totally within the purview of the public sector, but again it is an issue which they raised and which they feel one needs to take account of in ultimately determining salaries.

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Reinforcing that, I quote from paragraph 18 on page 5 of the report, to make the comparison between operations in the private sector and the public sector. The Commissioners made the following comments at paragraph 18.

“By contrast, the method of compensation in the Public Service is fairly rigid. An overall classification and compensation system has evolved based on the duties and responsibilities of the various offices and the requisite qualifications, experience and training. The “pay for performance” criterion is not appropriate to most Government agencies since the benefit of the services provided is not easily quantifiable. Notwithstanding this, executive pay in the Public Service, once properly structured, can serve to motivate top personnel to achieve desired objectives.”

Pointing us, therefore, to the possibilities even within the public sector to begin moving in that direction.

We have already alluded to some of the imperatives to an appropriate compensation structure. We spoke about the importance of compensation for retention, recruitment and motivation. In paragraph 21 on page 5 of the report, the Salaries Review Commission very specifically addressed the issue in this way.

“Another principle which we uphold in this review is that executive remuneration should seek to ensure that, at the top level, the employee is provided with an adequate standard of living commensurate with the duties, responsibilities, status and general expectations attaching to a top office. Failure to observe this principle could lead to the undesirable situation where top executives may be placed in a position where the integrity of their office may be compromised.”

We are finding ourselves—as well in the public service—in a situation where, in some of our key arms of government which are included within the ambit of the Salaries Review Commission, significant numbers of our officers have moved out of that division. I am thinking specifically of the judicial service where perhaps, more than half of the posts there are vacant because people have moved out, recognizing that the remuneration within the public service is as of now, not competitive with the external offices.

If we are to carry out the business of government recognizing the importance of retention and motivation, the commission is pointing us in the direction of treating with the issue of adjusting compensation, terms and conditions. We have similar situations in other departments. In the Ministry of Energy, a significant

number of professionals have also moved out. In the Ministry of Finance, we have similar situations developing.

Part of our task is to treat with the issue of how to ensure that we attract the personnel we need to run our government; how to ensure that we retain and motivate these people to carry out the business of our government. The recommendations of the Salaries Review Commission provide us with some of the directions in which we must go.

As we laid the Twenty-fourth and Twenty-fifth Reports in Parliament, indeed as the Twenty-third Report was laid, all our statements pointed to the intent of the Government to take these recommendations, review them in the context of current realities, and then return to this House with some proposals. In pursuing this review, Cabinet opted to invite the Chief Personnel Officer to give us comments which we now lay and use as a basis for amending the recommendations of the Salaries Review Commission.

We recognize that the business of compensation management, of settling wages, in terms and conditions of work and salaries is one which required a certain level of expertise. The arm of the Government that possesses that expertise which consistently carries out work in the areas of classifications and compensation management is the Chief Personnel Officer. It is against this background that the comments of the Chief Personnel Officer have been laid before us and we would now ask the honourable House to accept and use these to amend the reports of the Salaries Review Commission.

#### **2.40 p.m.**

Let us look at some of these comments from the Chief Personnel Officer. The Chief Personnel Officer in reviewing those reports of the Salaries Review Commission starts by making some statements with regard to supporting the principles enshrined in the Salaries Review Commission's recommendations, and in the paper before us, on page 1, paragraphs 6 and 7 we find that:

“The CPO supports the principle of fair comparison in pay as enunciated by the Commission as a means of enabling the public sector to attract and retain managerial and other professional and technical personnel of the highest calibre.

The CPO also supports the Commission's recommendation for a delinking of the remuneration arrangements of the public sector offices under its purview from those applicable to the general Public Service.”

The CPO then goes on to point out, on page 2, paragraphs 9 and 10, a comment I have already made in a statement when we laid the Twenty-third Report, namely, that already for this year we have treated with wages, terms and conditions of service relating to other public service officers and the daily, weekly and hourly paid workers within the public service.

The CPO then makes some specific recommendations which one would find in Appendix I, relating to his proposals for amendments to salaries for the officers within the purview of the Salaries Review Commission. The CPO's comments also point us to some of his proposals relating to the various benefits which were established by the Salaries Review Commission. These benefits include, housing benefits and proposed amendments made by the CPO and contained in Appendix II; and travelling arrangements, in which the CPO states on page 3, that he does not support the recommendation but considers that these office holders should be eligible for transport facilities as stated in Appendix III.

The CPO also supports the Commission's recommendation with regard to maximum loan to be provided to facilitate the purchase of motor vehicles to be increased from \$25,000 to \$50,000 and that the rate of interest on such loan be increased from 4 per cent to 6 per cent.

The Salaries Review Commission had made certain recommendations with regard to subsistence allowances; the CPO in paragraph 18, recommends that existing arrangements with respect to subsistence allowance should continue in effect for the time being.

The cost of living allowance in paragraphs 19 and 20:

“The Commission had observed that a cost-of-living allowance was not a normal feature of compensation packages for executives in the private sector nor was there any evidence that such a provision existed for top offices in other countries. Accordingly, the commission had recommended that the payment of cost-of-living allowance to the holders of these offices be discontinued.”

“Vacation Leave:

The Commission had also observed that the existing vacation leave entitlement of public sector executives was quite generous *vis-a-vis* that prevailing among private sector executives. As such, the Commission had recommended that the provision be reduced from a maximum of 35 working days per annum to 30 calendar days per annum with the revised salaries incorporating a trade-off for this reduction.

The CPO accepts this recommendation and proposes that.

The Salaries Review Commission had also alluded to the top managers in the Central Bank and had raised the question of whether these officers ought to continue to be within the purview of the Salaries Review Commission or be brought within the purview of the Board of Governors. Indeed, on page 6, the CPO, on reflecting on that, states:

“Consideration be given to removing the offices of Governor and Deputy Governor of the Central Bank from the ambit of the Commission, as these remuneration arrangements may be more appropriately dealt with by the Board of Governors of the Central Bank.”

The Cabinet has accepted that and will take steps to bring those offices within the purview of the Board of Governors of the Central Bank.

In paragraph 31, on page 7, the CPO notes that several officers, including those of Tourism Adviser, Adviser to the Ministry of Industry, Enterprise and Tourism, and Special Adviser to the Minister of Energy are included in the group of top managers in the public service, and as such were assigned revised terms and conditions of service by the Salaries Review Commission. However,

“...it is the understanding of the CPO that these posts have remained unutilized for some time and it is, therefore, recommended that they be abolished.”

This proposal has been accepted.

We find, as we go through the comments of the CPO, that he has identified not only places within the wages and salaries which he feels need to be addressed, but, within the context of fringe benefits and other conditions, has made recommendations. We believe that, given the competence of the Chief Personnel Officer, given the skills which reside in that office, that that was the appropriate place to have comments made and proposals on that behalf brought to this House.

The estimated cost of implementing the recommendations as put forward by the Chief Personnel Officer is some \$12 million per year. We recognize, however, that in settling some of our other outstanding matters with the PSA and the daily-paid unions, we have far exceeded that. We feel therefore that, in the context of officers who for the past 10 years have not had an adjustment in their terms and conditions of salary, difficult though these times are, we need to be able to help and motivate them and to provide them with the wherewithal to function within the public service.

*Salaries Review Commission*  
[HON. G. DRAPER]

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We submit to you, Madam Speaker, and to this House, that as we took these reports to consider them and as we invited the Chief Personnel Officer to provide us with comments, we have approached this matter with a sense of fairness, with a sense of justice and equity, and with a concern for the current realities, including the reality of managing a complex public service at this time. We believe that we come to this House with comments from the CPO which are really impartial, and informed analyses and judgments. We believe that we have utilized the full range of compensation and management skills in the country to bring to bear on the recommendations of the Salaries Review Commission. We believe that we have fulfilled our commitment to review those recommendations and to return to Parliament with proposals. We return, therefore, with proposals, coming out of comments from the CPO and, on that basis, move that the recommendations of the Twenty-third, Twenty-fourth and Twenty-fifth Reports of the Salaries Review Commission be accepted subject to the amendments made by the Chief Personnel Officer on the Recommendations contained in the Twenty-third, Twenty-fourth and Twenty-fifth Reports of the Salaries Review Commission”.

*Question proposed.*

**Mr. Basdeo Panday** (*Couva North*): Madam Speaker, let us start from the beginning and see if we can put this debate in a rational perspective. This is a report of the Salaries Review Commission that includes recommendations for salaries in respect of officers of Parliament, officers of the higher judiciary, Industrial Court, Appeal Board, top managers of the public service, Judicial and Legal Service, managers, Public Utilities Commission, Central Bank and statutory authorities, senior officers of the protective services and so on. I noted that the hon. Minister referred to the criteria which informed and guided the Salaries Review Commission, but it would appear to me that those criteria related to public servants who are outside the bargaining unit; they could not have applied to Parliamentarians.

**2.50 p.m.**

Let us start from the beginning. I think we should agree upon the principles which are involved and what principles should inform the argument. We should consider whether the same principles should inform the argument for each of the categories of persons included in the Salaries Review Commission Report.

For example, do you use the same criteria to determine the salaries of people from the higher judiciary as you do for Members of Parliament, for the manager of



the Central Bank, the managers of the statutory utilities, public authorities and senior officers in the public service? Is it the same criteria that are going to be used?

I think we should, first of all, clear our minds as to what the principles are that are going to inform us in the decision that we are going to take here today. I think some general principles can apply in addition to those enunciated by the Commission. For example, I think we would all agree that all workers—and in this sense I mean all people who receive remuneration for services done and that would include Parliamentarians—should be adequately rewarded for the work they do and, therefore, in determining salaries, look at the workload that people have to perform. That is a criterion that ought to inform the level of remuneration.

Secondly, in the case of public officials, particularly those who exercise power and patronage, the salary should provide a standard of living expected of a person in that position and the terms and conditions of work; that is to say, what their entitlements are on departure from office. Should they be provided with the kind of security that fortifies them against the temptation to be corrupt?

I think that was envisaged in the Salaries Review Commission Report when they said that failure to observe this principle could lead to the undesirable situation where a top executive may be placed in the position where the integrity of the office may be compromised. They put it in a much more elegant manner than I have done.

I am asking if you provide them with the means of securing themselves—not only a salary, because that will come to an end when they are either old or they demit office. Those are the things that tend to tempt people to become corrupt. Security for the future as well as for the present. People are injured in the course of their duties. I understand one Member of Parliament was killed in the course of his duties in this House. I do not know what happened to his family. These are things that ought to be taken into account. We should provide for them in cases of illness and emergency and so on.

I also think that the salary level should be such that it would attract the quality of personnel that is required of the job. Now, that is mentioned in the Commission's Report. Is that criterion applicable to Members of Parliament? Is it the same thing? That is, should the remuneration for Members of Parliament be such that it attracts quality personnel required for the job? I did not know that the present salary acted as a deterrent—there are more people wanting to be Prime Minister in this country than there is space for in the next hundred years. I do not think that people would refrain from becoming Prime Minister because of the salary; so that does not count.

We have to apply different criteria for different categories of workers if we are going to make sense out of this report. One cannot say that one set of criteria applies to judges, to Parliamentarians, to managers in the public service and so on. I think, also, the terms and conditions of work should allow for intellectual advancement and should facilitate the pursuit of excellence. These are matters that should be taken into consideration in determining what remuneration people should get.

There should be equity in differentials between categories of workers. I believe that the question with respect to the salary of the top members of the public service really solves itself—and I am sure the Commission has taken that into account—because it is really a differential between those within the bargaining unit. There has been a structure in place and unless one wants to change that structure, there exists a differential between those in the bargaining unit and those outside it; it is a simple matter of calculation, which is one of the considerations mentioned by the Salaries Review Commissioners.

Having said that, I would want to examine the proposals put forward by the Commission with respect to the criteria laid down by the Commissioners themselves and to those additional criteria which I have alluded to today. Before I proceed, however, I want to raise—I understand that someone in this Parliament said that this Parliament is not the place for the law; it was the Member for Diego Martin East, I believe.

**Dr. Rowley:** No, I said it.

**Mr. B. Panday:** Oh, you did, right.

**Dr. Rowley:** On a point of clarification. What I said was that here is not the courthouse.

**Mr. B. Panday:** It is not a courthouse; it is superior to the courthouse; it makes the law for the courthouse. I have heard it said that this is the highest court in the land. [*Interruption*]. I have just been reminded that Madam Speaker can send someone to jail peremptorily, just like that, and there is no appeal. But that is not the point.

The point is that the Salaries Review Commission is a creature of statute. That being the case, its powers, rights, whatever, can only be evinced from the four corners of the statute. The Member for Point Fortin is smiling, recognizing the validity of that legal argument. The point I am making is that you cannot import into the statute what you like. They have to obey the law strictly.

So I come to the Constitution and the Constitution was read—I am surprised. The Hon. Minister began by alluding to the Constitution. But if he followed the provisions of this Constitution, he would have to ask what is the status of the CPO intervention in this manner. He cannot intervene.

**Mr. Valley:** I am no lawyer.

**Mr. B. Panday:** Show me in this Constitution how he can intervene. I see people are backing out already.

This is a deadly serious matter. It is just that I enjoy doing whatever is my duty and that is why I deliver my speeches in this way. Section 140 of the Constitution states:

“(1) There shall be a Salaries Review Commission which shall consist of a Chairman and four other members all of whom shall be appointed by the President after consultation with the Prime Minister and the Leader of the Opposition.”

That gives them their constitution; that is how they are constituted. Having constituted them, the Constitution goes on to give them powers. The powers are:

“(2) All Members of the Salaries Review Commission shall hold office in accordance with section 126.”

Fair enough, that is about holding of the office. We are not concerned with that at this time. Section 141 states:

“(1) The Salaries Review Commission shall from time to time with the approval of the President review the salaries and other conditions of service of the President, the holders of offices referred to in section 136(12) to (15), members of Parliament, including Ministers of Government and Parliamentary Secretaries, and the holders of such other offices as may be prescribed.”

So at the request of the President they review the salaries. That is absolutely clear.

Subsection (2) of 141 says:

“The report of the Salaries Review Commission concerning any review of salaries or other terms of service, or both, shall be submitted to the President...”

that was done—

“who shall forward a copy thereof to the Prime Minister...”

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that was done—

“for presentation to the Cabinet...”

that was done—

“and for laying as soon as possible thereafter on the table of each House.”

that was done.

Where do they get the right to amend the report? That is my argument. They cannot amend this report. They can either accept or reject it or send it back with their views—but they cannot amend it; that is my argument.

The framers of the Constitution envisaged an arrangement where the people appointed to this Commission would have the necessary qualifications to arrive at a rational decision; not you, not me, none of us. What mechanism, facilities and technical know-how do we have in this House to alter the provisions of this report? How can we do that, on the basis of what law?

My first point is that the action of Cabinet in inviting the CPO—who was the secretary to this Commission—to comment on this report and have the report put into Parliament was misconceived.

Now, the Government are entitled to take advice from their officers, and that is perfectly all right. So they go to the CPO and say, “Listen, we in this Cabinet are not very smart people, we do not understand these things. You are the expert. Would you kindly comment on this report and tell us what you think about it?” They may have the CPO express his views. But having expressed his views to them, what gives Cabinet the right to alter the Commission’s recommendations? Where is that in the Constitution? That is not in the Constitution at all.

The CPO has overridden, in effect, the Commission. The CPO has subverted the Commission and the Constitution. How can the CPO come and say, “You see me, I was the Secretary to the Commission. I sat there and I listened to those fellows. They are wrong.” That is what the CPO is saying: They are wrong.

How can the CPO say the Commission is wrong? What authority—and show me in this Constitution where there is any provision for the CPO to contradict, verify and modify the provisions.

What makes my point even more poignant: Look at his recommendations and you will see what I mean. I do not want to imply any kind of untoward conduct of

the CPO. He was asked for his advice and he has given it; fair enough. I am not going to comment on that at all.

However, just look at Appendix I and I shall show you how this legislation did not intend that the CPO could have the power to do these things. Assuming that the CPO merely recommended to Cabinet and Cabinet is doing it, it makes no difference to the argument; Cabinet cannot do it because it says:

- The President's existing salary is \$13,200 a month; the Salaries Review Commission recommended \$17,000 a month; the CPO proposes 16,500—reduced by \$500.
- The Prime Minister receives a present salary of \$11,880 a month, recommended by the SRC is \$15,500, and the CPO reduces that by another \$500.
- Cabinet Ministers receive at present \$8,800; the SRC recommended \$12,500; the CPO takes off another \$500 there and recommends \$12,000.

But after he has dealt with those three categories, he approaches the others with a butcher knife. He carves these three very elegantly—takes off \$500—but let me go on. I would not read about my own—I shall read about yours, Madam Speaker.

- Ministers (non-Cabinet) receive \$8,800 at the moment; \$11,500 recommended; CPO cuts off another \$500 there.

He carved these very elegantly. He comes now to the Speaker of the House of Representatives.

- Speaker of the House of Representatives. Present salary—I hope you do not mind—is \$5,940; recommended for the Speaker of the House was \$12,500; the CPO chops off \$4,500 of that and his recommendation is \$8,000.

I want to ask a question: Based on what? I shall leave mine out, because I do not want to talk about myself. The hon. Minister came to this House and said that the criteria by which we were guided are those which were stated in the SRC Twenty-third Report, and he read them. Are these the same criteria that have guided the CPO? Does the CPO operate by different criteria? That is the point I was making when I said they have no authority to amend the report of the SRC. They can accept or reject because the Constitution gives the SRC the power, the machinery and the wherewithal to arrive at decisions. It did not give it to the Cabinet.

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I go on:

— President of the Senate receives a salary of \$5,940; the Salaries Review Commission recommended \$11,500 and that has been cut to \$8,000.

Leave out the Leader of the Opposition; he does not deserve anything.

— Parliamentary Secretary, \$4,400 present salary; \$8,000 recommended; cut to \$7,500.

Strangely enough, he went back to the \$500 deduction.

