

Leave of Absence

Friday, November 13, 1992

HOUSE OF REPRESENTATIVES

Friday, November 13, 1992

The House met at 1.40 p.m.

PRAYERS

[MADAM SPEAKER *in the Chair*]

LEAVE OF ABSENCE

Madam Speaker: Hon. Members, I have granted leave of absence to the Member for Naparima (Mr. Subhas Panday), and Caroni Central (Mr. Raymond Palackdharrysingh) from today's sitting.

PETITION

Hindu Seva Sangh

Miss Hulsie Bhaggan (*Chaguanas*): Madam Speaker, I wish to present the petition on behalf of the members of the Hindu Seva Sangh of Trinidad and Tobago, who are desirous of introducing a private bill for the amendment of the Hindu Seva Sangh of Trinidad and Tobago (Inc'n) Act of 1988, so that it may more effectively achieve its objectives.

I now ask that the Clerk be permitted to read the petition and that the promoters be allowed to proceed.

Petition read.

Question put and agreed to, That the promoters be allowed to proceed.

PAPERS LAID

1. Medium-Term Policy Framework, From Stabilization to Growth, 1993—1995. [*The Minister of Finance (Hon. W. Mottley)*]
2. Report of the Task Force on Housing and Settlement. [*The Minister of Housing and Settlement (Hon. V. Lasse)*]
3. Report of the Committee on Regularization of Tenure on State Lands. (*Hon. V. Lasse*)

ORAL ANSWERS TO QUESTIONS

**Central Market
(Traffic Congestion)**

30. Mr. Krish Jurai (*Nariva*) asked the Minister of National Security:

- (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 undertaken to rectify this problem?

The Minister of Education (Hon. Augustus Ramrekersingh): Madam Speaker, this question should more appropriately have been directed to the Minister of Local Government, since it concerns the Central Market which is under the jurisdiction of the Port of Spain City Corporation.

The Minister of Local Government has been advised that it is a fact that at times, not daily, as has been suggested, there is traffic congestion around the Central Market, Beetham Highway, Port of Spain. The congestion is caused, principally, by wholesalers of agricultural produce who park their vehicles on the Beetham Highway and Abattoir Road, awaiting entry to the market.

The reasons for motorists parking for undue lengths of time on the roadway have been identified as—

- (a) the opening hours of the market, and
- (b) the increase in the numbers in wholesaler dealers.

It has been observed that on the mornings of Thursdays and Fridays in particular, wholesalers line up hours before opening time to ensure early entry into the market. This action results in traffic congestion.

When the gates are eventually opened, the limited space available inside the market cannot accommodate the number of vehicles which were parked outside, and a large number of wholesalers have to continue to wait outside the gates in their parked vehicles, primarily, on the southern side of the market on the Beetham Highway, and to a lesser extent on Abattoir Road which leads to the Priority Bus Route.

In addition, when a public holiday falls near to a weekend, the market is closed on the public holiday. In spite of the fact that the market is closed, wholesalers converge at the southern gate at Beetham Highway and continue to sell.

Ongoing discussions between the Ministry of Local Government and the Port of Spain City Corporation are taking place with a view to alleviating the situation.

Mr. Jurai: Is the Minister aware that traffic congestion also occurs on Tuesdays and Wednesdays around the market?

Mr. Ramrekersingh: Madam Speaker, at the beginning of the answer I said that at times, not daily, and I specifically mentioned certain days as being the greater problem.

1.50 p.m.

Corporal Punishment

44. Mr. Ramesh L. Maharaj (*Couva South*) asked the Minister of National Security:

Could the Minister state what is the Government's policy on the question of corporal punishment with particular reference as to whether it intends to abolish it as a form of state authorized punishment in Trinidad and Tobago?

The Minister of National Security (Sen. The Hon. Russell Huggins): Madam Speaker, corporal punishment is administered under the Corporal Punishment Ordinance, Chaps.13:03, 13:04, and 13:05 of the laws of Trinidad and Tobago. In the case of adult offenders this punishment is carried out at the Carrera Convict Prison in keeping with the award of the courts. In addition, under the Trinidad and Tobago Revised Ordinances 1950 Chap. 11 No. 7, the Inspector of Prisons is empowered to make awards of corporal punishment for offences of an aggravated nature against prison discipline. But such awards shall not be carried into effect until it has been confirmed by the President.

The Government of Trinidad and Tobago does not contemplate any amendment to the law to have corporal punishment abolished as a form of state authorized punishment in Trinidad and Tobago.

National Housing Authority (Tenants)

45. Mr. Ramesh L. Maharaj (*Couva South*) asked the Minister of Housing and Settlement:

Could the Minister of Housing and Settlement state what is the policy of the Government in respect of the tenants of the National Housing Authority who are unable to meet their mortgage and/or rental payments with particular

reference as to whether it intends to allow eviction of persons and/or families who are unable to make the payments?

The Minister of Housing and Settlement (Dr. The Hon. Vincent Lasse): Madam Speaker, the National Housing Authority in pursuing the collection of arrears adopts the policy of treating each case of default on its own merits. In this regard defaulting customers informed through arrears statements of their defaults and a facility has been set up to interview these customers in order to arrive at mutually acceptable arrangements for settlement of arrears. Field investigations are undertaken also to determine cases of genuine hardship or delinquency.

Wherever it is determined that the customer is unwilling to make a genuine effort to honour his or her contractual obligations with respect to mutually agreed arrangements, a notice of eviction is issued. Several thousand arrears notices have been issued since May, 1992 and of these cases, a few hundred notices of eviction have been served. However, it should be noted that eviction is an option of last resort only. To date, no evictions have been effected on NHA customers for reasons of arrears only, notwithstanding NHA's authority to pursue such actions by way of the court. Evictions are effected on a routine basis, however, in cases of illegal occupancy of units abandoned by former owners and tenants.

Mr. Maharaj: The hon. Minister stated that if NHA is convinced that people are unwilling, but what if people are unable to pay, what is the policy?

Dr. Lasse: Madam Speaker, I think it was very clear in my statement what I meant.

WASA Consumers

46. Mr. Ramesh L. Maharaj (*Couva South*) asked the Minister of Public Utilities:
Could the Minister of Public Utilities state what is the policy of the Government in respect of consumers of the Water and Sewerage Authority who are unable to meet their payments of water rates with particular reference as to whether it intends to allow the supply of water to these persons to be disconnected?

The Minister of Public Utilities (Hon. Morris Marshall): Madam Speaker, given the current financial situation, it would be appreciated that funds from the state are not now readily available to assist in financing the operations of the Water and Sewerage Authority. The collection of all revenues due to WASA as a result of the provision of the services is critical to its functioning, hence, while WASA

sympathizes with customers who experience difficulty in paying their water rates, the authority, in the interest of the country, has to take all appropriate steps to ensure that its revenues are collected.

The policy of the Water and Sewerage Authority is to address each instance in which consumers are unable to meet their payment of water rates. In this regard, the authority tries to assist the consumers by working out feasible proposals whereby payments can be made, after which, if the consumer is persistently defaulting on his payments, the authority as a last resort would undertake the necessary disconnection.

**Penal/Debe Regional Corporation
(Funding)**

52. Mr. Sahid Hosein (*Siparia*) asked the Minister of Local Government:

- (a) Whether he intends to allocate adequate funds to the Penal/Debe Regional Corporation so that:
 - (i) the following bridges can be reconstructed in 1993—
 1. Katwaroo Trace;
 2. Boodoo Trace #2;
 3. Boodoo Trace #3, and
 4. Sammy Trace.
 - (ii) proper remedial works will start on Mohess Road.
- (b) What provisions are being made so that the Penal/Debe Regional Corporation will have adequate machinery and equipment to discharge its functions.

The Minister of Education (Hon. Augustus Ramrekersingh): Madam Speaker, projects to be carried out under the annual development programme are determined by the relevant corporations. The 1993 development programme estimates of the Penal/Debe Regional Corporation make provision for repairs to eight bridges. However, none of the four bridges identified has been included in the 1993 development programme of the Penal/Debe Regional Corporation.

Remedial works are currently being undertaken on Mohess Road.

The Penal/Debe Regional Corporation has been provided with the necessary machinery and equipment to discharge its functions properly within the constraints of available resources.

Mr. Hosein: Can the hon. Minister indicate what is the projected allocation under the development programme for the Penal/Debe Regional Corporation for 1993? If so, could he indicate whether this sum will be adequate to undertake the construction of any one of these bridges?

Mr. Ramrekersingh: Madam Speaker, I do not have that figure with me but what I can do is to give the Member a list of the projects in the relevant areas with the estimated cost of all bridges to be repaired.

**Siparia Constituency
(Water Supply)**

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

- 53.** (a) Is the Minister of Public Utilities aware that residents of Siparia constituency are experiencing severe hardships because of the lack of an adequate water supply?
- (b) Can the Minister indicate what steps are being taken by WASA to resolve this crisis?

The Minister of Public Utilities (Hon. Morris Marshall): Madam Speaker, I wish to request a postponement of the response for one week. I held a discussion with the Member and he agreed.

Question, by leave, deferred.

**Track Excavator
(Repairs)**

54. Mr. Sahid Hosein (Siparia): asked the hon. Minister of Agriculture, Land and Marine Resources:

Will the Minister indicate to this House:

- (a) When his ministry intends to repair the track excavator lying presently on the compound of the Agricultural Extension Office at Ramjattan Trace, Penal?
- (b) In the interim, what is his ministry doing about flood abatement and control in the Siparia constituency?

The Minister of Agriculture, Land and Marine Resources (Dr. The Hon. Keith Rowley): Madam Speaker, the sum required to effect repairs to the track excavator lying at present on the compound of the Agricultural

Extension Office at Ramjattan Trace Penal, is estimated at \$82,367.20. Funds are not available in the ministry's budget to meet this expenditure.

The Ministry of Agriculture, Land and Marine Resources will continue the maintenance of drains in rice areas, undertake desilting works to secondary and collector channels on a priority basis and encourage farmers and residents to upkeep watercourses. Additionally, the ministry will collaborate with the Ministry of Works with respect to the desilting of the main water channel.

Further the ministry will continue its efforts to discourage delinquent farmers from obstructing waterways and natural watercourses since such action also contribute to the problem of flooding.

2.00 p.m.

Mr. Hosein: Can the hon. Minister indicate whether provisions will be made in the 1993 Budget for repairs to the excavator?

Hon. Dr. Rowley: I have not seen the 1993 budget, so I am afraid I cannot answer that question.

**ADJOURNMENT MOTION
(LEAVE)**

Mr. Ramesh Lawrence Maharaj (Couva South): Madam Speaker, under Standing Order No. 12, I am entitled to raise, as a matter of definite, urgent, public importance, an issue, provided the Speaker rule that it falls within that category.

In the notice which I sent you—and I must apologize for the manuscript but which I hope indicated the urgency of the matter in some way—the issue is the street vendors of Port-of-Spain being obstructed from enjoying their right to life by the Government's preventing them from earning a living.

I think it is a definite matter being the issue of the vendors being obstructed from getting their livelihood. The matter is of public importance because the Government of Trinidad and Tobago is compelled by the Constitution to provide the enjoyment of fundamental rights. One of those enjoyments is the right to life. The right to earn a livelihood is an integral part of the right to life and the prevention by the Government becomes a contravention of the right to life. Therefore, I submit that it is an urgent matter in that the right to life is involved.

I cannot think of any more urgent matter than the right to life. The matter involves hundreds of street vendors who make their living by selling on the streets. The matter is of public importance in that people are denied their rights to earn a

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livelihood and denied the right to life by a government. This must be important in the context that the Government has spoken about a shining city.

I know—and I do not want to go into the merits of the motion, but I think it is fair to me—from a press report I had seen that the Prime Minister did indicate that he was going to intervene. I wish to assure you that minutes before coming to this House I met and spoke with the vendors and there seems to be no apparent solution to the problem.

As a matter of fact I have to report to them after as to what has happened in this House. I have a meeting. I would say that the matter therefore falls squarely and it is crystal clear that it is a definite matter of urgent public importance.

Madam Speaker, I would ask you to rule in my favour.

Madam Speaker: I agree with the hon. Member that it is a definite matter of public importance. I was trying to ascertain from the Member's contribution with respect to the right to life—definitely, if it is a question of life and death, it becomes urgent. I do not see it as a matter of life and death. It is a question of one earning a living, certain matters being taken into consideration.

In the circumstances, I think the hon. Member would be advised to meet with the relevant authorities and have this matter resolved as quickly as possible.

Mr. Panday: You cannot tell us whom to meet with.

Mr. Maharaj: That is not a matter for the Speaker.

Madam Speaker: In the circumstances, I do not hold that the matter falls under Standing Order No. 12. I would advise the Member to bring it under Standing Order No. 11.

MEDIUM-TERM POLICY FRAMEWORK

The Minister of Finance (Hon. Wendell Mottley): Madam Speaker, it is with a deep sense of satisfaction that I now lay before this honourable House, and by extension the nation, the Medium-Term Policy Framework for Trinidad and Tobago for the period 1993-1995, the main theme of which is "From Stabilization to Growth".

This sense of accomplishment arises not merely from the Government's once again having kept faith with the people in delivering, as promised in the 1992 budget, this comprehensive policy document, an economic road map so to speak, which charts the course of our major macro economic policy actions over the

course of the coming three years. More fundamentally, the sense of pride and satisfaction which I, as Minister of Finance, now feel arises from the fact that the document which I now lay before this honourable House, presages a dramatic shift of gear for our economy, which between 1982 and 1989 contracted significantly, and despite experiencing some signs of fragile growth in 1990 and 1991, was forced to return to a stabilization mode in 1992. The Government is convinced that the timely execution of the policies herein outlined will see our economy move from the present stabilization mode to the long anticipated growth mode.

One of the more painful side effects of this prolonged cycle of stagnation and stabilization and which today remains the singlemost critical economic issue and which exercises the collective mind of the nation is, without doubt, the vexed question of persistently high levels of unemployment. No citizen of this country, nor indeed no responsible government can remain unmoved by the scale of the human tragedy which our current levels of unemployment represent.

The Medium-Term Policy Framework takes this national consensus as its point of departure. Its proximate goal is the establishment of an appropriate macro economic framework consistent with prudent fiscal management, a sustainable balance of payments position and the containment of inflation. However, its ultimate objective remains the achievement of a substantial and durable increase in the level of employment. In attempting to achieve these objectives we sought to discern certain truths from our collective experience, particularly the era beginning with the first oil shock of 1973.

In the period 1975—81, Government sought to generate the warranted levels of investment by substantial expenditure on both the economic and social infrastructure. In addition, in an attempt to spread the benefits of the oil windfall among the population, substantial subsidization was instituted particularly with respect to petroleum product prices, food prices, book grants and uniform allowances, and other transfers, as well as rates charged by the Public Utilities.

In the period 1982—86 both oil prices and oil production began to decline, while expenditure levels were adjusted downwards at a slower rate than the fall in revenue. In attempting to soften the burden of the required adjustment, Government exhausted its fiscal surpluses built up in previous years. Moreover, at the same time Government's commitment to diversifying the economy required substantial expenditure in the petrochemical industries. This additional financial requirement necessitated significant external borrowings in this period. Thus, when

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oil prices collapsed in 1986, a great part of the surplus accumulated in the boom years had already been used up in trying to effect a soft landing for the economy.

2.10 p.m.

In the absence of any incremental fiscal resources, and given the constraints with respect to foreign exchange, the burden of the adjustment process was carried by the population. As a result, adjustments were made to public service wages and salaries, utility prices were increased and transfers and subsidies were reduced. As Government expenditure contracted, economic activity in the private sector declined leading to a substantial increase in unemployment levels. This was the first and most direct phase of the investment process.

The second phase of the adjustment process was the rescheduling of the external public debt, supported by two standby arrangements with the International Monetary Fund and the structural adjustment loan with the World Bank. In the absence of the rescheduling exercise the burden of the adjustment process would have been even greater.

What have we learnt from these experiences? Firstly, that there is a limit to Government's ability to continually be the main source of investment and employment in the economy. Secondly, sustained prosperity for a small open economy such as ours can only be rooted in a diversified export base. Thirdly, we must pursue vigorously all efforts to increase the level of productivity in the society so as to ensure that we develop and retain a competitive edge in the new emerging international economic environment. And fourthly, it is recognized that an increase in employment can only be supported by an expansion in the level of investment.

We are now, therefore, at a new stage of the adjustment process, namely, continuing the needed structural adjustments in trade, and the public sector, including the state enterprises and the public utilities. This is spelt out in more detail in the Medium-Term Policy Framework. We are also at the stage where the debt rescheduled in the recent past must now be repaid. We can either generate the required resources in terms of further adjustment to Government's expenditure, or we can generate part of the resources through the sale of existing assets. We view the latter course as superior, and it is in this context that we have structured one element of our divestment policy, which is also elaborated upon in the Medium-Term Policy Framework.

Fortunately, we have so far resisted the temptation to follow popular but fatally attractive alternatives to the adjustment process, such as the printing of money to sustain the level of Government expenditure, the non-payment of external obligations, or excessive depreciation of the exchange rate. Worldwide experience has shown that the short-term relief of such actions is more than vitiated by the considerable damage inflicted on the balance of payments, the inevitable inflation which ensues, and the social dislocations arising therefrom.

The imperative to transform ourselves into competitive international exporters with a diversified product mix emanates from our own experience. The nation has by now come to terms with the fact that oil is a finite resource. Though our efforts in the medium-term will seek to arrest the decline in oil output by encouraging secondary recovery methods and the search for new producing fields, our future as oil producers remains limited. On the other hand there is still considerable potential for enhanced foreign exchange earnings from our relatively abundant natural gas resources. However, we must remain forever conscious of the limited employment opportunities generated by the huge investments necessary to realize our potential in natural gas.

Continued access of our traditional export crops to preferential markets is threatened by the Uruguay Round. Our future as a high cost sugar producer is therefore far from secure. However, a successful conclusion to the Uruguay Round may yet present us with both challenges and new opportunities for non-traditional agricultural exports.

Experience has revealed the limitation of industrialization by import substitution. This strategy has not exposed us to the disciplines required for successful manufacturing, but rather has promoted in several instances, the development of a subsidized rudimentary manufacturing base which is further constrained by our small domestic market, even if we define our domestic market as the Caricom market. In the circumstances I have outlined, a competitive manufacturing sector geared for exports is critical to any programme of economic recovery. As such, therefore, the phrase "export or perish" can in no way be considered melodramatic.

Given such circumstances, the Medium-Term Policy Framework has as its central themes:

- (i) enhanced fiscal discipline supported by complementary monetary policy;
- (ii) reliance on the private sector for incremental investment; and

- (iii) exports as the major source of growth and employment.

The enhanced fiscal discipline which the Medium-Term Policy Framework seeks to achieve has been informed by the limited availability of foreign exchange resources, the priority demands of the Public Sector Investment Programme and Government's reduced ability to tap the domestic market, given the anticipated investment activity of the private sector.

The detailed fiscal programme for 1993 will, of course, be outlined in the forthcoming annual budget. Suffice it to say for the moment that consistent with the medium-term programme, emphasis will be placed on expenditure restraint and enhanced revenue collection. In addition to those actions to be outlined in the 1993 budget, our ability to manage our fiscal resources over the medium term will be buttressed by a range of institutional strengthening measures. This honourable House is aware of the efforts made with respect to the Customs and Excise administration. In addition, the VAT Office and the Inland Revenue Division will also be strengthened. These efforts will also be supported by the establishment of a Revenue Protection Agency. The Government is also committed, over the course of the medium term, to restore the rates of personal and corporate taxation to pre-1992 levels and in time, lower.

Over the medium term, the fiscal programme which is designed to contribute to such stability will be supported by complementary monetary policy. Thus, Central Bank action will be guided by the continuing need to conserve foreign exchange, and contain the level of inflation. At the institutional level, Government is committed to accelerating the reform of the financial sector geared towards improved financial intermediation and enhanced regulation and supervision of the financial system. In this regard, several pieces of legislation will be brought to Parliament very, very soon including a revised Central Bank Bill, a Financial Institutions Bill—which will govern both banks and non-banks—a revised Insurance Bill, a revised Securities Industries Bill and a new Companies Bill. Confidence in the Stock Exchange will be bolstered by the introduction of a Securities Exchange Commission.

Perhaps the most important incentive which any Government can make available to the private sector is the stable economic and social environment. Worldwide experiences of the past few years have demonstrated in quite unambiguous terms that a viable private sector is indispensable to an efficient and competitive economy. Government is therefore committed to the continued

development of a sound macro-economic and incentive framework conducive to private sector development and is acutely aware of the need to stimulate the non-oil sector, particularly non-oil exports. In this context several important reforms have already been introduced with respect to the incentive framework. These include the trade reform measures, liberalization of the exchange control regime, and the tax reform programme, including the introduction of new petroleum taxation legislation. The recently approved Anti-Dumping Act will be reinforced by new legislation preventing unfair trade practices.

However, Government is also aware of the possibility of a lagged response to the new institutional framework in which the role of the private sector will be transformed. More importantly, in the expected transitional phase, management of the unemployment situation becomes of critical importance. Government therefore will continue to play an activist role in the promotion and creation of investment opportunities in the economy.

In this regard the Government has attributed the lead promotional role to the National Gas Company in the energy and petrochemical sectors. Results have been outstanding with concrete evidence in the signing of the Enron Agreements as recent as this week.

In other areas, Government has established a National Business Advisory Board whose major initial role will be to manage the transitional period rather than leave such responses to market forces. The board will seek to bring together under one organization those public sector agencies at present charged with the responsibility for the promotion of private sector investment and development. The board will act as the agent of Government's industrial policy, act as a clearing house for viable projects, and facilitate the rapid implementation of the investment process. Emphasis will be placed on the accelerated promotion and development of the tourism sector and allied services, and export agriculture.

Government also recognizes that in addition to creating investment opportunities, it must design measures to generate employment-creating activities in the short term. To this end, it will intensify its training programmes in conjunction with the private sector and other non-governmental organizations aimed at enhancing the employability of the labour force, especially with respect to women and youth.

2.20 p.m.

Moreover, specific productive short-term projects which will be implemented by Government include:

- (1) Improved maintenance of roads, bridges, schools, hospitals and office accommodation;
- (2) Repairs and maintenance of sewage systems;
- (3) Environmental clean up;
- (4) Improved drainage;
- (5) Rehabilitation of cocoa and coconut lands;
- (6) Reforestation projects;
- (7) Introduction of appropriate incentives to stimulate home construction and repairs; and
- (8) Major infrastructural projects such as airport development and new industrial estate and port development.

It is not possible to quantify precisely the employment implications of the policies outlined in this Medium-Term Policy Framework. However, it is critical to treat the policies as an integrated package and not as a series of isolated proposals.

The overall medium-term strategy will seek to rely heavily on private sector expansion, particularly in export-oriented activities, with the creation of sustainable employment, enhanced by an appropriate regulatory and incentive framework created by the Government.

This is not to say that the Government intends to be a passive facilitator in the development process. On the contrary, Madam Speaker, we intend to remain an active participant, but with an emphasis on more efficient government, rather than from the perspective of an interventionist government.

Government accepts the quite reasonable argument that in sharing these burdens and responsibility with the other social partners, the business community and labour must be consulted and not be left out of the potential gains. Therefore, Government proposes to enlist the support of the labour movement in the fulfilment of the plans laid out in this Medium-Term Policy Framework and engage in appropriate high level consultation as an initial step towards this.

Madam Speaker, Government realizes that the labour movement has played a critical role in the evolution of the democracy and economic structure of Trinidad and Tobago. Apart from its direct power in industrial relations matters, the movement's strengths continue to lie in its broad base, its social mobilizing capacity and its potential for the mobilization of increased savings.

Moreover, Government realizes that the movement has been greatly discomfited by the last 10 years of economic adjustment during which the real living standards of workers have been harmed. We are also discomfited by this fact, but we must recognize that this outcome reflects the inevitable results of the contraction of the economy which began in 1981, 1982. Labour, therefore, perhaps more than any other sector in the society, has a deep understanding of the requirement for the resumption of sustainable economic growth and the necessity for sacrifice and sustained commitment towards that end.

Government recognizes that the stabilization effort has led to some measure of social dislocation. Consequently, efforts will be directed to the provision of support to the more vulnerable groups of the society through an enhanced safety net which takes into account the existing high unemployment rate. The strategy is to seek to empower the socially disadvantaged and vulnerable groups.

In addition, Government will further rationalize its social programmes to achieve better targeting of programmes and cost effectiveness in the delivery of social services. Closer collaboration with the NGOs will be pursued in these initiatives.

Madam Speaker, in introducing the Medium-Term Policy Framework 1993 to 1995, I have merely sought to sketch very broadly the main elements of the programme. In addition to the major macro-economic objectives to which I have alluded, the programme also summarizes Government's policy thrust at the sectoral level. I shall leave it to my colleagues on this side of the House to elaborate on these policies in the course of the next few weeks.

In concluding these introductory remarks, I once again refer to the sense of satisfaction which this document has given me. This satisfaction is not based on the possibility of immediate explosive growth. Indeed, our growth targets are quite modest, as outlined in the document. However, I cannot resist being moved by a decisive end to the stop-and-start era; it has so far heralded the end of the period of negativity. Rather, we are entering a period of consistent and accelerating growth, which establishes a firm platform for even faster growth in subsequent

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periods. In making our estimations, we have tended to err on the conservative side, lest we give rise to unrealistic expectations.

The task before us is certainly not an easy one. My party has consistently maintained that trusting the people is perhaps the single most important hallmark of good Government. Accordingly, we have laid the facts before the nation and fashioned a course of action which holds the promise of delivering to the people the rich rewards they so justly deserve.

Accordingly, in concluding this introductory statement, I commend to you the policy initiatives enunciated in the Medium-Term Policy Framework. We believe that these policies are correct and sustainable. We also recognize that they are attainable only if the various partners in the social contract are prepared to jointly carry out their responsibilities so that we may better face the challenges and opportunities of the 21st century.

Madam Speaker, I take the opportunity to let this honourable House know that this is a fundamental document set in setting the medium-term and that on Friday, November 20, I shall present the budget for 1993 which deals with the immediate year ahead.

Thank you, Madam Speaker.

FAITH INTERNATIONAL BAPTIST CONVENTION (INC'N) BILL

Question put and agreed to, That a bill to provide for the incorporation of the Faith International Baptist Convention of Trinidad and Tobago and for matters incidental thereto, be now read the first time.

Bill accordingly read the first time.

FIREARMS (AMDT.) BILL

Order for second reading read.

The Attorney General and Minister of Legal Affairs (Hon. Keith Sobion):
Madam Speaker, I beg to move,

That a bill to amend the Firearms Act, Chap. 16:01, be now read a second time.

Let me say from the outset that the net effect of this piece of legislation is to provide for an expansion of the category of persons who are permitted under the Firearms Act to hold and use certain prohibited weapons.

Under the existing legislation, at section 2, “prohibited weapon” is described as:

- “(a) any artillery or automatic firearm;
- (b) any grenade, bomb or other like missile; or
- (c) any weapon of whatever description or design which is adapted for the discharge of any noxious liquid, gas or other thing.”

The relevant provisions of the Act for the purpose of this bill would be sections 6(1), 6(2) and 7.

Section 6(1) provides that subject to section 7, a person may purchase, acquire or have in his possession a firearm or ammunition only if he holds a firearm user’s licence with respect to such firearm or ammunition. It is subject to section 7, and section 7 states:

“The following persons are exempt from the provision of 6(1) ...”

And those are stated to be:

- “(a) a police officer acting in his capacity as such or a member of the Special Reserve Police established under the Special Reserve Police Act acting in his capacity as such, or a prison officer acting in his capacity as such, or a customs officer acting in his capacity as such...”

So that you will see there that a prison officer is included in the provisions of section 7 as being a person who is exempt. There appears to be a matter of an anomaly because in section 6(2), and perhaps I should read that provision, as well. Subsection (2), reads:

“Notwithstanding any other law, including any written law repealed by this Act, a person shall not have in his possession any prohibited weapon unless he is a police officer acting in his capacity as such, or is a member of the Defence Force established under the Defence Act... acting in his capacity as such, or a customs officer acting in his capacity as such...”

You would see, that in section 6(2) there is no reference to “prison officer”, which means that he is not one of the exempted persons for the purposes of dealing with prohibited weapons.

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The net result of the passage of this legislation will be to permit and to provide for the use by prison officers of the weapons which are placed in the prohibited weapons category.

I may say at this juncture that for the security of our prisons, for the purpose of dealing with internal problems which may arise, as well as for the purpose of dealing with external problems which may affect the security of our prisons, it is necessary in the view of the Government that prison officers be permitted to use these weapons.

I refer specifically to the fact that it is well established that the use of tear gas is an effective means of combating the kind of internal disturbance that one may have in the event of a prison riot, and that is one of the weapons which a prison officer at this point is not entitled to use.

There is, also, the question of perimeter guards, persons who are posted on the perimeter fences of prisons, and here the use of automatic weapons to deal with the possibility of an externally-led insurrection and that is the kind of matter that would be involved.

I cannot over-emphasize the importance of security, particularly in the charged atmosphere of the prison environment and I would, therefore, commend this bill to this House.

I thank you, Madam Speaker.

Question proposed.

Mr. Ramesh L. Maharaj (*Couva South*): Madam Speaker, I agree with the Attorney General, that what this bill is intended to do is to permit prison officers to have prohibited weapons in their possession.

What has happened is that the Firearms Act has made a distinction between what is to be regarded as a firearm, and a prohibited weapon. A firearm is defined as any lethal barreled weapon from which ammunition can be discharged or any prohibited weapon, and includes any component part of any such weapon and any accessory to any such weapon designed or adapted to diminish the noise or flash caused by firing the weapon, but does not include any air rifle, air gun or air-pistol of a type prescribed by Order made by the President and of a caliber so prescribed.

Prohibited weapons mean any artillery or automatic firearm, any grenade, bomb or other like missile or any weapon of whatever description or design which is adapted for the discharge of any noxious liquid gas or other thing.