Whenever the Government is involved—if I was making recommendations to the Government, I would do the same if I believed my job depended on it. So he has gone back. By the time he reaches Parliamentary Secretary, he has gone back to the \$500.

I do not want to go on with this thing any further. I am sure the Members of this House can read it and see what has happened here.

I just quoted this for the simple reason of bringing to the attention of this House the legality of what is talking place in the House and I am sure my learned colleague, who is much more versed in the law than I am will be able to amplify the point that I have made.

Let me put that aside and deal with the other aspects of this debate and say that our approach is totally wrong. We either accept the report of the Salaries Review Commission who had the machinery to look into this matter, or send it back with our view. We are perfectly entitled to say we are not accepting the report. We can invite the President to invite the Salaries Review Commission to look at this thing again. They will not be insulted. Because, you see, there are several things to be considered.

I noted that one of the matters that neither of them looked at was ability to pay. I remember that when the sugar workers went before the Industrial Court and it held that ability to pay was not a criterion for denying a wage increase and the matter went before the Court of Appeal, the Chief Justice said ability to pay must be considered. Well, what about that here? If it applies to the sugar workers, why can it not apply to the Members of Parliament? Can the Government pay? What is going to be the cost of this to the Government? Let us apply the rule right across the board.

Madam Speaker, the point I am making is that we should look at each category of workers separately. For example, I think that the criteria laid down by the Salaries Review Commission in the Twenty-third Report, as to what should inform them with respect to the salaries of public servants outside the bargaining unit, are valid. That is to say, you have to have the salary differential, you cannot have junior officers getting more than senior officers and so on. That is perfectly valid. The need to attract them from the private sector into the public sector, totally valid. All those that we have read there, I find are acceptable.

However, I do not find it acceptable to look at the salaries of Members of Parliament. We cannot accept this unless there is reform. That is going to be our point. What is the present position with a Member of Parliament? A Member for Parliament comes to Parliament on Fridays, from 1.00 p.m. generally until 6.00 p.m. and he debates. Sometimes the press report him, sometimes they do not. Sometimes the television emasculates what he says. He spends the rest of his life as a letter writer, writing letters to Ministers who do not reply, on behalf of his constituents who are on his back day in, day out. That is the function intended for a Member of Parliament.

I am saying, yes, review the salaries of Members of Parliament; make those salaries relevant to their function; it is only in that context that you can evaluate. You cannot evaluate salaries otherwise. You cannot simply say that Members of Parliament are getting x dollars and we shall give them x plus y and then the CPO says you give them x plus y minus z. We cannot do that. That is irrational.

My proposal to you is that all Members of Parliament should be full-time. This Red House should not be a place for the Office of the Prime Minister; this Red House should be a parliamentary building and all Members of Parliament should have their offices here. We should also set up committees of Parliament which would monitor the work of the Government from day to day, week after week. Otherwise, what is the function of a Member of Parliament?

So a Member of Parliament should come to work at 8.00, go home at 4.00, five days a week and sit down in those rooms and monitor the work of the Government. This Government, as I understand it, is responsible—

**Mr. Valley:** What about Ramesh?

**Mr. B. Panday:** If that is the case, my colleague would have to decide, so would I and every Member of Parliament. We would all have to determine what life is going to be. Do not look at the present circumstances of Members of

Parliament here in order to determine policy and wages. That is the trouble. The trouble is that they look at themselves and make a general principle on that. Do not do that. Do not argue from the particular to the general, do it the other way around.

Reform of Parliament: Set up several committees which will monitor the work of the Government and make it accountable to Parliament; that is the function of Parliament. Government is not currently accountable because of the present structure of the Government and the present functions of Members of Parliament. We are letter-writers, by and large for our constituents.

I sit in my constituency office on Thursdays and I see 50, 60 persons and so on and each of them has no job, so I send them to the Minister of Labour; that is his job. I write a letter to the Minister of Labour, "Here is a man who has no job, it is your function to provide the man a job, provide him a job."

Then others come and say they have no water. I write to the Minister of Public Utilities; it is his job to give people water. That is how a Member of Parliament functions in case they do not know. This is a wasteful institution.

**Dr. Baboolal:** We know.

**Mr. B. Panday:** My colleague agrees. Of course, she goes through that as well. Look at the poor woman. Do you know she presides over a ministry in which the consumer body has not met for over a year? She cannot do anything about it.

**Dr. Baboolal:** That is not true.

**Mr. B. Panday:** Six months? Three? They do not have a quorum. I know that. I have spoken to someone who is a member of the committee.

The point is, let us make Government efficient. Just as we pay workers in the private sector and we want a fair day's work for a fair day's pay—I hear them say that all the time—how about the same criteria here so that the system can make provision for the Member of Parliament to work like anybody else? Madam Speaker, otherwise the thing does not make sense.

We say one of the reasons for raising salaries and so on is to attract people into the service. The service of what, Parliament? They think they have to raise the salary to attract somebody to want to be Prime Minister of this country? I assure you, Madam Speaker, if they lower it, they are still coming. That is not applicable.

The Prime Minister's salary, whatever it is, whether it is \$15,500, \$11,880, it does not matter to me, the quantum is not the point. We are trying to attract the



best people of this country. The Prime Minister—if he is Prime Minister for one day—is going to get as a pension his complete salary for the rest of his life. He might have mucked up the country for the period he was there, but you give him a pension which is equal to his salary. That is not consistent with the criteria laid down for attracting people.

What we must do is have a Parliament that sits down and monitors the activities of the Prime Minister from day to day, and when he does something wrong, we do not wait until he retires, we expose it right there and then so we ensure that the Prime Minister is either the quality of person required to do the job or he is going to resign under the kind of pressure that we are going to put on him.

This system where you give your Prime Minister a pension equal to his salary for mucking up the country is crazy. There is no system by which the Prime Minister, after serving his term of office, is accountable; he serves and he goes. He either goes and stays out or he comes back. When he leaves, there is no way to continue to make him accountable.

**3.20 p.m.**

So we must make him accountable while he is there and therefore we must reform the Parliament. Yes, improve the salaries of Members of Parliament, but make them effective; give them power to effectively control and monitor and make responsible and accountable, the executive of this country. Now we have a case of Cabinet Ministers here.

**Mr. Valley:** Madam Speaker, let me repeat for yet another time that we are willing to hold consultations with the Opposition at any time with respect to the concept of accountability.

**Mr. B. Panday:** Okay, well I love to hear that. Let us adjourn this motion, let us start consulting about reform; and we will come back and support it. If you are serious about consultation, I make the offer here and now.

**Mr. Valley:** Not today.

**Mr. B. Panday:** You are always like that—vote for me now, I will pay later. You did that to the public servants; you did that to the sugar workers; you did that to everybody. Not a bit of it. Pay now, I will vote later.

So that the point I am making is, if you are really serious about consultation, let us consult. You know and I know that this Parliament needs to be reformed.

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There is need for parliamentary reform in this country. Parliament is a useless thing, as it is we are wasting taxpayers' money and doing very little or nothing in this House. We have allowed this Parliament to degenerate to the level where people say that we are "kicksin" in this Parliament. Madam Speaker, we are, you know.

We come here and talk, but the Government would never institute a system that would permit Parliamentarians to be really functional, that is, to do their job which is to make the executive responsible. That is the major function of Parliament, to have the executive responsible and accountable to it. How are we doing that? By coming here every Friday and then writing letters from Couva North to the Minister? Not at all. As a matter of fact, if we want to improve the quality of people who come into this Parliament, I believe that we should have reform that includes a system whereby people can get leave from their jobs to come and serve in the Parliament for one term, if they want, and go back to their jobs. If that happens, it means also having a system that has what is called a transferable pension plan where you come to Parliament, you are paying your pension and so on; you go back to your job and it is transferred—that kind of thing.

If you are really interested in the Parliament, those are the things to do. Why otherwise are you raising the salaries of Members of Parliament? The only rational conclusion is that you want them to be functional in a meaningful kind of way. But they are not, at the moment, and you are simply raising your salaries and you are making no changes. As a matter of fact, if there was a system whereby people could, say, get leave from the university for five years and come here—I am not saying that is quality personnel—not necessarily quality personnel. I apologize to the Member for Diego Martin East—not necessarily quality personnel.

You see the point is they must be able to do that. Come and if they have something to offer to the country and the people want them, they come and serve and go back to their jobs. if that is the case, we may even encourage journalists to become Members of Parliament. They are always writing about, and know, everything about what to do in the country. Bring them in the seats here and let us see if their mouths are as good as their pens. Journalists may get leave. I know one journalist who did. Do you remember Sen. Gordon? He got leave from his job, served and went back to it. The point is, let us make serious reforms for the Parliament if we want this country to go forward.

We are assuming that the House agrees to raising the salaries of Cabinet Ministers. A Cabinet Minister is not appointed on the basis of merit. That has nothing to do with it. It is whether the Prime Minister likes him. Ask the Member for St. Ann's. It has nothing to do with who is the best man for the job, and ability and so on. We all know that. We may laugh at it, but that is a fact.

Now the point is, a person is appointed as a Minister but he is no good. He is a tragedy and we are paying him also a salary for running the country into the ground. I am saying, I am not going to agree to this unless you have parliamentary reform where the Members of Parliament can make that Minister responsible to the Parliament in a meaningful way during the currency of his term. Otherwise, to do that is to make nonsense of all the criteria stated in the Commission's Report as to why salaries should be raised to attract quality personnel and that sort of thing.

We say we are prepared to support this motion, but only if there is reform. To do otherwise would be to betray the people of this country. I have no doubt that my learned colleague will apply these principles in relation to the judiciary. I will not speak of the President. I do not think it is the done thing.

Madam Speaker, the reason we take this opportunity—and we make no apologies for it—to seek to implement our own concept of what the Parliament should be, and we have a right to do that, is that reform has to take place in the wider context of our desire to have the country go forward.

For example, the reform of which we speak also envisages that there will be a fixed parliamentary timetable. you know what happened in the last Government. Because there was no fixed parliamentary timetable, the Government adjourned the House to a date to be fixed. June came, July came, August—children on vacation and so on; they adjourn to a date to be fixed. So that Members of Parliament could not go any place. August; and then they give you one week and open in October. If you want Members of Parliament to function, you must provide them with the means to do so. If you do not want them to function, say so. but do not keep a Parliament hanging, so they do not get a chance to rest. We are talking about wages and working conditions here. Every human being, in order to function properly, needs time to rest.

This was used by one of the former regimes to accrete unto Ministers huge sums of money in lieu of leave, and so on. That must not be allowed to continue. If you go to the population with that and tell them: Listen when we are finished with this salary increase, we shall reduce the cost of government—I am saying that you

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can reduce the cost of government and give the Members of Parliament the rises they need. But I am saying we should not do that unless we reform. You should cut out this kind of thing where Ministers do not go on leave and then at the end of their term, they are getting one hundred odd thousand dollars salary in lieu of leave. The thrust of my argument is that without meaningful reform, these proposals cannot be valued insofar as they relate to the Members of Parliament.

**3.30 p.m.**

Another question I thought I would raise is: Why did the Government bring this motion in the manner that it did? These reports have been lying around the place for a long time, and the Government puts them on a supplemental Order Paper, hands it out on Wednesday, and says that on Friday the Salaries Review Commission Report will be debated. I do not understand. It is because they do not have any system of running the Parliament. This is a Government by “vaps”; it says, “Let us debate the Salaries Review Commission Report” and puts it on a supplemental Order Paper, after the ordinary Order Paper has been prepared.

**Mr. Valley:** Madam Speaker, last Friday I informed the Chief Whip that, in fact, we would be debating this matter today. The Opposition knew last Friday that this matter would be debated today.

**Mr. B. Panday:** It does not change my argument. You are telling me that every Friday you have an Order Paper prepared and you did not put that on it until Wednesday: that is competence for you; but that is not the point.

The point is, do you not think that a matter like this should engender debate in the entire country? Not only Members of Parliament, we are not the be all and end all of everything here. We are not God’s intellectual gift to the world. Do you not think we should be debating on the rostrum whether these salaries should be increased, and have an opportunity to tell the people? We are prepared to support the motion provided that there is constitutional reform. The people may agree or disagree with us. Do you not think that on a matter of such importance, the people ought to have a say? It would have been one way in which we would have been consulting the people on the whole question of reform.

Reform is a thing that the PNM shies very clear of. It is scared to death of reform. The Prime Minister talks about moving incrementally. This is the only Prime Minister I know who moves incrementally backwards. He smiles wherever he goes but, he does not have a clue as to what is to be done with the economy of the country and so on. When I saw him here today, I was pleasantly surprised, but

I was almost confirmed in my view, that the *de jure* prime minister was here and the de facto prime minister was with the Heads of Caricom governments carrying on the negotiations.

What I am saying is that the fact that you told the Chief Whip on Friday is not the point I am making. That is not the point at all. You do not bring a matter like this before the House without the public having some kind of input. I do not see the reason for rushing this through—and I think you want to rush it through—but you may do so if you wish.

I want to reiterate our own position that we are prepared to support the report of the Salaries Review Commission—I want to make that absolutely clear—if there is reform. Not the report of the Chief Personnel Officer; we think that is *ultra vires*; it is illegal. It is a nullity which has not place before the House. That is my humble view.

I was a bit amazed when the hon. Minister said that the Chief Personnel Officer's comments were informed by impartiality, competence and so forth. Does that mean that the report of the Salaries Review Commission was not so informed? Does it mean that the commissioners were biased or they were not impartial? Members opposite must be careful when they speak. How can they say that we should accept the report of the CPO, as opposed to the Salaries Review Commission Report because that is more informed? That is not the body that the Constitution set up to make such recommendations. The body the Constitution set up is the Salaries Review Commission. The Government set up their own little body—a one-man commission—which reports to them and they changed the entire report.

Madam Speaker, we stand true to the position we have always maintained in this House. This country is going nowhere unless there is reform, and we shall take every opportunity that is available to us to propagate, argue and advocate reform. We do it out of love for our country. We know we cannot go anywhere without it.

I await the response of Members on the other side before we take a decision as to what we are going to do in the House with respect to this motion.

Thank you.

**Mr. Ramesh L. Maharaj** (*Couva South*): Madam Speaker, when I rise in this House and I am about to say anything which has to do with law, I seem to recall the utterances from the other side which give the impression that they are not interested in conforming to law. I hope I am wrong in my assessment.

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What this motion brings into focus quite clearly is the action of the Government in flagrantly undermining institutions which have been set up under the Constitution to perform particular functions. The Constitution of Trinidad and Tobago provides a particular machinery to deal with matters relating to salaries of certain persons including members of the higher judiciary, parliamentarians and others. This is the Salaries Review Commission. One of the reasons why this commission was set up under the Constitution, the purpose and whole motive behind it is in order to protect this commission from political interference and manipulation. We see an effort in the country at what has been happening in all these institutions—political interference and manipulation.

The Salaries Review Commission is a body set up, quite clearly, under section 140 of the Constitution of Trinidad and Tobago. As my leader, the hon. Member for Couva North, said, that body has been given specific functions and duties. The duties of that body are circumscribed by the Constitution. The Constitution is the supreme law of the land. The Government, Members of Parliament, Ministers, Members of Cabinet take an oath to uphold the law and the Constitution. The Personnel Department is also described and his powers and that of his department can be found in the Civil Service Act Chap. 23:01. His powers are circumscribed and his powers are limited; he can only exercise the powers which the law has given to him. If he exceeds that power, if he trespasses on the functions of others he is acting unlawfully and if he acts unlawfully, and a Government adopts that action, the Government is acting unlawfully. This is important.

**3.40 p.m.**

It is important for us to get the concept and the question is: Are we prepared to be a Government of laws or are we prepared to be a Government of the law of the jungle? Because there are no laws in the jungle. Society is regulated by laws and society is regulated in that way because not even the Government is above the law. The rule of law means that the Government must uphold the law, must subscribe to the law and must be the exemplar in following the law. If a government breaks the law that government is no different from a drug trafficker, a murderer, thief, because the Government is a lawbreaker and therefore, we have to make decisions. What type of society do we want?

Whatever the reasons and motives are, however emotional the topic is, we must be prepared at all times to look at the law and see whether we are acting within it. If we do not like the law, let us change it. If the law is useless, it cannot

serve the purpose; let us change it. Let us act within the law. But if the Constitution provides for a commission to perform certain functions—and before that Constitution was adopted by the people of Trinidad and Tobago, there were extensive discussions; the people had a say in it. That is the Constitution of the people of Trinidad and Tobago. That lock there cannot be changed overnight. No Government could change that overnight. If they want to change it there is precedent for changing it. I am saying it is very shocking that a Government can adopt that attitude. I want to find out what is the purpose of appointing the Chief Personnel Officer.

Madam Speaker, I have taken the trouble to write two paragraphs about the law. I want to make sure I am accurate in what I am reading into the *Hansard* of this House.

Section 14(2) of the Constitution of the Republic of Trinidad and Tobago is mandatory, and it is to be construed as requiring the report of the Salaries Review Commission to be laid as soon as possible after receiving it on the Table of each House.

By section 75(3) of the Interpretation Act, if not by section 141(2) itself, this is required to be done during the existing Parliament. That report was laid in Parliament.

The motion which is before this House conflicts with the expressed requirement of the Constitution in that it attempts to amend the recommendations of the Salaries Review Commission which were already laid before in a previous Parliament to seek approval of those amended recommendations without compliance with section 141 of the Constitution of Trinidad and Tobago.

I do not think one has to be a brilliant lawyer or even a lawyer to recognize that. I think any layman who reads this constitution and reads this section would put that as the interpretation to it. Let us put it in its perspective. If the Salaries Review Commission submits a report and it goes to the President and the Cabinet does not like it, the Cabinet is entitled to tell the Salaries Review Commission what it thinks about it. The Salaries Review Commission can consider what the Cabinet thinks, but the Cabinet cannot, if it does not like what an independent commission has done, appoint someone else whether it be the Chief Personnel Officer, or a police officer to carry out the functions. What we are doing is running a *vaille-vaille* government, an ad hoc Government.

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[MR. MAHARAJ]

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We have a problem. We feel it should not end up this way and therefore, we are not prepared to go to the law to do it. They want to get it through the shortest possible way and it does not matter to them. This is a trend. What has happened with the Licensing Authority with the Public Service Commission is the same thing. Government decides to impose it with a strong hand on the Commission. In the Police Service Commission it is the same thing. What has happened is that the Government has embarked upon a plan, a deliberate plan and I am not convinced that it does not know that what it is doing is wrong. I am sure it knows that. They know that what is being done in this matter is totally wrong, it is unlawful, it is illegal. It is a deliberate plan by the Government to undermine the independent institutions in Trinidad and Tobago.

Madam Speaker, why? Look at the situation we have. We have a Chief Personnel Officer who would be able to say what the salary of a judge should be. The judiciary is independent. The Salaries Review Commission, is an independent body. The Salaries Review Commission would have had discussions with the judiciary in order to determine what kind of money should be fixed in order to attract people, but what do we have? The Chief Personnel Officer could come and say he does not agree with what the Salaries Review Commission does and determines what amount of money should be given to a judge. *[Interruption]* In effect the Cabinet wanted that to be so and therefore they got somebody to say so. The hon. Minister read from page 4 of the Twenty-third Report. It states:

“the necessity to attract, to recruit and retain persons of suitable competence, expertise, knowledge, skills and personal attributes to fill positions of highest responsibility and trust in the State.”

That is one of the criteria the Salaries Review Commission followed. Is it responsible government to reject it totally? Did the Cabinet of this country inform the Salaries Review Commission of the reasons for its disagreement?

**Mr. Panday:** They were consulted.

**Mr. Maharaj:** As my Leader the hon. Member for Couva North said, they were consulted by the Salaries Review Commission. How could you treat an independent committee or body with such contempt? Is it because you have power, a few seats, you are arrogant, you just want to pass anything, you want to oppose? Is that how you are going to govern? This is a very serious matter. Madam Speaker, this is a situation and I hope I do not embarrass you.



The Speaker of this House was a Master of the Supreme Court. That post was entitled to certain moneys. Based on this recommendation, the Speaker would have been better off as a Master.

I am raising that to show that the Chief Personnel Officer does not understand. The reason for these commissions to be so insulted from Government's interference is that the Government cannot tell anybody, whether it be the Chief Personnel Officer or anybody, to undermine, to change the decisions of the commission. The Government cannot say that they do not know about this, because the Cabinet has decided to ask us to adopt the Chief Personnel Officer's Report. The Government is just as guilty as the Chief Personnel Officer.

I think it is clear beyond any doubt that what has happened here is part of the policy of this Government to undermine independent authorities. What is happening here has happened in the licensing authority, the police service, Trinidad and Tobago Television. A Minister could say that he is not appearing on a show if a particular man is hosting that show.

Trinidad and Tobago Television is owned by the people of Trinidad and Tobago and a Minister of Government can say he would not appear on a television station owned by the people of Trinidad and Tobago if a particular interviewer—I will call his name; Mr. Gideon Hanomanisng—is hosting that show. That is institutionalized patronage and that is what this Government has embarked upon. It wants its boys in whatever authorities exist, whether it is television, the Licensing Office, or in the police service.

### **3.50 p.m.**

These measures involve taxpayers' money. According to the CPO's recommendations, if I remember correctly, if they are implemented, it would cost taxpayers \$20 million annually. I thought that if a government is interested in delivering to the population—because what it amounts to is that they are not going to pay taxpayers' money just for the sake of paying—it must ensure that the population benefits from these increases. One has to ask the question: By paying judges more money, would that solve the problems which exist in the administration of justice? Would that improve what is happening with respect to the judiciary?

One sees that this Government is not getting to the core of the problem. I should have thought that any government which is confronted with a report which in effect wants to increase the salaries of judges would consider the whole question

of the administration of justice in the setting as to what we are doing. Is that going to assist the population of Trinidad and Tobago?

In this House sometime ago I raised a question which had to deal with figures relating to the administration of justice. As you may recall, on July 31, 1992, I asked the hon. Attorney General and he answered several questions concerning the number of matters pending in the courts in 1981, in the Magistrates' Courts, the High Court, Court of Appeal; how many matters were heard and how many judgments were delivered in the Industrial Court, et cetera. I should like to give this House an idea of what those figures reveal, so that we can see in perspective what we are talking about by increasing or spending taxpayers' money for the administration of justice. Are we sure we are giving those increases and that the people of Trinidad and Tobago will benefit?

Madam Speaker, I took the trouble to write this out so I hope you would permit me to refer to it. The answers given by the Attorney General to the question disclose the following: In respect of criminal cases which are pending in the High Court, they show that 734 matters were pending in 1981. To this the information shows that for appeals in the Court of Appeal, there were 122 civil appeals and 345 criminal appeals as at 1981; for the tax appeals it showed that there were 144, and for the Industrial Court, 667.

I have worked it out and these figures show that an average of 250—300 cases are added to the assizes each year, but only a small number is determined. The civil cases show that the High Court delivers an average of 205 written judgments annually. This is an average of two monthly per judge because there are about eight to 10 judges. The Court of Appeal delivers an average of 50 written judgments annually; there are six or seven judges.

This cannot be satisfactory. The 1989 figure shows that the Court of Appeal determined 679 appeals; 455 magisterial and 224 High Court, but of these only 61 were written judgments. That is an average of less than 10 per cent. In 1986, the Court of Appeal delivered 274 judgments and wrote 55. In 1980, the figure was bad; the Court of Appeal determined 591 matters and delivered 40 written judgments. In the jurisdictions abroad, almost in every case each judge of the Court of Appeal writes a judgment. In our jurisdiction very rare one has three of the judges writing a judgment.

I am doing this in order to see—

**Mr. Sobion:** Madam Speaker, I want to bring the provisions of Standing Order No. 36 (10) to the attention of the hon. Member for Couva South. In effect he is calling into question the conduct of members of the judiciary and there is no substantive motion before the House in that regard.

**Mr. Maharaj:** I am not calling into question the conduct of the judiciary. I am making conclusions from the figures that the hon. Attorney General has provided me with. I am using the same figures. I am not attacking or calling into question the conduct of anybody.

**Mr. Sobion:** What the Member is attempting to do is to suggest that these judges are being paid increased salaries and they are not conducting themselves in terms of doing their work, and he is actually going on. I listened to the figures.

**Madam Speaker:** He can conclude that on a substantive motion.

**Mr. Sobion:** That is correct, Madam Speaker.

**Madam Speaker:** Would the hon. Member proceed without referring to the conduct of the judges.

**Mr. Maharaj:** Madam Speaker, I am not referring to the conduct of the judges.

**Madam Speaker:** The hon. Member is saying that the implication is that they are not performing satisfactorily.

**Mr. Maharaj:** I would put it another way. I think it is the duty of the Government, that if it is going to ask us for the population's money to be used in order to increase salaries, whether it is parliamentarians, judges or anybody else, as part of their contribution, they ought to show the performance of officers and how the public is going to benefit. I would say that the—

**Madam Speaker:** I think the Member is making a general comment, not being specific to the judges. And it does not relate to the conduct of any particular judge. He was dealing generally with the justification of salaries etc.

**Mr. Maharaj:** I thought that was clear and the hon. Attorney General would have recognized that. I am not on the judges. I am on the machinery, the system.

#### **4.00 p.m.**

For the figures in the Magistrates' Court—if those figures are correct—there should be about 3000,000 cases pending at this time, and from the figures only

55,000 of those cases can be determined a year. This means that of the ones which are pending, there will be a backlog of six years.

Granted that the magistracy is not involved in this because it is the higher judiciary, but from the statistics in the High Court, 8,000 cases are filed per annum and the arrears are heavy. For a total of more than 80,000 civil matters filed between 1982 and 1991, no more than an average of 1,200 were determined each year, and 7,000 or 8,000 are being filed.

I ask the question, "how can this Government justifiably come to this House to ask us to approve these increases, without coming to us with reform for the judicial service, which is the machinery of justice in Trinidad and Tobago? As the hon. Minister says, there must be internal and external equity, and I would think that external equity means equity for the people of Trinidad and Tobago. I should like to know how it is we are being asked to approve these measures without the reform of the judicial system. I should have expected the Government to say that, "Yes, we have these things, we want to be able to improve the situation; we think this would be able to improve it, but we have other ideas in mind."

On page 8 of the 1991 manifesto of the United National Congress, in dealing with the question of security of the person, one sees that we said that if in 1991 a UNC Government were in power, it would have reformed the legal system to deal with the backlog of cases. One sees that reformation was in the forefront of our manifesto. Also, at page 8, No. (7), we said that:

"reviewing the criteria and system of recruitment and selection of judicial officers to ensure that only quality personnel reach the judicial benches."

How can the hon. Minister justify what they are doing? I want to read the comments made by the Hon. Mr. Justice Lennox Deyalsingh, as far back as January 27, 1981, in delivering a lecture on the judiciary with respect to human rights to the people of Trinidad and Tobago. It is important if we are talking about money to be voted. We would want to know what the judiciary is thinking about matters and people's rights in Trinidad and Tobago. I hope the hon. Attorney General does not object to my reading what the Hon. Justice Deyalsingh has said. He talks about the executive and the judiciary and I will just read the part on the Constitution on page 26 of his lecture. He was comparing it with the English system:

"The Constitution of Trinidad and Tobago in fact provides for such a judiciary. It provides that judges shall be appointed by a Judicial and Legal Services Commission; that their salaries shall be a charge on the Consolidated Fund;

that they shall not be dismissed except for misconduct and that their terms and conditions of service shall not be altered to their detriment without their approval. Statute also provides that the minimum qualifications for judges of the High Court shall be of 10 years standing as a barrister and that Justices of the Appeal shall be of 15 years standing as a barrister or office of a judge of the High Court.

In practice and by convention in England appointments are made to the High Court only from successful practitioners at the bar and the average experience of those appointed is well above the legal minimum.

Regretfully the practice locally has not followed the convention in England that appointments be made only from successful practitioners at the bar. The practice in Trinidad and Tobago has largely been to recruit judges from the Attorney General's Department because it is said that the terms and conditions of service of the judges have not been adequate to attract successful practitioners from the bar. Whatever the reason, the practice of not following the English method has resulted in an emaciated judiciary and there are real doubts as to whether it fulfils or can effectively fulfil the role designed for it by the Constitution of Trinidad and Tobago.

The Honourable Chief Justice of Trinidad and Tobago has, on more than one occasion, spoken of mixing the judicial brandy with water and apparently this has happened. Coming from the practising bar as I have, I maintain a cordial relationship with practitioners. They speak freely with me and they have expressed serious doubts about the competence of the judiciary.

Speaking about one appointment to the bench, a practitioner, in alluding to the judge's competence, used a colloquial expression which distinguished two parts of the human anatomy. Of course, this was an exaggerated but forceful way of making the point."

**Madam Speaker:** I am trying to discern the relevance of what the hon. Member is saying.

**Mr. Maharaj:** Is the salary that you are giving going to attract competence to the judiciary?

**Madam Speaker:** Are you using that argument in support of that proposition?

**Mr. Maharaj:** I cannot understand, if you say—and we represent the taxpayers of Trinidad and Tobago—that you want us to see whether we can justify this increase, it is asking us to justify the figure for even the Speaker.

**Madam Speaker:** The proposition the Member is making is not out of order, it is the argument in support of the comments on the brandy. I do not think that is really supportive of what the hon. Member is trying to put forward. Maybe he read a little too far.

**Mr. Maharaj:** I did not mean that you were ever a mixing of the judicial brandy.

**Madam Speaker:** You are supporting an argument whether or not the figures proposed here will better the quality of judges, so we could have continued with that.

**Mr. Maharaj:** Parliament is a place where people must be responsible and speak facts. Here it is that we have a report and one of the criteria used is, of necessity, to attract, recruit and retain persons of suitable competence, expertise, knowledge, skills and personal attributes. If I am reading what a judge said in relation to personnel, I am building up my argument.

**Madam Speaker:** That is why I asked the hon. Member to show me the relevance. He has now indicated.

**Mr. Valley:** Madam Speaker, I draw your attention once more to Standing Order 36(10) which says in part that:

“...debate on a motion dealing with any other subject any reference to the conduct of any such person—shall be out of order.”

**Madam Speaker:** It is not the conduct of any particular judicial officer; it is a general statement, whether or not competent personnel are being attracted to the judiciary, and the learned Member is using a judge's recommendation with respect to that.

**4.10 p.m.**

**Mr. Maharaj:** Madam Speaker, I am talking about reform and one of the points I would make is that they cannot come to this Parliament to ask us to approve taxpayers' moneys to be spent without showing that they intend to reform the judicial system, and in what way. Is it that they are going to leave the criteria for the appointment of judges as they are, that the population do not know?

Madam Speaker, if you would bear with me for just a short while. Reading from the judge:

“I record these matters with anguish. Quite apart from the implications arising, the very fact that they have been expressed affects the independence of the judiciary...”

However, not only must it be independent, in the sense that it comprises fair and fearless men, but they must be competent and so regarded by the legal profession and by the public.

“...with the recent increase in the emoluments of judges—and I say no more on this—it is to be hoped improvement in other areas of the conditions under which they work, the time has come, I submit, with respect for the Judicial and Legal Service Commission to lay down definite criteria for the appointment of judges.”

So here it is, a judge is saying that we should also have improved conditions, better conditions, but there also must be a laying down of criteria for the appointment of judges so that the public’s rights can be protected, which is part of the reform which we are saying we want with respect to these measures.

These criteria, I suggest, should be those that are followed by convention in England and which constitutionally should also have been followed locally upon attaining independence, and the judge gave the criteria. For the benefit of the Attorney General, if I could read them to him:

- “(1) An average of 15 years standing as a barrister and a successful practice at the private bar.
- (2) An average age of 50 years, ensuring all-round maturity.
- (3) An exemplary character and unquestioned integrity.

These criteria should, as a rule, be followed, departed from only in the case of a very exceptional candidate, when the requirement of 15 years standing, or 50 years of age could be waived. Where the judiciary is concerned, the aim should always be excellence. Mediocrity has no place there.”

This is a High Court judge speaking:

“What has actually occurred in Trinidad and Tobago is that recruitment of judges under the colonial system has continued even though the territory has passed from a colonial status to independence. This has been a most regrettable

practice, one which violates the Constitution in the spirit if not in the letter in a most vital area. I venture to express the concern of many lawyers that any further appointments to the judiciary which disregard the criteria just mentioned will, to say the least, plunge the judiciary deeper into the abyss of mediocrity from which it will be well nigh impossible to ascend in the foreseeable future. It will give rise to real fears that the judiciary is incapable of fulfilling its constitutional role not only in the field of fundamental human rights, but over the whole landscape of the law.

The day the citizens of Trinidad and Tobago lose confidence in the judiciary will see the beginning of the end of the parliamentary system of Government in this country for an independent judiciary comprising fair, fearless and competent men is indispensable to parliamentary democracy.”

Madam Speaker, let us now go to the report. One sees in the CPO’s report, under “The Higher Judiciary”:

- Chief Justice, existing salary, \$11,880; salary recommended by the Salaries Review Commission, \$15,500; proposed rate, \$15,000, a slice off of \$500.
- Justice of Appeal, existing salary \$9,000; \$12,500 is recommended; \$12,000 is the proposed rate.
- Puisne judge, \$9,200 is the existing salary; \$11,500 recommended; the proposed rate, \$11,000.

Madam Speaker, I cannot say that judges should not be properly remunerated. As a matter of fact, judges must be properly paid. If judges are not properly paid then obviously the judiciary would not attract the calibre of persons it ought to.

However, money alone is not enough. Therefore, the Government should not consider these increases or effecting additional public expenditure without coming with reforms so that the people would benefit, without ensuring that people who should not be appointed judges would not benefit from these increases. If proper machinery is not put in place, you can have people who should not be judges made judges and benefiting from these salaries and other benefits from the taxpayers of Trinidad and Tobago. That is very relevant to my vote.

I should have expected that the Government would have told us what it intends to do with the appointment method, selection and elevation of the members of the judiciary and the position in the Court of Appeal. What is the criteria for the



appointment of judges? What is the accountability which the independent commissions have, in particular the Judicial and Legal Service Commission?

Obviously, the Government is dissatisfied with the performance of some of the members of the independent commission. As a matter of fact, the Government was dissatisfied with the Salaries Review Commission and that is why it had the CPO make recommendations. So if it is that it is not functioning, let us decide whether the Judicial and Legal Service Commission, which is responsible for the appointment and elevation of judges, should not be accountable to the people of Trinidad and Tobago.

Should we not consider reforming the system so that a person would not be appointed a judge unless he is scrutinized by either a parliamentary committee or a judicial commission, so that the population can have an input as to whether that person has the appropriate background and is qualified enough to be a judge?

Madam Speaker, we hold power not for ourselves—I have said it before and I am going to say it again—we hold it in trust for the people of Trinidad and Tobago. We are the trustees of that power; they are the beneficiaries. When we take action here, we must ensure that our actions do not benefit ourselves, our party or our cliques, but the people of Trinidad and Tobago. *[Noise]*

**Madam Speaker:** People in the public gallery are not allowed to clap or make comments. If you wish to stay in this House, you will abide by the rules of this House, which means silence while you sit in the public gallery; otherwise you would be put out.

**Mr. Maharaj:** Madam Speaker, I do not think this Government can be serious. I hope it is an oversight. In this report where it deals with motor vehicle purchase loan, it is very significant that the benefits which are given to Ministers and Parliamentarians are not given to judges.

**Mr. B. Panday:** They are full time.

**Mr. Maharaj:** As a matter of fact, they have standard motor cars. I walked with the regulations here—in case there was any query—Conditions of Service Allowances (Amdt.) Regulations, 1983; and the Travelling Allowances Ordinance, Chap. 9:12.