So I think that what has happened is that, for some reason, the prison officers were left out—you have other officers that were left out. I suppose the Government would know more about this than the public, and if the Government thinks the prison officers should have this, I do not think there could be much objection to that.

But we should have thought that the Government would have taken the opportunity, since it was coming to amend the Firearms Act after 20 years—it has been in force since 1971—that since there are other matters which are pressing, it would have produced a comprehensive amendment.

I should have thought that the Government would have concerned itself with the question of the women of this country being the subject of many attacks: rape, assault, many unlawful attacks. The figures show that these attacks are on the increase and I should have thought that the Government would have taken the opportunity to say, “Well, let us decide that women would be permitted to have mace.” If one possesses mace, that is something which is illegal; it can fall within the description of firearm or ammunition, I would say.

I think that what is more pressing now than permitting—I am not saying that it is not pressing to permit prison officers to have prohibited weapons. They have made out for a long time. As a matter of fact, prison officers can have firearms as long as they belong to the Government of Trinidad and Tobago. But I think that what is more pressing and expedient at this time for the Government to consider is the drafting of an appropriate amendment so that this afternoon we can decide, to give the women of our country the opportunity and the right to have this means of defending themselves.

As a matter of fact, Madam Speaker, I am sure that you would know that this has been made legal in many countries, even in the United States of America, where there are many of these unlawful activities taking place, and where it seems that the Government cannot get to the root causes of crime. At least they can provide the citizens, the women, with mace. The way the world is going today, so there will not be discrimination against men, it may be that you will have to permit both men and women to have these things. Perhaps men will be subjected to attacks, too. I would suggest that the Government consider as a matter of urgency that mace be permitted or legalized for individuals to have it.

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If the Government does not want to permit men to have it at this time, and would like women to have it, I think we would go along with that, but I think the time has come and it is very urgent for that to be included.

Madam Speaker, I am sure the Attorney General would know—I know they have been in Government a year now and probably they have been very busy.

Mr. B. Panday: Thirty-one years. They must inherit their past.

Mr. Maharaj: One of the problems of the administration of this Act has been the question of the revocation of a firearm user's licence. Almost every week at my constituency office farmers have come to me with problems. They are saying that they have their firearms but their firearm licence has been revoked. They have not been given any reason, and one tries to get it. It means that people will have to go to court to challenge these things. It costs money, time, it loads the court and in the meantime people's crops are destroyed.

I think it is a national problem now, that farmers feel insecure. You see, they have been issued with licences, but somebody can come and make a report, whether it is a good, plausible or bad report, and without any reason given their firearm licence is revoked.

In the United Kingdom, where an Act which we have has been in operation since 1968, even in 1968 it was thought necessary to have machinery not only for the revocation of firearm user's licences, but also for the refusal to grant firearm user's licence. A refusal or a revocation can be appealed. In the United Kingdom an appeal lies to what is called Crown Court. It may be that we can decide what machinery we are going to use to have an appeal process. But certainly to put into the hands of an individual—one for no moment is making any allegations against a particular individual—but one knows the saying that when so much power is put into the hands of an individual, this kind of power can corrupt; it can cause people to misuse and abuse power. There is a famous saying: Power corrupts and absolute power corrupts absolutely.

Under section 20 of this Act, the Commissioner of Police may at any time by notice in writing to the holder of a licence, certificate or permit, vary the conditions under which such conditions may be prescribed. Under section 21, the Commissioner of Police may revoke any certificate if he is satisfied that the holder thereof is of intemperate habits or of unsound mind, or is otherwise unfit to be

entrusted with such a firearm or ammunition as may be mentioned in the licence, certificate or permit.

Madam Speaker, what happens if a man has a licence to use a firearm, let us say a farmer. He has about five acres of land. He has to protect his crops from pests and thieves and he uses this in order to assist him in making his livelihood. There is some other farmer who does not like him, makes a complaint, writes a letter to the Commissioner of Police and the Commissioner of Police conducts an investigation using his own police officers to conduct it and he decides—even if he hears or does not hear him—that he is going to revoke his firearm user’s licence, that individual has no means of challenging that decision, unless he can show that the rules of natural justice were violated under judicial review and that kind of process, which takes a long time.

What has happened in the United Kingdom in a case like this, is that within the Act there is machinery, and the machinery is the Crown Court. I would suggest to the hon. Attorney General that we are dealing in Trinidad and Tobago with people who are farmers, who would have their licences and would want speedy determination of whether it was the right decision or the wrong decision, and we should introduce machinery where persons who are dissatisfied with the decision of the Commissioner of Police, in either the granting of a licence or in the revoking of a licence, can have a speedy determination in some form of an appeal.

The other aspect of this Act which has caused much litigation in court and many complaints over the years has to do with the powers of the police to search, obtain information and enter the premises of the person, under the power of Search and Obtaining Information section. Section 30:

- “(a) Justice of the Peace on being satisfied by information on oath that there is reasonable ground for suspecting that an offence under this Act has been, is being, or is about to be committed may grant a search warrant authorizing any police officer named therein with the assistance of such other persons as he may require—to enter at any time any premises or place named in the warrant, if necessary by force, and to search the premises or place and every person found therein; and
- (b) to seize any firearm or ammunition which he may find on the premises or in the place, or any such person, in respect of which or in connection with which he has reasonable grounds...”

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There have been two areas of complaint in the administration of this Act that I have found over the years. One is that people have complained tremendously that the police enter their premises without any warrant and by the time the matter reaches court, there is a warrant.

Secondly, that the police sometimes—I am not saying all the time—but the allegations are that the police sometimes fabricate the charges, plant guns and ammunition. It would seem to me that the time has come where in order to make life for the police easier, to prevent these allegations and, in effect, to save time in court and reduce some of the backlog, we introduce some amendment to this Act which would make it mandatory for a Justice of the Peace to have a register of warrants he issues. That is to say, there would be regulations whereby, when a police officer goes to a Justice of the Peace—because when he goes for a warrant he has to swear on an information—and the Justice of the Peace is supposed to administer his duties properly. He has to be satisfied on information, reasonable information in order to permit the police officer to enter a man's house.

That is why, under the Firearms Act, Parliament gave the police officer statutory powers, in order to provide a safeguard whereby a Justice of the Peace would be satisfied. In other words, it was not an ordinary common law power of search.

What has happened in practice is that there have been allegations and instances where the policemen says he got a warrant from the Justice of the Peace, then the allegation is that at the time the search was effected, there was no search warrant at all but the Justice of the Peace backdated the search warrant. However, if we have an official register whereby when a police officer goes to get a search warrant, the Justice of the Peace must keep a copy of that information, must issue a number, it must be entered in a book and particulars must be taken and there must be regular inspection of that book by officials, we would be providing safeguards so that people's homes and the enjoyment of privacy may not be trampled upon illegally.

That is an area that I think cries out for urgent reform so that we can improve the machinery and, in effect, deliver justice to the people who are saying that they are suffering as a result, not of the implementation, but of the administration of an Act like this.

I expected, also, that the Government in such an amendment—since one of the reasons that have been given for having this bill is the question of security—would have put the minds of the population at ease, or told them the facts.

Over the years we have had instances where we have had the Government stating that there is a problem with firearms and ammunition outside, civilians having them. We have had instances where amnesties were granted, people were asked to bring in their firearms and ammunition and would not be prosecuted. We have no real facts and figures on which the population can feel safe. No one in authority is saying, “Listen, the position is this...”

I expect and I would want the Government to consider, to tell this House, that as far as the Government is concerned, from its assessment of the situation, the amount of firearms and ammunition which it considers is illegally in the hands of the population is much, because, make no bones about it, there are many guns outside.

I expect the Government to say what the position is and what its plans are to deal with this. Is it going to leave it like that? Is it going to depend on the Firearms Act, as it is, with this amendment to deal with that problem? Is it going to ask for another amnesty? Is it going to call in the population, try to reason with them? Is the Government going to have a policy that the criteria for the grant of licences would be improved so that people who think that they are entitled to have one, would not decide to have it illegally? I would expect the Government to tell us that.

2.50 p.m.

My research—and it is subject to what the Government will tell—reveals that of the number of licences which have been revoked over the last five years, most of them belonged to farmers. Now I would concede that there are times when some farmers, or a farmer, or people who say they are farmers, would be using farming as a front when, in truth and in fact, they are involved in illegal activity. But I am not on the exceptions. I am on the general situation. The farmers in this country perform a vital role for the economy and I think the Government will agree with that.

Therefore in dealing with an amendment to this bill, I should have liked to see farmers protected by having their licences—and it may be that the Government could consider having an amendment so that farmers who are registered and have been investigated by the Ministry of Agriculture—in collaboration with the

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Ministry of National Security—and issued with a certificate, would be entitled to have firearms and ammunition for the purpose of protecting their crops and preserving their livelihood.

But, you see, if people feel that they cannot protect their livelihood lawfully, they would resort to unlawful means. It may be, therefore—and I am not saying that it is—that one of the areas in which you have illegal firearms and ammunition would be farmers who feel that they have to protect their goods and have to take the chance, and come what may, jail or no jail, "I have to feed and protect my children".

I remember about nine months ago, I met an instance like that. A man had applied and did not get a licence; he had a meeting; he went to a Member of Parliament; he went to the President; he went to everybody, but he had his estate and he decided he was going to buy illegally a firearm and ammunition and bought them. He had them for years and was not caught; but he was caught a few years ago. He went to the court and told the court what was the position. The court sentenced him to, I think, 18 months in jail. He appealed and the Court of Appeal said, no that is the law, you should not buy them illegally; and he spent 18 months in jail for protecting his family. Now, I find that is not fair. The law is the law, but be that as it may, I think the time has come for us to decide that there are problems outside there and people are suffering; people really want to make an honest livelihood. There are certain obstacles coming in the way.

Mr. B. Panday: Like vending!

Mr. Maharaj: It may not be deliberate but it may be the system, and if it is there, I would expect that a government that recognizes it will do something about it. If the Government says, well listen, for the last 30 years, do not blame us. Well now, they are aware of the problem; let them show their commitment by doing something about it.

Coming back to the point about illegal firearms and ammunition—I do not want to go into specifics—we all know that there have been many reports over the last two years that there are many firearms and ammunition outside, and I think the Government must tell us, if it feels that some farmers have illegal firearms, who else, and what other areas in the community; and what it intends to do about it.

That is important, because if we are truly concerned about the security of this country, it is important that we know. As we know, in countries where you have very heavy economic measures in which the impact is felt severely by the masses,

as long as you have guns and ammunition outside there, people may not sit down and take things for too long. Therefore it is important for the Government to understand that it has a duty to ensure that people earn their livelihood and are protected in earning it. Just as an aside—whether they be farmers or vendors, it is not a question of saying that a vendor or farmer must get a place only for the Christmas season. The right to life is a right which people have to be secure about and enjoy.

Madam Speaker: I think the hon. Member is wandering from the point.

Mr. Maharaj: Madam Speaker, I once read in a book that, even in the courts of law—one is able to wander, sometimes.

What I am saying is that farmers must be protected and I would expect that if the policy of the Government is to protect people in earning their livelihood, it would take steps to ensure that the machinery is put in place.

There is another area of this bill which I have become perplexed about. The Attorney General, to some extent, answered some of my concerns. When I read this bill I wondered, well, why? Why this bill, when we have so many important things in the country? Why bring this to Parliament as a matter of priority and spend time on this? I ask myself the question: Is it that they want to have security in the prisons? Why is the Government just using it in one compartment, instead of having a comprehensive amendment?

It occurred to me that if the Government was seriously considering the prisons and security, it could not consider them just in a vacuum. The whole question of what can cause insecurity at the prisons should be looked at. It is not good enough to say that there could be a prison riot, without looking at what could cause it. Because what the Government is doing—I hope I am wrong—is conveying the impression that we are arming the necessary people in society. We are expecting riots and problems. We are arming the necessary people, in case there is a riot we will quell it by force, come hell or high water.

I should have thought that the Government would—if it did not bring it at this time—recognize that there are problems at the prison which can cause insecurity or riots and look into that and have plans in place which could be implemented. One knows—I have had communication from the Prison Officers Association—apart from overcrowding, the whole question of environment at the prison; the question of penal reform; the question of whether prisoners should be made to be

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idle at the prisons, or whether instead the Government should not have them cultivate lands, to do work to benefit the country.

The Government having such an opportunity, to come to Parliament, to use precious time in Parliament—because time is very precious, Madam Speaker—should have used this opportunity to say what it intends to do with respect to the problems which have arisen as a result of the Firearms Act.

3.00 p.m.

As far as the Firearms Act is concerned, there was a publication on March 14, 1992 which dealt with private security firms. I think the time has come for the Government to say quite clearly—

Mr. B. Panday: Who will have guns and who will not.

Mr. Maharaj: What is the policy with respect to private security firms? Is it that some private security firms which may be owned by big people in the society would have that right, but not the poor people who have small firms? What is the policy? Is it that Government is going to permit big firms to send persons from their firms to be trained in all sorts of warfare tactics but other small firms will not get that right?

I want to quote from a public advertisement on page 7 of the *Trinidad Express* dated Saturday, March 14, 1992:

"The Management and Members of Amalgamated Security Services Limited are very proud and confident of a team of four of their officers who left these shores accompanied by the Chairman Mr. Michael Aboud, on the morning of March 12, 1992 to participate at a Soldier of Fortune (SOF) Convention and Expo 1992 in Orlando, Florida. Our team will be involved in the seminar on selected subjects from the schedule such as Personal and Family Protection, Modern trends in Law Enforcement, Modern techniques of the Pistol, Defensive Shotgun, Wound Ballistics of Military Small arms etc., each conducted by very reputable and widely acclaimed international lecturers. They will also compete in the following events:- Basic Battlefield Target Defense, Defensive Tactics (hand to hand), Military Knife Fighting, Moving Target Marksmanship, . . . We are looking forward to the return of these officers . . . thereafter they will be training other officers of the Organization to enhance the generally high standard of performance as enshrined in our motto."

I should like to know how many organizations get this privilege. If it is that the Government is saying that it permits private organizations to train in this kind of warfare tactics, I have many organizations I should like to find out from, but I did not want to find that out until I knew what is Government's policy. I have had representations made to me to make certain applications and I intended to speak to the Attorney General, and the Minister of National Security, but I want to know what criteria the Government has in place to permit private security firms to be involved in training in military gang warfare tactics and to be able to teach other people in Trinidad and Tobago. What is the purpose of it? Is it that the Government is creating a private army? We want to know.

Not only must the criteria be told, we want to know what checks and balances the Government has in place—if it permits such activities by private groups—to ensure that the security of the country is not jeopardized. This has to do with the Firearms Act. I want to know whether this firm is given the power or permission to have prohibited weapons, as defined in this bill. Is it given the permission to have guns, and if so, what kind of guns?

There are many small firms with three or four persons, who cannot get the permission.

Mr. B. Panday: One law for the rich, and one for the poor.

Mr. Maharaj: They have to operate their security firms without guns—baton, sticks—and there are other firms—because, perhaps they control the show at times—are given these facilities.