In the report, it states:

“In addition, the CPO proposes that persons who now enjoy exemptions on Motor Vehicle Tax and Value Added Tax, (either fully or limited to the value

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of the maximum loan), on locally assembled cars should have the respective arrangements extended to imported vehicles.”

So the judges can only get the concession on locally assembled vehicles; they cannot get it on imported vehicles, but Ministers can.

Here we have a situation where the Government is trying to alter the terms and conditions of judges. As a matter of fact, those conditions and facilities which are given to judges are part of their terms and conditions and the Government, the CPO, nobody has the authority to change them. They can only be changed by a specific majority.

Therefore, where the judges are not being given the facility or the allowances in respect of the importation of the car and they are restricted to a locally assembled car, I see this as an attempt by the Government to affect the terms and conditions of judges. In effect, it is recognized that if you try to affect their terms and conditions, you are interfering with the independence of the judiciary, undermining the separation of powers and the independence of the judiciary.

I ask the Attorney General to read the two pieces of legislation that I have referred to and see that what they are doing is clearly a naked violation of the Constitution.

I should have thought that the Government would consider the welfare—

**Madam Speaker:** I wonder whether the hon. Member looked at paragraph 2 of the recommendations under “Motor Vehicle Purchase Loan”. I see here:

“In addition, the CPO proposes that persons who now enjoy exemptions on Motor Vehicle Tax and Value Added Tax, (either fully or limited to the value of the maximum loan), on locally assembled cars should have the respective arrangements extended to imported vehicles.”

Does that not apply to judges? It does.

**Mr. Maharaj:** I have made a submission and investigated this matter. I have had discussions with persons and from the interpretations of what I have read, I am making the submission—if the Government wants to say otherwise let it—I am making the bold submission that these recommendations which are provided for Ministers in respect of imported vehicles do not apply to judges.

Madam Speaker, I want to finish before half past four.

**Madam Speaker:** Your speaking time 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 must thank hon. Members. I shall be finished by 4:30 p.m.

I should have thought that the Government would also consider, in this tax-free allowance which has been given to judges, making representation to the Salaries Review Commission for the widows of judges to get some benefits.

I have here a letter written by Lady Dorothy McShine, who was the wife of the former Chief Justice of Trinidad and Tobago, dated February 14, 1992, to his Excellency, the President. I should like to read it into the record.

“On behalf of myself and all other widows of former Judges of the Supreme Court of Judicature, I most respectfully petition your Excellency with a view to obtaining some measure of relief for the widows of judges.

Recently, the salaries and pensions of judges were made exempt from income tax. However, the pensions of widows of judges were not. This, we feel, places a judge's widow at great financial disadvantage at a time when financial assistance is most needed, bearing in mind her age, the unlikelihood of her obtaining gainful employment and the fact that pensions, already reduced, are not indexed to the cost of living.

The incidence of income tax on our reduced pensions merely serves to reduce the widow almost to a state of penury while the benefit to the public purse, having regard to the number of widows who may, at any one time be the recipient of such a pension is minuscule—there are at present merely five widows.

It is in these circumstances that we present this petition to Your Excellency, seeking through your kind office that the Executive be pleased to make the pensions of the widows of the judges also exempt from income tax so that in the winter of their years, widows may enjoy some little measure of financial relief and be able to maintain their dignity and self respect.”

The Member wants to know how I got it. I cannot tell him. Madam Speaker, I would think that the Government would be happy that I got such a letter and that

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they would, in effect, even consider passing a bill so that the public would have the right to information.

I have grave difficulties supporting these measures without being convinced that there are reforms.

Very quickly, when one reads the *Mirror* of October 16, 1992, "Starvation to death"—and I am sure the hon. Minister of Social Security would be aware of this—person died from starvation, poverty. On October 16, 1992, a Minister of Government is quoted at page 3 as saying: "I never took a vow of poverty." Big motor cars, he never took a vow of poverty.

I see, with respect to the hon. Member for La Brea—I am sure that he is not pleased about this—on October 14, 1992, "Poverty and destitution, a part of life in La Brea."

Madam Speaker, as trustee of the people of Trinidad and Tobago, I cannot, in conscience, having regard to the oath I have taken, support these measures unless and until the Government brings reforms in respect of these measures so that the people of Trinidad and Tobago would benefit from these increases.

Thank you.

**4.25 p.m.:** *Sitting suspended.*

**5.05 p.m.:** *Sitting resumed.*

**Mr. Trevor Sudama** (*Oropouche*): Madam Speaker, we are dealing, today, with what we consider to be remuneration.

This country is in a negative growth syndrome and there is mounting poverty which, I am told, according to a university report, is in excess of 20 per cent. For historical reasons, certain jobs are highly paid because of the industries in which these jobs occur. There is significant employment in the public sector in Trinidad and Tobago. Then, of course, there is the private sector and the methods and processes by which remuneration packages were decided upon by that sector.

I admit that proper remuneration is a difficult exercise to work out in any particular class or sphere. What ought to be the relationship between various classes of employees in Trinidad and Tobago?

I am not here to be unduly critical of the efforts of the Salaries Review Commission and other agencies involved in determining pay packages. But what I should like to find out is whether the Government is appreciative of the range of

income inequality in Trinidad and Tobago and what it intends to do to deal with greater equity in the system, not only as between various classes in the purview of the Salaries Review Commission, and those posts and similar occupations in the private sector. I am also concerned about whether this Government understands what is going on in the rest of the society and the explosive situation in which the country finds itself today.

So while we are here talking about remuneration packages for those posts which come within the purview of the Salaries Review Commission, we cannot at the same time de-link that—as there is an attempt to do—and, in fact, there is a contradiction here in the comments of the Chief Personnel Officer. We must be aware of what is happening in the rest of the society as regards incomes, and indeed falling incomes, for substantial numbers of the population of Trinidad and Tobago.

We come here today as if we are not fully aware of what is happening, and specifically to focus on these salaries which have been proposed by the Salaries Review Commission, amendments to which have been proposed by the Chief Personnel Officer. We on this side of the House are very mindful of what is happening in the rest of the society and what we should do, if not to have an incomes policy for Trinidad and Tobago for the various income earners, but to at least have an appreciation of what is happening and, therefore, have a vision of where we want to go with respect to income earning in the public sector as well as in the private sector.

As far as I am aware, nowhere has it been articulated in any Government document as to whether they are appreciative of that fact and whether, there is such a view—whether there is such a policy is another question.

I want to briefly deal with this problem of how this report came before this House. The point has been made by the Member for Couva North that the Salaries Review Commission is an independent body and it has been given a mandate to take everything into account to arrive at certain conclusions, which it has done. The report has been submitted to the President and the Prime Minister has laid it before Cabinet. However, here we have a document which does not specifically say that Cabinet has considered the comments of the Chief Personnel Officer and has accepted all those comments *in toto*. It does not say so, but I assume that is the assumption behind this.

This Cabinet—and whether it is deserving of any pay increase is another question—has received a report. The Chief Personnel Officer was asked for his

comments and these were incorporated in this document and lumped before this Parliament as if the Cabinet has no judgment in the matter. Further, why does the Government have to drag the CPO into this? If it had gotten the CPO to make comments and this is its view, why does it have to drag a public servant into the firing line in a debate in this House.

The CPO is a public servant. The Government have come here and said, "Look, we are hiding behind this public servant's comments. He has commented such and such and we are taking his comments and bringing them to this Parliament." If this is an attempt to rationalize or justify the recommendations made and are now before this House, I think it is a very shoddy way to do it. An executive, hiding behind the competence and the integrity—as the Minister said—of the Chief Personnel Officer, to come to this House and use this as justification. Did they have an independent view? If so, they could have come to this House and said, "Look, after having consultations and so on, this is what the Cabinet is now proposing to the House, for either acceptance or rejection."

In my tenure in this House, I think this is the first time that the CPO and his comments have been dragged into a debate. I want to know why. Is it because they feel that they can hide behind the independence, expertise and skill of the CPO? Or is it because if there is any flack, it is the CPO who will take it and not the Executive and the Cabinet of this country?

**Dr. Rowley:** Madam Speaker, just for the record, I want to correct the perspective of the Member for Oropouche. The Minister, in presenting the report, very clearly stated that what was being presented was the position of the Cabinet. The Government holds itself fully responsible for the decision. All that has happened is that the Government has shared with this House the advice of the professional in the CPO's office. It is quite mischievous for the Member for Oropouche to seek to give the impression that the Cabinet is hiding behind the CPO.

**Mr. Sudama:** If the Member is going to impute motives, then I would do likewise. To get up and say what and who is mischievous, I shall deal with that, and particularly, his performance as Minister of Agriculture. I see they want to propose a pay increase for him. So if he wants to correct me—why did the Minister of Public Administration not get up and make a clarification? Is the

Minister of Agriculture his mouthpiece? He has come here and he has full right to speak in this House. Let him make a clarification as to what he said and what he did not say.

So, Madam Speaker, this is the first point I wish to make.

**5.20 p.m.**

The next point is that when it suits their purposes, they will hide behind the bureaucracy. Indeed the Prime Minister is complaining that the bureaucracy is putting obstacles in the path of the Government. When they cannot get things done, they blame the bureaucracy. I believe this is the pattern here. From public reaction we may experience or may be created or may emerge from the debating of this report here, and the publication to the public at large, they want to hide behind the comments of the Chief Personnel Officer.

We have had enunciated in this House the principles on which these pay packages are based and the comments of the Chief Personnel Officer. We have statements made, two in particular that you must have fair comparison between what happens in the public sector and pay packages in the higher reaches of the public sector and, of course, what is the experience of income earnings in the private sector for the relevant range of jobs and so on.

There is one point I want to make to this Government. While there is need to attract people of competence you will never be able to compete in remuneration packages with the private sector. So you put that in your pipe and smoke it. You will never be able to do it, simply because you are dealing with two different sources of earnings. While you would wish to compete and you must have some adequate remuneration package, you cannot compete. So that, if you feel merely by increasing salaries and looking at ranges in the private sector for the relevant kinds of job classification that you will solve the problem, that is not going to be a solution because you have to look at other terms and conditions which would attract people to the public.

Then, let me make this point. On the whole issue of external wage rates as a benchmark—I think that was mentioned by the Minister—he said that the median in the private sector for executives requiring comparable skill and competence was \$206,000 per year which works out to be about \$17,100 per month. If that is the case—and you are talking about people who get way in excess of \$17,000 in that scale—then when we look at this compensation package I do not see anybody being recommended even for \$17,500. I do not see any recommendation here,

from the highest offices in the land, being recommended even for the average that is being paid in the private sector.

We may have a look at what is going on there, but as I said you cannot compete with the private sector. It is a different ball game and therefore you will have to look at other terms and conditions in the public sector to compensate for the fact that you cannot give the same levels of income and remuneration as for comparable positions in the private sector.

We may have a look at what is going on there, but as I said you cannot compete with the private sector. It is a different ball game and therefore you will have to look at other terms and conditions in the public sector to compensate for the fact that you cannot give the same levels of income and remuneration as for comparable positions in the private sector.

Now we come to another question. This is something which has bedeviled performance in the public service, and the Minister did say that on the issue of relating pay to performance that cannot be tackled in the public sector because you do not have proper criteria, proper yardsticks. How do you assess performance in the public sector in the occupations or posts we are talking about? I know it might be a little more difficult than it is in the private sector, but I want to tell him that so long as this question remains nebulous as to the quality and level of performance in the public sector, he will have a public sector that does not come up to scratch as regards the expectations of the public.

Therefore, it is important for the Government to try to devise ways and means of establishing criteria where when you give people relatively high salaries in the public service, you must be able to assess and monitor performance according to criteria, rather than just leaving people there who have security of tenure, not like in the private sector.

That is one of the advantages of being in the public sector—you do have certain security of tenure. You are in a post and even if you are not performing, even if you are indisciplined, it is a tortuous system you have to go through in order to either get rid of such a person or to transfer him to another post which is, perhaps, lower in the income scale. That is one of the problems which are bedeviling public administration in Trinidad and Tobago and it cannot be divorced from the question of remuneration.

You put people as managers in the public service; if I may look through some of the positions which have been outlined here, quite apart from the executives—



you put them into certain positions, whether in the judiciary, the Industrial Court, for that matter. What is the performance with respect to judgments, the processes and the facility of processes and matters being resolved in the Industrial Court? We want to look at that because it has importance for industrial relations in Trinidad and Tobago—the ease, the facility with which matters are determined in the Industrial Court; and that also has relevance to the remuneration packages that we are proposing.

The Tax Appeal Board. Can we establish criteria, for example, how many cases are heard; of what complexity, and so on? Can we compare that and then have a determination as to the performance of members of the Tax Appeal Board, or do we just allow them to continue in a manner without monitoring, supervision, assessment, or taking stock of how they, in fact, do perform?

Then we have the top managers in the public service. You have the various permanent secretaries—Permanent Secretary to the Prime Minister and Head of the Public Service, a very senior position, perhaps one of the most senior in the public administration in Trinidad and Tobago; Permanent Secretary, Ministry of Finance; Commissioner of Inland Revenue and Chairman of the Board of Inland Revenue. We have to look to find out what is going on in the Ministry of Finance. Is it being properly administered? Who is accountable and responsible in the Board of Inland Revenue? And do you have any discretion or flexibility with respect to the salaries that you pay people?

If you really want to compare yourself with the private sector, and as I say it is not fully comparable, but if you want to go halfway, then you have to, as of now, set up criteria to determine performance in these very senior positions in the public sector. That has not been done and has not been attempted; and all we hear from time to time is, you cannot apply criteria in the private sector; you have the profit motive, you have the bottom line of the balance sheet which is an indicator of performance; you cannot have the same thing in the public sector because you are dealing with a service.

I have no problem with that; you are dealing with a service, but surely you can assess the manner in which that service is being delivered and you could have some empirical evidence and criteria to determine levels of efficiency or even to indicate levels of efficiency and performance. But that probably is too difficult an exercise for the Government to undertake and we in this House come here, merely to make comments. We are not as fortunate as the CPO to have all our comments accepted.

We are here merely to give advice and represent the view of our constituents, and we leave it at that.

General Manager of the Industrial Development Corporation. Now, surely, here is an area in which you can assess performance; Director of the Management Development Centre; General Manager of the Port Authority; Executive Director of WASA. My good friend the Member for Laventille West—I believe after being in office for one year—

**Miss Nicholson:** He is talking differently. He is talking just like Pam.

**Mr. Sudama:** He should be in a position now to determine criteria for performance.

What is demanded of WASA? To provide an adequate level of water to all the citizens of Trinidad and Tobago. But an empire has been built—an empire which is supposed to deliver water but, in effect, ends up delivering corruption. And therefore when we look at the relative ranges of the posts I would not say anything about giving the Executive Director of WASA an increase from \$8,809 to whatever you want to give him but I am saying that when you give these increases we, as representatives of the people and as the Parliament to which the Executive is accountable, should try to ensure that, in fact, water is being delivered, and that they do perform.

In my own constituency for months now, over half of my constituents cannot get any water. But WASA wants water rates. Water rate bills come regularly, but I am telling my constituents not to pay any water rate bills if they are not getting water. If they want to sell the houses, well we would deal with that when that time comes. The next step is to organize protests in the streets for an essential service. I am giving the Minister of Public Utilities the grace of one year. From 1993, I want to see performance and delivery, otherwise, we are going to come marching home.

**5.30 p.m.**

I see that WASA has been given special attention. Four posts being regarded as so significant that they cannot be dealt with in the ordinary classification of the public service so they have been pulled out and treated specially by the Salaries Review Commission. Executive Director—powerful salaries—\$11,000 recommended by the SRC, \$10,500 proposed by the Chief Personnel Officer. Deputy Executive Director, \$8,503 the existing salary, \$10,500 recommended by the SRC and \$10,000 proposed by the Chief Personnel Officer. Director of Finance,

same range. Technical Director same range, and today, thousands and thousands of people in this country cannot get the end product, which is water in their taps.

I want to tell the Minister that I am not proposing any solutions at this time, but if there are solutions to be proposed, then it has to start from the top. He cannot escape his responsibility as being the head of the Ministry of Public Utilities, responsible for the delivery of water in Trinidad and Tobago.

I have some difficulty in understanding the rationale behind the cuts made by the Chief Personnel Officer. Why has he found it necessary to make these cuts? There is a little problem that exists here, and the CPO seems to be arguing on both side. He is a two-handed economist. One side he argues and then he agrees on the other side. Let me read to you what the Chief Personnel Officer has said at paragraph 7:

“The CPO also supports the Commission’s recommendation for a delinking of the remuneration arrangements of the public sector offices under its purview from those applicable to the general Public Service.”

So it is delinked now. The same criteria which apply to the general public service are not really going to apply to these posts in the purview of the Salaries Review Commission. Then he goes on to say:

“The CPO is mindful, however, that notwithstanding the validity of the Commission’s approach towards remuneration for top officers, the industrial relations implications for the wider public sector cannot be overlooked.”

Industrial relations implications? If you reduce the pay of the President—\$17,000 recommended, \$16,500 proposed—or the Prime Minister—\$17,000 recommended, \$15,000 proposed—how is that going to affect the general industrial relations climate in the public sector? I do not understand the reasoning. On the one hand they want delinking, setting separate criteria, and on the other hand they want to be appreciative of what is happening in the wider public sector.

He states at paragraph (9):

“On March 1, 1992, the award of the Special Tribunal on matters 1—5 of 1985 concerning revised pay and other terms and conditions of employment of public servants was implemented. However, the Public Services Association had submitted for consideration proposals on revised pay and other terms and conditions of employment for public officers for the period January 1, 1990 to December 31, 1992 and, by tradition, another three-year contractual period will commence on January, 1992.”

*Salaries Review Commission*

*Friday, October 30, 1992*

[MR. SUDAMA]

If that is going to be the case, and they anticipate further increases in the general public service under a new contractual agreement, then one would have thought that there might be an agreement to leave this under the purview of the Salaries Review Commission at higher levels, in order to maintain, as the Minister said, appropriate differentials. I do not see the logic in the CPO's comments in justification of the reduction of certain salaries proposed by the Salaries Review Commission. He is arguing delinking on one hand, but he says at paragraph (10):

“Revised wages for Government's hourly, daily and weekly-rated employees have also been settled only up to December 31, 1992.”

So, we are going to have a new contractual period beginning January 1, 1993 for these people. He then says at (11):

“Against this background, and taking into account the overall financial and economic constraints facing the country the CPO considers that the recommendations of the Commission as contained in its Twenty-Third Report may be accepted, subject to the modifications which are reflected in the Appendices.”

This is the rationale. This is the justification.

Madam Speaker, I am convinced that paragraph (11) probably was not written by the CPO, it was written by the executive. That is their justification against this background.

Let us look at the modifications. This overall package, as modified by the Chief Personnel Officer, is going to cost about \$12 million. The first question I want to ask is: What would be the savings if, in fact, the SRC recommendations were fully accepted? How much would this country have saved by reducing, for example, the President's salary—he is only one person; we have only one Prime Minister, at least being paid—we have many others acting as Prime Minister, but only one getting the salary of Prime Minister. We have some Cabinet Ministers, I do not know how many now, that is a constantly changing figure.

What the Chief Personnel Officer has done is cut down these salaries by \$500 in each individual case. Of course the Speaker of the House of Representatives, the President of the Senate and the Leader of the Opposition and so on, got a bigger cut; more savings. I do not know if that, in any way, is related to skills and performance they talk about, but it is reflected in this report. Apart from that, in every other case, it is a \$500 reduction. What is the rationale? The President of the

Senate's emolument of \$17,000 is reduced by \$500 and the Deputy Speaker of the House, who is paid \$8000, is also reduced by \$500. What is the magic about this \$500 reduction. Is it a token to show the public that you are for economy and not for excessive expenditure and extravagance? Is it merely a formality for public consumption? They come and present this as a big technical report, so well considered and so on, and when you look behind these recommendations you could find very little real rationale for them.

Madam Speaker, they must tell us if the Salaries Review Commission's Reports are implemented in full without modification, what would be the extra cost to Government involved, and would it, in fact, make such a tremendous difference to the Treasury. Why do they want to tamper with the Salaries Review Commission's recommendations in matters which seem to make very little difference? Why? Except that they are on some kind of publicity stunt on this issue.

**5.40 p.m.**

I also want to talk about the recommendations for local government officials. This is an important matter. We want to encourage more persons to get involved in local government activity, and while remuneration packages are not the only consideration, they are very important in the sense that you must provide people with an adequate level of resources to function at their level. The job of a local government representative is arduous. He has constant appeals on his time, he has to travel, to look after the problems and complaints of his constituents. I believe that the Salaries Review Commission took all that into account and made certain recommendations.

What we find is that the Chief Personnel Officer made dramatic decreases in the salaries proposed for the local government officials—mayor and deputy mayor. In the case of the Mayors of Port of Spain and San Fernando they have had their salaries reduced by the CPO's recommendation by 50 per cent. Where the Salaries Review Commission recommended \$8,000, this has been reduced to \$4,000. There must have been some justification for the Salaries Review Commission making that recommendation. The Mayor of San Fernando's recommended salary has been reduced from \$7,000 to \$3,500—a substantial reduction. Arima, Point Fortin \$6,000 to \$3,200, Point Fortin etc.

Why have the local government people been singled out for this kind of treatment? When we come to see the differential in the Tobago House of

[MR. SUDAMA]

Assembly, I question the rationale. In the Tobago House of Assembly the Chairman—I am not in any way trying to detract from the authority and the status of the Chairman of the Tobago House of Assembly; I am only comparing because on this scale he is comparable to a non-Cabinet minister—\$11,000. When you look at the differential between the Chairman and the Mayor of Port of Spain—\$4,000, you see a substantial gap. Why? What is the internal equity of which my friends speak? What is the rationale, the justification for the internal inequity when as I presume, you want to promote equity? For the Deputy Chairman of the THA, \$6,500 while the Deputy Mayor of Port of Spain is getting \$2,000.

In Arima, Point Fortin and Chaguanas the mayor is getting \$1,600. I do not understand this and feel it is a deliberate attempt to discriminate against people in local government. The aldermen and councillors in a regional council are the lowest of the low and the poorest of the poor. Where he was getting a small salary—I cannot see how you could call \$900 a month, a salary. That should be an allowance—the ordinary labourer in two fortnights gets more than \$900. A person who has gone up for election and is a representative in his own right, dealing with local government issues—councillors—there are two aldermen in a Corporation getting \$900 a month—

**Mr. Valley:** Madam Speaker, on a matter of correction, the existing salary of an alderman or councillor is \$750.00.

**Mr. Sudama:** Where are you reading from? Is it the same document I have?

**Mr. Valley:** Yes, it is the same document.

**Mr. Sudama:** I have a document with the comments of the CPO which says—it does not even have a number on it. The last page says, existing salary—chairmen of committees used to get a \$1,000 a month. It was proposed by the SRC to pay them \$2,000 a month and the CPO has recommended, \$1,500. Further down are the aldermen and councillors for regional councils. Existing salaries \$900 per month, pittance. I can only go by what I see before me. I do not have any private document that you have. I am only going by what is laid in this House—he does not know and he is the Minister of Local Government. Totally ignorant of his portfolio. I wonder if that would affect his remuneration package.

Here you have these councillors having to mobilize for an election and to do representative work—very difficult terrain, because it is hard work to deal with local government responsibilities; the SRC in its wisdom was proposing an increase of \$1,500 per month which is by no means an extravagance given the nature of the

functions which the regional councillors have to perform, the area they have to service, and the number of residents in their electoral districts.

First of all, why have the CPO and the Cabinet seen it fit to reduce that to \$1,250 per month? Secondly, the proposed salary of the assemblyman and councillor in Tobago is \$2,000 per month—two and a half times and he services fewer people. Tobago has 40,000 people and here you are proposing for the assemblyman and councillor \$3,000 and for the regions in Trinidad and Tobago you are proposing \$1,250.00. Why? Is it because Tobago has more hills than Trinidad and it is a little more arduous to get to the electorate in Tobago? The thing defies reason and you come here and lump this on the Table and say: This is our considered opinion as to what compensation packages should be throughout the range of offices considered by the Salaries Review Commission. I think this is a great travesty of equity. I think this should be reconsidered by the Government. If they want to encourage local government in Trinidad and Tobago, do not treat the councillors like dirt. You do not treat them with extravagance either. But to reduce a rate of \$1,500 to \$1,250.00 gives a certain indication to the public that you do not consider these people to be anything at all in the system. They are just marginal to the system. They are given a little thing and that is it. When I heard speeches on local government about participatory democracy, community involvement and coming together involving the people through their local leaders, I saw the fraudulent...

**5.50 p.m.**

**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. Sudama:** I want to propose that if any area of this report needs review—and there are several areas—it is this compensation in the interest of local government; in giving people a little more status and resource with which to do representative work.

That is why over the years, we have maintained that the PNM Government has deliberately emasculated local government. It is afraid of allowing people to take action in their own right to try to develop themselves; self-development and self-reliance of the people in improving and enhancing the condition of their own lives, because the Government has developed a dependency syndrome in this country.

The reason why it treats local government in this fashion is that local government interferes with the handout and dependency Government has developed, the syndrome of subservience to the central authority, the central government and the central executive. I am appalled at its attitude and it boasts about how it has won the local government elections. The Member for Diego Martin West even said on election night, "We have surrounded the Indians."

**Dr. Rowley:** Madam Speaker, on a point of order. If the Member for Oropouche would like to speak about Indians and race, I seek your protection. Ask him to leave me out of that. I made no such statement anywhere. Once again the Member is being malicious. I ask that he withdraw the statement.

**Madam Speaker:** I ask the Member for Oropouche to desist from that. It is not really necessary in this debate.

**Dr. Rowley:** I am asking that he withdraw that statement.

**Mr. Sudama:** That is what he said at Balisier House. He says one thing in private and denies it in public. That is his attitude.

**Mr. Manning:** How do you know that? Were you there on election night?

**Mr. Sudama:** I was told by someone who was there.

**Dr. Rowley:** Madam Speaker, I seek your protection on a point of order. I am asking that the Member for Oropouche withdraw that statement.

**Madam Speaker:** Both Members are on the floor. Will the hon. Member take his seat.

**Mr. Sudama:** It is a question of fact. You cannot rule on a question of fact. I am saying that he said so.

**Dr. Rowley:** Would the Member for Oropouche withdraw that statement?

**Mr. Sudama:** I am not going to withdraw that statement. It is a question of fact. He is saying that he did not say so and I am saying that he did say so.

**Madam Speaker:** Hon. Member, what are you saying to that? A question of fact?

**Mr. Sudama:** It is a question of fact that he did say what I reported him in this House, as saying on election night—



**Madam Speaker:** There is an issue to be determined here. The hon. Member is saying that he did not, and you are saying that he did. Until such time as it can be proved, I ask the Member to withdraw it and continue.

**Mr. Sudama:** Madam Speaker, I am not going to withdraw that statement. That is a fact.

**Dr. Rowley:** Madam Speaker, I am still on my point of order.

**Madam Speaker:** I have ruled hon. Member. I said “until such time” because there is an issue involved to be determined, whether it is true or not. Would the hon. Member withdraw it and continue.

**Mr. Sudama:** Madam Speaker, let us put it in a state of suspension. I suspend that remark from the record of the House, until such time as I bring proof to this House.

**Dr. Rowley:** Madam Speaker, I seek your protection.

**Madam Speaker:** Hon. Member, I have ruled that until such time as the necessary proof is provided, because there is an issue to be determined as to whether it was said, the Member must withdraw the remark.

**Mr. Sudama:** Madam Speaker, I will. Today, if I do prove in this House that that remark was made, would he resign from this House?

**Dr. Rowley:** I give you no such undertaking.

**Madam Speaker:** The Member is experienced and he knows that when the Speaker rules, prolonging the argument takes us nowhere. The Member must withdraw before proceeding with his contribution. It does not deter him from his arguments at all.

**Mr. Sudama:** But he said so, and that was not necessary.

**Dr. Rowley:** You have to withdraw that tonight.

**Madam Speaker:** That is the name of the game in this Parliament. There are times when it will be necessary to withdraw statements and time to hold fast, but in this instance, I rule that until such time that proof is provided here, the hon. Member must withdraw the statement.

**Mr. Sudama:** That is what you said. Blasted crook, man. Racists, all of you.

**Madam Speaker:** It does not take anything to withdraw a statement.

**Mr. Sudama:** You [*Interruption*] try to “mamaguy” you.

**Madam Speaker:** The hon. Member knows what his duty is in such a circumstance.

**Mr. Sudama:** Madam Speaker, I will withdraw it, but he knows the truth.

**Dr. Rowley:** Thank you very much.

**Madam Speaker:** I appreciate that. I think the hon. Member was honourable. Proceed, please, with your argument.

**Mr. Sudama:** He knows he said so and I got it from impeccable sources from Balisier House on election night. Then of course, I know their trend. My duty is to expose them in this House.

**Dr. Rowley:** You are the biggest racist.

**Mr. B. Panday:** Not than you at all. You are the worst. You should withdraw that. Why do you not withdraw that? Madam Speaker, I demand that he withdraw that. We will have noise in this House tonight.

**Madam Speaker:** Yes.

**Mr. B. Panday:** Madam Speaker, I demand that he withdraw that.

**Dr. Rowley:** I withdraw it.

**Mr. B. Panday:** Withdraw from the House.

**Madam Speaker:** Hon. Member, this is an important—

**Mr. B. Panday:** That Member is worse than everybody else in that regard. Totally racist.

**Mr. Sudama:** There is a statement in the good book: “The truth shall set you free.” You will be in bondage for a very long time; in bondage shackled in your mind.

I was on the point that this disparity in emoluments, remuneration package to local government people is as a result of a policy of the PNM Government towards local government, and those who practise local government. It was the founding father of the PNM who said that local government is a humbug in this country.

They want to sit in Port of Spain and dictate to the whole country what they should do; if there is a drain to be fixed in an area or a pothole, or there is garbage

disposal, they want to sit there and allocate the sums. The Member for Diego Martin Central sits down and decides what is to be done in the smallest nook and cranny of Trinidad and Tobago and does not allow the local residents of those areas any say in determining their living conditions.

**6.00 p.m.**

I shall reserve talking about the Penal/Debe Regional Corporation until I get to the debate on the Appropriation Bill. My contention is that if the CPO is talking about relationship with emolument package in the wider public service, you cannot but be sensitive to what people get in the wider public service, in terms of pay packages and classification. They want to pay a councillor \$1,250 per month. When I look at the ranges in the public service, in the prison service, in the police service and in the fire service, there is no remuneration which is \$1,250 per month. Everything is higher. In the prison service, you start, at the very lowest rung of the ladder, at \$1,778; in the police service at \$1,396 per month, and in the fire service at \$1,396 per month, so these people must be in a special category. I do not know why they were put under the purview of the SRC to be paid \$1,250 per month as a salary. *[Interruption]* You say it is salary. If it is an allowance, then tell us it is an allowance and tell us whether that allowance would be taxable. If it is taxed it has to be a salary. What else is it?

When you look at the Tobago House of Assembly and at the poor regional councillor in Trinidad, you will see what this Government is doing and it boasts about its commitment to local government.

I cannot understand why, for almost every range, the CPO has recommended a reduction of \$500. Of course, in some ranges, he has recommended reductions of \$3,000 and \$4,000, but for most of them, it is \$500. If a man is getting \$15,500, why a \$500 reduction for him, and if someone is getting \$3,000, the same \$5,000 reduction is being proposed? What is the rationale? Maybe the Government can explain.

The only area in which the CPO has seen it fit to recommend increases—and here we are talking about incentives to attract people to the Legal Service—is in groups 5 to 7 etc of State Counsel, and in each case the increase is of the order of \$150 to \$200 approximately. For Senior State Counsel the proposed increase for the minimum level, the SRC recommended \$7,300 and the CPO recommended \$7,450. For Senior State Solicitor, SRC recommended \$6,153, proposed rate by CPO \$6,350—a little under \$200. In the case of Assistance Registrar and Deputy

Marshall, a little under \$200 was recommended. In the case of Legal Research Officer II, they recommended an increase of the princely sum of \$37.00.

When we look at these increases—and there is a big case being made by the Minister for attracting people because of the brain drain in the Legal Service and the Attorney General's Department—and then we look at the rationale and what they are doing, how could increasing salary by \$37 or by \$100 or \$150 per month attract someone? These people do not really know what they are doing. What difference would it make? When you take off tax from that increase what is his net increase? Is that the great incentive that we are offering people in the legal service to come in as attorneys and state solicitors? What is the rationale? That is the only area in which the CPO saw it fit to propose increases in what the SRC has proposed.

I cannot see the rationale in attaching these numbers to this report as proposed changes. Total confusion is all I can say it is—without justification, without rationale. Even if you have to accept the SRC recommendation, one can understand that because it is an independent body which, having made certain recommendations with which you agree, you present it to this House. When you decide to modify and amend it, there must be rationale. What is the reason behind these confused adjustments which have been proposed and which they are now laying in the House? No one seems to know.

I just want to say a few words about the role of the Member of Parliament and the question of how to assess a proper remuneration package for a Member of Parliament. It is not an 8.00 a.m. to 4.00 p.m. job. I shall tell you the background to this. Member for Toco/Manzanilla, what is your position? Parliamentary Secretary? Do you deserve \$7,500 per month? I think you should get up in this House and justify your receipt of \$7,500 as proposed. That is a big jump. According to what you should be getting now as a Parliamentary Secretary, you should be getting \$4,400 per month. I think you and your friend, the Member for Arouca North, are overpaid. I have made several complaints about the operations of LIDP but since you are so much a part of the PNM culture of corruption, nepotism and favouritism, you have reports of that all the time and you do not bother to investigate; that is why the corruption will continue in LIDP. When we raised issues on the basis of corruption in LIDP earlier in the year the Minister said that it was only some people with vested interests who wanted to attack what is going on in LIDP.

**6.10 p.m.**

**Madam Speaker:** Maybe the hon. Member can return to the debate.

**Mr. Sudama:** I was speaking about Parliamentary Secretaries and their performance. When I look at the Members for Toco/Manzanilla and Arouca North, I think this proposed rate has been more than generous for them—from \$4,400, a jump of \$3,100, to make them \$7,500 recommended. Very generous indeed.

I want to talk about the ordinary Member of Parliament who is not a member of Cabinet. How is that determined? We have had a historical problem with representation; it was felt that representation in the Parliament is a part-time, leisure activity. The notion is that you have your business or your other sources of income, you take on the job and whether you get remuneration or not, that is in the nature of public service; you ought not to be paid anything. That is the historical background of it.

In the old days, when the franchise was restricted, only the people with means could become council members. The Government has retained that thinking. What has happened today is that the demands on a Member of Parliament are full-time but he is expected to be paid on a part-time basis. It is as if he works on a part-time basis and he has other income and resources.

Now, we have to decide what we want, whether we want full-time parliamentary representatives who devote their time solely and wholly to the work of representation and to be working for the Parliament of Trinidad and Tobago or whether we want part-time representatives. If it is part-time representatives you want, then the public must be made fully aware of that situation.

The Member of Parliament's job, really, is in the nature of a part-time obligation given the kind of allowances and so on that are paid. So the Government has to sort out that contradiction in its own mind; what it wants and, therefore, that is related to a remuneration package for Members of Parliament.

Now, a Member of Parliament operates at three levels, Madam Speaker: He has his parliamentary function to perform. That is, he takes part in debates, in committee sessions—whatever committee there is at this point. He also does other parliamentary work and so on. He has his constituency function of representation which has added to it all sorts of demands at the constituency level for him to be an effective and proper representative. Then, of course, he has his party responsibilities. As my friend points out, a Member of Parliament—*[Interruption]*

**Madam Speaker:** I think the hon. Member would have been of use at the recent CPA conference with respect to educating the electorate as to the role of a Parliamentarian.