Madam Speaker, I do not want to take much longer, but what I should like to say is that again, this is another illustration of the Government merely scratching the surface, trying to solve a problem by a cosmetic and superficial approach.

Mr. B. Panday: A Government by reaction.

Mr. Maharaj: ...not getting to the core of the matter; not interested in the true injustice which is happening as a result of the administration of the law. Any person in Trinidad and Tobago who reasonably acquaints himself with the mal-administration or the problems which arose out of the Firearms Act, would support what I am saying and probably cite even more examples than I have mentioned.

Therefore, if the Government was serious about law reform, about reforming the Firearms Act so that justice would be delivered to the ordinary people, so that they would benefit from the legislation, or from what we do in Parliament, this

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superficial piece of legislation would not have come before us. With the greatest respect to the Attorney General, it is a piece of legislation which we have to support, but we support it with a lot of sorrow in our hearts. Sorrow for the people of Trinidad and Tobago, in that, here again, parliamentary time has been used without getting to the root of the problem, and without delivering justice to the people that the Government said it cares about.

Thank you.

Mr. Krish Jurai (*Nariva*): Madam Speaker, I rise to speak on this bill which seeks to authorize prison officers to be in possession of prohibited weapons.

The question I wish to ask immediately is: How serious is this Government? What I should have expected of it is that it would bring to this honourable House effective legislation to deal with the spate of illegal firearms offences that have been occurring daily in this country.

One year has already gone in the life of this Government and to date not one major piece of legislation has been put into effect to deal with the economic woes of this country. The daily rising tide of unemployment, mass retrenchment—

Madam Speaker: Will the hon. Member confine himself to the debate of the matter in hand. Extraneous matters should not be brought into this. Speak on the point, please.

Mr. Jurai: Madam Speaker, I am speaking of destitution, rape, murder, the drug menace, muggings and the increased use of illegal firearms in heinous crimes in this country.

As you know, in this country, crime is rampant, and the criminals have law-abiding citizens living behind bars. They are afraid to drive their cars on the roads, they are afraid to stop at traffic lights and major roads, because of highjackings. Home-owners are scared to open their gates to enter their homes. Every day, we hear of a businessman either being shot to death or his place burglarized by gun-toting bandits.

Even the small shopkeepers, the parlour owners, mechanics, the car enthusiast, all live in fear. Life in this country is perpetually at stake, and the quality of life has been reduced to that of self-preservation. Every day one reads in the newspapers of the heinous crimes that are taking place. In 1991, there were over 15,000 serious crimes; over 3,000 robberies; 500 felonious woundings; over 200 rapes and other sexually related offences; 7,000 break-ins and almost 100 murders. It is

estimated that one robbery takes place every 2.9 hours; one wounding, every 20 hours and of the reported rape offences, one rape every 1.6 days.

3.10 p.m.

Madam Speaker, I have a bundle of newspaper clippings but I would not go into the details of them. Every one deals with shooting—firearm offences that occur daily in Trinidad and Tobago. We live in a very beautiful country. Our children have to walk the streets, attend school and play. But what kind of society are we creating when we expose them to the dangerous society that is developing in Trinidad and Tobago? In the face of all this, this caring administration—the Government says it cares—is doing absolutely nothing to solve the crime problem in this country. It is coming to this House to ask us to allow prison officers to carry firearms when it can very well do so under the existing legislation.

We will support this bill but we should like to see some amendments along the lines the Member for Couva South has indicated. I refer to the Firearms Act whereby applications for firearms—and one has to satisfy all these criteria before one's application is considered. The Firearms Act Chap. 16:1 says:

“Every application for any licence, certificate or permit shall—

- (a) be addressed to the Commissioner of Police;
- (b) be in the prescribed form;
- (c) contain the prescribed particulars,
- (d) be accompanied by the prescribed number (if any) of photographs of the prescribed dimensions of the person to whom the licence, certificate or permit applied for is desired to be granted.
- (e) bear upon it, if so prescribed, a specimen of the signature of the person to whom the licence, certificate or permit applied for is desired to be granted;
- (f) be signed by the applicant; and
- (g) be accompanied by such other documents, if any, as may be prescribed.”

Section 17:1 says:

“Subject to this section and to section 16, the grant of any licence, certificate or permit shall be in discretion of the Commissioner of Police.”

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This is a monumental task for one man who has so much responsibility—the Commissioner of Police. Furthermore, if your application is rejected it means that you have no further recourse to anyone. People are becoming very frustrated—businessmen and farmers who have applied for firearms and their licences have been rejected. They do not have any recourse. I would suggest to the Government that some organization, a tribunal of some sort should be set up to deal with cases where applications have been rejected. I urge the hon. Attorney General to look very closely into this and amend this legislation accordingly.

I know of several instances where genuine businessmen's applications—and as I said, farmers' applications for firearm licences also—have been rejected, and what do they do? They cannot do anything at all. Some of them say that they will resort to obtaining firearms illegally to protect themselves. I do not condone that. But you cannot blame law abiding citizens in that regard. What can they do to protect themselves, especially when the Government is not doing anything to resolve the crime situation.

In my constituency, (Nariva) I know of a number of farmers whose firearms have been confiscated by the police for no apparent reason. They simply come to your home, collect the firearm. If you are not there, a note is left asking you to kindly bring your firearm to the police station. As I said, they seize those firearms without giving any real reason for taking them, and no matter how much these farmers plead—I am talking about law abiding citizens who have been holders of firearms for over 10, 15 and 20 years—the police suddenly come and take it away and they have no recourse. The police ask them to re-apply and in many cases they re-apply but nothing is heard thereafter. I urge the hon. Attorney General to look into this matter and see what can be done so that those persons whose firearms have been confiscated would have them handed back to them.

I mentioned that the farmer needs his firearm to protect his crops from pests. As you know in the country areas there are several pests that destroy their crops of cocoa, coffee, citrus etc. I am appealing to the Attorney General to look into this matter very seriously

As I mentioned cocoa and coffee, I want to ask the Minister of Agriculture what has been done concerning the cess payment to coffee and cocoa farmers.

Madam Speaker: I think the hon. Member knows that he is way out now. Ask your question at question time and confine yourself to the point in the debate.

I have ruled that the statement is irrelevant. Will the hon. Member keep to the point of the debate, please.

Mr. Jurai: The officers in charge at the police station give these farmers a run-a-round and do not give any reasons. Sometimes you hear people saying you have to “come good”. I do not know if it is police language and what it means. I told one guy he ought to dress properly and go. Probably “come good” means that. Perhaps the police would know what it means by “coming good”.

We need to look at the problem of firearms in this country. What has the Government done or what does it intend to do? I want to touch a bit on what the Member for Couva South said. Perhaps, the Government should consider granting an amnesty period for people who hand in their illegal firearms without any questions being asked, but imposing severe penalties on those persons who are caught with illegal firearms after the amnesty period has expired. Once again, I ask the hon. Attorney General to look into that and give it some very serious consideration; perhaps we shall collect a lot of firearms that are lying around illegally. It is worth a shot.

3.20 p.m.

At the moment, our prisons are overcrowded. The Government needs to consider whether it should grant remission to prisoners for minor offences and make them repay society by doing communal work in lieu of the sentences. Put them to paint some of the dilapidated police stations, health centres, hospitals, and clean the parks and streets. Perhaps, the hon. Attorney General would consider that, considering the state of the city today.

The Government will not do this. Do you know why? Because we have a Government that gives the contract to an insurance company to build the jail and the police station. I suggest that the Government use prisoners, if it is not granting them remission. Even in the Ministry of Works, there are engineers, masons and carpenters who are idle. I understand that some of them are being paid. Perhaps the Government should use them to build police stations.

We also need to consider why offenders are sent to prison. Some of the reasons given are as follows—

Madam Speaker: Hon. Member, is that really relevant to the amendment to the Firearms Act that we are dealing with? Please confine yourself to the issue at hand.

Mr. Jurai: I abide by your ruling, Madam Speaker.

Madam Speaker: If you want to bring a motion to this House, do it how it ought to be done. Confine your arguments in support or against the Firearms (Amdt.) Bill. This is what is important at this point.

Please proceed.

Mr. Jurai: Madam Speaker, we need to look at the prison system itself, in order to deter prisoners, because of the nature of the crimes committed. At the moment there is a terrible shortage of both prison and police officers. There is also an absence of promotion. What do these officers do?

As the Member for Couva South mentioned earlier, within recent times there has been an increase in the number of private security firms in this country. To my mind, the reason for this is that the police are not fulfilling their duties properly, and hence people have to resort to private security firms. How safe and effective are these private security firms? Does the Government have any rules and guidelines governing the selection, recruitment and training of security officers?

In any organization there would be bad eggs, and we hear a lot about them in private security organizations. Every so often we hear about private security officers engaged in criminal activities. Is it because firearms have been issued to them? We need to look into that situation very closely and monitor it. I think this is what the Government should deal with very effectively. I am not saying that all the private security officers are bad or that they do not provide a good service, but I think on the whole, we need to look at the entire private security system in this country.

It seems to me that the Government is not interested in tackling serious crimes. Earlier this year the Prime Minister announced that because of the serious crimes and the nature of these crimes, he was bringing in a team of officers from Scotland Yard to investigate crime. But what bothers me is, if the Prime Minister was serious about this, why did he have to alert the nation two or three months before those officers actually came? Every move that they made was in the glare of publicity. I think that this should have been done very discreetly and quietly, so that the criminals in this society would not have known the moves that those officers were making. That is the only way they would have been able to detect the criminals and apprehend them accordingly.

I am willing to support this bill provided the hon. Attorney General give some consideration to what we have said on this side, and act accordingly.

Thank you.

Miss Hulsie Bhaggan (*Chaguanas*): Madam Speaker, as I rise to speak on this bill before us, I wish to state from the outset that I also support the move of my colleagues with respect to this particular amendment.

In so doing I want to raise the question, in terms of the persons who qualify to hold firearms in our country, why it is that the Government did not see it fit that game wardens also be included. I have a real example, where, in the Caroni Swamp, there are game wardens who do not have the equipment to be able to safeguard the wild life of the swamp effectively, and at the same time to prohibit any kind of illegal activities from taking place in that area.

The Caroni Swamp is on the edge of the Gulf of Paria and there are at least five rivers by which people come through from the Gulf of Paria onto the land. The rivers are the Caroni River, the Blue River, as it is called, Guayamere River and the Cunupia River. Along those rivers, many drug dealers come through and the game wardens are very fearful of doing their work. Basically, what we have in the Blue River area are game wardens who stay close to the bird sanctuary and just venture out when visitors are going into the sanctuary. They are scared because they do not have boats; they are unarmed and it is just about two or three of them. The whole question of protecting our game—and at the same time making sure that our wild life is safe—is something we have to look at.

For instance, we all know that in the forested areas, there are many persons who cultivate fields of marijuana; that is the history. I should have expected that the game wardens would have also qualified for the use of firearms. That is one of the first points I would like to make on the Firearms (Amdt.) Bill.

The second point has to do with the definition of firearms. I am very scared when I see the definition here. They are supposed to move into prohibited weapons. Why would someone want to give people grenades, bombs and other like missiles? Are we talking about scud missiles and so on? What are we talking about?

What I am saying is that if we are speaking about firearms, let us limit it to pistols or things which are manageable. I am a bit fearful—I do not know what the Minister means by this—but we are speaking about prohibited weapons which

extend beyond the imagination of most of us. I recommend to the Minister that he make a clearcut definition with respect to firearms. Do not leave it so general; limit it to pistols or other kinds of equipment that will not be so easily exploited.

3.30 p.m.

The other point I should like to make is simply on the question of the procedure in respect of applications. We are saying that persons in certain categories are the ones who can get firearms because of the nature of their jobs. I suggest to this honourable House that the Government have some kind of procedure for psychiatrically evaluating persons qualified to use firearms. Not because you hold a particular position and fall into one of these categories should you automatically qualify. There should be a psychiatric evaluation of these people, not only when they apply, but also on an annual basis.

There have been instances of persons holding firearms under the Act committing crimes, like shooting their girlfriends, wives, children and friends. Quite often this has to do with some kind of stress related illness or mood. I believe there should be checks and balances within the system itself where those persons can be evaluated on an on-going basis to ensure that they are mentally and psychologically fit to responsibly use a firearm.

The other point I should like to make has to do with the whole question of drugs. Whether we like it or not, drugs have overtaken our country. Some of the people today who use firearms legally and are protected under the present Act, I can tell you most categorically, are users. For those of us who understand how drugs affect the mind—to have persons who are drug users or alcohol users and abusers holding firearms is very dangerous. So, I suggest to this honourable House that we have within those institutions where persons are qualified to carry arms, some system for a surprise drug test on an ongoing basis.

I say, “surprise”; because if you alert those persons that there is going to be such a test, they can refrain from using the drug and the test will come up negative. If there is a system of sampling and surprise testing where the persons are asked to provide the urine when they come first thing in the morning and it is tested, then you can know whether or not that person ought to carry a firearm. It should not be automatic, just because the person is a police officer or in the army. The person must be fit, mentally, psychologically, and be free from using drugs.

The other point I should like to make has to do with the whole question of prison security. When the hon. Minister mentioned that he was amending the Parent Act, he said that it has to do with the whole concept of security within the prison and he talked about a charged atmosphere there. The Member for Couva South mentioned it and I should like to expand a bit.

I believe that hand in hand with giving prison officers guns or firearms, we ought to have a programme in place for the proper rehabilitation of prisoners. Right now within the prison, what programme do we have which will ensure that a prisoner does not come in as a small offender and leave as a hardened criminal? The programme ought to be such that the atmosphere is not charged. It has to do with the conditions in the prison; the kind of programmes there are, whether we treat our prisoners with respect, and the relationship between prison officers and the prisoners.

Prison officers, therefore, ought to be receiving regular training and there ought to be developmental programmes so that the officers would be able to handle their jobs in a professional manner. A prison officer is a human being; he is a part of the society. He may have certain prejudices, and so those prejudices, if he is not professionally trained, could reflect in the way he deals with the prisoners. So, we should have some kind of programme within the prison, not only for the prisoners themselves but also for the officers, who, with the benefit of professional training, can have ongoing personal development.

There is also the fear in many people's hearts when they go to prison. I refer to the whole question of homosexuality and related diseases, particularly among the male prisoners. This is an important issue. AIDS is a very serious problem in the prison today. While one may say that it is not related, if a person knows that he is suffering from AIDS, he may become one who is a danger to the prison and as such the prison officers are also in danger. I can see now the need for them to be armed. At the same time, there must be a programme where people can be medically tested and where those prisoners with a tendency towards homosexuality can be offered counselling. Apart from the rehabilitative aspect, there must be supportive mechanisms in place to ensure that prisoners are somehow given some kind of solace.

I do not want to be long with this bill because we support it, but there are some serious issues which are related to this. I believe that the Government ought to take these things into consideration because building a maximum security prison

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and giving prison officers firearms will not solve the problems in the prisons today. It is something which is far-reaching—beyond the walls of the prison. It extends into society and relates very much to what goes on within the walls of the prison. We fully support the whole concept of prison reform, but there must be a rehabilitation programme where prisoners themselves could feel that they are making a contribution to society.

We, on this side, have been calling for prisoners to be put to productive work, for example, cultivate fields or produce articles for the orphanages, senior citizens' homes and hospitals. We feel that prisoners themselves would like to do something like that and if they have some meaningful and productive way to use their time, the atmosphere within the prison ought not to be charged and, by extension, the prison officers ought not to feel threatened to the extent that each one feels he must have a firearm.

I thank you and I will support the bill.

Dr. Carl Singh (*Tabaquite*): Madam Speaker, a considerable number of statements have been made, and advice given. I stand merely to re-emphasize some of these points mentioned. We are all in a situation where we are living behind bars. For this year we have had more than 80 murders committed and, in most of these cases, firearms were used. In some cases I am sure they were even illegal firearms—home-made guns, for example.

What bothers me about this situation is, where did these people with home-made guns get ammunition? Is it that the licensed firearm holders are buying it over the counter and selling it at a price illegally? What measures are in place to see that persons who buy this legitimately, for agricultural purposes or pest control, are not buying it and selling it over to those with illicit plans? This is very frightening.

In this amendment we are thinking in terms of protecting prison officers. Are we protecting them and the prisoners, or are we arming the prison officers to quell a riot in the prison? What are we doing? Are we going to give prison officers the guns to take home? Someone mentioned to me that as a prison officer, certain seasoned prisoners mark you out and when they are discharged they intimidate you and your family. Are we going to give prison officers the guns to take home? What level of prison officers will be given these guns, with ammunition, to take home? There have been instances where security guards have been jumped and guns taken away from them. What happens in this situation? Arming prison

officers for this purpose sounds quite reasonable but the overall picture one has to consider is the protection of individuals outside.

3.40 p.m.

Recently, we have had people being shot, their necks slit, and they are defenceless. What are we doing? Are we going to arm these people? Are we going to give them firearms when they apply for them? A considerable number of people desire to have the manner in which these licences are processed changed. It is all in the hands of one person, the Commissioner of Police. He can say, okay, this man gets it or that man, or he publishes a notification in one of the daily newspapers and calls in all the arms and ammunition in a particular area.

I live in and I represent a constituency that is basically agricultural. Quite a few of these farmers had their guns taken away recently. They come to me and ask me whom they can turn to for redress. There is nowhere. Re-apply and that is the end of it. That is not the way to go. We do suggest on this side, very strongly, a tribunal of more than one person to process the applications that these people may make from time to time.

The Member for Couva South mentioned the use of mace. This is a rather innocuous device, but it gives you time to do something, to escape, not for confrontation. I do believe, whether it is allowed only for the female population, or whomever—and one should not sectionalize the population and say we are going to give it to this group or not to that group—it should be allowed as part of the arms or ammunition for whatever category it can be used. Indeed, I believe, inside the prisons themselves. If a prison officer is attacked and has a can of mace it might be more effective to put the guy down for 15 minutes where other measures are put into effect.

Now, are we going to give the prison officers the guns, or is it on a PRN basis as is necessary? Is it going to be kept in the prisons by some prison officer or some armorer or whatever? You see, this piece of legislation is like a piece of patchwork: It is not comprehensive. Apparently the Government is guilty of that.

We had legislation earlier this year concerning the Maxi-taxi Bill. It was not comprehensive and we were promised something else. We had the Trade Liberalization Bill passed. Again, it was not comprehensive. We expect something to come later. These are some of the vexing problems. Think about the whole scenario. Come with something comprehensive to the House and let us go forward for protection, for whatever betterment we have for society.

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Today, it is no longer said that the punishment must fit the crime. The way to go, really, is rehabilitation. This is the situation: You are not going to send someone to prison and he comes out even worse than he went in. He should be rehabilitated so that he can be fit to enter society again.

We are not saying that you are going to graduate from the YTC, to Golden Grove, to Carrera and then come out a seasoned criminal. There are people who have paid their price and can come back and fit into society. These are people whom we must rehabilitate and this is the way to go today.

The type of arms, again, that were mentioned here, a tremendous amount, in referring to “prohibited weapons”, one sees “artillery, automatic firearms, grenade, bomb...” What are we talking about? Are we going to arm the prison officers with these things, or merely with a firearm?

The prisons are overpopulated; in some cases there are about 700 prisoners to about 14 prison officers. A prison officer or two with guns can be overwhelmed by this type of population and probably giving them a gun to walk within the compound would be useless as a method of preventing these types of activities that will take place.

Madam Speaker, I am not going to be long on this bill. We are, in essence, supporting it, but many more and wider aspects should have been considered in its drafting.

I thank you.

Mr. Trevor Sudama (*Oropouche*): Madam Speaker, the rationale offered by the Attorney General when he introduced this piece of legislation was that the prison officer is in a dangerous situation.

I want to tell him that the whole society faces a dangerous situation in that they are at risk. Every single citizen in this country, whether urban or rural, high income or low income, is at grave risk, and the greatest risk faced is the risk of being attacked by people who are in possession of illegal firearms.

So if he wants to arm the prison officer and he is using that as a rationale, what about the protection of the average citizen and the security of his own home, quite apart from being in the business place or on the streets? The streets of Trinidad and Tobago in the last few years have become a war zone with criminal activity and now they are threatening the security of the home.

The major advantage criminals have which the average citizen does not have is that the hoodlums are armed with prohibited weapons and use that to assert their authority over the citizen. They are the new dominance in this country: The dominance of thuggery and criminality, using illegal firearms.

I wonder if this Government is aware of this situation at all, or if, in its concerns for buying \$500,000 motor cars and so on, and looking after itself, it ignores the reality in Trinidad and Tobago. This is one of the most crime-ridden societies in the whole world.

If we were to analyze the crimes committed in this country on a per capita basis, particularly crimes of violence using illegal arms and weapons, we would emerge as one of the top, as we have emerged as one of the top in the AIDS category. We are one of the top countries in the world.

When you take this on a per capita basis in terms of crimes of violence, crimes which appear to be condoned by a Government that does not care—all it has is a set of old talk. No concrete action has been taken.

In my own constituency, for example, on a daily basis people are robbed in their homes and their businesses. The criminals act with impunity, as if there is no law or police service in this society. As I say, the advantage is that they have a gun which they are prepared to use on the slightest pretext. After having robbed people in their homes and raped their families, they turn around and shoot them with impunity. That is what is happening under this very caring Government. When you look at the escalation in crime in this society, you will see much of that has to do with the possession of illegal arms and weapons.

I have a curious set of statistics from the *Annual Statistical Digest* of 1990. Even with crimes reported to the police, we have a situation in 1990, where there were 16,202 serious crimes reported to the police—in a small society like this. And that is not the total. And when you look at the number where the police have instituted prosecution, you will see that it is only 4,800, which means that of the crimes reported to the police, they are only able to institute prosecution—I do not know how many they investigate—in about 25 per cent. When it comes to conviction, of the total crimes reported to the police, less than five per cent have convictions recorded.

So what message does the average criminal get if it is less than five per cent who are convicted? “I mean, I could take my chance, I have a 95 per cent chance

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that I could commit a crime and will not be convicted.” Whether the police go and investigate or not, is another matter. Of course, the question of the increase in crime and its relationship to the revelations of corruption in the police service is another factor which must be taken into account in this serious scenario we are facing.

I do not know if the Attorney General or the Minister of National Security has the time from his busy schedule to go to fetes and parties or whether either or both have looked at this.

First of all, I see here possession of a firearm and ammunition is a minor offence. Further adding to the view that the Government or the police do not think that there is any great issue involved here. That is a minor offence. For 1981 to 1989, I saw in this category a dash. Nobody was charged, apparently, or no report was made of possession of firearms and ammunition, which I imagine to be illegal ones. In 1990, however, I see 464. Now, I wonder what the reason for this is. Inefficiency in the police service? The fact that they do not know or care whether people have illegal firearms out there threatening the society, putting the society under severe pressure, causing us to be in a state of siege—Trinidad and Tobago is under a state of siege, under the control of criminals wielding guns, illegal arms and ammunition and the Government, like a referee, stands and watches, refereeing this battle between survival of the average person in Trinidad and Tobago and the criminals, using the range and sophistication of illegal arms and ammunition.

The Government is incapable of doing anything constructive, meaningful and effective to deal with the situation. It is talking about bringing Scotland Yard and bringing this one and that one and making all sorts of ministerial statements. It is very good at producing ministerial statements to this House, but extremely short on effective action.

Madam Speaker, I see again, in this categorization, “wounding and assaults causing bodily harm”; whether it is illegal firearms or not, it is regarded as a minor offence. This is a minor offence in this categorization further adding to the view that this is a society which gives a premium to criminality aided and abetted by our goodly Government who sits there and condones this activity.

In my own constituency there are people who report to the police, they ring them up, “Look, people are in my home (or) on my premises, would you come?” The police either ignore or say they have no vehicle and so on and then, when somebody is shot, wounded, robbed, or raped, they may come the following day to investigate.

You see, before the event, a crime has not been committed; they only investigate after the crime has been committed. This is not a police service and a Government for preventive crime; this is a Government to act after the fact, not before. It is happening on a daily basis and, as I said, it is happening in every community in Trinidad and Tobago.

What is the average citizen to do to protect himself? He is at the mercy of criminals. They come, they rob, in broad daylight, night, whatever time. Time is not a factor with them because there is no police presence. They rob, shoot and rape with impunity in this society, under this regime. What is he to do? Put himself in the position of the average man or the man in the street; what is he to do? Some people feel, and I endorse that sentiment, that, "Look here, if the police cannot provide any measure of protection, we should be able to have a measure of self protection." Therefore, there have been many requests for a licence to use firearms in order that people may protect themselves.

Government wants to protect prison officers, it feels that they should be protected and it is doing it now because the urgency is greater now because of the escalation in crime. Even Sen. Huggins, the great expert in crime prevention and security, reminded a congregation that the partnership between the community and the police—I do not know what kind of partnership the Government is looking for when the police do not respond to the pleas of the community—it is said here:

"Minister Huggins reminded the congregation that such partnership was imperative for Northern Division..."

I do not know why he singled out the Northern Division:

"in light of the escalating serious crimes reported to the police."

Most of which involved the use of firearms, and this is as late as October 1992. Yet the Government will make public pronouncements in other instances that there is a decline in serious crime. It does not know. But there is the admission here that there is an escalation in serious crimes, and I am adding that the vast majority of those crimes involve the illegal use of firearms.

Now, how is it that firearms are so readily available illegally? How do they come into the country? When a law-abiding citizen wants to have the legal use of a firearm, he needs a licence, he is denied, or all sorts of obstacles are put in his way, but they do not seem to be as alert to preventing the illegal importation of firearms into this country. How do they get here? Do they come in through

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Customs? Do they come in through any other port of entry? Are they made in Trinidad and Tobago? If they come in through Customs, how is it that there could be these scores and scores of firearms coming in and not being detected?

We have the instance where the firearms came in to be used in this very Chamber. Look where the thing has reached, the use of prohibited weapons in this Chamber. Maybe we should extend this to Members of Parliament, to have the use of prohibited weapons to defend themselves right here.

I raise this issue to show the incompetence of the police and the Government in preventing the illegal use of prohibited weapons. They are totally impotent and incompetent to stop the illegal entry of firearms into the country for criminal uses. They have a policy on the one hand where they cannot do anything about the illegal use of guns, but on the other hand, they have stringent rules applying to the application from legitimate citizens with legitimate uses for firearms and this contradiction worries me.

This is a Government of contradiction, caring for poor people, but they are all around the Red House, demonstrating. I shall deal with the water situation later on with my other very caring friend, the Member for Laventille West. But I say it is a Government of contradiction.

Now, this question of how law-abiding citizens can avail themselves of a licence for firearms, for self-protection for the very reasons that Government wants to give it to prison officers for their use has been touched upon, but I want to elaborate a little on it. It says here that an application has to be addressed to the Commissioner of Police. Right now I do not think we have a Commissioner of Police. So at the moment, you do not know to whom to address this application. We start with an obstacle. I do not think we have a Government, let alone a Commissioner of Police. Where is the Prime Minister? I do not think we have a Prime Minister: he is not here today.

The application must be in the prescribed form. Now when you go to get a form, any kind of form from this Government department, the first thing you are told is there are none. So first you do not have a Commissioner of Police, secondly you cannot get a form. The application must contain the prescribed particulars. Now, Madam Speaker, I want to tell you that I have asked, personally, the Commissioner of Police—I will not call his name here—what particulars are required, because I want to get a firearm myself; I have been subjected to many threats and so on. I do not know whether they are from the supporters of the other side.

I asked the Police Commissioner if he could tell me what are the prescribed particulars one has to provide in applying for a licence for a firearm, and he said “Look here, I think you had better not apply”. So instead of telling me what the particulars are, he is warning me not to apply because I was wondering whether, in fact, these particulars contained other than the normal requirements, because obviously the Commissioner cannot “ask me for nothing”.

It must be accompanied by the prescribed number of photographs of the prescribed dimensions of the person desiring the licence of certificate. Now, they might tell you a dimension and change it and say that you have not satisfied the prescribed dimension. The section says also that the application must bear upon it, if so prescribed, a specimen signature of the person to whom the licence, certificate or permit applied for is desired to be granted. It must be signed by the applicant, and accompanied by such other documents, if any, as may be prescribed.

Now, Madam Speaker, when you look at these requirements of how a person may legally and legitimately apply, you see that there is so much discretion placed in the hands of the Commissioner of Police, one man, which, in fact, depends on subjective and other evaluations of this application. I am saying that this procedure is wrong, that there is need in the society for people who demonstrate the necessity to have firearms to be given them, once that necessity is demonstrated for their own self-protection.

I do not think that these requirements and this discretion should be left solely in the hands of one person in a situation where you do not even know what the rules are. I have been told—and it is something very difficult to verify—that there is much corruption involved in the issue of licences to people who apply for them, that regardless of all these rules and so on, if you pay the right amount, you get a licence. That is what I have been told.

Now, Madam Speaker, you will be aware that questions of corruption are not easy to prove. This is why the PNM lasted for a straight 30 years in Government. To get the documentary evidence is not an easy thing. But it is happening and it affects many people. If a man is so approached, he is not going to come forward to give evidence against the police, who are going to harass him the next day. It is understandable.

I am saying that the rules pertaining to this should not be at the discretion of one man, but it should be a committee dealing with it and they should be transparent and consistent in their decisions, that people in like circumstances and situations should be treated equally.

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4.10 p.m.

As I said, I got around to thinking about applying for a firearm, and today, needed not only to do parliamentary work, but also in order to protect myself on a 24-hour per day basis from hoodlums in the society, created and nurtured by a regime, which has been there for 30 years straight and going into its 31st year. That is what we have in Trinidad and Tobago today.

I am not saying that is a solution to the problem, but I am saying that, at least, it will give some people an added measure of security when they are so confronted by the ubiquitous criminals, thugs and hoodlums in the society, nurtured as I said, under 30 years of PNM rule. That is not the end of the matter, but today, and in the short term, there is nothing they can expect, except to submit themselves to the criminality which is abroad the. The only other recourse is to leave this country; and many people who can afford to do so, have done so on grounds of personal security. Many people have done that and I am sure, Madam Speaker, you have met them—I do not know whether you met some in the Bahamas when you were there recently. But there are many of them in North America.