**Mr. Sudama:** We have a problem with that in that we have no access to the media. This glorious media of Trinidad and Tobago.

**Dr. Rowley:** Every day you write an article. You have a whole page.

**Mr. Sudama:** Everything the Opposition says, they have a way of suppressing it. If they do not suppress, they distort. How can we get our views out to the public when the television media personnel leave Parliament at 4.30 p.m. on the dot. You see the empty benches there. So that they come here to listen to the Government Minister speak, and having heard him they go out to transcribe to their newspaper what the Minister has said.

**Madam Speaker:** I think at this point I shall invite the Member to come in and hold some discussions with me on the education of the electorate.

**Mr. Sudama:** I am willing to be educated. I have an open mind on the issues of the day.

We have a problem of identifying a remuneration package and then we have the other problem which is—and I have never advocated, Madam Speaker, an increase for Members, but what I have said is to give them the resources to carry out their functions properly, whether it is a furnished constituency office, a travelling allowance, such assistance and whatever; give them the resources for them to carry out the duties of representation effectively. That is what I have always proposed.

**Madam Speaker:** The hon. Member has five more minutes.

**Mr. Sudama:** I want to indicate to this House that I think the question of the remuneration package for a Member of Parliament deserves some kind of incisive consideration as to the nature of the job, what is envisaged as his function and devising a remuneration package to take care of that.

For example, people may not have a satisfactory pension after they have served a number of years here. One goes out of this House and has very little to look forward to, having served here for maybe three or four terms—I am in my third term, I expect to serve a few more.

**Dr. Rowley:** Heaven help us!

**Mr. Sudama:** These are considerations that we have to look into. If, for example, on July 27, 1990, we had lost our lives in the service of the people of Trinidad and Tobago doing our parliamentary work, what would have been the consequence of that for our families?

**Mr. B. Panday:** They would have put up a picture of you in the Parliament, you lucky thing.

**Mr. Sudama:** How do you look at and assess the job, and what package do you have to relate to that assessment? All this is something I think we ought to give some consideration to. I am not sure that the matter has been adequately addressed in this report. As I say, I am not arguing for an increase in salaries of Members of Parliament without reform of the system. We should be paid for performance.

I am also advocating that where Members of Parliament are truant, there be a system in parliamentary regulations that the Member has to account for truancy. If the pay is satisfactory and there is a proper remuneration package, then there must be some authority to deal with the question of truancy on the part of Members of Parliament and others who are not performing their functions.

Madam Speaker, I merely want to reiterate the position taken by the Member for Couva North that we are not inclined to support this measure without parliamentary reform, so that it makes the functioning of public administration in this society meaningful and relevant to our times.

Thank you very much.

**The Attorney General and Minister of Legal Affairs (Hon. Keith Sobion):** Madam Speaker, I join this debate really to deal with one issue which has been described by the Member for Couva South as being the issue of law and which he has put in another form when he said that the Government was seeking to undermine the operations of an independent commission. That was an approach that was also adopted by the Member for Couva North.

By way of introduction, in listening to both the Members for Couva North and South, I was reminded of my kindergarten days when there was a book in which there were two characters, one called Twirly and the other called Twisty. One could never tell where they were coming from at any time. I will give two illustrations of that.

*Salaries Review Commission*  
[HON. K. SOBION]

*Friday, October 30, 1992*

We heard, first, that one should not question the report because it is the report of an independent commission, and on the other hand we have the Member for Couva South suggesting that amendments should be made to deal with widows of judges and other such things.

We heard that one should not interfere with independent commissions as a general statement made by the Member for Couva South, but then in the next breath we are told that Government should set down guidelines for the appointment of judges, which is a function designated by the Constitution to be vested in the Judicial and Legal Service Commission.

When we come to the issue of whether or not the Chief Personnel Officer had any right to be involved in the exercise of the Salaries Review Commission, that is when we get to the point where the argument on the Constitution is put to stand on its head.

I think it should be made very clear, Madam Speaker: The executive power under the Constitution, by virtue of section 75, is vested in the Cabinet. So that when the Member for Couva North says that the power was not given to the Cabinet to alter the report of the Salaries Review Commission, that is putting the Constitution to stand on its head. It is quite clear that executive power is vested in the Cabinet.

When one looks at the sections which establish the Salaries Review Commission, one sees that it was clearly intended that the Commission was a body which recommends to the executive authority in the country. It is quite different from some of the other commissions in that regard.

Section 141 says:

“(1) The Salaries Review Commission shall from time to time with the approval of the President review the salaries...”

If one analyzes that part of the Constitution, which is Chapter 11, nowhere there would one find any provision giving the Salaries Review Commission any authority to implement any of the recommendations which it may have made. It has no power to do any such thing.

That is quite different, as I say, from other commissions. If one looks at the Judicial and Legal Service Commission, one will see that that Commission, under the provisions of section 111, has the power to appoint judges. That is a power which is given to them: The power to appoint. The Salaries Review Commission



only makes recommendations to the Cabinet in respect of certain offices and in respect of the terms and conditions of those offices.

Having received those recommendations, it is for the Cabinet to implement them if it thinks fit. It is within the province of the Cabinet to seek advice on the recommendations and, in this instance, the Government sought the advice of the officer who is most experienced in the question of job classifications and in fixing terms and conditions—the Chief Personnel Officer.

There has been this big hullabaloo on the other side about what to them is some kind of interference with an independent commission. There is no such thing in this instance. There are questions raised as to what the Chief Personnel Officer is doing in relation to this matter. The Chief Personnel Officer has advised the Government on the recommendations of the Salaries Review Commission Report and the Government, as stated by the Minister, has accepted those recommendations. These recommendations are here this evening, Madam Speaker, for us to consider and approve.

There is no mystery and any proper reading of the Constitution will tell you that what we have done is perfectly proper and in accordance with the provisions of the Constitution.

**Mr. Mohammed:** Do not clap that man; that is not deserving of a clap. The man was Secretary to the Commission.

**Hon. K. Sobion:** Madam Speaker, after clearing the air as to what was touted as being some major legal issue, I want to, perhaps, make one further comment on the statements made by the Member for Couva South in relation to the state of the administration of justice.

I was a bit taken aback that the Member for Couva South could stand here this afternoon and say that raising judges' salaries is not going to help the state of the administration of justice and that those are the things that should be done first.

I agree, in a sense, that raising salaries of judges is not the be-all and end-all of the improvement of the system of justice. But it seems to me that either the Member for Couva South has not been in regular attendance in this House, or it must have slipped him completely, that a report of a team on the delays of the administration of justice was laid in this House not more than two weeks ago; that 78-page report, which contains several recommendations for improving the state of administration of justice in this country.

I had indicated in a statement which I made at that time that we were on the verge of implementing some of those matters and, in fact, I indicated that the Rules Committee was meeting that very week or the following week to deal with some of the recommendations in that report.

**Mr. Mohammed:** We have not even debated it yet.

**Hon. K. Sobion:** It is surprising to me that the Member for Couva South should seek to suggest that nothing has been done with respect to reform or improving the system of justice of the country and that all we have sought to do is to increase the salaries of judges. That is a statement which I think for the record must be shown for what it is worth.

Madam Speaker, I do not intend to prolong this debate any further. I have dealt with what I thought needed to be clarified, particularly because it was a statement framed in such a way as to suggest that this Government was seeking to undermine independent institutions under our Constitution. That is a charge which cannot be laid at the doorstep of this Government.

I thank you, Madam Speaker.

**Mr. Raymond Palackdharrysingh (Caroni Central):** Madam Speaker, this evening, while we deliberate on the document before us, there are several matters that come to mind. Among them, is the fact that while we are contemplating modifying—and that is increasing—salaries of Members of Parliament, the Executive and other bodies that fall within the purview of the SRC, there is a contradiction that is taking place in the wider society. That contradiction has to do with the reducing of salaries or wages of some of the people out in the wider society, for example, the LIDP workers. There is also increasing unemployment, but here we are deliberating as to whether we give ourselves an increase in salary.

This poses a serious question about the credibility of this institution. That credibility has to do with the stewardship of this institution in the life of the community. Is this the highest forum in the land? Is this Parliament considered a court where laws are made and these laws are to be interpreted by the judiciary to be binding upon the lives of our people?

As regards what is obtained in this report, there is the entire moral question of why should we go forward in attempting to make ourselves and others seemingly better off in the society, while there is no corresponding action taking place to improve the lives and conditions of the vast majority of our people.

It is simple: While others might claim that they did not take any vow of poverty, we on this side have indicated that we are going to struggle with those who are oppressed even at the point of self-denial. That will make the distinction in the quality of stewardship that is going to be rendered to the entire nation.

We are here today dealing with the issue of increasing the remuneration package as outlined in the document by the SRC and, of course tampered with by the CPO. This matter is an important one in the sense that we must be made aware of what our role and function is. Are we the guardians of the people's total democracy? Ought we not to be those who would try to allow justice to take its course in this society?

While it is true that as Parliamentarians we have no one whatsoever, in a way, to negotiate on our behalf, our negotiations ought to come from our own belief system and what we think is credible. Here lies the dilemma with our actions in this Parliament.

Is what we are saying here tantamount, by our actions, to not heeding what is being said on the outside? Within recent times, we have seen this Government taking action that is tantamount to treachery in this House and again they come back with an issue such as this. At least a fundamental principle is being denied and negated in the society and that principle is the one of having dialogue with the population. Could any one of our colleagues on the other side, Government Ministers, Members of Parliament, go to some of the depressed areas in the community and stand up and justify to those who are virtually hungry and starving that he needs to get an increase in compensation? That is difficult because, you see, there is nothing happening at the base of the society to improve the quality of life of our people.

It is once in every five years that some of us, not all of us, get an opportunity to experience the wrath of those whom the Government have deceived while they are in public office. That is true. On this side we identify with the poor, we identify with the oppressed and we are going to help. But in this Parliament, there is what is called the dictatorship particularly of the Cabinet and, more so, of the few Prime Ministers that we have had.

What is being done here must be a reflection of what is going to permeate the society. I want to know whether what has been transpiring with executive action in this country dishing it out to us lock, stock and barrel, with no reform whatsoever—that is why, if you go to the Carnival tents, you would hear the

popular comments about the Parliamentarians. That is the sort of message that has filtered down.

The case made for parliamentary reform has to be the core and heart of the issue because if there is no parliamentary reform for improved working situations and for improved productivity, then we are going to waste much time.

Under the system that we have that is so highly prized and cherished by the Members on the opposite side—the Westminster model—all that is done here actually goes for nought because the public does not have the benefit of the deliberations of this House, or of some of its committees.

We have several committees in this House; how many actually function? Madam Speaker, are you aware of the absenteeism with respect to Members attending parliamentary committees? Where are the reports of the deliberations of these committees, and what is the feedback to the public? You will agree that it is only when a Member has time on his hands that perhaps his commitment to the Parliament is considered. Otherwise, those who have other appointments may not come. This is important for us to understand.

Unless we devise a system in the Parliament where the public could begin to believe that we are a credible institution in what we are about and what we are doing, we cannot really justify these actions in terms of our stewardship. Maybe it is desirable, but we cannot justify it because the institution itself lends to the notion of “kicksin” in Parliament, and that has to be considered.

On the other hand, the point is well made that if we are to perform functions in this Parliament, that must be full time with all that goes with full-time work. There are several parliaments in the Commonwealth and other countries that treat parliamentary work with the seriousness it deserves and the Members of Parliament with the sort of dignity in terms of their office and how they function. They make laws to govern the people and carry on in a way that lends dignity to the institution.

Madam Speaker, I totally support the arguments advanced by my colleagues. I totally take the view that unless we become credible and set up mechanisms to make this Parliament workable and, of course, in a sense, more productive, then while increases may be desirable, they cannot be justified. So I hope, without going

into much detail about some of the matters, that I have made the point that we cannot afford to tell the population that we are justified in increasing salaries without the appropriate parliamentary reforms.

Thank you, Madam Speaker.

**The Minister of Public Administration in The Office of The Prime Minister (Sen. The Hon. Gordon Draper):** Madam Speaker, let me begin by repeating, in a sense, some of the words of the hon. Attorney General to underscore that the proposals before us today have come from the Cabinet of Trinidad and Tobago. What we sought to do, in introducing them as comments from the Chief Personnel Officer was to share with this Parliament advice which we sought and received from a professional source within the public service. The views on the proposals remain those of the Cabinet of Trinidad and Tobago.

Let me deal with some of the issues which were raised by Members opposite. The hon. Attorney General has dealt with the legal arguments so I shall not deal with those.

I shall start with some of the issues raised by the Member for Oropouche. He raised, among other things, the question of quantum of savings. We have indicated that the existing package before us will cost \$12 million per year. The SRC proposals, excluding the cost of things like official cars and so on, would have cost just under \$20 million. So it is not simply the \$500-a-month removal from salaries that we need to look at. We need to look at the reduction in all of the other allowances: subsistence allowances, travelling allowances, the removal of the proposals for all Members of Parliament and other people to have official cars and then—

**Mr. Humphrey:** Would the hon. Minister indicate what the additional cost would be if you included the \$500 that was reduced? Quantify that.

**Hon. G. Draper:** I could perhaps work that exact arithmetic for you, but the figure that I have given—because we have to treat the thing as a package and what we have done and the proposals we have before the House are a package—

**Mr. Humphrey:** I thank the Minister for giving way. But how would you justify reducing \$500 from a \$15,000 salary and reducing the same \$500 from a \$3,000 salary?

**Hon. G. Draper:** When we are attempting to treat with recommendations of this sort, it is inevitable at times that we look at across-the-board reductions. It

means, therefore, that one has to look, not only at salaries, but at allowances. If in their wisdom, those who advised, opt for that figure, then that is the figure that is used across the board.

The point I am making, however, Madam Speaker, is that with all of the proposals in place, we would have been looking at a figure in excess of \$20 million a year. We have, therefore, been able to bring about significant reductions in the cost of implementation of the Salaries Review Commission recommendations. Indeed, one gets the sense, as one listens to the contributions from the side opposite, that they would prefer us to go with the increases. In other words, they would prefer us to go with the recommendations as made and, therefore, incur that additional expense on the Treasury. We opted, in looking at the realities of the time, to move to reduce the adjustments in nearly all cases—they have recognized these downward adjustments.

Let me also deal with the comments made by the Member for Oropouche relating to pay for performance. This is an issue, indeed, which I had alluded to in introducing the motion earlier today. Let me say to him that the issue of introducing pay for performance is not one that is alien to this Government. Indeed, as part of our public service reform activity, we have publicly said that we are moving to introduce performance measurements within the public service.

We have done more than that, Madam Speaker; we have already begun to introduce a system for performance measurement in the Ministry of Agriculture, Land and Marine Resources. So when they come here and they talk about reform, the reform is taking place before their very eyes because we have already instituted mechanisms in which we are establishing standards of performance for every job.

**Mr. Sudama:** Would the Minister give way to a question? If he is, in fact, conducting these exercises, would the evaluation reports be made available to this Parliament so that we may see what exactly is being done, the criteria being used, the assessment being made? Surely, as Members of Parliament, we are entitled to this very vital information.

**Hon. G. Draper:** Madam, Speaker, I am truly surprised. After all of the discussion we have heard about separation, about people trying to usurp other things, here we have a Member of Parliament who is seeking to get the performance appraisal reports of public servants. Let us be serious. If he insists on an answer, the answer is no. What I would say is that with regard to this concern, there are managers in the public service. And they will manage.

We have moved to introduce pay-for-performance issues in the public service. It has begun. Let me also point out—and, again, staying with some of the comments made by the Member for Oropouche. He raised some issues relating to comparability and, in fact, made the comment that while I had alluded to some figures from the Price Waterhouse Report for Chief Executive Officers, no one had, in fact, been pegged at that level in the Salaries Review Commission recommendations.

Let us recognize that when we talk about external equity and we talk about looking outside for benchmarks, this is not the same thing as saying that when we find a benchmark we are going to peg a salary in here to that mark outside; it is merely a point of reference.

Therefore, the concern, really, is looking for comparatives. There are difficulties involved in that and some of the difficulties have to do with finding jobs that are comparable because environments and the responsibilities are different and so on, but persons involved in compensation management continue to use benchmark figures from outside the organizations to provide some yardsticks to exercise judgment. It is not to say, that having identified those benchmarks, any job within the public service will necessarily be pegged at that level. It is an indicator and it has been used, therefore, in that regard.

I think the Member for Couva North alluded to some similar issues, although not, perhaps, going in exactly the same place when he commented fairly early on in his contribution that workers need to be adequately rewarded for the work they do; I think I am fairly close in the quotation. Clearly, in determining the work they do, what the Salaries Review Commission would do, what the CPO would do in making comments, would be to get some understanding of the elements that comprise that job and, as I have indicated in my earlier contributions, those elements normally include things like levels of responsibility, effort that has to be put in, skill et cetera.

Indeed, the Salaries Review Commission very specifically recognizes, having gone through the principles, that:

“Having regard to the wide range of offices within our purview, we hasten to reiterate that no single principle applies with equal force across an entire spectrum of offices.”

In short, Madam, Speaker, while we establish compensable factors—which is what they are called—and while we use that to make judgments, the individual

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who is going through the task of evaluating these jobs will exercise some judgment as to how these factors are, in fact, going to be weighted and utilized. So that some of the issues that the Member for Couva North raised in this regard would, I am sure, have been taken account of by the Salaries Review Commission, because they alluded to the fact that while they are guiding principles, the Commission cannot be rigid about the application of these principles.

The Member for Couva North, I think, also, made the point that we needed more public debate. Let us recognize, Madam Speaker, that these reports have all been laid in Parliament. Indeed, the first of these was laid back in August 1991. That report was clearly subject to some public comments. I have, for instance, a copy of an article which appeared in the *Express* of September 1, 1991. It reads:

“The Opposition leader, Basdeo Panday, said that he fully supported the pay hikes proposed by the Salaries Review Commission.”