Dr. Rowley: Where they have no guns?

Mr. Sudama: Where they are not attacked in their homes on a daily basis.

Mr. Bereaux: In the States? Why do you not shut up?

Mr. Sudama: I have been to New York, I have lived in New York. If you compare the crime rate of New York, with a population of almost 8 million people with that of Trinidad and Tobago you will see that on a per capita basis this country's is far higher.

Hon. Member: Rubbish!

Mr. Sudama: Well, if you think I am wrong, prove it.

Mr. Bereaux: You have to prove it, you are alleging.

Mr. Sudama: I am saying I am right. You have nothing to deny it on; you have no basis on which to deny it. We have a population of just over a million people. Look at the number of serious crimes you have, 16,202, and this does not include wounding, possession of firearms, narcotic offences, unlawful possession, indecent assault. All these, Madam Speaker, are minor offences, minor in the eyes of the Government of Trinidad and Tobago: indecent assault; assault on peace officers—that is a minor offence in Trinidad and Tobago—embezzlement; false

pretence; conversion, larceny, unlawful possession, unlawful entrance, possessing house-breaking implements by day—this is hilarious—not by night. If you possess house-breaking implements by night that is probably acceptable. This is what I am reading from—possessing house-breaking implements by day. This is what it says here.

Dr. Rowley: That is what is called bold-faced.

Madam Speaker: It has a certain connotation.

Mr. Sudama: I am not aware of the connotation. I am an ordinary layman here, as most of the people of Trinidad and Tobago; and I read what I see.

What I am trying to emphasize is that these are regarded—and I do not know if that sends a message to the criminals in Trinidad and Tobago—as minor offences and probably so to be treated by the police, judiciary and other law enforcement authorities. Madam Speaker, it is a laughing matter for them; it has to be a laughing matter.

Mr. Bereaux: It is your stupidity that is laughable.

Mr. Sudama: They have policemen around their houses protecting them. The average citizen in this country cannot see the sight of a policeman, not even when the citizen goes near to a police station.

It is amazing that one of the most serious issues in Trinidad and Tobago—the question of escalating crime—which is related to the illegal use of firearms, is not a matter on which the Government has given any indication to the country that it is dealing with in a serious manner at all. Nothing! Except from time to time we hear pronouncements by the Minister of National Security from on high, or through the back door, so to speak, getting into conflict with the representatives of the police, and so on, saying things about the police which make it difficult for him to have a working relationship with them.

Madam Speaker: Would the hon. Member stick to the matter at hand.

Mr. Sudama: Madam Speaker, what I am trying to say is that if he had a proper working relationship, he would have been in a position to implement things to curb the illegal possession of arms and ammunition in the society, which is one of the chief reasons why we have this very high and escalating crime rate. If he had proper communication, maybe they would give him ideas and tell him what the real problem is; and having understood that and having digested it, maybe he could

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agree to proposals and put them to the Government on how this very, very urgent problem could be tackled.

It is one of the most urgent issues facing us, because here you are, talking about the very security of life and the person—quite apart from property. If a home is burgled, if people come and violently assault you or your property and steal from you, it is one thing. But when they proceed, with a kind of vendetta, to attack both male and female persons in their homes, something is wrong in the society. Something is wrong in the sense that the Government seems to be condoning this.

The Government has to do something tangible today, to prevent this high and increasing rate of crime based on the use of illegal firearms in Trinidad and Tobago even if it means increasing the patrols involved in the various communities and residential areas; even if it means relaxing the rules for legitimate application for the use of firearms for self-protection; even if it means engaging in dialogue with the communities to establish community watch groups, which may operate in close collaboration with the police, and educating the police to that fact.

I am amazed that you all come here Friday after Friday, you have the opportunity, you can make ministerial statements, which you make every Friday on all sorts of issues, but not on this issue of the high crime rate and the illegal use of firearms in Trinidad and Tobago. Have you ever made a ministerial statement on that to tell the country (a) whether you have a policy; and (b) if you have a policy, what you are doing about implementing it?

[Mr. Robinson leaves the Chamber.]

Dr. Rowley: He cannot take it anymore.

Mr. Sudama: Who is that? You will not get me to say anything about my former colleague. You all want to bait me into saying something about my former distinguished colleague, the Member for Tobago East; I am not going to fall for that kind of bait. Not at all. He comes from the same island like my friend, the Member for Diego Martin West.

Dr. Rowley: I can leave, too, you know.

Hon. Member: He was in the same party.

Mr. Sudama: I am reminded of Shakespeare's words now, He scorns the base degrees by which he did ascend.

4.20 p.m.

As we say, on this side, this is a measure about which one cannot say much, but support it. The Government wants to give prison officers the right to carry prohibited weapons, but the implications of this measure are very important. The Government is singling out one category of public officers, saying that they need protection in a situation in which they are under grave threat of bodily harm. I am saying that the whole society is in a similar situation.

Therefore, in respect of its concern for this category of public officers, I want to know what is its concern for the average law-abiding citizen; the security of his person, property, family and home. The fact that they laugh, grin and pay no heed to what Members on this side raise as legitimate issues of national public concern, shows their measure of concern for the business of the people of Trinidad and Tobago; for the security of the average person in Trinidad and Tobago. The fact that they can react in this way, as if this is a laughing matter, when I raise the astronomical increase and escalation in serious crime in this country, and the use of illegal firearms, tells a grim story.

I merely want to say that when matters reach a head, a society and its members try to protect themselves by any means possible. One is now talking about the question of life itself. Life and limb are at stake in Trinidad and Tobago. One does not know when, where or at what time of the day or night the criminals will strike. As I say, they are ubiquitous throughout this country. Violent, hardened criminals are on the loose and the average citizen is like a sitting duck, the target of these people who roam the country. They go to every nook and cranny, in every corner, committing heinous crimes with the use of illegal firearms on a daily basis, and this Government sits there and does nothing. Like Nero, they fiddle while the society burns and faces physical threat. My friend, the Member for Diego Martin East, who has a perpetual grin on his face, the only deed he has done in one year is to take down the weather vane, the dragon.

We are talking about a serious issue [*Noise*]

Madam Speaker, you must understand that this is a demonstration of the frustration of people in Trinidad and Tobago. I do not know what is the cause of his frustration, but—

Madam Speaker: Could we direct our attention to the debate, please.

Mr. Sudama: The same level of frustration is experienced by those who are subject to criminal activity in this country. The only thing is that they do not come to the Parliament.

Mr. Maharaj: The PNM has caused that. *[Interruption]*

Madam Speaker: Order, please! Allow the Member to make his contribution.

Mr. Sudama: Madam Speaker, this is all part of my contribution. This is a demonstrable part of my contribution, the very point I was trying to make.

Madam Speaker, the seething level of rage in this society, whether it is unemployment or escalating crime, is at that level where at any moment it will boil over. I am saying that if this Government does not acknowledge this problem of crime, particularly crime with the use of illegal weapons, it will be our duty to mobilize the people against an uncaring and insensitive Government. That will be our duty. Plans are already being laid for protests on the vital issues which affect the people of Trinidad and Tobago.

In the past, I have said that if one wants to deal with the question of crime, study criminology in depth, particularly, with respect to the use of illegal weapons and so on. Study it from a sociological point of view. What are the factors leading to this? Who are committing these crimes? Where do they reside? What are their circumstances? Who are the victims of these crimes? Let us get a frame of reference within which we try to deal with that problem of crime in Trinidad and Tobago, particularly, violent crimes. One would think they have good reasons not to undertake such an analysis.

It has been drawn to my attention that in the last election campaign—to show the association between the ruling party and drug lords—there was a drug lord down in Mayaro who financed their campaign in that area. So, how could such a Government deal with crime? It is enmeshed in the tentacles of the drug lords. This is why nothing effective will be done about drugs and crime in Trinidad and Tobago. All one gets is a lot of old talk.

Madam Speaker, as I stand, making this contribution, I know that I am speaking for thousands and thousands of law-abiding citizens who daily live under

the threat of physical violence to their person by gun-toting criminals whose activities are condoned by the ruling PNM Government.

Thank you.

4.30 p.m.: *Sitting suspended.*

5.05 p.m.: *Sitting resumed.*

The Attorney General and Minister of Legal Affairs (Hon. Keith Sobion): Madam Speaker, there has been wide-ranging debate on this bill which, in my introduction, I stated is a bill designed to cure a difficulty which existed in the Firearms Act, so as to permit prison officers to utilize when necessary, weapons which are categorized as prohibited weapons. Several matters have been raised on the other side. I do not propose to deal with all of them for fear that the Chair may rule me out of order as being irrelevant to the debate, and I think perhaps quite rightly so. The fact of the matter is that whilst it may be relevant to go on a long excursion into the state of crime in relation to this bill, I think that one cannot adopt a simplistic approach in looking at the question of crime, generally.

The solution is not simply arming all the citizens out there, giving them firearm users' forms, showing them how to complete those forms and then issuing them with weapons of their own. It is not merely a question of providing mace for women and hoping that by some magic we would either eliminate the entire criminal element or that crime would be drastically reduced. We on this side have perhaps a more rational and more methodical approach to the question of crime.

One of the matters of recent history deals with the question of ensuring that our laws and the sanctions which are applied when someone runs afoul of the criminal law are effective and that they are effectively applied. We have started that in relation to the question of the death penalty. I am sorry that the Member for Couva South is not here. We have seen that it is only by signalling to the criminal element that the criminal law is effective and that the sanctions will be applied when there is a breach of the criminal law that there will be any real effect. We see that as a means of ensuring that the criminal element will become aware of what they will be exposed to when they engage in unlawful activity.

Another approach has been the question of ensuring that our different communities are properly serviced in terms of police stations, and that the policemen who man them are properly serviced in relation to the equipment for carrying out their duties.

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It is all well and good to paint this frightening picture of people living behind bars in their homes, and the crime rate being greater than that of New York's. As an aside, statistics which I received during the tea break from a reliable source tells me that the crime rate in New York is over three times that of Trinidad and Tobago. There is one crime committed per minute in New York which is equivalent to 525,000 crimes per year. One would see that it is at least three times that of the crime rate of Trinidad and Tobago.

The point I was making is that it is all very well to stand up in this House and paint that kind of picture and put forward solutions that are off the top of one's head, without working out a rational plan for dealing with the crime situation. The solutions that came from the other side in relation to the crime situation—and they both involve the same principle—are to arm everyone and give the women mace. But that is not the approach of a responsible Government.

Mr. Sudama: Madam Speaker, I think the Member is deliberately misleading the House. I never said to arm everyone. What I said was that legitimate applications by those who demonstrate a need should be favourably considered.

Hon. K. Sobion: Madam Speaker, the substance of what was suggested by the other side is that insofar as there is an increase in crime, citizens should be armed and women should be provided with mace. The point I am making is that that is a top of the head solution that cannot work. I repeat, this Government has adopted a particular approach and that approach deals with strengthening the enforceability of the criminal law and dealing with the proper allocation of resources to those engaged in battling the criminal element.

There were several other matters raised. Some of them are relevant to the debate. I will deal with those that are sufficiently relevant.

The question of private security firms was raised by the Member for Couva South. He raised legitimate questions as to the operations of these private security agencies. I want to advise him, and indeed the House, that draft legislation relating to private security firms has been completed after consultation with the Ministry of National Security. So for the first time, there will be a clear and definite mechanism for regulating and dealing with abuses by private security firms. That matter, of course, would be subject to debate at the relevant time.

In relation to the question raised by the Member for Tabaquite, that prison officers are going to be allowed to take their guns home, no one ever suggested it and in fact, if one had listened to my introduction and read the bill which is before

the House, one would have seen that it is a provision which allows certain categories of persons to be in possession of prohibited weapons when they are acting in their respective capacities. So unless a prison officer is conducting a private jail in his home he will not be allowed to take prohibited weapons out of the prison system.

The prison system is also fairly well regulated and it is not every prison officer who will be given the opportunity to be in possession of these weapons. There is a Commissioner of Prisons and there is a structure within the prison system. One has to give some degree of discretion to the Commissioner of Prisons, who, of course, is more trained in that area, and he will determine, for instance, in what areas. There are different assignments within the prisons. As I mentioned, there are the perimeter guards who are distinct from those who actually interface with prisoners at close quarters. Having regard to the nature of the weapons that we are dealing with, they will be allocated properly by the Commissioner of Prisons.

There was also the question of rehabilitation raised by the Member for Chaguanas. I am not certain how many Members on the other side are acquainted with the prisons. I would be quite prepared to volunteer on behalf of the Minister of National Security, that it may be an idea for them perhaps to go and visit the prisons, at any rate, voluntarily, in the first instance, for them to see what happens within the prison system.

At Golden Grove there is a very extensive rehabilitation programme. There are poultry/livestock, farming and fisheries sections and also a woodworking and tailoring establishment. I myself was quite impressed, not only by the extent of the rehabilitation effort conducted at Golden Grove, but also at the quality of work being performed by prisoners.

I should like to add too, that with the construction of the new prison, an entire section has been set aside for rehabilitative work. Those rooms are to be used for training of carpenters, plumbers, masons and most of the other vocational type skills. Regrettably, I do not think the suggestion that the prisons should be constructed by prisoners themselves, is one that merits very serious consideration, or indeed should take up our time unnecessarily. The fact is that within the whole programme of dealing with the crime situation, we are not only looking at the preventive aspect, but also the rehabilitative aspect and dealing with that within the wider context of prison reform. The suggestion that rehabilitation should be looked at is a matter which is well taken care of at this stage.

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5.15 p.m.

Many other matters relating to other aspects of the Firearms Act, as it exists, were raised by the Member for Couva South. I can assure that those matters will be considered at the appropriate time. The question of the system for the grant of licences and firearm user's licences is a matter which has been of some concern and which will be addressed.

What we are dealing with is part of the Government's overall thrust and policy of dealing with crime, ensuring that our prisoners are maintained in a safe and secure environment, and that the prison officers will have the capability of dealing with any foreseeable insurrection which may arise. It is not the intention of this Government to find itself in a situation where something happens and then someone says, there has been a lapse in security.

We are putting measures in place that are designed to ensure that as difficult as prison conditions are at the moment and as overcrowded as our prisons may be, the persons we charge with the responsibility of ensuring the safety and security of the prison system are sufficiently equipped to deal with any possible eventuality.

Despite the wide-ranging discourses on this bill which the other side has signalled they are prepared to support, I have pleasure in moving that this bill be now read a second time.

Question put and agreed to.

Bill accordingly read a second time.

Bill committed to a committee of the whole House.

House in committee.

Clauses 1 and 2 ordered to stand part of the bill.

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

House resumed.

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

Tax Appeal Board (Amdt.) Bill

Order for second reading read.

The Attorney General and Minister of Legal Affairs (Hon. Keith Sobion):
Madam Speaker, I beg to move,

That a bill to amend the Tax Appeal Board Act, Chap. 4:50, be now read a second time.