**Mr. B. Panday:** I do, with reforms.

**Hon. G. Draper:** Continuing:

“His support, he said, was based on the principle that if you have representatives in Parliament and you want them to serve, you have to pay them. If you do not, they will ‘tief’.”

**Mr. B. Panday:** I still hold that view.

**Hon. G. Draper:** He still holds that view. Continuing:

“...‘in other words’, he said, ‘if you put them and say, serve, serve and do not pay, they will ‘thief’.”

It seems, therefore, that we have had opportunity for this public comments which he has, in part, made. I go on to quote from that same article:

“It is the biggest hypocrisy to say that I am not paying my Parliamentarians properly and then they ‘tief’.”

In other words—*[Interruption]* Could I continue?

“Panday added that during his tenure as Minister of External Affairs in the NAR Government, he had criticized Ministerial salaries as being far too low.”

**Mr. Imbert:** Repeat that.

**Hon. G. Draper:** You would like me to repeat it:



“Panday added that during his tenure as Minister of External affairs in the NAR Government, he had criticized Ministerial salaries as being far too low.”

I have read this article, Madam Speaker and I do not see any reference to reform. But one year later we suddenly see conditions being put on the acceptance of this. It seems to me that we have some difficulty being consistent in what we say on the same matter. Historically there has been no reference to reform.

**6.55 p.m.**

Madam Speaker, I also wish to draw attention to the fact that, while the Salaries Review Commission recommended in their report the date for the coming into being of their proposals as July 1, 1991, the proposals now before us are for January 1, 1993. In other words, there will be no retroactivity, no arrears involved in the proposals which we have before us. We are going forward.

**Hon. Member:** No backpay?

**Hon. G. Draper:** No backpay. The Member for Couva North, also, as part of his conditionalities that he was attempting to put on his support—new conditionalities, I understand—talked about the importance of reducing the costs of government, but, again, if you were to look at the very reforms which have been under way in the public service over the last year, they have been geared to bringing about greater levels of efficiency and effectiveness in the Government and the public service in Trinidad and Tobago. So that the very things they are coming here and talking about are things that are very much in train under the PNM Government.

So that it makes a nonsense of the debate to come and attempt to put conditionalities when we are clear, as the Attorney General has indicated, as I have now indicated, that these reforms are already in place, are already taking hold. It means, therefore, that we can come and talk now about treating with that one group of public officers who up to now have been excluded from being treated, in terms of wages and salaries.

**Mr. Sudama:** Madam Speaker, one question to the hon. Minister. Were these reforms initiated under the last regime and are being continued under the present regime; or is it being initiated *ab initio* of this regime? I understand you were associated with both regimes. That is why I ask this question.

**Hon. G. Draper:** Madam Speaker, some of the reforms that we are currently implementing go back to the PNM Government between 1981 and 1986. I was part of the public service reform movement between 1984 and 1986; and the relevance

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of those reforms continues and these are the things which we are implementing in 1992. So that we can be comfortable in talking about these reforms.

Madam Speaker, I would wish, given the hour, to close my contribution by reiterating a few things. The proposals before us are proposals coming out of the Cabinet of the Government of Trinidad and Tobago; they are done, recognizing a responsibility which we have to over 600 public officers; recognizing that we have treated with other public officers and we now need to treat with this remaining group of public officers.

Madam Speaker, I beg to move.

*Question put.*

*The House divided: Ayes 20, Noes 10*

**AYES**

Valley, Hon. K.

Sobion, Hon. K.

Mottley, Hon. W.

Ramrekersingh, Hon. A.

Rowley, Dr. The Hon. K.

Marshall, Hon. M.

Maraj, Hon. R.

Griffith, Dr. R.

Baboolal, Hon. Dr. L.

Collis, Hon. K.

Imbert, Hon. C.

Lasse, Dr. The Hon. V.

Pierre, Hon. J.

Eckstein, Hon. J.

Casimire, A.

Narine, J.

Hart, E.

Allum, D.

Bereaux, H.

Rajaram, C.

**NOES**

Maharaj, R.

Panday, B.

Humphrey, J.

Sudama, T.

Palackdharrysingh, R.

Bhaggan, Miss H.

Mohammed, S.

Singh, Dr. C.

Jurai, K.

Hosein, S.

*Question agreed to.*

*Resolved:*

That the 23rd, 24th and 25 Reports of the Salaries Review Commission of the Republic of Trinidad and Tobago be approved subject to the recommendations of the Chief Personnel Officer.

#### **FINANCE COMMITTEE REPORT**

**The Minister of Finance (Hon. Wendell Mottley):** Madam Speaker, I beg to move,

That this House adopt the First Report (1992—1993) Session of the Finance Committee of the House of Representatives of the Republic of Trinidad and Tobago on proposals for the Expenditure from Public Revenue which were not included in the Annual Estimates of 1992.

These matters were considered in Finance Committee today and approved. I therefore beg to move that they be adopted.

*Question proposed.*

**Mr. Trevor Sudama** (*Oropouche*): Madam Speaker, I do not wish to keep the House very long, but there are certain issues that need to be clarified with respect to this motion, which have to do with matters which were discussed in committee.

The first of these has to do with more information on the disbursement of the \$15 million additional funds which are going to the local government authorities. Now, the Minister did say that most of these moneys would go towards meeting the funds for garbage collection—waste disposal—scavenging; the sum of \$6,400,000 would go for the purposes of scavenging, repairs to vehicles and so on.

**7.05 p.m.**

First of all, I cannot understand why there have been no additional increases to scavenging contractors. These rates payable to them have not increased for this year. Therefore, when you were making a budget for 1992, you knew the costs involved in scavenging. Why is it that you have not made proper estimates in order to take account of the costs involved in the scavenging of the various local districts in Trinidad and Tobago? Why was it necessary? I have not had a satisfactory explanation to this. Why is it necessary, if you have made sufficient provision for a service, the cost of which you knew in January 1992, to come now and make an application for supplementary increase to the appropriation in order to meet the cost of that service? The only reason, as far as I could be aware is that (a) there was an increase in the contract rates for scavenging contractors; or (b) the amount of scavenging done has been intensified, an increase in the number of times per week scavenging is done in the various areas.

Why is there this need? In certain areas, for example, Diego Martin Regional Corporation, I see have had an increase to \$1,200,000. I cannot understand how they can have a shortfall in estimate of \$1,200,000 in terms of a service which is virtually fixed in scope and cost.

In the case of San Juan Regional Corporation, an increase of \$1.5 million. Then, as you go down the list, there is a total of \$6,400,000 additional moneys required for which the provision in the budget was not made. Why and how? Surely there must be a rational explanation to this, or is it merely thorough incompetence on the part of the Ministry of Local Government and the Ministry of Finance that we have to come today, at the end of the year to ask for supplementary appropriations for something in which there were no increases involved.

Madam Speaker, while I am on that point, we had made representation and the Minister and his Cabinet agreed that the Penal/Debe region, instead of being merged with the Siparia region, would be an independent region. That decision was made quite some time ago, and if they did not plan for it in January, 1992, and include it in the budget estimates, why is it not part of the supplementary appropriation now?

What is happening to the Penal/Debe region? They do not have offices from which to operate. They hardly have any vehicles. The few vehicles that they have are all 50-year old derelicts which have been assigned to them from the Princes Town and Siparia regions. This is a new corporation so they have been shoved onto it, and these vehicles are hardly functional. There are other pieces of equipment involved: cesspool emptiers, backhoes. There is the problem with respect to grass cutters and so on. All these things are missing. How could the Penal/Debe Corporation actually function? In addition, it has not been able to secure any place where offices could be established and have compounds for whatever few items of equipment it has.

I cannot understand. The Government went through the trouble of making supplementary appropriations and increasing the vote for transfers to local government authorities, but here there is a glaring case. By virtue of its own decision it created an independent regional corporation, but makes absolutely no provision for that corporation to get off the ground and find its feet as an independent body. Is it an act of omission, incompetence, gross inefficiency or deliberate discrimination against this new corporation that is going to be established? I do not know. I thought they might have looked at some of the priorities involved in terms of making the Penal/Debe Corporation a little functional, at least. At this time it is virtually non-functional. And if that was your intention you should have told this House, "Yes, we accede to your request to make Debe/Penal an independent regional corporation but we shall not be giving it any equipment, you know, nor any office accommodation etc." And if that were the case, well, then, we would have known how to make representations in that regard. Madam. Speaker, I am amazed.

The Minister talks a lot about local government, but I have come to understand that it is all empty rhetoric. First of all, I do not think he fully knows what is going on in his ministry, but he gets up to correct me in the earlier debate. Secondly, I think there is an aura of incompetence which surrounds the working of that Ministry of Local Government. It could be that he has been making representations

to the Minister of Finance, and it is the Minister of Finance who has been discriminating in providing the finances for getting the Penal/Debe Regional Corporation going. I do not know where the problem lies, but presumably they are in one government; they are part of the same executive, therefore, somebody has to answer.

**Mr. Sobion:** It is the system.

**Mr. Sudama:** The Attorney General says it is the system to blame. Everything is the system. Fourteen people died at the St. Ann's Hospital and the system was blamed; this invisible system that we have to deal with. All the problems of government have to do with the system, bureaucracy and so on, and these gentlemen who are in office really are not to blame. They know nothing of what is going on. They sit in their ivory towers, their cocoons and allow all this incompetence to go along without doing anything.

We have heard about reform from the Minister of Public Administration in the Office of the Prime Minister. How has this reform impacted on the functioning of the Ministry of Local Government or indeed, the Ministry of Finance? Five years from now we shall still be hearing about reform, because the hon. Senator started his reform in 1984. He was associated with reform in the earlier PNM Government, in the NAR Government, and now in the new PNM Government he is still associated with reform. And inefficiency goes along unabated.

Maybe we should find out what is the position with Penal/Debe. First of all, why increase the scavenging appropriation? Why have you not put something in the supplementary appropriation for the establishment of the Penal/Debe Regional Corporation? Surely you would not have envisaged it in January, 1992, but this is the end of October; four or five months after you have made the decision to have that as an independent regional corporation.

Madam Speaker, they may or may not wish to answer. I really cannot force them to say something on this, but I make this point to tell my constituents that I have done so. I make copies of what I say in this Parliament and distribute them to my constituents, so I have a way of bypassing this discriminatory, glorious media personnel that we have in this country. I have to tell them. This is why I have been returned with these thumping majorities. I have faith in my constituents and they know the representation that I am making on their behalf. This is why I raised these questions.

**7.15 p.m.**

Let me ask a few questions on this disbursement of the Inter-American Bank loan. There were a few questions I asked in committee and was told I would be given information on this. The first question I want to reiterate, is: What is the difference in disbursement for the secondary recovery project which was carried out by Trintotec, another complete project for which a separate loan was granted? How much was disbursed under that and how much was disbursed for the refinery modernization, which is a project of Trintoc? What have been the different allocations made with respect to these two different projects?

We are told moneys have been disbursed—\$180 million as of September 30, 1992 and the projected disbursement to the end of the year is \$18,450 but the moneys have not been brought into account. I want to know if they have not been brought into account what accounting procedures have been put in place to disburse funds which have not been brought into account. Do you understand why we harp on this question of accountability in this House?

They say they got funds. They have disbursed against the funds. But it is only now, on October 30, 1992 these moneys are being brought into account. The question I ask is: Why were the moneys not brought into account before? What was the inefficiency involved in not having these moneys brought into account before and credited to the Government's balances?

Secondly, having disbursed money which has not been brought into account, what mechanism has been employed? Did the Central Bank give an overdraft to disburse against funds which were not brought into account? What is the accounting mechanism involved in this? I do not know. I am asking. But surely, any rational person looking at this would ask the same question. Why the delay in bringing this into account? How have you disbursed against something you have not brought into account? I am not an accountant by profession, but maybe the Member for Diego Martin Central is, among other things. Maybe he as well as the Member for St. Ann's East has done some kind of fixing of the books to account for this. I do not know. I think it is a legitimate question to ask on the matter of the funding.

There were many figures being bandied about. I think the Government ought to tell us what is the total of the loan we are getting from the IADB for the recovery project or the Trintoc expansion project so that we would not have confusing figures thrown at the public as to how much is the loan we are accessing for these various programmes we are embarking upon in the energy sector.

The relevance of this is: If we know that we can get information, it is possible to make an independent judgment as to the cost-effectiveness and the viability of these projects. We may be borrowing money for the expansion and modernization of Trintoc and find that after spending all this money and investment, there will not be sufficiently increased returns for the repayment of the loan. What happens then? It is the taxpayers of this country who will have to be further burdened with paying for a loan for an unviable project.

As I said, that is the function of the Parliament, getting information, having accountability, getting the facts and making some kind of independent judgment. That is what we are here for, not to sit and say the Ayes have it like the Member for Toco/Manzanilla. What are your functions here? Madam Speaker, is it not to ask the executive to account in order to get more information so that we can do our duty to the public who have voted us into office? That is our function. That is why we need this information. One view with respect to the refinery expansion of Texaco is that it is a totally unviable project because it will not have the returns in order to service the loan. That point of view could be wrong, but it also could be right. It is for us to judge and find out where the facts of the matter and the truth lie.

I urge the Minister of Finance, and indeed the Minister of Energy, to give us the full facts on these loans from the IADB, the conditions attached to these loans, which are very important; the rate of interest we have to pay; how the loans have to be repaid and serviced so that we would not be caught in indebting ourselves in the way that we would not be able to adequately service our indebtedness; otherwise we would be heading headlong into the debt trap—if we are not already there.

One final point I wish to raise; that is with respect to the transfers between subheads. There are a number of statements where the total of \$40,738,372 has been transferred between subheads. Originally, if you were to transfer even between subheads under the same vote you required the approval of Parliament to do it. Simply because when you come with estimates you come with heads and subheads and provisions against each, and that is what Parliament approves. Any alteration of those estimates should also come back to Parliament for approval. From August 1, 1988, the Cabinet delegated that authority to the Minister of Finance to make transfers between subheads.

My view is that these transfers between subheads could also involve manipulation, could also violate the intent of Parliament when it approves the



estimates. This was done on August 1, 1988. You will recall, Madam Speaker, I was dismissed from that Government on February 8, so I had nothing to do with this regulation. *[Interruption]* I do not know why you are being kept on in Government, really. That is one of the mysteries. But it is said, “God works in mysterious ways”. Your very presence here in this House is a wonder to perform.

Madam Speaker, as I said, this was done when I was no longer a member of the previous Government so I cannot be held accountable for this decision. It is important in my view that the Government should come to this Parliament and let us know what transfers are being made between subheads.

While there are transfers between subheads and while the votes have been made for the particular provisions under the various heads, you see a lot going on. For example, under the Tobago House of Assembly—Current transfers to statutory boards and similar bodies—I assume there is a saving under a subhead of \$1,487,035 which now has been transferred to the development programme so that work of a developmental nature could proceed in Tobago. I have no query or quarrel with that. I am asking: What about other requests for transfers between subheads under the same vote in a certain ministry?

**7.25 p.m.**

I come to the Ministry of Education. There were two particular instances in the constituency of Oropouche where new schools have been built, and certain repairs need to be done in order to have those schools functioning. I have made representations to the Minister of Education. For example, in the case of the Picton Presbyterian School the students have gone into that building with old broken down furniture which they have been using for about the last year and a half. We had made a request for new furniture, including blackboard separators etc. For a school of that size it would not cost a great amount of money, a few thousand dollars. But when I approached the Minister he said that he could not identify savings just for the minimal purpose of buying some new furniture.

In this school, there are students sitting on the floor; some old broken down furniture; overcrowding in the school no seating accommodation: all contributing to a situation which is not conducive to the education of these children. For the life of me, I cannot understand if the Ministry of Education is making a transfer from subhead “Personnel Expenditure” \$3,902,712.00, to subhead “Development Programme” \$3 million, and then current transfers and subsidies \$100,000.00, to minor equipment purchases of \$100,000.00, why a few thousand dollars could not

have been allocated for the purpose of buying some new furniture for the Picton Presbyterian School.

I ask: Was it too much of an effort on the part of the Ministry's officials to carry out this exercise? They could have found that saving of \$3,902,712.00 which is a lot of money. Workers are paid under this vote of Personnel Expenditure and somehow they had a saving. Does this mean that the full compliment of workers which were supposed to be employed were not employed in the Ministry of Education? How else can they have such a vast saving of \$3,902,712.00? From this huge saving, all I am asking for is merely a few thousand dollars worth in furniture for the Picton Presbyterian School. But he cannot find that.

Is it because places, like Picton, which find themselves in the Oropouche constituency are given a lower status in any order of priority? Why is he denying children—the future of this generation—the limited facility of having furniture to sit on? He cannot find a few thousand dollars to provide some furniture for the young pupils of Picton. Is it because they come from the Oropouche constituency that they have to be relegated to this inferior status in the order of priorities of the Government?

The other issue I raised and I had drawn this to the attention of the Minister as well, is the problem at the Debe Presbyterian School which is merely to build an access road, for about less than 100m, to that school. The alternative is to pass through a mile of cane fields with no houses; a security problem is involved with the students getting to the school, when we could have 100m, access roadway so that they can go from the main road directly to the school. That the Ministry of Education is finding itself incapable for doing.

If the funds could not have been obtained from the IADB provision, surely, it is the duty of the Ministry of Education and the Presbyterian Board to which representation has been made to see if they could find these funds for the benefit of the young children of this country, rather than allowing all this inconvenience, merely because they feel that these are not matters of importance to them sitting in their offices in Port of Spain. What do you care about rural suffering, poverty and inconvenience! They do not care anything about that.

I thought I would point out some of these failings in terms of the action taken by the Minister of Finance, presumably on request from the various ministries to made these transfers between subheads. I am really asking why one transfer is made and another is not, although requests have been in there for months. They

come with a Supplementary Appropriation Bill. They have all the time to consider the elements of this bill, but they come here and we cannot see any action on these very deserving requests taken by the respective ministries concerned, in this instance, by the Ministry of Educaiton.