The purpose of this bill is to achieve the regularization of the position of Chairman and Vice-Chairman of the Tax Appeal Board, and to remove any doubt that their appointments were irregular.

At clause 3 the bill provides that section 4 of the Act be repealed and that instead thereof a clause be inserted that the Chairman and Vice-Chairman be appointed by the President acting in accordance with the advice of the Judicial and Legal Service Commission.

There are certain other consequential provisions, such as the amendment to the Constitution (Prescribed Matters) Act, and that provision is contained at clause 5. Whilst there may be some doubt as to the validity of the appointment of the Chairman and Vice-Chairman of the Tax Appeal Board, I want to inform this House that it does not mean that the acts performed by the Chairman and Vice-Chairman of the Tax Appeal Board over the years are illegal in any way, or that they lack validity in any form, because the existing section 4 (8) of the legislation provides for the curing of such an irregularity.

Section (8) states:

"No defect in the qualification or appointment of any member of the Appeal Board shall vitiate any proceedings thereof."

Whatever acts had been performed over the years are not in any way in jeopardy as a result of what appears to be a difficulty with the existing arrangements surrounding the appointments of the Chairman and the Vice-Chairman of the Tax Appeal Board.

The other purpose of the bill is to bring in line the pension of the Chairman of the Tax Appeal Board in accordance with the provisions of the existing legislation, which says that the Chairman of the Board shall receive the terms and conditions of a judge, and insofar as that has been complied with, the Chairman of the Tax Appeal Board does receive all the other terms and conditions, except the pension benefit. At this stage, the opportunity is taken to ensure that that lacuna is now filled.

That is the simple intent of this piece of legislation. We have taken the opportunity to do a consequential amendment to the Constitution (Prescribed Matters) Act, which merely takes the post of Chairman out of the list of public officers which is contained in the Second Schedule to the Constitution (Amdt.) Act.

Question proposed.

5.25 p.m.

Mr. Ramesh L. Maharaj (*Couva South*): Madam Speaker, I should like to make a short contribution on this bill. One can understand the need to ensure that in trying to regularize the position with the appointment of people who perform judicial functions, it must appear to be an appointment from an independent body with the power to appoint the person.

The original section was the President and now the bill wants to substitute the following:

"The Chairman and the Vice-Chairman shall be appointed by the President acting in accordance with the advice of the Judicial and Legal Service Commission."

So, really it is the Judicial and Legal Service Commission that makes the appointment.

What this is doing really, is passing legislation without considering other consequences. This is adding to the jurisdiction of the Judicial and Legal Service Commission. We are now giving the Judicial and Legal Service Commission additional duties and more powers in exercising disciplinary control, as the Explanatory Note to the bill states, over these officers who are appointed.

I find this strange in a set-up in which we see the Judicial and Legal Service Commission as being over-worked, having regard to what is happening in the present situation. The Chairman of the Judicial and Legal Service Commission is the person who holds the office of Chief Justice. I think that the Government should not consider legislation like this, unless it considers the overall plan of what it intends to do. The Government should tell us whether it is satisfied with the machinery which is at present in operation where a person who holds the office of Chief Justice is also involved in the administrative work of the Judicial and Legal Service Commission. That is a decision which the Government has to make.

Any time a bill gives additional powers to the Judicial and Legal Service Commission, it puts additional duties on the holder of the office of Chief Justice—because he is the Chairman—not only with respect to appointments, but also with respect to all the duties, powers, discipline and everything else. In respect of these officers, the Judicial and Legal Service Commission will have additional duties. How can we explain this in the situation of all those statistics that have been given in this House with respect to the delays?

Has the Government seriously considered—and I think it has a duty to tell the country—whether it should not appoint someone to operate the administrative aspects of justice, which includes the Tax Appeal Board? Is the Government prepared to follow what Guyana and some other countries in the Caribbean have done in having what is called a Chancellor of the Judiciary, who will take the load off the person who is presiding as Chief Justice? I think that that has to be considered in relation to the bill. I do not want to sound difficult but the Government is coming with legislation at all times, taking little pieces here and there, but with no overall policy with respect to the whole thing. That is the point I should like to make with respect to that aspect of it.

Our position on this side has been and continues to be that unless a serious look is taken at the role and functions of the Judicial and Legal Service Commission and its Chairman in respect of the administration of justice, we are not going to reach anywhere with these problems.

The Tax Appeal Board performs a very important judicial function and therefore its composition, its officers, its disciplinary procedures, all matters affecting persons there are very important, and we have to ensure that there is effective machinery which can deal with that. Therefore, if the courts are affected, the administration is affected; if more attention is placed on the administration aspect, the courts are affected. We have to be able to make concrete decisions as to what we are going to do.

I do not want to talk of other matters with respect to the Judicial and Legal Service Commission on this occasion. It would not be right, but I think that the time has come for the hon. Attorney General and the Government to consider seriously what we are going to do with this.

No one can really object to pension and to the Government's attempt to ensure that a person's pension is secured and brought in line with other legislation if he is a top officer, especially if he is a judicial officer. I find this very, very strange; we are talking in terms of regularizing the position with respect to the Chairman and Vice-Chairman, two persons, and their pension rights. I ask the Government: What about the pension rights of other people? What is your policy, for example, towards people receiving three or four pensions? Is the Government going to allow public officers, employed with the state, to receive three or four pensions? There are people in this country who do not have a job, so they cannot have a pension. They cannot even vend on the street, they cannot get a pension.

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I should like the Government to tell us about pension rights generally. It is only \$5,000 per year. Has the Government considered what it is going to do with the pensions of poor people? Tell us.

I find it very difficult to get up in this House and support these measures. And when the Government presents these measures it does not tell us whether it has plans for other people. We have raised in this House—and the other side knows—the issue of pension; we have raised the issue of the quantum of pension; we have raised the matter of the manner in which persons are chosen for pension. There is a long list of people waiting to know whether they would get pension. I would expect the Government, although it is consequential that pension rights are affected, to tell us that it is going to regularize this position, and that it also has plans for poor people in this country.

It would seem to me that this is another illustration of an ad hoc decision. Someone feels that he wants his matter sorted out and Government decides to pass a bill and regularize that position, without considering it in the overall context. Yes, the hon. Attorney General is protecting the pension rights of the Chairman and the Vice-Chairman. However, if the Chairman dies, what is the position of his widow? Is she going to get the benefit that the Chairman gets? I raised in this House the situation of regularizing their position and easing them from the tax structure, which is a burden on them. One of the newspapers published that today, I think. I want to know about the position of the widows of the persons who occupy these positions. Are you going to ensure that they are protected, or when their husbands die that is the end of it; they get meagre sums which are totally outdated in relation to everyday life?

You will recall that I read into the record of this House a letter from Lady McShine explaining her plight and the plight of widows like her. For example, if the Chairman of the Tax Appeal Board dies, his widow should be entitled to certain benefits, but unless the law is amended, his widow will fall in the same bracket as Lady McShine. So, I am asking this Government that when it comes with legislation like this—we will support it, we have no alternative but to support it—come with legislation which would show that it is not only concerned with a few people in the society, but with the general population, the people who are really suffering. These people in the bill can do without this for the time being. This is not expedient. There are more expedient cases in Trinidad and Tobago, people who are unemployed, people who are undergoing destitution.

5.35 p.m.

Mr. Ramrekersingh: Madam Speaker, if the Member would just give way for clarification, before he ends. I should like to know whether he is speaking only about pensions which are earned as a result of employment as well as old age pension.

Mr. Maharaj: Madam Speaker, I am speaking about both instances. With respect to old age pension, that is pension, and with respect to pension of persons, who have been employed by the state in two or more jobs—I do not want to call instances, I can if you want.

I think that I have made my position quite clear, that we are very offended that the Government is introducing legislation in which it is apparent that it is only considering the pension rights of certain selected people but is not selecting other people who are more deserving.

Thank you very much, Madam Speaker.

The Minister of Education (Hon. Augustus Ramrekersingh): Madam Speaker, I rise to speak briefly on the matter of pensions. We do appreciate the hon. Member's concern and I simply wish to inform this House that the question of pensions as they affect the entire public service, using that in its widest sense, is being considered.

It is a very complex issue and there are many questions which one needs to answer. We are looking, for instance at what happens to a person who may have worked for 25 years in the public service and then, for one reason or another, has to leave. The law, as it now stands, basically says, to earn a pension in the public service, you must have done at least 33 1/3 years' service. So that the question of moving from one job to another and whether your pension moves and so on, we are looking at all of those issues in a general review of pensions. But it is, as I say, a very complex study. It will take some time.

Mr. Maharaj: How long?

Hon. A. Ramrekersingh: I cannot give you the exact time, but a considerable amount of work has already been done. Thank you.

The Attorney General and Minister of Legal Affairs (Hon. Keith Sobion): Madam Speaker, in asking that this bill be now read a second time, again, I am heartened by the fact that Members on the other side appear to see the justification and the need for this particular piece of legislation.

Question put and agreed to.

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Bill accordingly read a second time.

Bill committed to a committee of the whole House.

House in committee.

Clauses 1 to 5 order to stand part of the bill.

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

House resumed.

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

ADJOURNMENT

Motion made, that this House do now adjourn to Friday, November 20, 1992 at 1.30 p.m. [Hon. A. Ramreakersingh]

Water Supply

Mr. Trevor Sudama (*Oropouche*): Madam Speaker, I rise this afternoon to deal with this vexed question of the water supply in Trinidad and Tobago, and the rates which are chargeable for that limited or sometimes non-existent water supply.

As if it were not sufficient to have this population subjected to a very erratic and inadequate water supply, and as if to pour oil on troubled waters, a large number of citizens of this country have been issued with an order to pay an unconscionable increase in water rates which they cannot afford.

I rise to tell this Government—perhaps it is not aware, it does not understand what is the feeling and sentiment of the people outside—that it is inviting protest of a violent nature against this action and against the actions of bodies which come under the aegis of the Government. As I proceed with this motion I shall try to point out that the Public Utilities Commission, which has made Orders 78 and 79, has been acting in a state of confusion and ignorance. As a result of that, they have permitted the Water and Sewerage Authority to implement an Order much to the disadvantage, discomfort and perhaps the impending bankruptcy of a number of small businesses.

I am amazed—I shall come to the Minister later—that this Order could have been made in the first instance without clarification, that it could have been applied and implemented by WASA who have been writing people willy-nilly all over the place saying, “Look here, you have to pay increased water rates” regardless of the financial circumstances of these people.

Now, I am confining my remarks to Orders 78 and 79 of the Public Utilities Commission. Order 78 applies to a very wide category of consumers. They are called, most of them, the unmetered non-domestic users, largely businesses—small and medium. Metered businesses pay according to the meter charges and so on.

We are speaking about a consumer population of small, medium scale business of anything in excess of 13,000 people throughout Trinidad and Tobago. The assumption is that over 75 per cent of the businesses of Trinidad and Tobago are in that category. We are speaking about a large number of people. We are also speaking about people who in almost every instance are self-employed or who, in addition to self-employment, create employment for limited numbers of people.

The impact of this increase in water rate is going to force many of them out of business. These people attempt to look after themselves; they are not a burden on the state; they do not come to beg for a handout from the state; they try to rely on their own resources to look after themselves and even to employ a few people. What this increase is going to do, is to push many of these people out of business. They will become dependent, join the ranks of the destitute, the unemployed and add to the high unemployment and social discontent that we have in this country.

I wonder what representation the Minister of Public Utilities made in this matter. Under section 18 of the Act, when there is a hearing, statements, arguments and evidence could be presented by or on behalf of the complainant, the public utility concerned and the Minister. What was his role in this whole matter? Did his ministry make representations on this matter? I shall come to that later. These are poor, small people trying to eke out an income on their own whom this Government has targeted in a very exploitative manner.

Let us look at what the charges have been to see whether the present ones are justifiable and whether, in fact, on the grounds of fairness, equity and affordability these charges can be acknowledged, handled, managed and paid.

I am just giving an example—and this is common to the whole category of people involved. At the beginning of this year WASA was charging these unmetered, non-domestic users \$425 per quarter, or \$108 per month, which they were paying, and which comes up to about \$1,700 for the year. Then, an Order came which increased and which put the system on a monthly basis, a flat charge now, and told them they must pay \$210 a month, effective January. So they get a

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bill, they pay their \$425 per quarter, they get another bill charging them \$210 and they get a third bill, backdating it and charging them arrears from January.

The increase in rates was from January to June. On July 1 they went into the charges on another basis. That increase in rates from \$108 to \$210 per month within two quarters, amounts to almost 100 per cent increase, and just in a matter of half a year.

However, the public utility is not satisfied with that. The utility goes to the Public Utilities Commission. There is a hearing, and from \$210 per month, the Commission issues an Order that these small businesses pay \$395 per month, which is an increase of 90 per cent over the \$210. They have almost a 100 per cent increase over the \$108 to \$210; they have a 90 per cent increase slapped on within a matter of a couple of months and then, to rub salt in the wound, comes Order 79, which says they have to pay a 20 per cent increase on the \$395 effective from August 13, 1992.

So what is happening now, quite apart from the increase in the sewerage rates, these small businesses have to pay at the rate of \$474 per month, as a flat rate, merely for water charges. Whether they are getting an adequate supply, or any water at all in their taps, they pay a flat rate of \$474 per month—merely for water.

The increase, from the beginning of the year when they were paying \$108 a month, is to the tune of over 360 per cent. Now when people go into these small types of businesses they make certain calculations on their current costs. If someone was in business at the beginning of the year, he would have made certain calculations on the basis of paying \$108 per month. When you arbitrarily, summarily, go there and put up a 360 per cent increase within a matter of months, what are they trying to do? Push small business out of existence? Does the Minister have small businesses in his constituency of Laventille, or is that exempt from this increase in water rates?

Madam Speaker, I cannot understand this madness. I know he will argue that it is the Public Utilities Commission that made the award. I want to know—that is why I ask the question—what has been his intervention in that. He has the authority to intervene and present a case, if this award is not fair, reasonable, affordable, just and equitable in the circumstances.

Now, why has this taken place? I will tell you about the genesis of this. Let me just read a line. With all this independence that they have as a Government, they

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are merely puppets of agencies elsewhere. Let me tell you why this has to be done. We are talking about a service providing a commodity, which is a prime necessity of life. It cannot be dealt with just like any other product. If you do not get water for an extended period, you die. It is a prime necessity of life. But, they do not see it in that way, nor does the World Bank.

The World Bank, under “Public Utilities”—Action Programme in its report and recommendation says:

“Agreement has been reached with the Government and the two utilities, on the objectives of action plans to be prepared. These include, first and foremost, financial self-sufficiency, including a phased reduction of transfers from the central government to WASA.”

Regardless of how that is achieved. It does not matter whether you retrench workers at WASA, it does not matter if you hike the rates, as you have done and pushed thousands out of business; it does not matter that water is a prime necessity of life, you have got to have financial self-sufficiency at WASA—at any cost. So that is the genesis of this. They are going along, willy-nilly, pushing up rates and following orders.