As I said, I did not want to take up too much of the time of this House, but I carry out this exercise here, not for the benefit of the Members opposite—I think they are totally impervious to persuasion from this side—but because it is my duty to made representation. When I stand in this House to make a contribution, I represent 10,000 electors and when you amplify that by the number of relations, I represent probably 30,000 or 40,000 people. It may be ignored but that is the duty and the oath I have taken.

**Mr. Valley:** Madam Speaker, I just want to ask the Member: How does he know it is 10,000 that he represents?

**Mr. Sudama:** Do you want to get some information? Those are the people who voted for me.

**Mr. Valley:** What about those who did not vote for you?

**Mr. Sudama:** I said 10,000 people voted for me. There are a few more thousand, but they do not come to me, they go to the PNM representative, but if they do come to me, I have a duty to represent them. George Street, La Romain, a whole polling division, I got 20 votes there. I represent them too, but they do not come to me.

I am just giving the reason for my getting up in this House. I say over and over again that whatever I say here has no influence of them. They are impervious to whatever suggestions come from this side, but I have to do it as part of my duty, and in conformity with the oath I have taken: to do my duty without fear or favour in this House.

I should like to get some explanation, if that is possible and if the other side condescends to giving that information to me. I should also like to say that with respect to these new schools—Picton Presbyterian and Debe Presbyterian—which have been opened in my consituency and are functioning with great invonvenience, we should be happy to see something done to alleviate the conditions which students who attend these schools have to endure.

And before resuming my seat, may I just inform the Minister who interrupted me a while ago that there are so very few people who voted for the other party that I really did not include them in the calculation.

Thank you, Madam Speaker.

**7.35 p.m.**

**The Minister of Local Government and Minister in the Ministry of Finance (Hon. Kenneth Valley):** Madam Speaker, I simply want to deal with three issues raised by the Member. The first issue, which I can correct very quickly, is his request for information concerning what will be done with the \$15 million. I think his colleague, the Member for Siparia, gave him a copy of the document which I passed to him earlier outlining the breakdown of the \$15 million.

I want to go back to earlier in the year when we made a case for supplementary appropriation. Members would remember, I think it was quite early in the budget debate, that the Member for Siparia made the point that several of the former councils had large unspent balances and that while they had those unspent balances, the allocations for the various regions were insufficient to do what they were supposed to do in the year. That is a fact. For example, in the case of scavenging, where we had an allocation of some \$34.8 million, that was \$13.4 million short of the allocation for scavenging. The \$34.8 was the total allocation in the local government system for goods and services, but, in terms of scavenging, where we had contracts signed way back in 1991, the value of those contracts was some \$13.4 million higher than that figure. Obviously, then, one had to get supplemental funds to take care of that.

How did that situation arise? The Member knows, because he was in Finance, that it is very unlikely that you would get the equivalent of what you request. A ministry might request \$600 million but, given the competing demands of the various ministries, that request may be cut by \$50 million, or perhaps even more. We said quite early that the allocation that we got for goods and services was insufficient and that is how we were able to make our case when we approached Cabinet to get a supplementary appropriation. As I mentioned to the Member for Siparia some time before, one could not simply get to the unspent balances; one had to get it by a supplementary appropriation.

We made our case to Cabinet and Cabinet approved a supplementary appropriation since May. At that time we had envisaged that we would have

changed the financial year so that the last quarter allocation—the \$15 million had already been spent—was used to provide funding for the various corporations. We asked them to submit their requirements and the \$15 million was allocated to the various regions, based on their submissions. However, because the fiscal year has not now been changed, we have to activate our supplementary allocation. We have to get our \$15 million to take us to the end of the year. That is all we are doing.

Secondly, the Member made a case with request to Penal/Debe and he wondered why we are not making any allocation to that corporation. If he looks at the information we passed to him he would see that Penal/Debe in fact received \$617,000 out of the \$15 million. Out of our last quarter allocation, Penal/Debe would get what they had budgeted for in the year.

He went on to deal with the issue of housing the Penal/Debe Regional Corporation. Yes, there is a problem, but he ought to know that we have been working on it. At present the Penal/Debe Regional Corporation is housed in the same building with the Siparia Regional Corporation. It has been so housed since last year, and a committee comprising personnel of the corporation was appointed to identify suitable accommodation for the new corporation some time ago. Even before we arranged the split that committee had identified some five properties for consideration. The Debe wholesale market was one.

**Dr. Rowley:** Nobody asked me about that.

**Hon. K. Valley:** It was very preliminary. There was some other place to which the Chairman of the Penal/Debe Corporation objected. He said it was used for other activities and he could not see the corporation being house there. There was an issue of whether the Government was going to rent the Southland Mall. That issue came up because this committee identified the Southland Mall as a possible site, but very quickly we thought that was too far.

The second to last place they were looking at was the Agro-complex building at 9 La Choufe Road in Penal and we thought that we would be taking it, but when we brought the Property Management Unit to pursue and finalize the rental of that building as a matter of urgency, they found out that there were no approved plans for the building. Again, we had to start all over. Consideration is now being given to a building located on the Siparia/Erin Road in Debe and that is where we are with respect to that. We know that there is a problem, we want to have the Siparia Council properly housed and would welcome any assistance from the Member. If he knows of a suitable location, we are willing to pursue it. We have looked at five

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already and we would continue to look. If he can give us any assistance we shall be most grateful.

Let me say again that I am committed to autonomy in the local government system. If any Member needs my assistance with respect to a region, he can talk with me. *[Interruption]* I have a letter from you with respect to a motion on the adjournment. That is all I have. I thought that I would intervene in this debate simply to make those points. They have nothing to do with incompetence. Local government is becoming more and more efficient.

He spoke about reform. We have our Management Audit Division. That Division has just completed an audit on Arima. We are taking certain steps to right a situation. We have spoken with the CPO's Department with a view to sensitizing the department to the need for good people heading those corporations. The regional corporation would handle in the vicinity of \$20 million and in some of them we have clerks acting as accountants, dealing with those types of funds. We need qualified accountants as the head accounting persons in those corporations, because with the autonomy we are talking about—and we are moving towards more and more autonomy in the regions—there must be that accountability for the resources that we place at the disposal of these bodies. I assure my friend that we believe that we are getting there and that we are really in a new era in local government.

I thank you.

**7.45 p.m.**

**The Minister of Finance (Hon. Wendell Mottley):** Madam Speaker, Members of this House will recall that during the closing of the accounts for the year 1991, which took place in March of this year, we undertook to bring information to the Finance Committee and to the House as to the course of economic matters in the country and specifically matters relating to the budget.

The Finance Committee of the House of Representatives met on October 23 and 30 and noted the increases that were being requested in the 1992 Appropriation Bill, and approved the items under the President, Elections and Boundaries, Ministry of Finance and the Ministry of Local Government.

As we explained in Finance Committee, the items in the amount of \$7,339,206 for the Elections and Boundaries Commission, came about largely as a result of increases in advertising for voter registration and so forth. But more especially a sum in excess of \$2.5 million was bills carries over from the December 1991 election which were not properly taken account of in preparing the estimates.

The Member for Oropouche asked a proper question: Why did we not anticipate in the 1992 original Appropriation Bill the amount of \$210,797,006 relating to the ADB loan for the oil sector? We can tell him that, in fact, the sum of \$546,125,000 was originally included in the 1992 Draft Estimates of Expenditure but it was later excised due to the fact that the drawdowns on the loan were not being credited to Government since they were to be received by the Central Bank and disbursed directly to the energy sector.

That excision was, in fact, an error. We should not have so done and we did get a memorandum from the Comptroller of Accounts dated August 18, 1992 drawing to the attention of the Ministry of Finance section 112 (1) and (2) of the Constitution of the Republic of Trinidad and Tobago which reads as follows:

- “(1) All revenues or other moneys received by Trinidad and Tobago, not being revenues or other moneys payable under this Constitution or any other law into some other public fund established for a specific purpose shall, unless Parliament otherwise provides, be paid into and form one Consolidated Fund.
- (2) No moneys shall be withdrawn from the Consolidated Fund except to meet expenditure that is charged upon the Fund by this Constitution or any Act or where the issue of those moneys has been authorised by an Appropriation Act or an Act passed in pursuance of section 114 or in accordance with any other law.”

In addition, the Comptroller stated that the effect of the foregoing is that all drawdowns must be brought into the books and credited as revenue under the heading “Borrowings” and all disbursements to the energy sector must be reflected in the books of expenditure under an appropriations account.

As the Government is the borrower from the Inter-American Development Bank, it is necessary that the transactions relating to this loan be reflected in the books of the Republic. The utilization of the Central Bank as the agency for receipt and disbursement of the funds does not negate the need for the proper accounting for these funds in this fashion mentioned.

Therefore, as at September 30, 1992, the disbursement against the IDB loan, number 617 was \$180,897,612 and the projected disbursement to December 31, 1992, carrying us to the financial year-end is estimated to be \$218,450,000, which is what we brought before you.

At the same time, if I could let the hon. Member for Oropouche know, the total cost of the Secondary Recovery and Modernization project is \$1,742.5

million, broken down as follows. That is the total project which is due for completion by September, 1995.

The Secondary Recovery, Trintoc, is \$226.9 million; the Secondary Recovery, Trinmar, is \$226.1 million and the modernization of Trintoc's refinery is \$1,249.5 million. Unfortunately, of the \$218.5 million drawdown this far, I do not have the distribution at this time as to how it is broken down. I do not have those details from Trintoc. But that is the total global figure to carry us to the end of 1995.

I think the Member for Diego Martin Central dealt adequately with the question raised with regard to local government.

With regard to the transfer of funds raised by the Member for Oropouche, again, there were several transfers. Just to let the Members know some of the major transfers, there were transfers in the amount of \$1,487,035.

Within Head 15, the Tobago House of Assembly, most of them went from current transfers to the development programme. The purpose of these was to meet a payment to Selwyn Vidal & Associates for work done to the establishment of the Lowlands Regional Recreational Ground in Tobago. This was the centre of a court matter between the Tobago House of Assembly and Selwyn Vidal & Associates Limited for non-payment of services in connection with the recreation ground. It was eventually agreed that it would be in the interests of the assembly to settle the matter rather than escalate court costs by pursuing the matter in court. The sum of \$1,487,035 includes value added tax of \$193,961.

Similarly, in the Ministry of National Security, a significant sum of \$11,566,985 was transferred from Personal Expenditure to Goods and Services to meet outstanding bills. Of this amount, \$4.2 million was paid for helicopter services, while sums of \$0.4 million and \$2.1 million were transferred to meet the cost of uniforms and fuel respectively for the protective services.

In addition, amounts of \$0.6 million and \$2.2 million were utilized for travelling and to meet the cost of food for the Defence Force.

The Ministry of Education: A sum of \$3.9 million was transferred from Personnel Expenditure to Development Programme to meet urgent repairs to schools under the Vacation Repair Programme. A large number of primary schools were done. I shall just mention some of them. In the Government schools, there was Mt. D'or, La Pastora, in my own constituency; Monkey Town, in Central Trinidad, Clark Rochard, in Penal. There were RC schools in St. Joseph, Barataria



and so on. Presbyterian schools in Penal, Bien Venue. Other schools, there were the Curepe Vedic School and St. Stephen's College, all repaired. It was a mammoth programme, the likes of which were never undertaken before. It was very well executed, by some contractors and by the Ministry of Works.

Madam Speaker, I have also been told by the Minister of Education that they scraped the barrel, used all the funds available. There were some schools still left undone. despite the massive effort and, unfortunately, some schools did not get furniture and so forth. The Minister of Education assures me that that would have been the first item dealt with in October had the budget gone through in September.

**Mr. Sudama:** Could I ask the Minister one question, Madam Speaker? When he brought the budget here in January of 1992, did he bring a 12-month budget or an 8-month budget? What provision did he make?

**Hon. W. Mottley:** Madam Speaker, it was a 12-month budget, but look at how many schools we were able to bring to book where, in fact, the budget had contemplated doing far fewer. I think the Minister of Education is to be complimented.

**Mr. Ramrekersingh:** If the hon. Minister of Finance would give way, just to give one example: The Picton Presbyterian School was built outside the aegis of the Ministry of Education. It was built under the Prime Minister's Outreach Programme so that for the 1992 Estimates, as far as the Ministry of Education was concerned, the school was not taken into consideration. We had nothing to do with the building. So that it would not have been taken into account before.

We obviously planned to look at it to see what furniture could be given if the budget year had been changed. It was not changed. We looked to see whether there was money. There simply was no money. It has to do with the origin of that school, which the Member for Oropouche knows very well because we visited that school together and he told me much about the building of it.

**Mr. Sudama:** Since the Member for St. Joseph has intervened in this debate, I want to ask him a simple question: In January of 1992, was he aware that the Picton Presbyterian School was under construction and would have been ready for completing in 1992?

**Mr. Ramrekersingh:** The answer is no.

**Mr. Sudama:** You were not aware. A whole building was going on for educational purposes and you were not aware of it!

**Mr. Valley:** The answer is no, sit down.

**Mr. Sudama:** I am truly amazed.

**Mr. Ramrekersingh:** Madam Speaker, he has raised it. In fact, the Government, during the course of 1992, discovered many facilities, whether day care centres, trade centres, health centres, which the individual ministries, when we took office, knew nothing about because they were built in a particular way for a particular purpose outside the aegis of those ministries in the previous years.

**Hon. W. Mottley:** Madam Speaker, under the Ministry of Community Development, Culture and Women's Affairs, amounts of \$1.2 million and \$3.5 million were transferred from Goods and Services on Current Transfers and Subsidies to meet expenses related to Carifesta.

The sum of all of this is that these supplementary appropriations result in an overall increase of \$233,450,000 in the total estimates of expenditure. The net transfers of funds to treat individual heads of expenditure amounted to \$40,758,372 and the supplementary appropriation amounted to \$233,450,000.

### **8.00 p.m.**

The Member for Diego Martin Central pointed out where the funds came from for local government. With regard to the IDB loans, that was simply an in and out transaction. Finally, the President's appropriation and Elections and Boundaries increased appropriation were funded from an item under the Ministry of Finance, DOMA, where there were savings that have been identified.

Finally, Madam Speaker, let me take the opportunity to inform the House, in the tenor of the undertaking that we gave at the time when these matters were discussed in March last, of progress so far on the expenditure and revenue side. We had a budget revenue of \$6.6 billion with the project up to the end of September of \$4.7 billion and the actual has been \$4.4. So a projection up to the end of September of \$4.7 and an actual of \$4.4. Under the several subhead items, we shall find that taxes on income and projects were about \$2 billion under the projection; and not far off with the actual—in fact, slightly over.

Taxes on goods and services, however, there was a projection in the budget of \$1.6 but we are just \$1.3. In that item, as I had given indication in another place, I

think, the value added tax is the major culprit where, at the end of September, projection was \$868.7 million and actual collection was \$680.9.

Madam Speaker, on the expenditure side—

**Mr. Sudama:** Madam Speaker, I do not want to interrupt the Minister, but I think that if the debate is to proceed beyond 8 o'clock, the Leader of the House should have indicated to this House at 7.50 p.m. that we are going beyond 8 o'clock.

**Mr. Valley:** Madam Speaker, the Member is wrong. If we look at Standing Order 70(2) under Supplementary Appropriation Bills, it says:

“The proceedings on any such Bill shall not be interrupted under the provision of Standing Order No. 10 (Hours of Sitting) and may be entered upon after 7.50 p.m. although opposed.”

**Hon. W. Mottley:** Madam Speaker, I know that the Member is anxious to go back to his constituents, all 10,000 of them, and I promise I will not deter him long. But in keeping with an undertaking that we gave in March, if he will bear just a little bit longer, on the expenditure side we had forecast expenditure of \$5.14 billion and the actual is \$4.79 billion; that there have been reductions under the Personnel Expenditure vote as against what was projected. But the major item which has seen and taken the requisite reduction in expenditure has been Capital Expenditure, which is down to \$278.8 million as against the forecast projected by the end of September at \$465.9 million. So that in the circumstances there is a deficit of \$384.7 million as against forecast deficit of \$404.0 million as at the end of September.

On the revenue side things have not gone as well as we had expected mainly, as I said, on account of the VAT collections, but there have been suppressions of expenditure more than commensurate, so that as far as the budget goes, we are not too far off track.

Madam Speaker, with these few remarks that are intended to keep Members, especially on the other side, abreast of public information, I beg to move.

*Question put and agreed to.*

*Resolved:*

That this House adopt the first Report (1992—1993 Session) of the Finance Committee of the House of Representatives of the Republic of Trinidad and Tobago on proposals for the Expenditure from Public Revenue which were not included in the Annual Estimates of 1992.

**SUPPLEMENTARY APPROPRIATION BILL**

*Order for second reading read.*

**The Minister of Finance (Hon. Wendell Mottley):** Madam Speaker, I beg to move,

That a bill to provide for the supplementary appropriation for the service of Trinidad and Tobago for the year ending December 31, 1992, be now read a second time.

The House has just approved the Report of the Finance Committee which refers to matters related to this bill.

*Question proposed.*

*Question put and agreed to.*

*Bill accordingly read a second time.*

*Question put and agreed to, That the bill be now read the third time.*

*Bill accordingly read the third time and passed.*

**ADJOURNMENT**

*Motion made, That this House do now adjourn to Friday, November 6, 1992 at 1.30 p.m. [Hon. K. Valley]*

**Mr. Shamsuddin Mohammed (Caroni East):** Madam Speaker, may I just point out that I had a motion on the adjournment in respect of which I had specifically asked for that matter to be taken today. However, I think the hon. Leader of Government Business has skilfully manipulated the time to ensure that we can no longer take it, having regard to the time factor and also that the Standing Orders would not permit it to be taken now. I hope that priority will be given next week. I had 14 ladies from the San Fernando Market come into Port of Spain, some of them for the first time, about the problems at the San Fernando market. I hope you will give due thought to it.

**Mr. Valley:** Madam Speaker I am sorry about that. There was no time, and I apologize to those persons who came from San Fernando.

*Question put and agreed to.*

*House adjourned accordingly.*

*Adjourned at 8.10 p.m.*