We shall come to the rationale and you will see the confusion when I read certain sections of this Order of the Public Utilities Commission. This is supposed to be an independent body. I do not know whether it is under the heels of WASA. I do not know how decisions are made. Confusion, contradiction—that has been the rationale there.

Madam Speaker, let me tell you the basis of this. WASA submitted certain exhibits to the Public Utilities Commission. The Order states:

“On the basis of the 1991 data, it says in this report, in exhibit—(whatever it is)—submitted at the hearing of the claim for increased rates some \$47m has to be earned from the remaining 9,980 non-domestic customers to ensure that the utility’s revenues are not eroded. This results in an average rate of \$4,714 per non-domestic customer per year of \$395.00 per month when rounded upwards.”

The question I want to ask is: Why were these people targeted? You know, the larger consumers, the large companies are metered and their water rate bill has been reduced. So, it is these small, medium-scale businesses which have to pay for the reduction of those large companies’ water rates. WASA have to earn \$47

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million and they do not care where they get it from; they do not care how many people they put out of employment; they send up the rates to \$395 per month.

Madam Speaker, let me also tell you what the Public Utilities Commission admits in this Order:

“...the Review has confirmed that in the absence of realistic ATV’s or meters, the Commission has no objective basis for charging different rates to different customers.”

So in the absence of an objective basis, they lump all these domestic users together and everybody gets the same blow. Why do they have a Public Utilities Commission in the first place if they cannot come up with data and analyses to differentiate classes?

Secondly, the Public Utilities Commission admits that the range in the category of people classified to be on the receiving end of this rate hike is unreasonable and inconsistent. It says here that:

“...the evidence from their study was that the majority of (WASA’s) commercial customers already pay a flat rate of \$425.00 per quarter, which is the minimum non-domestic rate.”

That is before the increase—

“Examination of the billing register revealed that this minimum rate was paid by some 75 per cent of the non-domestic customers in 1991 and included parking lots, factories, banks, government buildings and almost all the ice factories and abattoirs in the country.”

All of these are lumped together with the widow who may be running a little parlour, probably does not have a tap or a sink in the parlour, to another person doing a little vending, to another person who is renting a portion of his house for a few hundred dollars a month. They are all lumped together with factories, banks, government buildings, ice factories and abattoirs, who are large users of water. And everybody pays \$474 a month under the new system. Is that equity?

The way this Public Utilities Commission dismisses the concerns of some of the complainants—it says here:

“In his closing address, Mr. Applewhite requested that criteria such as equity, usage sensitivity, fairness, affordability and ability to pay be given due

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consideration with regard to any proposed rate. In the absence of meters, user sensitivity cannot be achieved.”

So they have dismissed that argument.

“In the absence of a means test, ability to pay and affordability cannot be determined.”

Then it says that no analysis was done on the basis of income.

It is significant that in its determination of the domestic rates in Order No. 54, the tribunal took notice of the statistics on domestic incomes published by the Central Statistical Office; that is for domestic rates. It does not appear that similar consideration was given to the incomes of non-domestic consumers in the secondary range of rates. They take all this into consideration, yet, they come and apply a rate to everybody concerned, of \$474 a month.

Madam Speaker, \$474 per month to pay a water rate is oppressive, inhuman and it is tantamount to driving people to bankruptcy, many of them. What is worse is that WASA has taken this Order and it has decided to apply it. I have a letter here, a notice from WASA sent to a non-existent organization, an organization that does not have a tap—does it have a building? It does not have a building. The Penal/Quinam Village Council is required to pay \$395 per month, plus the 20 per cent increase and it has no building. This is the utility over which the Minister presides—a callous, indifferent, totally confused and chaotic organization.

6.05 p.m.

All these arguments are acknowledged by the Public Utilities Commission. Why then did they not issue an Order which would have made a proper classification of consumers in a way in which the structure would have been more equitable and affordable?

It acknowledges on page 19:

"The Authority's internal definitions in Exhibit 1 include guidelines for the determination of a 'small commercial enterprise', and these are repeated in the recommendations of the joint PUC/WASA Study Group. No quantitative criteria were provided so that implementation of these guidelines is subject to a high degree of subjectivity."

Who are small commercial enterprises? They do not know. There are no quantitative criteria. So they feel, from the time they name “business”, they could

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pay, so WASA put the shaft on them. That is the attitude of WASA. Because you want to be self-sufficient, no matter who pays in this society, somebody has got to pay. This is the caring Government that so cares for the small man, and many of these people are very small people who are trying to eke out a living by their own enterprise, initiative and self-reliance. Very caring Government indeed.

They are going to protest and they have every right to protest. I have encouraged them not to pay any of these oppressive water rates. Do not pay. Because this issue has to be reviewed. The Government does not wish to take up this issue and send it back to the Public Utilities Commission or whoever has to review it. Do not pay. If they come and want to sell your building, your home, your premises, then the action will have to start because WASA does not know how you build house; and for them to want to sell people's houses and premises for a non-existent or inadequate water supply, in those circumstances, I would encourage citizens to take the ultimate action in defence of their properties and other interests. I make no bones about that. Therefore, this Government has to take action.

Now, in a certain sense WASA, when confronted with protest, backed off. But that is not the end of the story. They backed off a little and said look here, those who are registered for VAT will not be subject to this increase in water rates. What they will pay, WASA did not say. They say they will not be subject. There is nothing in writing as to how they will treat those who are not subject to VAT. But, the matter does not end there. You have to go into a little more detail. It needs far greater analysis, far more detailed classification between categories to deal with the problem in an equitable and just manner.

Let us assume that someone is operating a business which is registrable for VAT purposes and has a turnover of \$120,000 per year. That is \$10,000 per month. That is your gross sales. Let us assume you make a net profit of 10 per cent which is \$1,000 per month. What this Order is saying is that you pay half of it to WASA. With what are you going to meet your other expenses for electricity, your own wages? If you employ somebody, you have to pay him. So what is left for you? In other words, these small businesses must end up working for WASA and the Government. Is that not a recipe for further economic instability, negative growth and bankruptcy in the society? They come here with this document, *From Stabilization to Growth*. I do not know whom they are stabilizing, certainly not these small businesses that are being hounded and subjected to these vicious Orders 78 and 79.

It is particularly worrying that a Minister who has made a name for himself as a caring man, caring for the poor, destitute and dispossessed—I do not know if he puts small businesses in that category—the little parlour keeper, the widow at Laventille who runs a little parlour and sells probably ten sweet drinks for the day—and what is the profit on ten sweet-drinks—but has to pay WASA \$474.00 a month? Have you thought about that? Have you thought about the increase in destitution that you are going to institute in this society?

Mr. Mohammed: They do not want to talk about that. That word is poison in this House.

Mr. Sudama: Is that against the rules of this House? I will refrain from that.

Mr. Mohammed: You have to get another word.

Mr. B. Panday: Do not mention those words. Unparliamentary words.

Mr. Sudama: Madam Speaker, we are talking about thousands of people, an estimate of maybe 13,500 in that category. Perhaps a few hundred may be in a position to pay this increase. But by far the vast majority—and they belong to all parts of the country: they belong to Port of Spain as they belong to Cedros, as to Fyzabad, as to Oropouche and Siparia, San Fernando.

Wherever you go, you have these small-business people. There are no options for some of them. There is no employment being created except the LIDP which is under the control of my friend there and his supervisors—you cannot get a job, whatever you do. No other form of employment is created. They are trying to help themselves and here you are coming down like a ton of bricks on these poor, helpless people.

Another question I want to come to is, if water is a prime necessity of life, then we cannot on this side say that WASA should not operate in a certain way. What we are saying is that they should operate efficiently. But after their operational efficiency at minimum level has been achieved, they will still end up with a rate structure which deprives many people of water, a prime necessity, then the Government has an obligation to see what levels of subvention it has to afford, in the national welfare, to such a basic utility—if even it has to defy the World Bank and the IMF in doing so. I want to tell the Government on this occasion on that particular objective, you would have the support of the Opposition. If it is a question of putting a different and equitable rate structure for the users of water and you have to defy the IMF and the World Bank, you would have our support.

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I want to request, first of all, that WASA withdraw these notices, and if they are not withdrawn, I am advising people not to pay these exorbitant rates for a commodity of which they hardly ever get an adequate supply. Do not pay it and let us see what the Government will do. People are justified in doing that. Secondly, pending this withdrawal, I think the time has come for a specific and more detailed review of the classes of customers who utilize water and for developing a rate structure not at the instance only of WASA but also with an input from the wider community, devising a rate structure which is fair and equitable to all the groupings in that class. You cannot lump a little parlour with a factory, an abattoir and a bank and say they are all non-domestic users. It requires a more specific categorization and differentiation of rates in order to be equitable.

Thirdly, the efficiency of WASA. Getting WASA efficient so that they can operate with a lower level of expenditure and require a lower level of revenues and therefore lower rates, is a burning necessity. The Public Utilities Commission have the authority under the Act to carry out the functions of conducting studies of economy and efficiency. Have they ever done this? Has WASA done this, so that the end result would be lower rates for the customers? We are insisting on that as part of the proposals we are making to deal with this very vexed question of the adequacy of supplies and the charges being made for that.

6.15 p.m.

The final point. If this Government carries out a programme to make WASA efficient—and let us assume that after that is done, the rate structure that WASA has in place still cannot meet its expenditure—this Government has to make up its mind whether it is prepared to give WASA a certain maximum level of subsidy in order that it could operate in a way that its rate structure is such that the poor people in this country are not made to suffer and sent into bankruptcy, or deprived of this prime necessity of life. We have a policy on that and I want to know what is the Government's policy.

Today, I raise this issue in this House, as I promised the scores of people I spoke to yesterday and the previous day in Chaguanas, and in my own constituency I would do. I gave them the assurance that I would raise it, within the rules allowed us, to get a response from the Government for it to institute some measure of immediate relief. If that brings no results, then I have promised to go back to look at further measures in order to bring this Government to its senses, and to tell it what a large section of this country is thinking about its policies and

actions. All these people have had so far from this Government is oppressive actions which have resulted in the lowering of the quality of life, of their real standard of living. That has been all the action from the budget of 1992 coming right down to date, ending with this vicious, callous increase in water rates on the small business enterprises of Trinidad and Tobago.

Madam Speaker, I stand here to plead, on their behalf, but if this plea falls on deaf ears, I know what I have to do.

Thank you.

The Minister of Public Utilities (Hon. Morris Marshall): Madam Speaker, I am going to be extremely brief, in responding to some of the concerns that the Member for Oropouche raised. He does not have to protest, threaten or fight; I am not fighting with anybody.

Mr. Sudama: I just want to inform the Member that I am not fighting with him. I am fighting on behalf of the people whose case I have taken up.

Hon. M. Marshall: Madam Speaker, I have made the point repeatedly in this House and elsewhere that we have problems at the Water and Sewerage Authority—I have never sought to hide that—problems that have been there for some time, and I have made the point that we are dealing with them. Not at the insistence of anybody on the other side or on the insistence of foreign external institutions, but because we know we have a job to do, we have a responsibility to the people of this country. And we are seeking to deal with the problems at WASA because we have, as I said before, a responsibility to ensure that the utilities become efficient.

It is not because of the World Bank or the utterances of the Member for Oropouche, but because, I want to emphasize, we are prepared to do what we have to do to ensure that the utilities are put on an efficient footing. I never sought to give the impression that we can do it in a week, a month or a year, but I am convinced that we are on the right track. The whole question of efficiency is, in fact, being addressed at the Water and Sewerage Authority. I would have much to say on this when we deal with the budget in a matter of days.

On this occasion, I wish to respond to the Member for Oropouche. Major works are in place at the level of the utility to deal with the whole question of efficiency. About two months ago, we placed at WASA, a new management team with the responsibility to deal with the problems there, and I am of the view that

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they are beginning to address these problems. We are decentralizing the utility so that we could deal—on the ground, in the respective areas—with the problems facing the population of Trinidad and Tobago.

I admit there have been problems with Orders No. 78 and 79, as they relate to some customers. Quite briefly, I wish to advise that, that matter is being addressed by the relevant authorities at WASA. There is, in fact, a full page advertisement in the *Express* today—and I suppose it is also in the *Guardian*—which is addressed to those customers who are affected, asking them to come in, and WASA is going to look at the individual customers and deal with the problem.

Madam Speaker, I wish to make the point that it is not fair to give the impression that there are massive increases and that the entire population is affected. Before this rate increase, which only addressed a very small percentage of customers, the last rate increase was some time, I think, in 1985 or 1987; before that, it was almost 55 or 60 years. It is important to note that insofar as our domestic customers are concerned—and I just want to give you some of the details—standpipe customers at this time pay \$25 per quarter; domestic customers—those persons who are served by a single tap in their yard—pay \$50 per quarter and domestic customers with a service within their homes, pay a minimum of \$80 per quarter or a maximum of \$225 per quarter. We are talking about almost 228,000 customers who pay those rates; either \$25 per quarter, as I said before, or as much as \$225.

In fact, if you examine the rates in Trinidad and Tobago, they can stand favourable comparison, particularly in the Caribbean region. I agree and acknowledge that there have been some problems with respect to this matter, but it is being addressed. In fact, I am concerned about the whole question of rates and tariffs. The inequity at times and so on, are also being addressed, and I hope to say something very specific about that in terms of how we are going to deal with that problem when we discuss the budget and go into some critical details as they relate to the Water and Sewerage Authority. This specific problem, the authority at WASA is addressing.

6.25 p.m.

It is not true to give the impression that there are in fact, massive increases and that total customer-base is affected. That is not correct. As it relates to the question of efficiency, that is being addressed. I am convinced that, given what we

are seeking to do at the Water and Sewerage Authority, the problems are gradually going to be addressed and we would begin to see the kind of efficient utility that all of us expect.

I have said before that it is not any of the forces outside. If we succeed with what we are doing I should be extremely pleased. If we fail I am going to hold myself responsible for that. It has nothing to do with external forces. We are running this country. It is also important to note that while, at times, we accuse WASA of inefficiency and not living up to expectations—with justification—I wish to place again on the record the fact that out of our total population, about 45 to 50 per cent receive almost a full supply. That is the reality—a twenty-four hour supply of water. We have some major projects that are on, the St. Patrick and the Oropouche projects, dealing with the critical problems in those regions.

It was only the day before yesterday that I was at the South office with the Member for Siparia and with officials of WASA addressing the problems there. We are not taking a hands-off approach. I have repeatedly made the point that there are serious problems at the utility and we can not just wish them away. We are in fact organizing and putting things in place to ensure that we reap the kinds of benefit we expect from the Water and Sewerage Authority.

The matter which the Member has raised was being addressed even before he raised it here. WASA knows what it has to do and the problems are in fact being addressed.

We acknowledge the problems and are dealing with them. We are not giving the impression that we are going to solve them overnight and I assure the Member for Oropouche, that I am as much concerned as he is about the problem. The matter is being addressed effectively at the Water and Sewerage Authority.

Thank you, very much.

Mr. Sudama: Before the Minister sits I wonder if he would answer another question. Is he in his proposals indicating that he is going to review the classes and the rate structure of WASA?

Question put and agreed to.

House adjourned accordingly.

Adjourned at 6.30 p.m.